

Visalia City Council Agenda

For the Special meeting of: MONDAY, February 9, 2009



Location: Convention Center, 303 E. Acequia, Visalia CA 93291

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

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

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Chaplain Kent Mishler, Kaweah Delta Hospital

SPECIAL PRESENTATIONS/RECOGNITION

Proclamation for Future Business Leaders of America Week - February 9-13, 2009

ITEMS OF INTEREST - Mayor and Vice Mayor's report on meetings with federal legislators in Washington D.C.

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.

1. INFORMATION ITEMS - (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of January 26, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

2. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Appointment of Patsy Chester to serve as an alternate to the Transit Advisory Committee.
 - c) Authorization to execute a Letter of Intent to negotiate the terms of a definitive agreement for sale and development of the Acequia/Mineral King/Stevenson/Conyer Block.
 - d) *Item removed at the request of staff*
 - e) Request authorization to file a Notice of Completion for project No. 4411-00000-720000-0-9981, the Parking Lot Improvements for the Compressed Natural Gas Facility (phrase 1) located at the Corporation Yard.
 - f) Authorize the City Manager to execute the Cooperative Agreement between the City of Visalia and the County of Tulare, wherein the County will acquire road right-of-way within the city limits of the City of Visalia for the widening of Road 108 (Demaree Street) from Avenue 280 (Caldwell Avenue) south. Project 1241-0000-720000-0-9668.
 - g) Authorization to file a Notice of Completion for the St. Johns River Trail Project No. 3011-0-72-0-9716, for the construction of on-site improvements at a final cost of \$79,955.
 - h) Confirm City of Visalia’s support for and participation in the Tulare Irrigation District’s application for a System Optimization Review Study Grant, which would include up to \$5,000 in staff support from the City of Visalia
3. **PUBLIC HEARING** - Zoning Text Amendment No. 2008-12: a request by Copeland Properties to amend Zoning Ordinance Section 17.18.050 by amending Line 709 to conditionally allow drug store/pharmacy retail in the C-R (Regional Retail Commercial) Zone. **Introduction of Ordinance 2009-02.**
4. Authorize staff to issue a Request for Proposals (RFP) to conduct a Downtown Traffic Circulation Study.
5. Update on the accelerated design process of the Transit Center Expansion, Transit Bus Operations Facility Expansion, and the new Sequoia Shuttle Visitor Center.

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	California Water Service	.51 acre portion of APN 077-058-002	North of Prospect Ave. btw Linwood and Cindy Street	Soroptimist Park	1/20/09	Vince Elizondo

Upcoming Council Meetings

- Tuesday, February 17, 2009, Work Session 4:00 p.m. Regular Meeting 7:00 p.m., Council Chambers, 707 W. Acequia, Visalia
- Monday, February 23, 2009, 6:00 p.m. Jt. Meeting City Council and Kaweah Delta Health Care District Board of Directors, Kaweah Delta Medical Center, 400 W. Mineral King, Acequia Wing Lobby, Visalia
- Monday, March 2, 2009, Work Session 4:00 p.m. Regular Meeting 7:00 p.m., Council Chambers, 707 W. Acequia, Visalia

Note: Meeting dates/times are subject to 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.

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Vincent Salinas



VICE CHAIRPERSON:

Lawrence Segrue

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

MONDAY JANUARY 26, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- | | |
|---|---|
| 7:00 TO 7:00 | 1. THE PLEDGE OF ALLEGIANCE |
| 7:01 TO 7:00
No one spoke | 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. |
| 7:00 TO 7:01
No Comments | 3. CITY PLANNER AGENDA COMMENTS - |
| 7:01 TO 7:01 | 4. CHANGES TO THE AGENDA – Need to add to Item 13 on the agenda, Selection of Officers. |
| 7:01 TO 7:02 | 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. <ul style="list-style-type: none"> • No items on consent calendar |
| 7:02 TO 7:18

Approved for consideration (Segrue, Soltesz) 4-0 Peck absent

Open: 7:10
Close: 7:15
Spoke:
1. Randy Groom | 6. PUBLIC HEARING –Brandon Smith <ol style="list-style-type: none"> a. General Plan Amendment No. 2008-11: A request by Visalia Unified School District (DR Mata Consulting, agent) to amend the 129,000 Population Urban Development Boundary to include the project site, and to change the General Plan land use designation on 160 acres from Urban Reserve to Public Institutional. The site is located on the northwest corner of Akers Street and Riggin Avenue. APN: 077-100-097, 098. b. Annexation No. 2007-03 (Akers-Riggin NW): A request by Visalia Unified School District (DR Mata Consulting, agent) to annex one parcel and right-of-way totaling approximately 160 acres into the City limits of Visalia. The site is located on the northwest corner of Akers Street and Riggin Avenue. APN: 077-100-097, 098. |

7:18 TO 8:20

Approved As recommended (Lane, Segrue) 4-0 Peck absent

Open: 7:25

Close: 8:01

Spoke:

- 1. Cary Lowe (Exeter No. 1 LLC)
- 2. Mary Gann
- 3. Jean Wood

7. PUBLIC HEARING –Teresa Nickell

- a. Tentative Subdivision Map No. 5541 (Garden Street Subdivision): is a request by John R. Kelly and Cary Lowe, Exeter No. 1, LLC (Provost & Pritchard Engineering Group, Inc., agent) to subdivide a 41,230 +/- sq. ft. parcel into 6 lots for multi-family residential development and one common lot for a private street in the R-M-2 (Multi-family Residential – 3,000 sq. ft. minimum lot) zone. The site is located on the east side of South Garden Street, approximately 150 feet south of Paradise Avenue. (APN: 097-272-002)
- b. Conditional Use Permit No. 2009-04: is a request by John R. Kelly and Cary Lowe, Exeter No. 1, LLC (Provost & Pritchard Engineering Group, Inc., agent) to allow modified residential standards and individual lots without public street access in a 6-lot subdivision (Garden Street Subdivision) on a 41,230 +/- sq. ft. lot in the R-M-2 (Multi-family Residential – 3,000 sq. ft. minimum lot) zone. The site is located on the east side of South Garden Street, approximately 150 feet south of Paradise Avenue. (APN: 097-272-002)

8:20 TO 8:25

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

Open: 8:24

Close: 8:24

No one spoke

8. PUBLIC HEARING –Teresa Nickell

Conditional Use Permit No. 2009-07: a request by the City of Visalia to allow a mini recreational park on a portion of a 3.7-acre lot in the P-A (Professional/Administrative Office) zone. The site is located at the northeast corner of Stevenson Street and Mineral King Avenue. (APN: 093-202-002)

8:25 TO 8:29

Approved to withdraw (Segrue, Soltesz)4-0 Peck absent

9. PUBLIC HEARING –Teresa Nickell

Conditional Use Permit No. 2009-06: A request by Bill Clark (Canby Architecture Studio, agent) to amend Conditional Use Permit No. 96-12 and modify the sign program with the addition of two multi-tenant monument signs for Mission Oaks Plaza, a professional office complex in the P-A (Professional/Administrative Office) zone. The site is located at the northwest corner of the intersection of Akers Street and State Highway 198. (APNs: 085-240-019 thru 027).

8:29 TO 8:38

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

Open: 8:33

Close: 8:35

Spoke:

- 1. Jason Pausma
- 2. Mark Sizemore

10. PUBLIC HEARING – Paul Bernal

Conditional Use Permit No. 2009-08: A request by West Coast Construction to allow a 2,400 sq. ft. medical walk in clinic within an existing 7,800 sq. ft. building located within the C-SO (Shopping / Office Commercial) zone. The site is located on the south side of E. Caldwell Ave. between S. Court St. and S. Santa Fe St. (i.e., Tuscan Office Complex). (APN: N/A) (Address: 215 E. Caldwell Ave.)

8:38 TO 8:42

11. PUBLIC HEARING - Paul Bernal

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

Conditional Use Permit No. 2009-02: A request by Skylab, Inc., agent (Lorena Reyes, owner) to allow a 405 square foot beauty salon in the P-A (Professional / Administrative Office) zone. The site is located at 346 West Houston Avenue. (APN: 091-151-041)

Open: 8:41
Close: 8:42

Spoke:
1. Jesus Gutierrez

Break: 8:42-8:57

8:57 TO 10:40

12. PUBLIC HEARING – Brandon Smith

Recommended no action be taken on both items (Salinas, Lane) 4-0 Peck absent

- a. General Plan Amendment No. 2008-09: A request by the City of Visalia to adopt Land Use Element Objectives and Implementing Policies pertaining to Annexations.
- b. Zoning Text Amendment No. 2008-10: A request by the City of Visalia to amend various sections of the City of Visalia Municipal Code to authorize up to ten percent (10%) increase in total residential lots on tentative subdivision map submittals.

Open: 10:20
Close: 10:31

Spoke:
1. Darlene Mata
2. Amy Shuklian

10:40 TO 10:45

Motion was passed (Salinas, Lane) 4-0 Peck absent

13. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:

Commissioner Lane motioned to nominate Commissioner Segrue to Chair and Commissioner Peck to Vice Chair.

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, JANUARY 26, 2009
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

10:45 TO 10:45

Motion to Adjourn (Soltesz, Lane) 4-0 Peck absent

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 9, 2009

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

Agenda Item Wording: Appointment of Patsy Chester to the Transit Advisory Committee to serve as an alternate.

Deadline for Action: February 9, 2009

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

It is recommended that Patsy Chester be appointed to the Transit Advisory Committee to serve as an alternate.

Summary/Background

The Transit Advisory Committee (TAC) currently has 2 vacant alternate positions. The TAC met on September 3, 2008 and reviewed Patsy Chester's application for the alternate position. She attended the meeting and was interviewed by the committee. During this process, the committee felt that Patsy had the experience and interest that the committee requires. Patsy served on the committee in 2001-2006. The committee recommends Patsy Chester to fill one of the alternate positions available. According to City policy, Ms. Chester will be eligible to serve a 2 year term. The Citizens Advisory Committee (CAC) reviewed and approved this recommendation on December 3, 2008. The recommendation is now being forwarded to the City Council for approval and appointment.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: None.

Attachments: Application for Patsy Chester.

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.

Recommended Motion (and Alternative Motions if expected):

I move to appoint Patsy Chester to the Transit Advisory Committee to serve as an alternate.

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: February 9, 2009

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

Agenda Item Wording: Authorization to execute a Letter of Intent to negotiate the terms of a definitive agreement for sale and development of the Acequia/MineralKing/Stevenson/Conyer block.

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 AUTHORIZE Staff to execute a Letter of Intent to negotiate with Mill Creek Professional Center, LLC, the terms of the potential sale of Acequia/Mineral King/Stevenson/Conyer block.

Summary / Background:

On August 20, 2008, "RFP #08-09-03 for Mixed Use Development (Acequia/MineralKing/Stevenson/Conyer) One Block Area" was published.

This was a Request for Proposals to purchase the City-owned properties encompassing approximately three-quarters of the block bounded by Acequia Avenue, Mineral King Avenue, Stevenson Street, and Conyer Street.

The City is seeking a private development team that can support the expanding hospital with private medical offices, potential mixed use residential, limited retail, and a parking structure.

Two proposals were received from:

1. Paloma Development Company, based in Visalia, CA;
2. The Lauth Group, based in Indianapolis, Indiana, with an office in Irvine, CA.

Both proposals were reviewed and ranked by the City's review team. The review team consisted of the following members:

1. Fred Brusuelas, Visalia Planning Director

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.): 0

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.

2. Greg Collins, City Council Member (Collins & Schoettler, Planning Consultants)
3. David Franey, Franey Fine Furniture (representing Downtown Visalians)
4. Dennis Lehman, Chief Building Official
5. Bob Link, Vice Mayor, City Council (Link's Mens and Womens Wear)
6. Ricardo Noguera, Director of Housing and Economic Development
7. Cliff Ronk, Development Project Manager
8. Lawrence Segrue, FAIA, Planning Commissioner
9. Mike Williams, Planning Director, Kaweah Delta Health Care District
10. Chris Young, City Engineer

Both proposals incorporated private medical office, mixed use residential, limited retail, and a parking structure. Both proposals also contemplated a hotel to be situated along the frontage of Mineral King Avenue.

On December 4, 2008, interviews were conducted at City Hall East with the two proposers.

The review team selected Paloma Development Company as its preferred choice with which to begin negotiations. Among the reasons for selecting the Paloma Development team was the fact that they have a proven local performance record, they demonstrated sensitivity to the local architecture, and they already have tenants ready to occupy the medical offices.

The recommendation of the review team is that City Council authorize City Staff to negotiate with the Paloma Development Company team the terms of a potential sale of the above described property. The Paloma team will operate under the business name of Mill Creek Professional Center, LLC.

A Letter of Intent (LOI) has been prepared for the City and Mill Creek Professional Center, LLC to execute. The LOI sets forth the basic terms to be negotiated in a future definitive agreement. The terms contained in the LOI are not binding, nor comprehensive. It is expected that additional terms may be added, and existing terms may be changed or deleted. The terms of the future definitive agreement will include land price, timing, phasing, land use, architectural design, and financing. The recommended terms in the future definitive agreement will be submitted to City Council for review and approval within six months of the date the LOI is executed, unless the negotiating parties agree to an extension of time.

Should negotiations fail between the City and Mill Creek Professional Center, LLC, City Staff will return to City Council with a recommendation to either commence negotiations with The Lauth Group, or to re-advertise the Request for Proposals.

Prior Council/Board Actions: Authorization to issue an RFP was approved by City Council on the July 14, 2008 Consent Calendar (Item 8k).

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

1. Annotated Aerial Map of the Acequia-Conyer RFP Development Site
2. Paloma Development Company Conceptual Site Plan (subject to change)

3. Unexecuted Letter of Intent

Recommended Motion (and Alternative Motions if expected):

Authorize City Staff to execute the Letter of Intent with Mill Creek Professional Center, LLC to negotiate the terms of a definitive agreement for the sale and development of the Acequia/Mineral King/Stevenson/Conyer block, and to return to City Council with a recommendation.

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:

LETTER OF INTENT (NON-BINDING)

THIS LETTER OF INTENT (the "Letter") made as of this _____ day of _____, _____
(the "Execution Date"),

BETWEEN:

Mill Creek Professional Center, LLC (the "Purchaser")
222 N. Garden Street, Suite 200
Visalia, CA 93291

-AND-

The City of Visalia (the "Seller")
707 W. Acequia Avenue
Visalia, CA 93291

BACKGROUND:

- A. The Seller is the owner of commercial property that is available for sale.
- B. The Purchaser wishes to purchase commercial property from the Seller.

This Letter will establish the basic terms to be used in a future definitive agreement between the Seller and the Purchaser. The terms contained in this Letter are not comprehensive. It is expected that additional terms may be added, and existing terms may be changed or deleted.

On August 20, 2008, "RFP #08-09-03 for Mixed Use Development (Acequia/MineralKing/Stevenson/Conyer) One Block Area" was published. This was a Request for Proposals to purchase Seller-owned properties encompassing approximately three-quarters of the block bounded by Acequia Avenue, Mineral King Avenue, Stevenson Street, and Conyer Street. The Seller is seeking a private development team that can support the expanding hospital with private medical offices, potential mixed use residential, limited retail, parking structure, and other possible uses.

The proposal submitted by Paloma Development Company was selected by the City to pursue for further negotiation. The Paloma Development team consists of Paloma Development Company and other investors. The Paloma Development team proposes to administer this project under a legal entity to be designated "Mill Creek Professional Center, LLC."

THE BASIC TERMS ARE AS FOLLOWS:

- 1. Non-Binding:
 - a. This Letter does not create a binding agreement between the Purchaser and the Seller, and will not be enforceable. Only the future definitive agreement, duly executed by the Seller and the Purchaser, will be enforceable. The terms and conditions of any future agreement will supersede any terms and conditions contained in this Letter.
 - b. Notwithstanding the non-binding nature of this Letter, the Seller agrees not to negotiate with any other potential purchaser for a period of six months from the date of this Letter.

2. Subject Property: The subject property shall be those parcels of land currently owned by the City of Visalia, and bounded by Acequia Avenue, Stevenson Street, Mineral King Avenue, and Conyer Street., excepting therefrom Mill Creek.
3. Land Use: The currently contemplated land use for the Subject Property is medical office, mixed use residential, retail, parking structure, and hotel.
4. Square Footage of Land Uses: To be negotiated.
5. Development Timing and Phasing: To be negotiated.
6. Sale and Purchase Price: To be negotiated.
7. Land Sale Timing and Phasing: To be negotiated.
8. Architectural Design and Specifications: To be negotiated.
9. Financing Structure: To be determined.
10. Agreement Deadline: Except as otherwise agreed upon by both parties, the deadline for agreement as to form, shall be 180 days from the date of this Letter. By mutual consent, the Seller and the Purchaser may elect to extend the negotiation period as necessary to obtain an agreement acceptable to both parties. If said mutual consent cannot be reached prior to the deadline, the Seller in its sole discretion may choose to extend the negotiations, or terminate the current negotiations and initiate negotiations with a new potential purchaser.
11. Due Diligence: Except as otherwise agreed upon by both parties, the due diligence/financial feasibility period shall be 180 days from the date of the execution of the definitive agreement.
12. Land Use Approvals: The contemplated land uses generally conform to existing zoning. Certain land use approvals will be required, however. The Purchaser will be responsible for obtaining the necessary land use approvals, as well as any permits and/or approvals that may be required by agencies other than the City. The Seller cannot guarantee approval of any land use applications submitted by the Purchaser.
13. Press Releases; Confidentiality: The Seller and the Purchaser will consult with each other regarding press releases and other publicity with respect to the relationship contemplated herein. Any materials delivered to either party which are clearly identified as confidential shall not be disclosed except to both parties' affiliates, directors, officers, employees, agents, consultants, attorneys, accountants, government officials and employees, lenders, and others who need to know such information in connection with the transactions contemplated by this Letter, and who have been informed of the obligation to keep such materials confidential.
14. Costs: Each party shall bear its own costs for the preparation and negotiation of the Letter, the definitive agreement, and any documentation and due diligence investigations.
15. Purchaser's Legal Entity: The Seller acknowledges that the Purchaser represents a group of persons and/or companies invested in this transaction. The Purchaser represents that a Limited Liability Corporation (LLC) will be created to administer this project, the name of which LLC shall be "Mill Creek Professional Center, LLC." The Seller stipulates that the negotiation right contemplated in this Letter shall be solely with Mill Creek Professional Center, LLC. The signatories below for Mill Creek Professional Center, LLC, represent that they are future members of said LLC with authority to transact business on behalf of said LLC.

Each person signing below on behalf of the parties represents that he/she has the requisite authority to enter into this Letter of Intent on behalf of his/her company. This Letter may be terminated by either party upon written notice to the other delivered by facsimile or hand delivery. Neither party shall be liable to the other for any costs whatsoever in carrying out the terms of this Letter or any definitive agreement resulting herefrom, unless specifically agreed to herein or in such agreement.

Acknowledged and agreed, as of the date first set forth above, by:

For: Mill Creek Professional Center, LLC (the "Purchaser")
222 N. Garden Street, Suite 200
Visalia, CA 93291

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

The City of Visalia (the "Seller")
707 W. Acequia Avenue
Visalia, CA 93291

By: _____

Print Name: _____

Title: _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 9, 2009

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Project No. 4411-00000-720000-0-9981, the Parking Lot Improvements for the Compressed Natural Gas Facility (phrase 1) located at the Corporation Yard.

Deadline for Action: February 9, 2009

Submitting Department: Public Works

Contact Name and Phone Number: Andrew Benelli, Public Works Director 713-4340, Jim Bean, Public Works Manager, 713-4564

Department Recommendation

Staff recommends that Council authorize filing a Notice of Completion for project No. 4411-00000-720000-0-9981 for the Parking Lot Improvements for the Compressed Natural Gas (CNG) Facility (phrase 1) located at the Corporation Yard.

Summary

The Parking Lot Improvements for the CNG Facility (phrase 1) located at the Corporation Yard were completed on December 15, 2008. All the work has been completed on this project by the contractor, Dunn's Sand, at a final cost of \$214,767. The contract amount for this job was \$171,603.

There were four change orders for additional work on this project. The change orders totaled \$43,164.00 above the original contract amount.

Discussion:

This project was planned to pave the east half of the parking area for the CNG slow fill facility. City vehicles (mostly solid waste trucks) park in this area and then are connected with hoses to refuel overnight. Refueling stations have been installed for fifty-two vehicles. Funding limitations prevented paving the entire parking area at this time. The remainder of parking lot has been designed and can be competed when funding is available. Road grindings have been placed in the unpaved area to control dust. The following is a summary of the change orders:

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.

Change Order No. 1

The 2007/2008 City Budget allocated \$260,000 for this project. The low bid of \$171,603 was substantially below the engineers cost estimate and the allocated funds. The current downturn in the economy, particularly in the construction sector, has created a very favorable bidding environment for City projects. Staff decided to pave a larger area of the lot to take advantage of the low unit prices. The City Change Order Committee agreed that the cost was very reasonable and represented a bargain for the City.

Change Order No. 1 was awarded to pave an additional 5,000 square feet of the parking lot. The amount of the change order was \$26, 557.

Change Order No. 2

The project included installing a storm drain collection system in the new parking lot that was designed to connect to an existing pipeline in Cain Street. The contractor discovered a large water pipe and fiber optic lines that conflicted with the new storm drain line. Lane Engineers redesigned the storm drain line to go over the top of the water pipe and fiber optic lines. The cost to change the elevation of the storm drain line so it could be connected was \$8,883.

Change Order No. 3

The new parking lot was designed to join the existing corporation yard paving on the south side. The existing paving was uneven and in poor condition. The contractor had to remove three feet of the old asphalt so that the new paving matched a solid surface. Approximately 750 square feet of old paving was removed and replaced with new material. The cost to remove the old asphalt was \$2,650.

Change Order No. 4

The bid documents for this contract specified that 544 tons of asphalt would be needed. The actual amount used was 568 tons. This contractor was paid \$80 per ton (the unit price bid) for the additional 24 tons for an increase of \$1,920.

The bid documents for this contract specified 1,861 tons of aggregate base rock would be needed. The actual amount used was 2,027 tons. The contractor was paid \$19 per ton (the unit price bid) for the additional 166 tons for an increase of \$3,154. The total additional cost of Change Order No. 4 was \$5,074.

Prior Council/Board Actions: Awarded bid to Dunn's Sand on May 19, 2008.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Staff Report to award construction contract to Dunn's Sand.

Recommended Motion (and Alternative Motions if expected):

Authorize staff to file a Notice of Completion for project No. 4411-00000-720000-0-9981, for the Parking Lot Improvements for the Compressed Natural Gas Facility located at the Corporation Yard.

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: February 9, 2009

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

Agenda Item Wording: Authorize the City Manager to execute the Cooperative Agreement between the City of Visalia and the County of Tulare, wherein the County will acquire road right-of-way within the city limits of the City of Visalia for the widening of Road 108 (Demaree Street) from Avenue 280 (Caldwell Avenue) south. Project No. 1241-0000-720000-0-9668.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Michael Carr, Senior Transportation Planner - 713-4595.

Department Recommendation: Staff recommends City Council authorize the City Manager to execute the Cooperative Agreement between the City of Visalia and the County of Tulare, wherein the County will acquire road right-of-way within the city limits of the City of Visalia for the widening of Road 108 (Demaree Street) from Avenue 280 (Caldwell Avenue) south.

Summary/background: The County of Tulare is the lead agency on this project that widens Road 108 (Demaree Street) from Avenue 280 (Caldwell Avenue) in the City of Visalia to Avenue 248 (Cartmill Avenue) in the City of Tulare. This is a Measure R Regional Project with approximately \$22 million in funding (all three phases of the County's project). Additional right-of-way is needed to accommodate the road widening. A portion of the project (and the needed right-of-way) is within the city limits of the City of Visalia. The purpose of this agreement is to simplify and expedite the process of acquiring the right-of-way needed to complete the County's project. The cost to acquire this right-of-way is included in the Measure R funding.

The cooperative agreement authorizes the County to acquire right-of-way for this project within the city limits. The agreement has been reviewed by the City Attorney and follows all applicable state and federal laws. The County will arrange for the appraisals, make offers to affected property owners, approve purchase agreements, open escrow accounts, pay the purchase price, and ultimately convey title for all right-of-way acquired (within the City of Visalia) to the City. In the event that a property owner is unwilling to sell, the County will proceed with condemnation thru the eminent domain process. Property purchased under this cooperative agreement will be relinquished to 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 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The City, for its part, agrees to support the project as being in the public interest, cooperate with the County and provide the County with information regarding their facilities and other utilities and improvements in the project area. The City may be asked to adopt a resolution of necessity in the event the County must use condemnation to acquire the needed right-of-way.

The administration and purchase costs of the right-of-way for the Road 80 widening project have been funded by Caltrans through the State Transportation Improvement Program.

The Cooperative Agreement was modeled after the City-County Cooperative Agreement which was approved and is currently in effect for the Road 80 Widening Project.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

The City Attorney has reviewed the cooperative agreement.

Alternatives: The City of Visalia could purchase the right-of-way within its own jurisdiction directly and through its own purchase agreements with the property owners. In such an instance, because the County is the lead agency for this State-funded project, and because the City is not receiving any funds to cooperate with the County on this project, the City would negotiate and enter into a separate agreement with the County to ensure the County compensates the City for necessary acquisitions.

Attachments: Vicinity Map
Copy of Cooperative Agreement

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to execute the Cooperative Agreement between the City of Visalia and the County of Tulare, wherein the County will acquire road right-of-way within the city limits of the City of Visalia for the widening of Demaree Street from Caldwell Avenue south.

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:

**COOPERATIVE AGREEMENT
ROAD 108 WIDENING PROJECT
FROM CALDWELL AVENUE TO CARTMILL AVENUE**

This Cooperative Agreement ("AGREEMENT") is made and entered into this _____ day of _____, 2008 by and between the COUNTY OF TULARE, hereinafter referred to as COUNTY, and the CITY OF VISALIA, hereinafter referred to as CITY, with reference to the following:

WHEREAS, the COUNTY is the lead agency on a project to widen Road 108, also known as Demaree Road, from Cartmill Avenue in the City of Tulare to Caldwell Avenue in the City of Visalia, hereinafter referred to as PROJECT, using funds from the State Transportation Improvement Program through the California Department of Transportation; and

WHEREAS, COUNTY, on February 6, 2007, by way of Resolution No. 2007-0070, adopted a mitigated negative declaration/environmental assessment (State Clearinghouse Number 2003041145) in accordance with the California Environmental Quality Act hereinafter referred to as ENVIRONMENTAL DOCUMENT; and

WHEREAS, a portion of the PROJECT is within the City of Visalia and CITY desires COUNTY to acquire right of way for the PROJECT in conformance with the preferred alignment selected for this PROJECT and ENVIRONMENTAL DOCUMENT; and

WHEREAS, COUNTY has received authorization and allocation of funding from the California Transportation Commission to proceed with the acquisition of right of way for this project using State-only funds through the State Transportation Improvement Program; and

WHEREAS, COUNTY is willing to perform right of way activities required for the PROJECT; and

WHEREAS, COUNTY and CITY intend to define the terms and conditions under which the right of way and utility relocations are to be handled: and

WHEREAS, this AGREEMENT is entered into pursuant to Government Code Section 6500 et. seq.

NOW, THEREFORE, it is agreed as follows:

1. Activities of COUNTY. COUNTY agrees to provide all necessary right of way support activities to acquire PROJECT right of way located within the City of Visalia. Said right of way support activities shall include, but not be limited to, the following:
 - a. Preparing maps, deeds and descriptions.
 - b. Making fair market value appraisals and relocation valuations.
 - c. Acquiring private property for public purposes in COUNTY's name by negotiation.
 - d. Acquiring by condemnation private property for a public purpose in

COUNTY'S name if COUNTY issues a Resolution of Necessity or in CITY'S name if CITY issues a Resolution of Necessity.

e. Providing required relocation assistance payments and services to affected landowners.

f. Opening escrow, obtaining title reports, making arrangements to convey title and close escrow.

g. Completing acquisitions through disbursement of funds, close of escrow and satisfaction of judgments or settlement of condemnation actions initiated on behalf of the PROJECT.

h. Providing oversight and paying for utility relocations within existing or proposed CITY right of way to ensure relocations will not conflict with the PROJECT.

i. Proceed with the condemnation process, if necessary, for the acquisition of any right of way required for the PROJECT.

j. Relinquish to CITY legal title to property acquired by COUNTY in CITY within 180 days following the filing of the Notice of Completion for PROJECT by COUNTY.

2. Activities of CITY. CITY shall support the efforts of COUNTY to acquire right of way and utility relocations for the project by actions including, but not limited to, the following:

a. Minor changes in the PROJECT alignment or description that may affect right of way to be obtained by COUNTY shall be subject to the approval of the City Manager and said approval is hereby delegated by CITY to the City Manager and shall not be unreasonably withheld.

b. CITY shall make available to COUNTY all records, maps, drawings and permits involving installation of utilities in CITY right of way.

c. If any public, private or CITY-owned utility or public facility conflicts with the PROJECT, CITY shall cooperate with the COUNTY to make all necessary arrangements with the owners of such utilities and facilities for their protection, relocation or removal in accordance with CITY policy for those utilities and facilities located within the limits of work within the City of Visalia.

d. Accept from COUNTY relinquished property within 90 days of the relinquishment documents being presented to CITY.

3. Project Description. The complete description of the PROJECT, preferred alignment, typical sections, are contained in the ENVIRONMENTAL DOCUMENT and supporting technical studies indicated by reference in the ENVIRONMENTAL DOCUMENT. As the final engineering for the PROJECT is completed by COUNTY, further refinement of the right of way to be obtained may be necessary, but will be generally consistent with approved PROJECT description.

4. Acquisition of Rights-of-Way. COUNTY shall comply with all State right of way laws, the Federal Uniform Acquisition and Relocation Assistance Act, and any other federal laws applicable to COUNTY or the PROJECT.

5. Funding. All obligations of COUNTY under the terms of this AGREEMENT will be funded using State-only funds through the STATE Transportation Improvement Program.

Neither party is required to use its funds to support this PROJECT.

6. No Rights in Third Parties. Nothing in the provisions of this AGREEMENT is intended to create duties or obligations to or rights in third parties not parties to this AGREEMENT or to affect the legal liability of either party to the AGREEMENT by imposing any standard of care with respect to the maintenance of the CITY's property different from the standard of care imposed by law.

7. COUNTY Indemnification. Neither COUNTY nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this AGREEMENT. It is understood and agreed that, pursuant to Government Code Section 895.4, CITY shall fully defend, indemnify and save harmless COUNTY and its officers and employees from all claims, suits, or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority, or jurisdiction delegated to CITY under this AGREEMENT.

8. CITY Indemnification. Neither CITY nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by COUNTY under or in connection with any work, authority or jurisdiction delegated to COUNTY under this AGREEMENT. It is understood and agreed that, pursuant to Government Code Section 895.4, COUNTY shall fully defend, indemnify and save harmless CITY and its officers and employees from all claims, suits, or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by COUNTY under or in connection with any work, authority, or jurisdiction delegated to COUNTY under this AGREEMENT.

9. Amendment. No alteration or variation of the terms to this AGREEMENT shall be valid unless made in writing and signed by the parties hereto and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

10. Termination. This AGREEMENT shall terminate upon the completion of the right of way acquisition and utility relocation by COUNTY for the PROJECT, or on December 31, 2009, whichever is earlier in time, unless both parties agree by amendment to this AGREEMENT to an extension of time.

11. Final Integrated Agreement. This AGREEMENT constitutes the entire, final and binding understanding between the parties hereto with respect to the terms of this AGREEMENT; that no other statement or representation, written or oral, express or implied, has been received or relied upon by any other party hereto in entering into this AGREEMENT, and that all prior discussions, statements, and negotiations made or which have occurred prior to the date of this AGREEMENT shall be deemed merged into this AGREEMENT and the documents referred to herein, and shall not be used for any other purpose whatsoever.

12. Severability and Construction. If any provision of this AGREEMENT is held to be

12. Severability and Construction. If any provision of this AGREEMENT is held to be illegal, invalid, or unenforceable under present or future laws, such provisions shall be fully severable. This AGREEMENT shall be construed and enforced as though such illegal, invalid, or unenforceable provision had never comprised a part of this AGREEMENT and the remaining provisions of this AGREEMENT shall remain in full force and effect.

13. Venue. This AGREEMENT shall be construed in accordance with the laws of the State of California. The parties agree to submit themselves to the jurisdiction of the court venue in Tulare County (or in the case of exclusive federal jurisdiction, the U.S. District Court for the Eastern District of California in Fresno) in any action relating to this AGREEMENT or the enforcement of interpretation thereof.

14. Attorneys' Fees and Costs. Each party will bear their own costs, including attorneys' fees, in connection with enforcing the terms and conditions of this AGREEMENT.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY COUNCIL
CITY OF VISALIA
STATE OF CALIFORNIA

BOARD OF SUPERVISORS
COUNTY OF TULARE
STATE OF CALIFORNIA

By: _____
City Manager

By: _____
Chairman

ATTEST: _____
City Clerk

ATTEST: _____
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

APPROVED AS TO LEGAL FORM:

By: _____
City Attorney

By: _____
County Counsel

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 9, 2009

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

Agenda Item Wording: Request authorization to file a Notice of Completion for the St. Johns River Trail Project No. 3011-0-72-0-9716, for the construction of on-site improvements at a final cost of \$79,955.

Deadline for Action: None

Submitting Department: Park and Recreation Department

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

Department Recommendation: Authorize staff to file a Notice of Completion for Project No. 3011-0000-720000-0-9716 for the construction of the St. Johns River Trail Project. Yarbs Enterprise completed the project at a final cost of \$79,955.

Summary/background: The project included the construction of approximately one half mile of asphalt trail along the St. John's River just east of McAuliff Rd.

The original contract amount for the project was \$76,444 and there was an additional \$3,511 for two change orders.

A summary of the change orders are as follows:

1. Create a dirt berm on south side of project to prevent any storm run off from entering the backyards of the adjacent homes. \$2,581
2. Install two extra bollards at the western end of the trail to prevent vehicles from illegally entering the trail. \$930

Change orders represented 4.6% of the original construction amount.

Construction was funded by a \$79,000 Recreational Trails Program grant from the State and from Measure R funds.

Prior Council/Board Actions: Award of construction contract

Committee/Commission Review and Actions:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Alternatives: location map

Attachments:

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize staff to file a Notice of Completion on Project No. 3011-0000-720000-0-9716 for the construction of the St. Johns River Trail project.

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: February 9, 2009

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

Agenda Item Wording: Confirm City of Visalia's support for and participation in the the Tulare Irrigation District's application for a System Optimization Review Study Grant, which would include up to \$5,000 in staff support from the City of Visalia.

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation:

It is recommended that the Visalia City Council concur with staff and the letter of support sent to the Bureau of Reclamation regarding the Tulare Irrigation District's grant application for a System Optimization Review Study. The City's support would include up to \$5,000 in staff time to participate in the study.

Summary/background:

The Tulare Irrigation District (TID) is applying for a \$20,000 grant to perform a District-wide analysis of resources, capacities and operations in an effort to formulate specific projects that can be implemented over the next several years. The study would be conducted during 2009 and 2010, with an estimated completion date of January, 2011.

Because there are several entities that interface with the District, including the City of Visalia, the Tulare Irrigation District has asked the Cities of Visalia and Tulare, the Kaweah Delta Water Conservation District and People's Consolidated Ditch company to work cooperatively with TID to address regional water issues, and identify and develop projects that would positively impact the regional water levels. As a partner in the study, the City must commit to \$5,000 in staff time, most of which would come from the Engineering or Natural Resource Conservation Divisions.

The City of Visalia has a history of working with TID on such issues, starting in 2001 with the agreement that addressed the concern about water seepage into the Visalia are aquifers when TID was running water to their shareholders. As a result of that agreement, the City and the District have done a number of things including cooperated on water flows for recharge, purchased water and identified projects and funding for additional water recharge facilities.

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 2209
(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.

Staff believes that working cooperatively with TID and the other agencies on this System Optimization Review Study will be a mutually beneficial action in which the City should engage. Due to a timing issue, staff took the initiative to issue a letter agreeing to the \$5,000 staff match. Should Council wish to counter this action, the letter of commitment can be withdrawn.

Prior Council/Board Actions:

Approved agreement with TID - 2001

Committee/Commission Review and Actions: N/A

Alternatives: Not participate in the study

Attachments: January 23 letter to the Bureau of Reclamation

Recommended Motion (and Alternative Motions if expected):

I move to approve confirmation of the City of Visalia's support for and participation in the the Tulare Irrigation District's application for a System Optimization Review Study Grant, which would include up to \$5,000 in staff support from the City of Visalia

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: February 9, 2009

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording:

Introduction of Ordinance 2009-02 for Zoning Text Amendment (ZTA) No. 2008-12: A request by Copeland Properties to amend Zoning Ordinance Section 17.18.050 by amending Line 709 to conditionally allow drug store/pharmacy retail in the C-R (Regional Retail Commercial) Zone.

The proposed zoning matrix amendment is not site specific, but would apply to C-R zoned properties throughout the city.

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Scheibel, AICP 713-4369
Fred Brusuelas, AICP 713-4364

Department Recommendation and Summary: The Planning Commission recommends that the City Council adopt a zoning matrix change to the Zoning Ordinance that would add drug stores and pharmacies with or without drive-thrus, and could include general retail merchandise sales as a "Conditional" use in the C-R (Regional Commercial) Zone.

Background: Currently these retail venues are permitted uses by right in all but the CC (Convenience Commercial) and C-R zones. The restriction on this venue in the C-R zone came about with adoption of the current Zoning Ordinance in 1993. Under the previous Zoning Ordinance these uses were permitted along Mooney Blvd. which is the only C-R zoned corridor in the City. At the time, it was determined that drug stores of any size and variety would not be supportive of or consistent with the desired regional commercial nature of Mooney Blvd. However, there were two existing drug stores [Longs and Rite Aid (formerly Thrifty Drugstore)] that continued to operate on Mooney Blvd. in a "grandfathered" status. Longs Drugs has recently relocated from its Caldwell/Mooney location to a new location at Demaree and Caldwell.

Rite Aid, which is currently in a 21,300 sq. ft. building at Whitendale and Mooney, desires to relocate to the 14,000 sq. ft. former Copeland's Sporting Goods building at 1100 S. Mooney.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The change in location would be in keeping with the store size of their contemporary stores which average 15,000 sq. ft., and would in their view capture an unmet market provided by College of the Sequoias and the Laurelwood neighborhood to the east. The proposal was the subject of Site Plan Review No. 08-133.

No definitive re-use plan for the Rite-Aid store is contemplated by the property owner. City Economic Development department staff has reviewed the ZTA and endorses the proposal on the basis that the current use underutilizes the building, and the building could house a more intensive commercial use. Economic development staff is working to help find suitable commercial tenants for this and several similar buildings along the Corridor. In the meantime, Department staff supports the re-use of the Copeland's building for the reasons cited in the Planning Commission's endorsement of ZTA 200812.

The SPR committee endorsed the general concept of including the drug store with general merchandise sales on Mooney Blvd., subject to a conditional use permit (CUP). To date the applicant has not filed a CUP application, but has indicated their intent to proceed if this ZTA is ultimately approved. The relocation of Rite Aid to the former Copeland's site is a good re-use of an existing building on the Mooney corridor.

Prior Council/Board Actions:

On January 23rd and 24th, 2009, City Council Retreat, the City Council discussed the Mooney Boulevard Corridor and the importance of establishing policies that will achieve longterm economic viability. It was recognized that changes to the Corridor must occur in the context of a vision that may include mixed land use development, enhanced regional transit, revitalization efforts and building re-use.

Also discussed was the need to re-evaluate the present Regional Commercial zoning on small parcels of land that are located north of Walnut Avenue. It is within this context that staff supports the building re-use and enhancement of this particular site for neighborhood/community benefit.

Committee/Commission Review and Actions:

On January 12, 2009, the Planning Commission held a public hearing on the proposed Zone Matrix change. The Planning Commission considered written and oral testimony in support of the ZTA.

The general merchandise sales aspect of drug stores has evolved since the current zoning regulations were adopted in 1993. Typically, these venues provide a broad range of daily needs goods such as dairy and dry groceries and over the counter medicines, in addition to their prescription pharmacy and photo developing services.

In addition, their general merchandise component can be reasonably concluded to be a modestly-sized general retail store which is permitted in the C-R zone. This conclusion is based on the facts that they carry a wide variety of products including clothing, toys, cards and periodicals, wines and spirits, house wares, and seasonal lines. The variety and convenience accorded by the smaller store size represents a shopping choice option for the Mooney Blvd. shopper, as well as a convenient and readily accessible retail service to residents of neighborhoods that border the Mooney Blvd. corridor.

The conditional use permit process provides the regulation of land uses, through the application of conditions of approval, to ensure compatibility with adjacent land uses. By adding this use as a "Conditional" use in the CR Zone, there would be the ability to consider a request for such uses on a case-by-case basis in relation to the proposed location.

With regard

Alternatives:

1. Approve the Zoning Matrix Amendment with the qualifier as follows:

The Zoning Matrix is hereby amended to add drug stores and pharmacies with or without drive-thrus, and could include general retail merchandise sales as a “Conditional” use in the C-R (Regional Commercial) Zone.

2. Deny the Zoning Text Amendment, in which case the proponent would not file a Conditional Use Permit (CUP) application to occupy the former Copeland’s Sporting Goods store.

Attachments:

- Ordinance for Zoning Ordinance Text Amendment No. 2008-12
- Planning Commission Staff Report
- Involved Parties Information

Recommended Motion (and Alternative Motions if expected):

I move to introduce Ordinance No. 2009-XX for Zoning Ordinance Text Amendment No. 2008-12 to amend Section 17.18.050 by amending Line #709 of the Zoning Ordinance Matrix to add drug stores and pharmacies with or without drive-thrus as a “Conditional” use in the C-R (Regional Commercial) Zone;

Environmental Assessment Status

CEQA Review: Categorical Exemption No. 2008-87 was processed for this action; therefore no further environmental action is required

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

City Council Agenda of 2/17/09: Second Reading of the Ordinance and approval of Zoning Ordinance Text Amendment No. 2008-12 to amend Section 17.18.050 by amending Line #709 of the Zoning Ordinance Matrix.

Copies of this report have been provided to: Planning Commission, Applicant

ORDINANCE NO. 2009-02

AMENDING SECTION 17.18.050 OF THE CITY OF VISALIA ZONING ORDINANCE PERTAINING TO LINE 709 TO CONDITIONALLY ALLOW DRUG STORE/PHARMACY RETAIL IN THE C-R (REGIONAL RETAIL COMMERCIAL) ZONE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended that the City Council amend Section 17.18.050 to add drug stores and pharmacies with or without drive-thrus, and could include general retail merchandise sales as a “Conditional” use in the C-R (Regional Commercial) Zone; and

Section 2: The Zoning Matrix Line 709 is hereby amended to add drug stores and pharmacies with or without drive-thrus, to include general retail merchandise sales as a “Conditional” use in the C-R (Regional Commercial) Zone; and

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 9, 2009

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Authorize staff to issue a Request for Proposals to conduct a Downtown Transportation Circulation Study.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Director of Community Dev. 713-4392
Eric Bons, Senior Civil Engineer 713-4350

Department Recommendation: City staff recommends that the City Council authorize staff to issue a Request for Proposals (RFP) to conduct a Downtown Transportation Circulation Study. Staff also requests that Council authorize the expenditure (not to exceed \$135,000) to pay for a Downtown Transportation Circulation Study.

Summary/Analysis: Maintaining and improving transportation circulation is vital to sustaining current businesses and attracting desirable development to the downtown in the future. To accomplish this goal, it is essential that we develop a comprehensive long range plan. Some projects (future over crossings, rail crossings, interchanges, corridor improvements, light rail, bus rapid transit, etc.) will require years of planning and coordination with Caltrans, the CPUC, TCAG and community groups. This study would analyze, and make specific recommendations regarding transportation circulation, on-street parking, signal coordination corridors, bike lanes and mass transit (both bus and rail) in the downtown. These specific recommendations would help to form a plan for current and long-range improvements that could be incorporated into the City's future Capital Improvement Programs (some potentially funded by Measure R). Without this study, it will be extremely difficult for staff to appropriately determine future development requirements and project needs.

Recent developments such as the Kaweah Delta Health Care District Expansion, the new Buckman-Mitchell Company Building, the increased seating in Recreation Park Stadium, and traffic circulation modifications such as the Acequia Avenue Two-way Conversion have impacted transportation circulation in the downtown. Future projects like the Santa Fe Overcrossing (at Highway 198), the Santa Fe widening, the Ben Maddox Bridge Improvements (at Highway 198), the extension of Burke Street (from Roosevelt to Houston Avenues), the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 3

Review:

Dept. Head CY 2/6/09
(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.

Transit Center Expansion, the new Civic Center, redevelopment of City owned property in the west downtown, interchanges/overcrossings of the 198 and the continuation of the Kaweah Delta Health Care District's Master Planned Expansion will significantly impact circulation in the future.

City staff has responded to numerous inquires from, and had discussions with, residents, members of the Downtown Visalians, and other groups regarding transportation and on-street parking in the downtown. They have suggested that there is a need for a comprehensive study to examine and identify the current and future needs related to downtown transportation circulation, and on-street parking. Interest has also been expressed to have the study examine, discuss and make recommendations regarding mass transit (rail and bus) and specific improvements to the City's Bikeway Plan in the downtown area. Considering these requests and considering the recent growth, redevelopment and revitalization of the downtown, City staff recommends that a comprehensive transportation circulation study be performed. Information gathered by this study would also be used in the upcoming update to the City's Circulation Element of the General Plan. Staff recommends that the study area be bounded by Giddings Street on the west, Ben Maddox Way on the east, Noble Avenue on the south, and Goshen Avenue on the north (see Exhibit "A").

The revised scope of services (see Exhibit "B") is designed to provide a comprehensive analysis of the downtown area and provide specific recommendations addressing the transportation circulation and on-street parking for the present and projected future conditions. As part of the process of developing the final report, the selected consultant will be required to include a public outreach component to ensure the final report considers all the pertinent issues pertaining to the downtown area. City staff will give all available recent traffic count and other available information to the consultant, and perform as many of the needed counts as possible "in-house" in order to minimize the cost of the study.

Funding Sources: The cost of the study will be split between the Central Visalia Redevelopment Area Fund (1931), and the Downtown Visalia Redevelopment Area Fund (1921). The Board of Directors of the Property and Business Improvement District (PBID) support the need for this study and will fund \$5,000 toward the cost of the study (see Exhibit "C").

Alternatives: Delay the release of the RFP.

Attachments: EXHIBIT "A" – Location Map – Study Boundaries
EXHIBIT "B" - DRAFT Scope of Services
EXHIBIT "C" – Letter of Support from PBID

Recommended Motion (and Alternative Motions if expected): The motion is to authorize City staff to issue a Request for Proposals to conduct a Downtown Transportation Circulation Study. Move to allocate an amount not to exceed \$135,000 to fund the study.

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

EXHIBIT "A"

Location Map - Study Boundaries

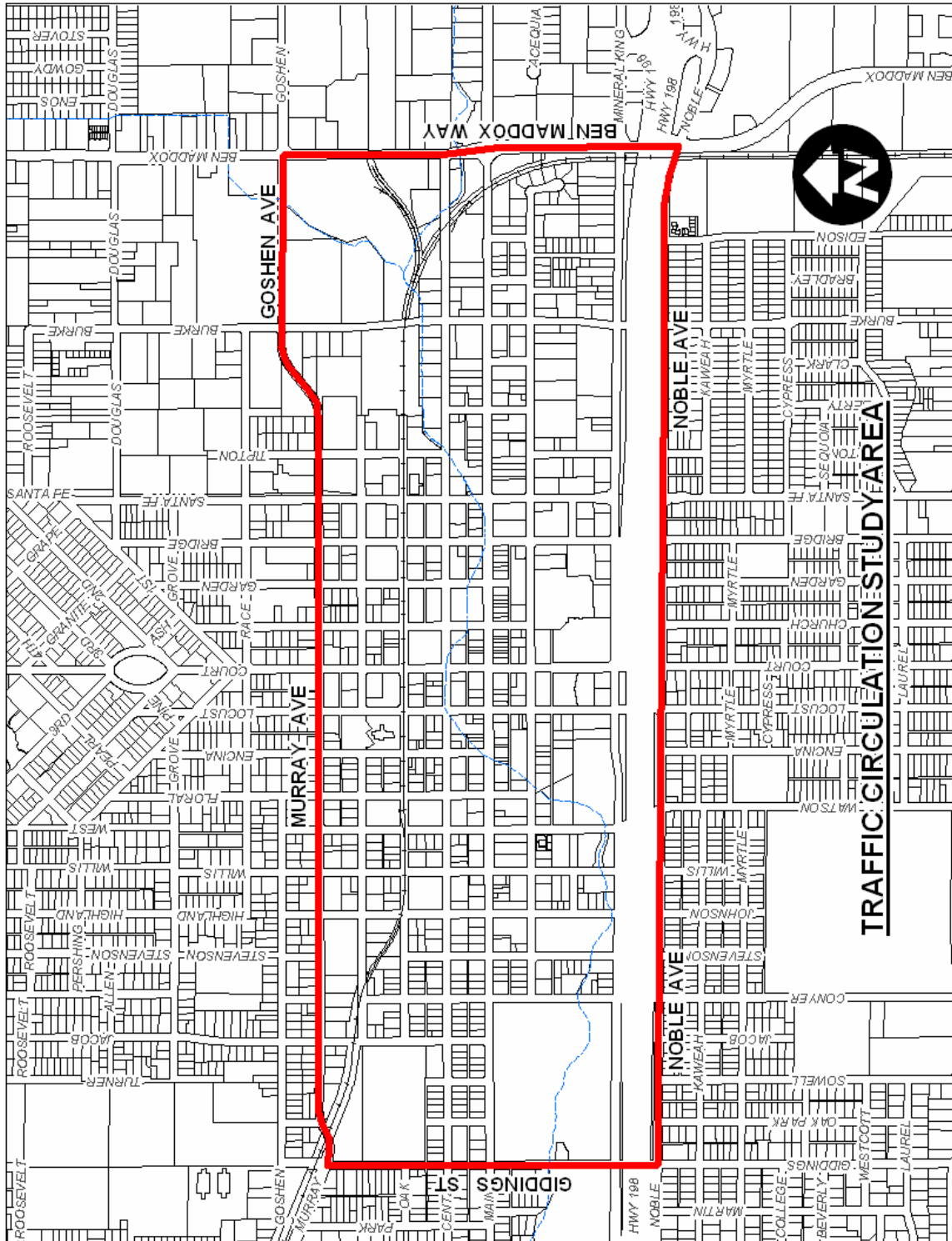


EXHIBIT "B"

DRAFT Scope of Services

1. The Transportation Circulation Study shall analyze current traffic volumes, and future traffic volumes for the years 2020 and 2030 based on the current Zoning Ordinance and General Plan.
2. The report shall include specific recommendations to improve or mitigate current and future transportation circulation in Downtown Visalia.
3. The study shall analyze, discuss and make specific recommendations regarding current and future on-street parking needs.
4. The study area (downtown Visalia) is bounded by Giddings St on the West, Ben Maddox Way on the East, Noble Ave. on the South, and Goshen Ave. on the North.
5. The study will analyze, discuss and make specific recommendations regarding current and future mass transit (bus and rail) uses and opportunities.
6. Study will also include a comprehensive analysis of and specific recommendations for improvements to the City's Bikeway Plan (focusing on the downtown area).
7. The study must analyze and discuss the impacts of possible street closures (West Street between Mineral King and Acequia, and Willis Street between Mineral King and Acequia).
8. The study should analyze and discuss the possible conversion of Center Avenue from one-way to two-way traffic where it presently exists as one-way westbound between Bridge Street and Hall Street.
9. Consideration must be given to all currently planned Capital Improvement Program Projects. For example these would include the new bridge over SR 198 at Santa Fe St., the Ben Maddox Bridge (at the 198) improvements.
10. Study shall specifically include an analysis of a possible expansion of the Santa Fe Corridor to four lanes of travel between Noble Avenue and Race Avenue.
11. Consideration must be given to the extension of Burke Street between Roosevelt Avenue and Houston Avenue and the increased traffic on Burke St. thru the downtown.
12. The Downtown area is significantly changing in land uses. Traffic projections and recommended solutions must consider what uses will likely exist in the years 2020 and 2030. Consideration must be given to the recommendations in the "East Visalia Downtown Master plan".

13. Scope of services to include at least two public meetings to gather input from all interested parties. The selected consultant shall specifically solicit input from current and potential stakeholders including, but not limited to, downtown business and property owners (within the study area), Kaweah Delta Medical Center, the Downtown Alliance, Visalia Chamber of Commerce, Tulare Kings Hispanic Chamber of Commerce, Caltrans, Downtown Visalians, the Visalia Unified School District and Tulare County.
14. The transportation circulation study shall be completed one year after the notice to proceed has been issued by the City of Visalia.
15. The services shall consider and provide recommendations for additional on-street parking in the downtown area currently and in the future. Study shall also include a recommended implementation schedule.
16. The consultant shall provide the City with a detailed project schedule of their process to complete the study and the associated milestone dates. The project schedule shall identify;
 - The proposed public input/out-reach meetings,
 - Any meetings with City staff for project updates
 - Identify milestone dates for submittal dates and review dates.
 - Draft report to be submitted to the City with a presentation to City Council comments and City Council input.
 - Date of final report submittal and presentation of final report to City Council.
17. The final report shall include but is not limited to;
 - An executive summary
 - All the data used to analyze the project area,
 - A discussion of method and how the data was used to derive the final recommendations,
 - All recommendations shall be accompanied by an outline of how to reach the recommendations.
 - A discussion of alternatives to provide the funding for the implementation of the recommendations.
 - Twelve bound copies of the final report and an electronic copy of the final report shall be presented to the City.

EXHIBIT "C"

Letter of Support



104 South Church Street
Visalia, CA 93291
Phone: 559 732-7757
Fax: 559 732-7750
Email: info@complanvisalia.com

*Working together to enhance
Downtown Visalia.*

DOWNTOWN VISALIA
ALLIANCE – PBID III

BOARD OF DIRECTORS

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Philip Bianco
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Phil Cox
Susan Margini
Tami Crawford
Tom Gaebbe
Tom Link
Vernon Barr
William Martin

January 28, 2009

Jesus Gamboa, Mayor
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

RE: Parking and Traffic Circulation Study

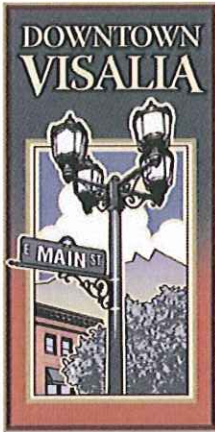
Dear Mayor Gamboa and Members of City Council:

At the monthly meeting in January, members of the Board of Directors of the Property and Business Improvement District (PBID), voted to contribute \$5,000 toward the proposed Downtown Parking and Traffic Circulation Study.

As stewards of the downtown, we continue to work with you to ensure circulation throughout the area is convenient, safe for pedestrians, welcomes visitors and protects business interests. Traffic circulation and parking must be well planned for all our partners that rely on convenient transportation corridors throughout the central business district.

Thank you in advance for your support of this very important study and for encouraging our continued partnership.

Sincerely,
William Martin
Chairman



104 South Church Street
Visalia, CA 93291
Phone: 559 732-7737
Fax: 559 732-7750
Email: info@downtownvisalia.com

*Working together to enhance
Downtown Visalia.*

DOWNTOWN VISALIA
ALLIANCE – PBID III

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Susan Mangini
Tami Crawford
Tom Gaebe
Tom Link
Vernon Barr
William Martin

January 28, 2009

Jesus Gamboa, Mayor
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

RE: Parking and Traffic Circulation Study

Dear Mayor Gamboa and Members of City Council:

At the monthly meeting in January, members of the Board of Directors of the Property and Business Improvement District (PBID), voted to contribute \$5,000 toward the proposed Downtown Parking and Traffic Circulation Study.

As stewards of the downtown, we continue to work with you to ensure circulation throughout the area is convenient, safe for pedestrians, welcomes visitors and protects business interests. Traffic circulation and parking must be well planned for all our partners that rely on convenient transportation corridors throughout the central business district.

Thank you in advance for your support of this very important study and for encouraging our continued partnership.

Sincerely,
William Martin
Chairman

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 9, 2009

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Update on the accelerated design process of the Transit Center Expansion, Transit Bus Operations Facility Expansion, and the new Sequoia Shuttle Visitor Center.

Deadline for Action: February 9, 2009

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

Update regarding the accelerated design process of the Transit Center Expansion, Transit Bus Operations Facility Expansion, and the new Sequoia Shuttle Visitor Center.

Summary/Background

As Council directed at their November 17 and December 1 meetings, the Transit Division has worked with the architects to accelerate the design process for the Transit Center expansion, Bus Operations Facility expansion, and construction of a new Sequoia Shuttle Visitor Center in a portion of the courtyard at the Convention Center.

These three projects have been accelerated through the design process in order to make them “construction ready” and eligible for inclusion in the federal economic stimulus funding legislation making its way through Congress. Council previously approved the three agreements for the design of each facility. In order to accomplish the design phase as expeditiously as possible, architects were chosen who had provided the design of the original facilities. Canby Architecture Studio, Inc. is the firm designing the transit center expansion and Taylor/Teter Partnership is designing the bus operations facility expansion and the shuttle visitor center. The two expansion projects are on track to meet the federal construction ready deadline of April 15, with the understanding that changes can be made up to the point of going out to bid. The Shuttle Visitors Center plans are on track to make a June 1 deadline to fall within the second 180 day construction ready deadline being discussed in Congress.

Justifications for the funding requests are based on the fact that the City of Visalia continues to experience dramatic increases in bus ridership (5-10% per year); accentuated by the increase in fuel cost and the number of unemployed or underemployed residents. The demands for increased bus service have increased both in number and intensity as the option of automobile ownership has

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 _____
(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.

become less affordable for many residents. The increase in bus service requires adequate support facilities and the City of Visalia transit centers and operations facility need to be expanded to meet this demand. Funding for the design of the facilities is coming from the Local Transportation Fund (LTF); however, the only funding that has been identified for the construction is \$1,000,000 in Measure R, which can be used as match for these construction projects.

The appropriate state and federal environmental work is underway, and a conditional use permit has been applied for the Transit Center.

Project Descriptions

Visalia Transit Center: The existing Transit Center was constructed in 2003 with the understanding that it would be expanded in future years as demand increased. Recently, a new express bus route between Visalia and the City of Tulare was added that used the last available bus bay. This facility is of Spanish-Mediterranean design and includes a three-story 11,000 sq. ft. main building, 16 bus bays, a large decorative plaza, a separate building with a leased food concession area, a bus drivers break room and a flag / clock tower. The Transit Center is centrally located downtown at the corner of Oak and Bridge Streets and provides a connecting point and distribution center for various transit services that serve the City of Visalia. Currently it facilitates connections between the following services: Visalia City Coach, Dial-A-Ride, Visalia Towne Trolley, Tulare County Transit, Tulare City Transit, Kings Area Rural Transit, Sequoia Shuttle, Orange Belt Stages, Greyhound and a connection to Amtrak. In addition several commercial bus services use this facility. The three-story, main building's ground floor totals 4,545 sq. ft. and has a large high ceiling passenger lobby, transit ticket / informational counter, transit administration offices, and public restrooms. The expansion would provide 12 additional bus bays, with potential for two more on Center, shaded passenger waiting areas, storage facilities and a plaza entry way. Since this expansion will actually be the downtown facing entryway to the Transit Center, it is important that the south side present an "entry" feel, as well as the northern facing side of the building. As such, additional work is being designed to change the central plaza so it is more easily accessible from both sides of the Center, and some additional walkway space will be added on the south side. The design includes on-site storm water storage for groundwater recharge, and solar lighting. The most current site plan and elevation drawings for the design of the transit center expansion are on the following pages.

Sequoia Shuttle Visitor Center: The Sequoia Shuttle service began in 2007 and does not have a dedicated location for customers to wait and get additional information. This project would expand an existing facility to provide a dedicated facility for that purpose. The Shuttle Visitor's Center is planned for the courtyard of the Visalia Convention Center in downtown Visalia. This location is in the physical center of Visalia and near the center of Tulare County; making it very accessible by car, bus, train and air. This 6,900 sf., two-story facility will include an interactive lobby where visitors can learn about the various destinations within Tulare County, get information about different services including the Sequoia Shuttle, make reservations and wait for their scheduled bus. It will also include retail and display space, and rental office space for shuttle and visitor center related agencies such as the Visitors and Convention Bureau, National Park Service, Sequoia Natural history Association and an agriculture tourism vendor. Additional cut-out parking on Acequia is being designed into the plans, as is a new courtyard design that will improve the aesthetics and the usability of the remaining courtyard for a variety of events. While the courtyard may not be part of the first phase of construction, staff feels it is important to have a master plan for the courtyard area. The most current site plan for the design of the Sequoia Shuttle Visitor Center is on the following pages.

Transit Operations and Maintenance Facility: The Bus operations facility was constructed in 2006 and was designed to support 66 buses. Due to agreements with neighboring agencies, as well as accelerated expansion of Visalia Transit services and operations, we are now maintaining 71 buses at that facility and need to construct the next planned expansion as soon as possible. The existing Transit

Operations and Maintenance facility consists of approximately 4.7 acres of developed site area containing operations offices, maintenance (shop) building, bus wash, fueling facility for diesel and compressed natural gas, and parking for eighty eight cars and sixty six buses. This facility was designed and constructed to operate and maintain sixty-six buses with a mixture of fixed route and dial-a-ride buses. The existing facility includes an operations and maintenance building of 16,720 square feet including 4,455 sf of office area and 12,265 sf of shop area. The addition to this building will add 7,538 sf of shop space for a new total building area of 24,258 sf. The facility also includes a bus wash building of 3,080 square feet that will be expanded by 1,633 sf for a new total area of 4,713 sf. This additional space will be for a future automated wash unit and the space will be utilized for storage until that time. This expansion will take the facility from the existing 4.7 acres; add 107,227 sf for a total site area of approximately 7.16 acres. Once constructed, the expanded facility will be designed to accommodate 125 buses of mixed sizes and 127 cars. The most current site plan for the design of the bus operations and maintenance facility in on the following pages.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: None.

Attachments:

Recommended Motion (and Alternative Motions if expected):
N/A

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)*

