



Visalia City Council Agenda

For the regular meeting of: MONDAY, August 17, 2009

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

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

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

WORK SESSION AND ACTION ITEMS (as described)

4:30 p.m.

Public Comment on Work Session and Closed Session Items -

1. Review Sierra Village project updates and changes – consider authorization for project proponents to move forward to prepare and process environmental documents and applications for general plan amendments and annexation applications.
Receive public comment
2. Update regarding East Tulare County Short Line Railroad – consider City’s position
Continued discussion from August 3, 2009
Receive public comment
3. 2009 Public Opinion Survey Results presented by the Citizens Advisory Committee.
Receive public comment

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)

4. Conference with Legal Counsel – Anticipated Litigation (2)
Initiation of litigation pursuant to subdivision (c) of Section 54956.9) – two potential cases

5. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of GC Section 54956.9)
Name of case: City of Visalia vs. Maksy (TCSC 08-229559)

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Robert Benefield, Sequoia Baptist Church

SPECIAL PRESENTATIONS/RECOGNITION – Proclamation declaring September 2009 Energy Efficiency Month

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 August 10, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

7. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Authorization to place a lien for \$14,752.60 on real property located at 2714 S. Encina. **Resolution 2009-32 required.**
 - c) Introduction of **Ordinance 2009-05** amending Municipal Code 10-32 transferring enforcement authority for private property vehicle abatement from Visalia Fire Department to Housing and Economic Development Department.
 - d) Authorize the City Manager to execute a Consent Agreement (CON07199193) between Southern California Edison Company and the City of Visalia for the installation of storm drain pipeline facilities within the existing SCE easement located along the St. Johns Parkway extension, approximately one half mile east of McAuliff Street.

- e) Authorize the City Manager to execute a Joint Use Agreement (REL06141596) between Southern California Edison Company and the City of Visalia for the relocation of SCE facilities on the north side of Riggan Avenue from 430' east of Mooney Blvd to 1,000' west of Mooney Blvd.
- f) Authorize the City Manager to execute a Joint Use Agreement (REL06148574) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the east side of McAuliff Street, south of Walnut Avenue.
- g) Authorization to consider the requests from the Hispanic Roundtable and the Downtown Visalians to have a representative on the recently appointed Public Art Policy Task Force which will develop City policies for locating and approving public art.
- h) Adoption of **Resolution 2009-33** supporting the University of California, Merced's efforts to address the physician shortage in the San Joaquin Valley by establishing a medical school. **Resolution 2009-33 required.**
- i) Authorize the City Manager to execute an amendment to the Professional Service Agreement with Community Services and Employment Training (CSET) to provide labor for various City grant funded projects where CSET is a partner in the grant application.
- j) Authorization to award the contract for the Rehabilitation of Taxiway Edge Lighting and Signage at the Visalia Municipal Airport to RB Development in the amount of \$393,990. Project numbers 4011-720000-0-0-8187, corresponding to FAA AIP Project number 3-06-0271-25.
- k) Authorization to purchase by direct sale from Caltrans property consisting of approximately 2759 square feet of area located West of Ben Maddox adjacent to the south side of State Route 198 adjacent to Noble Avenue through "Offer to Purchase Agreement;" Adoption of Resolution of Public Purpose re Same. **Resolution No. 2009-34**

Authorization to file Notice of Completion for the following projects:

- l) Luisi Acres Storm Drain Tie-in Project, (Final Cost \$ 188,300); and authorize the City Manager to execute Ferguson Avenue Project Reimbursement Agreement for the storm drain master planned facilities and the related right-of-way acquisition.
 - m) Public improvements only for Sequoia Crossing, containing 86 single family private street access lots, located 660 feet south of Caldwell Avenue on the East side of Akers Street.
8. **PUBLIC HEARING:** Appeal of the Planning Commission's approval of Conditional Use Permit (CUP) No. 2008-46 for the Grace Community Church campus at the southwest corner of Cherry Avenue and Lovers Lane (APN:126:110-061 by Jay and Cindy Moccio and residents of the Country Meadows Community Subdivision. **Resolution No. 2009 -35.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Tuesday, September 8, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, September 21, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia

- Tuesday, September 29, 2009; 4:00 p.m. Joint Meeting Visalia City Council and Visalia Planning Commission, Convention Center, 303 E. Acequia.

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.

City of Visalia Agenda Item Transmittal

Meeting Date: August 17, 2009

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Review Sierra Village project updates and changes.

Deadline for Action: None

Submitting Department: Planning & Engineering Departments

Contact Name and Phone Number:

Brandon Smith, AICP, Senior Planner, 713-4636
Paul Scheibel, AICP, Planning Services Manager, 713-4369
Chris Young, Assistant Director of Public Works, 713-4392

Department Recommendation: Staff recommends that the City Council review changes to the Sierra Village project proposal. The revised concept plan (attached herein as Exhibit "B") incorporates a linear storm drain basin along the Highway 198 frontage, and proposes a C-SO zoning for urban land uses north side of Cypress Avenue. Other updates to the proposal are:

- Removal of Cypress Avenue west of Roeben Street;
- Inclusion of slope and depth information on the storm drain basin;
- New cross section illustration of storm drain basin with slopes drawn at actual scale (attached as Exhibit "C");
- One acre site on North side of Cypress Avenue reserved for future fire station or other development;
- Residential densities provided for the Sierra Village expansion.

If the City Council concurs with the changes, staff will begin processing entitlements for Annexation, General Plan Amendment, Specific Plan Amendment, and Change of Zone. The Council's concurrence with these changes would not signify any final decision of the project. It will take several months to analyze the entitlements and review the project's Environmental Impact Report, with Planning Commission and City Council public hearings not occurring until 2010.

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 8-11 cy
(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.

Infrastructure Costs: This project will “net” approximately \$1,500,000 in development impact fees for the City of Visalia. The developers total impact fees are estimated at \$2,175,000. The City’s costs (reimbursables per the Traffic Impact Fee Program and for land acquisition) are approximately \$675,000. Payment of all infrastructure improvements shown in the conceptual plan will be “fronted” by the project developers. The City of Visalia will reimburse all costs related to previously budgeted upgrades to the existing basin (upgrades to pumps and controls already planned by the City). The City will also reimburse for the following:

- Additional land acquisition and construction resulting from a City-requested increase in total basin volume
- Reimbursements for the collector-status portion of Roeben Street (from existing terminus to Cypress Avenue) per the City’s Traffic Impact Fee Program
- Upsizing of Cypress Avenue beyond the City-standard improvements associated with a local street section;

Residential Density of Sierra Village Expansion: The Sierra Village retirement community expansion proposes the addition of 74 dwelling units consisting of a mix of single and duplex buildings. The new assisted living facility is illustrated as being a 44,200 square foot building accommodating 108 units. Having a combined area of 14.7 acres, these Sierra Village additions would together yield a net density of 12.38 dwelling units per acre. This density is well in excess of the average 6.8 dwelling unit per acre envisioned by the San Joaquin Valley Blueprint for all new residential development.

Clean-up of dilapidated building & orchard: The applicants have provided a statement (attached herein as Exhibit “E”) addressing the current state of the blighted area mostly located on the Billys property.

Future Land Uses North of Cypress Avenue: The six-acre Billys’ property, situated north of the Cypress Avenue alignment, is proposed for urban uses. The property is shown on the conceptual plan with a prototypical development consisting of medical and/or non-medical office uses.

Staff believes that Shopping-Office Commercial (C-SO) zoning would be the best-suited land use designation for this location. The property owner and Sierra Village concur with this proposed zoning designation. This is the same zoning on the Village West-Adventure Park development to the east. This zoning would enable the site to be developed with similar highway commercial uses as an extension of commercial offerings in the area. According to the Land Use Policy 3.5.7, the C-SO zone allows for a range of community-level and highway-oriented commercial uses. These centers are generally characterized as linear in nature, and serve a non-regional market area. Typical uses found in the C-SO zone include banks, restaurants (fast food and sit-down), hotels, professional offices, medical offices, medical clinics, recreation facilities, retail, service stations, and theaters.

Prior Council/Board Actions: On May 2, 2005, the City Council gave authorization for staff to accept requests by Sierra Village for an Annexation, General Plan Amendment, Change of Zone, and Specific Plan Amendment on property directly north of their existing campus.

On April 17, 2006, the City Council received a status report on the project and considered an alternative site plan to relocate the storm drain basin. The work session item was continued indefinitely, and no resolution was made on the revised site plan.

On July 13, 2009, the City Council reviewed two conceptual development plans for the Sierra Village project, and gave their preference toward the plan which places a linear storm basin and a relocated waterway next to the Highway 198 frontage.

Committee/Commission Review and Actions: None

Alternatives: None.

Attachments:

Sierra Village Development Project portfolio

- Exhibit "A" – Project Summary
 - Exhibit "B" – Concept Plan
 - Exhibit "C" – Storm Drain Basin / Waterway Cross Section
 - Exhibit "D" – Land Acquisition Plan
 - Exhibit "E" – Proposal for Removing Blighted Structures from Billys Property
- July 13, 2009 City Council work session report for Sierra Village

Recommended Motion (and Alternative Motions if expected):

I recommend the City Council authorize staff to process the various entitlement applications for the Sierra Village Development Project based on the project description and concept plan provided by the applicant.

Environmental Assessment Status

CEQA Review: The project will require an Environmental Impact Report which will be processed with the entitlements.

NEPA Review: None

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: 8/17/09

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Update regarding East Tulare County Short Line Railroad

Deadline for Action: none

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Chris Tavarez, Management Analyst, 713-4540

Recommendation

Staff recommends that Council express its support for TCAG efforts to preserve the East Tulare County Short Line Rail Corridor and re-affirm their position as approved in Resolution 2008-54 adopted October 20, 2008, in support of amendment #1 for Measure R:

- Funding may only be used for Right of Way (ROW) acquisitions and/or preservation of rail corridors.
- Preservation of rail corridors must include the underlying right for operations not simply the physical material.
- Operational improvements excluded as an eligible expense.
- The expenditure of Measure R funds would not result in a commitment of additional funds.
- Prior to requesting rail funds a plan must be submitted that demonstrates the viability of the corridor for which the funding is proposed.

Additional funding efforts (beyond \$3 million in Measure R funding currently programmed) for improvement of the rail line should not be pursued unless funding not committed to partner with Measure R is obtained.

Background

On August 3, 2009, in Work Session, Council received a report from Staff on some the intricacies of the rail corridor preservation effort and further details were laid out in discussion with members of TCAG and the TCAG Rail Committee present at the meeting. Support for the efforts of TCAG to preserve the east rail corridor was expressed by Council, however, clarification was asked for in the recommended motion proposed by Staff. Staff has revised the previously recommended motion as requested. Resolution 2008-54 was approved by Council

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10.

Review:

Dept. Head MO 8-13-09
(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.

on October 20, 2009 in support of Amendment #1 for Measure R. Amendment #1 established funding in the amount of \$3 million for Rail Preservation (separate from a \$10 million allocation for "Regional Light Rail ROW Preservation Fund" originally approved in Measure R); language was provided in the resolution as proposed to Council that detailed support of the amendment but preserved funding for any originally programmed City or other agency projects.

Department Discussion

\$3 million of Measure R funding has been amended into the Measure R Expenditure Plan and is available for preservation efforts of the East County Short Line Rail. Preservation efforts may include purchase of ROW or purchase to preserve the rail corridor. This could involve the purchase of some of the rail track to preserve the underlying ROW easement, in some areas without the track existence the land would revert to the use of the land owner. The amendment clearly did not give funding for operations, maintenance or rail improvements, funding only was designated to be made available for preservation efforts of the corridor. In October 2008, TCAG staff provided an analysis showing projected funding with Amendment #1 that Council considered in passing Resolution 2008-54 in support of the first Measure R amendment.

The funding is programmed from the 14% portion of Measure R designated for Transit/Bike and Environmental Programs. There is over \$150 million estimated to be received over the 30 years in this portion of funding from Measure R, however, in addition to the 14% of sales tax, other revenues that make up about 25% of the projections are 'partnered' with Measure R sales tax for this program, including; Congestion Mitigation Air Quality (CMAQ), Transportation Enhancement Account (TEA), and 'other' bike grants that could support previously approved projects. It is important to note that CMAQ and TEA funding could be applied to other programmed projects including transportation related projects (Traffic Signals, Street Enhancement, Traffic Air Quality Measures, etc.), by allocating additional funding to this project other projects could be delayed indefinitely. Currently, 50% of CMAQ and TEA funding received by TCAG is committed to partner with Measure R, staff recommends that dedication of funding should not be removed in order to allow for projects outside of Measure R to continue. This program is designed to 'enhance public transit programs..., improved mobility through the construction of bike lanes and demonstrate the ability to get people out of their cars and improve air quality and environment". Specifically designated projects of near \$65 million for the Visalia area as approved by voters are:

- Transit Service/ Transit Center Expansion - \$21.5 million
- Santa Fe Trail from Tulare to Visalia - \$3 million
- Mill Creek Bike Path - \$5 million
- St. Johns River Bike Path - \$2 million
- Cameron Creek Bike Path - \$4.5 million
- Packwood Creek Bike Path - \$1.5 million
- K Street Bike Path - \$1.5 million
- Modoc Creek Bike Path - \$1.5 million
- Goshen Bike Path Enhancement - \$3 million
- K Road Regional Bike Path - \$4.5 million
- St. Johns River/Santa Fe Bike Connection - \$6 million
- Regional Light Rail ROW Preservation - \$10 million

\$15.5 million is projected to remain available as a funding 'cushion' that TCAG believes shows adequate funding for all currently programmed projects; this is dependent on CMAQ and TEA funding projections remaining constant.

Staff's concern is that if corridor preservation efforts could potentially reach \$20 million or more in funding (based on the feasibility study) for restoration of the track and may be requested to supplement the \$3 million already authorized from Measure R, the projects originally authorized by voters may be delayed or in jeopardy due to funding allocations to the short line rail obtaining funding in favor of other projects.

Resolution 2008-54 passed by Council stipulates addition of language into the Measure R Expenditure Plan:

“For Rail expenditures from the Transit/Bike/Environmental Projects Program funding may only be used for ROW acquisitions and/or preservation of rail corridors. Preservation of rail corridors must include the underline 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 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;”

Many opportunities and challenges have been shown by recent discussion and the Feasibility Study for the preservation of this rail corridor. While the Feasibility Study shows *potential* viability of the corridor there are many factors that need to be worked through by TCAG to make operational and financial viability a reality. Staff believes that the recommended motion will show Council's support, re-affirms cautious use of the funding that ensures preservation of other regionally significant projects and limits the addition of Measure R or other funding for this effort unless formally approved in another Measure R amendment.

Prior Council/Board Actions:

October 20, 2008 – Resolution 2008-54

August 3, 2009 – Continue discussion and clarify motion of support

Committee/Commission Review and Actions:

n/a

Alternatives:

n/a

Attachments:

August 3, 2009 Staff Report on East Tulare County Short Line Railroad

October 20, 2008 Staff Report and copy of resolution 2008-54

Recommended Motion (and Alternative Motions if expected):

That Council express its support for TCAG efforts to preserve the east Short Line Rail Corridor and re-affirm their position:

- Funding may only be used for ROW acquisitions and/or preservation of rail corridors.
- Preservation of rail corridors must include the underlying right for operations not simply the physical material.
- Operational improvements excluded as an eligible expense.
- The expenditure of Measure R funds would not result in a commitment of additional funds.
- Prior to requesting rail funds a plan must be submitted that demonstrates the viability of the corridor for which the funding is proposed.

Visalia's representative on the TCAG board should vote 'no' to any additional funding efforts (beyond Measure R funding currently programmed) unless funding that is not committed to partner with Measure R is obtained.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

Tracking Information: (*Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date*)
none

Copies of this report have been provided to:
n/a

**City of Visalia
Agenda Item Transmittal**

Meeting Date: 8/3/09

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Update regarding East Tulare County Short Line Railroad

Deadline for Action: none

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Chris Tavarez, Management Analyst, 713-4540

Recommendation

Staff will provide a status report on the preservation of the East Tulare County Short Line Rail and requests Council comments. Members of the Tulare County Association of Government (TCAG) Rail Committee may be present and wish to provide further information on this project's status.

Preservation and future operation of the East County Short Line presents substantial economic development benefits for the region. However, staff's analysis of the feasibility study prepared for this effort has concluded that acquisition, operation, and upgrading of the Short line will require a significant financial investment and will have a high level of risk as a business venture.

Staff recommends that Council express its support for TCAG efforts to preserve the Short Line, contingent upon separate grants or other project specific funding sources being utilized for project expenditures. While discussion has occurred in the region whether this project might qualify for use of Measure R funds, staff believes that because the Short Line was not a project contemplated and specifically identified in the Measure R program, these funds cannot be applied to the project. **Therefore, staff further recommends that Council further stipulate that no Measure R funds or monies that support Measure R projects be applied to the project.**

Background

The TCAG Rail Committee continues to seek out a strategy and support for preserving freight rail service along the eastern side of Tulare County. The Surface Transportation Board (STB) approved rail abandonment from Jovista to Strathmore and a proposed abandonment from Strathmore to Exeter would put the entire eastern rail line that could serve that portion of the County in jeopardy (see Map 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.): 30

Review:

Dept. Head MO 7/30/09
(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.

Regional concern is that over 100 years of rail history and a multi-million dollar asset will be lost that helps to serve current and potential shippers. Rail provides an economic development advantage to the area and provides options to businesses with a potentially less expensive and cleaner way to transport goods. TCAG's Rail Committee contends that even if the lines are abandoned, regional efforts should be made to preserve the rail corridors to help meet future transportation needs in the area as industrial and commercial development occurs. Railroad transactions are notoriously lengthy and costly processes, preservation of the corridor could save millions of dollars and years of work on creation of a new corridor in the future.

TCAG has done the following towards preservation of the rail line and corridor:

- contacted San Joaquin Valley Railroad subsidiary of Rail America (rail owner) to discuss potential sale to another operator
- In contact with potential rail operators in efforts to preserve the corridor
- worked to develop public-private partnership opportunities
- formed a Shippers Group to develop interest in the use of the rail and strengthen support for preservation efforts
- Ready to assist in obtaining federal Congestion Mitigation and Air Quality (CMAQ) and Air Pollution Control District grants

TCAG commissioned the Fresno State Craig School of Business MBA program to develop a feasibility study. This type of study is needed to obtain funding and pursue grant opportunities. The study proposed the best option to save the rail line was by subsidizing the repair of the track and encouraging a private party to buy and operate the line (keep taxpayer funding and liability at a minimum).

The CSUF Feasibility Study presents several opportunities and challenges associated with the preservation of the List (near Strathmore) to Jovista (at South Tulare County Line) short haul line.

Opportunities include:

- Providing an alternate method for East Side businesses to ship their products to both regional and national markets.
- Benefits to air quality by consolidating loads and reducing the number of truck shipments into and out of the region.
- Potential benefits to existing businesses that previously shipped on the short haul SJVR line, thereby increasing their viability and growth potential
- Potential long term economic development incentive for Tulare County for availability of short haul rail in the East Valley.
- The study indicates that potential for about 6,480 railcar shipments from existing or anticipated businesses have been identified in the area between List and Jovista.
- Funding may be available through Federal Stimulus or other grants/loans to upgrade the rail to make the line more efficient and competitive.
- Two rail shippers, Patriot Rail and Watco, have shown interest in operating the SJVR line.
- Joint discussions with Fresno and Kern County Association of Governments in order to build broad regional support and efforts for preservation of rail

Challenges include:

- Currently, San Joaquin Valley Railroad manages the entire short haul rail line extending from Jovista to Fresno, a distance of 93.4 miles. (Only the portion from List to Jovista has been proposed and approved for abandonment). Operation of the entire Fresno to Jovista line by one party will greatly enhance the potential for profitability of the short haul line. The CSUF report assumes management of the Fresno to Jovista line by one party. A single management entity for the Fresno to Jovista line would provide several advantages: control of the rail line to the Class 1 rail yard in Fresno; consistent and managed freight rates along the entire line to the Fresno rail yard; and reduced risk that the portion of line between List and Fresno would be abandoned independently.
- The report indicates that although the optimal arrangement is for a single rail operator to manage the short haul line from Fresno to Jovista, the List to Jovista segment must become profitable on its own to avoid future requests for abandonment.
- The section of rail from Dinuba to Jovista is classified as Class 1 (75 pound rail, excepted class), and is capable of running at 10 MPH maximum. This is the lowest classification of track allowed by the Federal Railroad Administration. The section of rail from Fresno to Dinuba is Class 2 (112 pound rail) and is capable of operating at higher, more efficient speeds. The low speed of the Dinuba to Jovista segment does not allow for efficient operation and makes rail a less attractive transportation option.
- The cost to upgrade the Dinuba to Jovista line to 112 pound rail is estimated at \$20 million. This upgrade is needed to increase operational efficiencies and to attract shippers. Upgrade of the track is also a necessity if passenger service is ever considered in the future.
- The short line between List and Jovista needs to carry approximately 2442 annual railcar shipments at an assumed freight rate of \$350 per car to cover costs of operation (break even). The rail line is not currently operating; therefore no shipments are being carried. At the time of closure of the rail line, the rail line was carrying approximately 480 shipments per year. Therefore, an operator wanting to run this portion of the short line will need to aggressively market the rail to businesses to gain sufficient business to make a profit.
- Many goods shipped from our region are perishable agricultural commodities. Due to the limited shelf life of perishable goods, in this area, rail is not currently a viable option because of shipping time factors. Without a guarantee of shipment within a prescribed number of days, perishable goods cannot be feasibly shipped.
- Short haul rail is in direct competition with trucking. Lower diesel costs increases the competitiveness of the trucking option. Trucking is currently considered a viable transportation method by shippers in the South Valley.
- The feasibility study identifies 6,480 railcar shipments from existing or potential businesses in the area between List and Jovista. Of these, approximately 5,000 potential rail car shipments would be derived from a single business, Porterville Rock and Recycle, which is currently seeking permits from the County to operate. Reliance upon a single potential shipper to “make or break” the financial viability of the short haul rail line is risky.

Department Discussion

There are multiple positive impacts of retaining this rail line that could lead to preservation of jobs in the County and potentially lead to future job and economic growth in the County. Rail provides a cleaner means of transportation of goods and would offer businesses a transportation method that is potentially less expensive than truck. However, the issues involved in trying to save this line are numerous and present significant challenges.

During the past several years there has been a steady decline in the use of the rail line. Fees have increased by over 200% and SJVR has stopped marketing the availability of the rail. Maintenance of the segment has been lacking and there are several stretches of the rail that are in dire need of repair. SJVR had planned to abandon the line and scrap the metal.

The CSUF Feasibility Study offers an outline of potential ways the rail line could potentially survive. San Joaquin Valley Rail has had difficulty in making the operation of the line profitable. The study shows currently there are four past shippers on the line that had an estimated 480 railcar shipments per year. However, it was determined in the feasibility study that near 2,442 shipments would be required to the costs of operation of the line. In a status quo scenario the rail from Jovista to Fresno would have a net operating loss of almost \$700,000. The study does show potential customers near the rail that would most likely use the service and could potentially increase shipments to breakeven on operating costs or incur a gain, the feasibility shows a maximum potential of over 6,480 shipments annually. Even with this potential, it will take significant effort on the part of a rail operation to achieve 2,442 railcar shipments per year.

The study identifies the condition of the rail line in many segments as in dire need of repair. At the current time there would be no possibility of passenger rail on the track due to the poor condition. Some segments have a smaller size rail that is in need of replacement in order to handle heavier and faster transportation; currently some portions only allow speeds of no more than 10 miles per hour. In current condition a short line rail operator may not see this rail line as financially feasible and due to the slow speeds allowed during almost 70 miles of line businesses may not view this mode of transportation as efficient.

Three revenues sources make up the main portion of a rail line operation 1) Freight charges for railcar movement is the primary source of revenue 2) Storing rail cars owned by private shippers on unused track 3) Railcar hire and demurrage (compensation for railcar downtime due to loading and unloading). It is the first source of revenue that is hindered from slow speeds and uncertainty about the track condition.

In the past couple of years there has been some interest in taking over the rail or purchasing the rail from SJVR/Rail America, however, Patriot Rail, a short line railroad company, had a sale offer declined by Rail America. Rail America contends that the main reason for the pursuing abandonment of the segment is due to a decrease in shipping translating to an operating loss. With Rail America taking an uncooperative stance on transfer of the railroad the report identifies "Any new short line railroad operating the railroad line from Jovista to List (Tulare County) would be at the mercy of Rail America because they own the track that links the SJVR to Fresno and also connecting track to Hanford". Staff sees this as a major hurdle to overcome.

Several options for preserving the line are currently being considered:

Option 1: Purchase Option

- TCAG would purchase rail line and contract out for operation
- Future in full control
- Liability is more burdensome to TCAG, potential losses would be on TCAG
- Portion of revenues could be retained

Option 2: Subsidized Repair

- Other party to purchase rail and operate
- TCAG would assist in repair funding (help obtain Federal and State grants)
- Limited partial control on the line (usage of line and future control if operation stops)
- same as Cross Valley Rail Joint Powers Authority on line from Visalia to Huron
- 'Best' option according to Feasibility Study

Option 3: Purchase Facilitation

- Facilitate purchase of the line
- Create incentives for a new operator to purchase the line
- Create burden to be imposed on scrapping of the line
- No control on the future of the line

Option 4: Business Partnership Option

- TCAG would pursue business partnership with a railroad operator
- TCAG would have partial control on future of the line
- Operator may find this attractive with government support
- Some revenues could be retained

The CSUF Feasibility Study identifies Option 2 above as the most feasible alternative for TCAG to work towards. This alternative is similar to the Cross Valley Rail Corridor Joint Powers Authority (CVRC JPA) that was established to improve the short line rail corridor extending from Visalia to Huron in Fresno County. A Congestion Mitigation and Air Quality Improvement grant was awarded to the CVRC JPA in order to repair and improve the line for more effective and efficient use and possible future passenger transport. The Cross Valley Rail Corridor was in similar condition to the East Tulare County Rail Line and with the assistance of grants it has been upgraded and is serving businesses from Visalia to Huron. The CVRC JPA initially formed by Huron, Lemoore and Visalia, and recently adding Hanford, currently has very little involvement with the rail line besides annual monitoring of the corridor and has no involvement with the operation of the line. However, if at some point the owner/operator does stop doing business on the rail line the CVRC JPA would have last rights to preserve the line.

There are many challenges facing the survival of this line and the benefits to be gained from its preservation could help in maintaining and creating jobs in the County that will help the region's depressed economic condition. The existence of Union Pacific's line that runs from Bakersfield to Fresno in the western part of the County near Visalia and Tulare does insure that Tulare County has north/south rail service. If efforts to preserve the eastern line fail, costs of trucking from the eastern portion of the County to the Union Pacific line most likely would be feasible for eastern County businesses to transport their goods a relatively short distance to a transportation facility that could provide long distance rail transport.

Prior Council/Board Actions:

n/a

Committee/Commission Review and Actions:

n/a

Alternatives:

n/a

Attachments:

Map 1: Rail in Tulare County

Map 2: Rail Lines in the San Joaquin Valley

Tulare County Short Line Railroad Feasibility Study by Fresno State Craig School of Business MBA Program

Recommended Motion (and Alternative Motions if expected):

Council express its support for TCAG efforts to preserve the Short Line, contingent upon separate grants or other project specific funding sources being utilized for project expenditures and stipulate that no Measure R funds or monies that support Measure R projects be applied to the project.

Environmental Assessment Status

CEQA Review: N/A

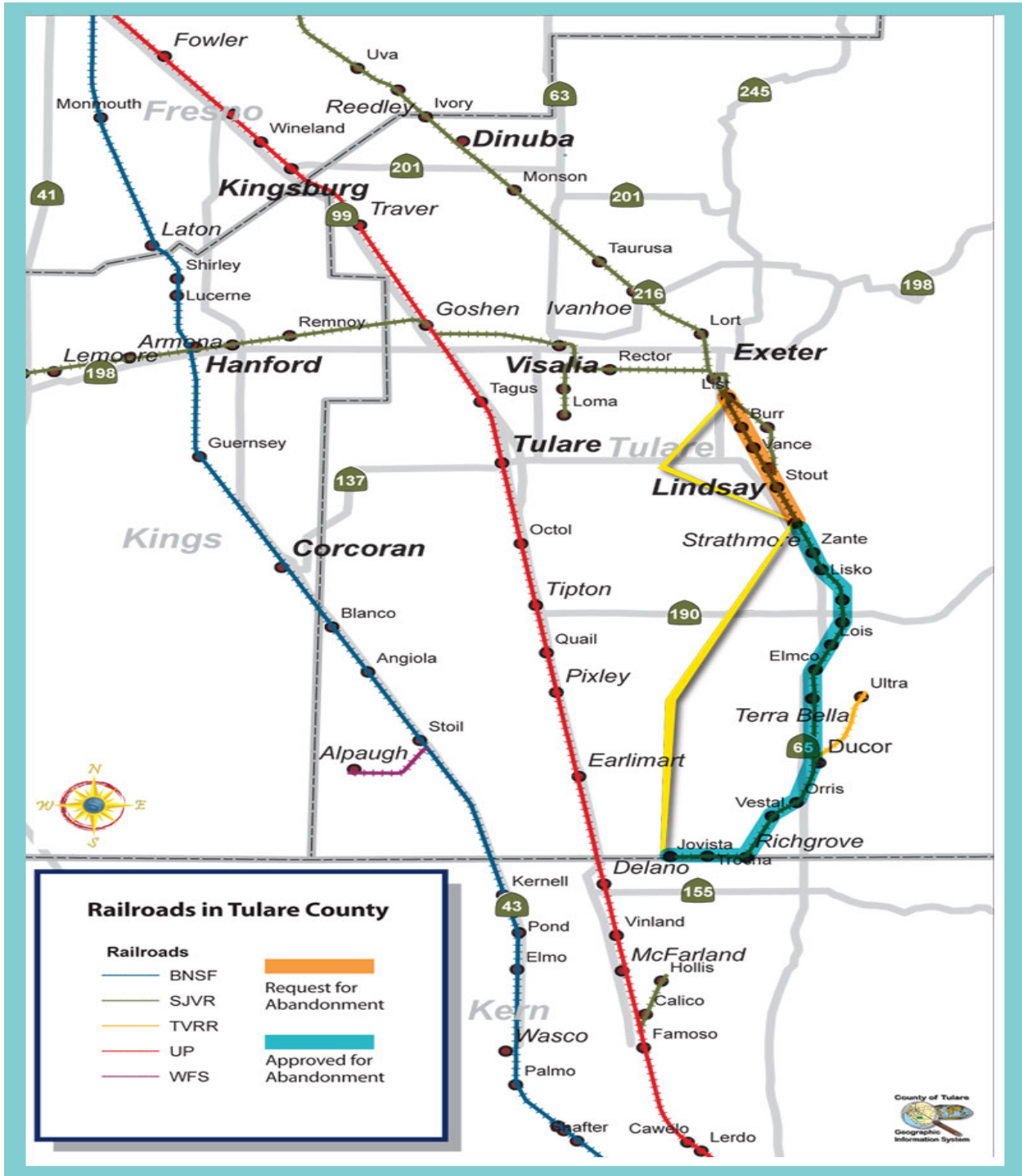
NEPA Review: N/A

Tracking Information: (*Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date*)
none

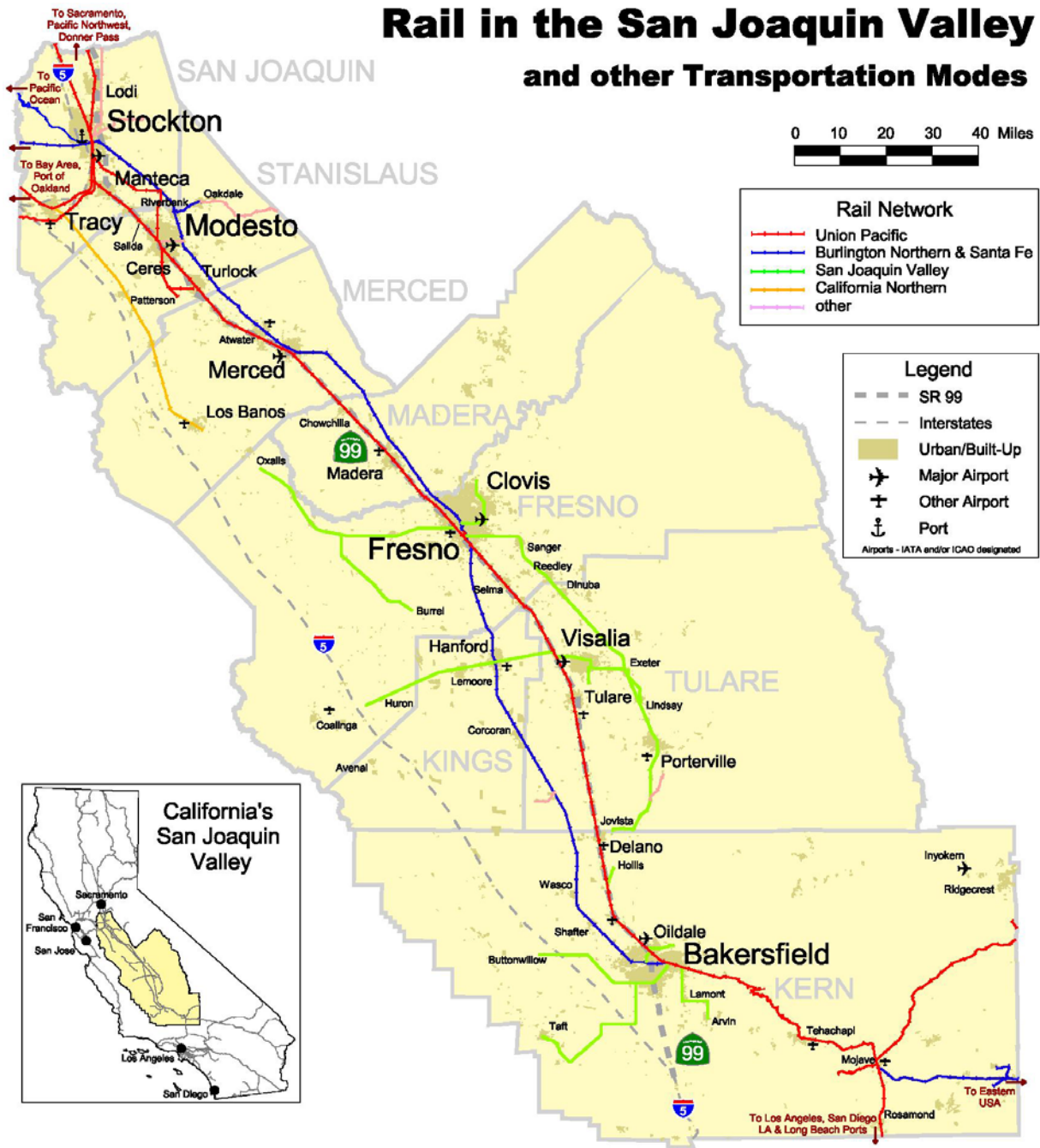
Copies of this report have been provided to:

n/a

Map 1: Rail in Tulare County



Map 2: Rail Lines in the San Joaquin Valley



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 |
| Subtotal Revenues | \$133,600,000 | \$153,253,000 | \$153,253,000 |
| 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 |
| Subtotal Expenditures | \$132,720,000 | \$132,720,000 | \$137,720,000 |
| Remaining | \$880,000 | \$20,533,000 | \$15,533,000 |

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: August 17, 2009

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Receive the 2009 Public Opinion Survey report

Deadline for Action: None

Submitting Department: Citizen Advisory Committee and Administrative Services

Contact Name and Phone Number: Nyla Hallum, CAC Public Opinion Survey Subcommittee Chair, 636-2775, Eric Frost, Administrative Services Director, x4474

Department Recommendation: Receive CAC Public Opinion Survey (POS) report.

Summary/background: The Citizens Advisory Committee is charged by Council to conduct a Public Opinion Survey (POS). In the past, the survey has been conducted via telephone. However, the Council and the CAC have felt that the survey in recent years was not reaching certain portions of the City's population, namely younger individuals, minority populations and residents north of 198, possibly due to the fact more people use cell phones and the phone list the City can obtain only includes land line telephones.

This year, the CAC selected four different supermarket chains to conduct their "in-person" surveys. To help in diversifying the sample and promote geographic balance, supermarkets were selected from each quadrant of the city.

Strong improvements were made in capturing more diverse sample, more closely matching 2005-2007 Census data demographics:

Age

| | *US Census for 2005-2007 polled the city of Visalia at: | 2009 Public Opinion Survey | Difference |
|-------------|---|----------------------------|------------|
| 55 and Over | 28% | 31% | -3% |
| 35 to 54 | 35% | 40% | -5% |
| 20 to 34 | 36% | 29% | 7% |

ETHNICITY

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.

2009 Public Opinion Survey

2008 Public Opinion Survey

Hispanic or Latino

26%

Hispanic or Latino

16%

* A 10% increase in Hispanic or Latino survey respondent participation and a 63% increase in participation from last year.

Efficiency of the survey was improved due to the new on-site face-to-face process involved. Getting respondents consent to participate was less time consuming than in years past. This year, the average survey taker gathered 8 surveys per hour. In the past, the average was 2 surveys per hour.

This year's POS had reduced sample size of 271 from 400 respondents. Thus, the error rate increased from +/- 5% to +/- 6%. Nonetheless, the survey methodology proved to be successful in capturing respondents that better reflected census data.

Overall survey data hasn't dramatically been impacted due to change in demographics. Even though past surveys had areas skewed in reflecting census data, the reports still held value in assisting to capture the opinion of Visalia residents. The CAC will continue to use "in person" surveys and will be looking to expand to respondents through on-line surveys.

On page 24 of the survey are a number of open ended questions to such questions as:

- In your opinion, what do you think the focus of City services should be?
- If you could add one thing to Visalia to improve our quality of life, what would that be?

Most telling, however, is that despite changes in methodologies, Visalians believe their town is a good place to live, with 97% stating the quality of life was Very High, High or Average.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected): Approve the proposed 2009 Citizens Advisory Council Public Opinion Survey.

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:

Public Opinion Survey



2008/2009

Conducted By:

The Citizens Advisory Committee

Spring 2009

Acknowledgements

The Citizens Advisory Committee, appointed by the City Council, is a group of individuals of various ages and interests bound together by their concern for Visalia. The committee's mission is to be an advocate and informed voice for the community and an active resource for City Council and staff. The committee prioritizes local issues and concerns and develops recommendations that will affect the future of Visalia. This Public Opinion Survey is produced annually by the committee.

The City of Visalia appreciates the Citizens Advisory Committee members, City staff, and other volunteers for their generous help in completing this survey and analyzing the results.

CITIZENS ADVISORY COMMITTEE

Dirk Holkeboer, Chairman-Citizens Advisory Committee

Matthew Ainley
Sylvia Baggs
Diane, Biehle
Lois Bollinger
Chris Gomez
Nyla Hallum
Nathan Hernandez

Betty McNutt
Phil Mirwald
Donna Orozco
George Ouzounian
George Shelton Jr.
David Wheeler

PUBLIC OPINION SURVEY SUBCOMMITTEE

Nyla Hallum, Chair
Betty McNutt
Phil Mirwald

George Ouzounian
Dave Wheeler
George Shelton Jr.

SURVEY VOLUNTEERS

Kari Blofsky
Tim Fosberg
Dale Frost

Eric Frost
Renee Nagel

CITY OF VISALIA STAFF

Eric Frost, Finance Director
Stephen Puerner, Finance Intern

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Introduction

Background

The City of Visalia strives to improve the quality of services that it provides to its citizens and identifies key areas to focus on to make Visalia a great place to live. In response to the necessary changes Visalia is undergoing, feedback from the community is needed. The Public Opinion Survey is intended as a basic guide to measure the public concerns such as public works, public safety, and recreational activities, to name a few.

This year the Citizens Advisory Committee (CAC) changed the method on how public opinion survey was conducted. In past years, the CAC used telephone banks exclusively to conduct the survey. Last year’s survey utilized current residential telephone lists, which included telephone listings for rental units. Pervious surveys included high concentrations of elderly residents, which didn’t coincide with census data. Times have changed and a substantial number of residents either don’t have a residential land line or use their cell phone as a primary means of communication.

To compensate for this societal shift, the CAC piloted a new “in person” approach to conduct the public opinion survey. This year, the CAC selected four different supermarket chains to conduct their “in-person” surveys. To help in diversifying the sample and promote geographic balance, supermarkets were selected from each quadrant of the city.

Strong improvements were made in capturing more diverse sample, more closely matching 2005-2007 Census data demographics:

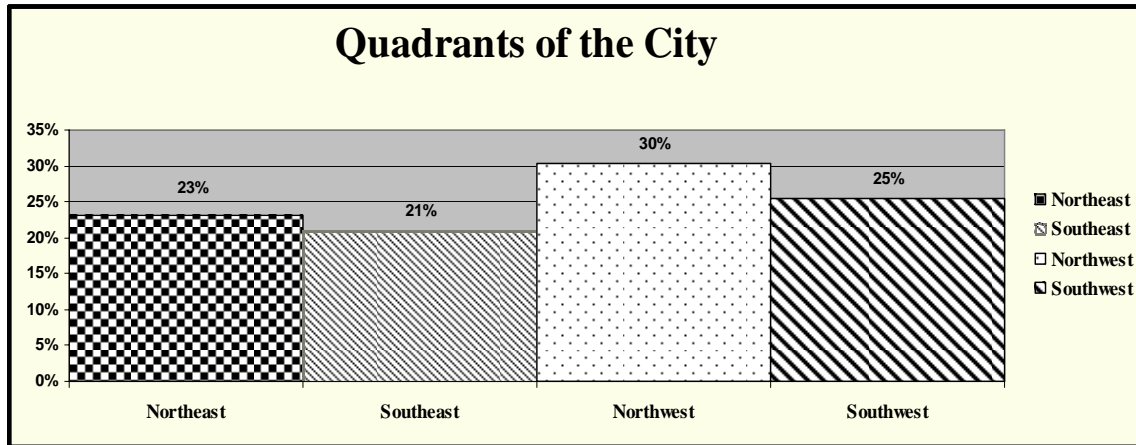
Ethnicity:

| 2009 Public Opinion Survey | | 2008 Public Opinion Survey | | Difference |
|----------------------------|-----|----------------------------|-----|------------|
| Hispanic or Latino | 26% | Hispanic or Latino | 16% | 10% |

Age:

| *US Census for 2005-2007 | | 2009 POS | | Difference |
|--------------------------|-----|-------------|-----|------------|
| 55 and Over | 28% | 55 and Over | 31% | -3% |
| 35 to 54 | 35% | 35 to 54 | 40% | -5% |
| 20 to 34 | 36% | 20 to 34 | 29% | 7% |

Quadrants:



Along with other improvements in conducting surveys on site was the valuable face-to-face interaction with citizens who took their time to take the survey. In the past, phone calls placed an inconvenience to citizens not looking to respond to a survey. Face-to-face contact provided respondents a comfort level that they could trust.

Efficiency of the survey was improved due to the new on-site face-to-face process involved. Getting respondents consent to participate was less time consuming than in years past. This year, the average survey taker gathered 8 surveys per hour. In the past, the average was 2 surveys per hour.

This year's survey was conducted in spring 2009, POS content reflected citizen's opinions about the City of Visalia year in areas of quality of life, safety, and services. Questions of concern for Civic center, traffic flow, and downtown improvements were included, along with open ended questions that will help aid in how the City of Visalia can better focus services and improve the overall quality of life. Surveys were collected from each of the four quadrants of the city. All hard copies surveys were transferred into an excel spreadsheet. Response information to questions on the survey were tallied and used to prepare different charts/graphs. An excel file was sent to Qualtrics, a process survey company, whose software tools allowed us further cross analysis of survey data.

Some bias may exist due to selection of specific grocery stores and dates selected to hold the surveys. This year's POS had reduced sample size of 271 from 400 respondents. Thus, the error rate increased from +/- 5% to +/- 6%. Nonetheless, the survey methodology proved to be successful in capturing respondents that better reflected census data. Improvements in gathering a more diverse survey sample were also visible as exemplified by increases in quadrants represented and increased participation by minorities.

Summary Highlights

A majority of respondents felt that the City of Visalia provides a great place safe to live and offers a high quality of services based on the follow summary highlights. And this year significant improvements were made in balance of survey demographics. Despite changes in demographics, many results were similar to previous year's data.

Quality of Life:

(Possible answers: Very High, High, Average, Low, & Very Low)

97% of respondents felt the overall quality of life in Visalia is Average to Very High.
58% of those respondents answered High to Very High.

Fire Services:

(Possible answers: Excellent, Good, Average, Poor, Very Poor, & No opinion)

89% of the 55 respondents who had contact with Fire Department, felt the quality of services were Good to Excellent.
95% of respondents from the Northeast rated the Fire Department as having Good to Excellent services.

Road Maintenance:

49% of respondents selected maintenance over park maintenance, traffic signs and signals, recreation activities, and other as most essential services besides Police and Fire Department. Overall importance of road maintenance increased by 11% from last year's survey.

Enhancing Downtown:

94% of respondents felt that the importance of enhancing downtown is Average to Very High. Overall each quadrant felt enhancing downtown had importance, but respondents from the Northeast felt slightly stronger with 79% of respondents rating it High to Very High.

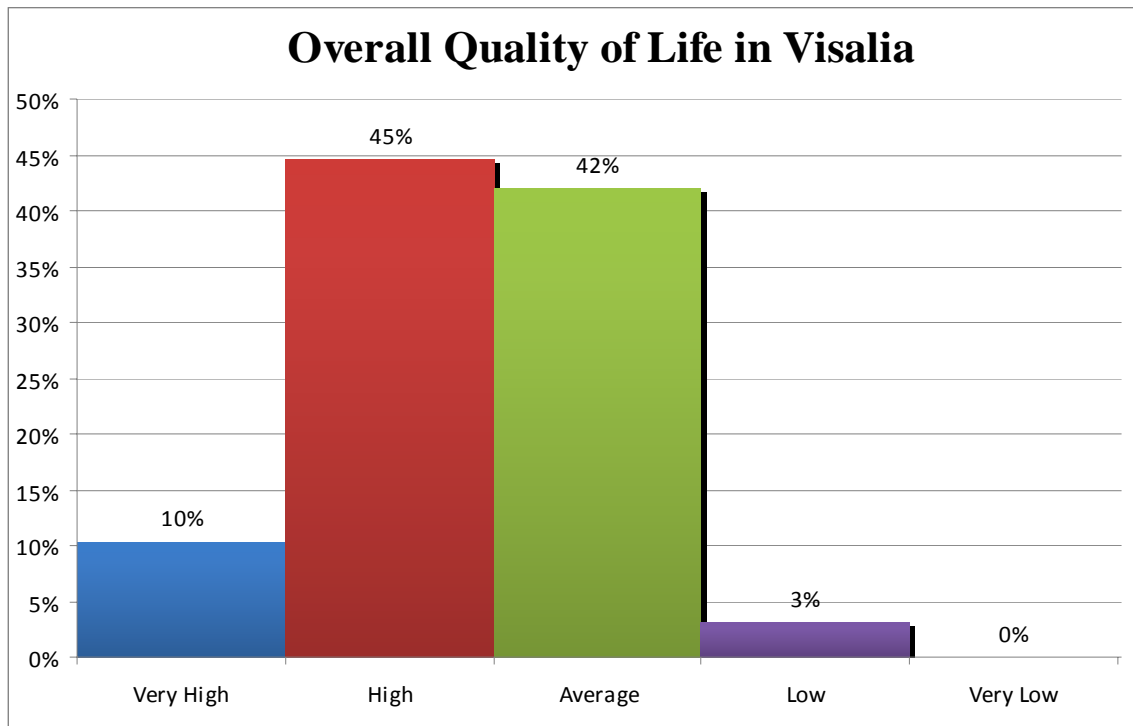
Moving Downtown:

42% of respondents would consider moving above an existing Main Street business, if community improvements continued downtown.

The remainder of the report provides information on each survey question. The open ended answers are found on page 24. An example of the survey is found on page 36.

Quality of Life

#19 Taking all things into consideration, how would you rate the overall quality of life in Visalia?



| Year-To-Year | | | | | |
|--------------|------|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very High | 21% | 18% | 20% | 28% | 10% |
| High | 56% | 51% | 49% | 48% | 45% |
| Average | 19% | 27% | 26% | 22% | 42% |
| Low | 3% | 2% | 3% | 2% | 3% |
| Very Low | 1% | 1% | 2% | 0% | 0% |

Overall the majority of respondents 45% felt their quality of life is high and this year we saw a shift in respondents from Average to the Very High level. This shift could be a result of last year's economical crisis that has carried onto this year. Despite the economical hardships placed on many respondents overall 97% felt that quality of life was at least Average to Very High.

2008 Significant Demographics

| Quadrants | | | | | |
|-----------|-----------|-----------|-----------|-----------|--|
| | Northeast | Southeast | Northwest | Southwest | |
| Very High | 17% | 6% | 9% | 10% | |
| High | 36% | 62% | 34% | 53% | |
| Average | 42% | 25% | 56% | 37% | |
| Low | 5% | 8% | 1% | 0% | |
| Very Low | 0% | 0% | 0% | 0% | |

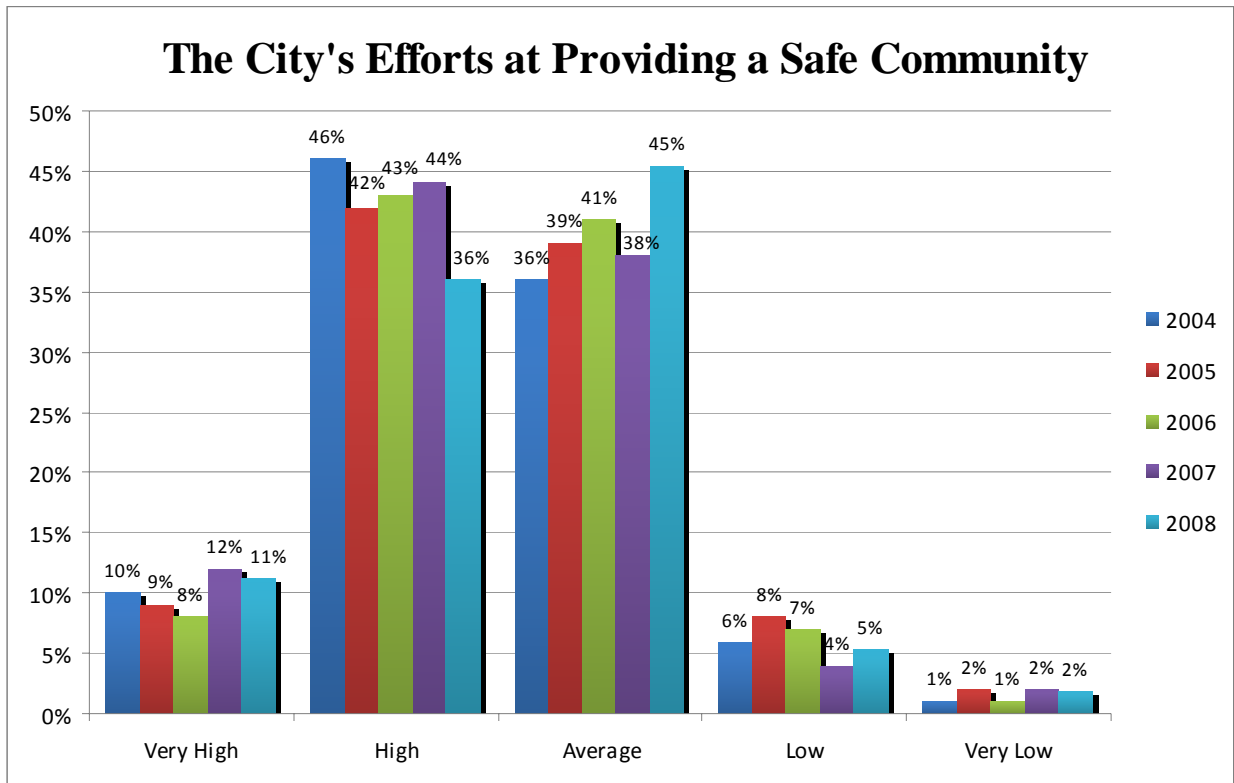
| Income | | | | | |
|-----------|-----------------|---------------|---------------|----------------|-----------------|
| | Less than \$15k | \$15k - \$40k | \$40k - \$70k | \$70k - \$100k | \$100k and over |
| Very High | 5% | 8% | 13% | 7% | 16% |
| High | 29% | 46% | 52% | 43% | 43% |
| Average | 57% | 44% | 32% | 47% | 41% |
| Low | 10% | 2% | 3% | 4% | 0% |
| Very Low | 0% | 0% | 0% | 0% | 0% |

| Age | | | |
|-----------|--------|-------|-------------|
| | 18 -34 | 35-54 | 55 and over |
| Very High | 9% | 11% | 10% |
| High | 42% | 46% | 45% |
| Average | 46% | 40% | 41% |
| Low | 3% | 3% | 4% |
| Very Low | 0% | 0% | 0% |

Further analysis reveals that the Southeast and Southwest had the highest concentration of Very High/High at 68% and 63% respectively than other quadrants of the city. Income groups in 40-70k and 100k+ had the highest concentration of Very High/High with 65% and 59% respectively. Overall age groups are evenly distributed in how they view quality of life in Visalia.

Safety Rating

2 *How do you rate the City's efforts in providing a safe community?*



Overall the 47% of respondents felt that the city efforts in providing a safe community are High to Very High. This year matched up with respondents from years past other than a shift of about 7% from the High to Average level.

2008 Significant Demographics

| Income | | | | | | |
|-----------|-----------------|-----------------|---------------|----------------|-----------------|------------------|
| | Less than \$15k | \$15k- \$40k | \$40k - \$70k | \$70k - \$100k | \$100k and over | Decline to State |
| Very High | 10% | 11% | 10% | 11% | 16% | 8% |
| High | 24% | 31% | 50% | 34% | 31% | 46% |
| Average | 52% | 49% | 36% | 53% | 48% | 23% |
| Low | 14% | 6% | 2% | 2% | 3% | 15% |
| Very Low | 0% | 4% | 2% | 0% | 2% | 8% |

Respondents with income level of \$40-70k rated the city efforts in providing a safe community at 60%. The lowest cumulative rating at 34% for Very High and High was the less than 15k income level. This group also had the lowest cumulative below average rating of 14%.

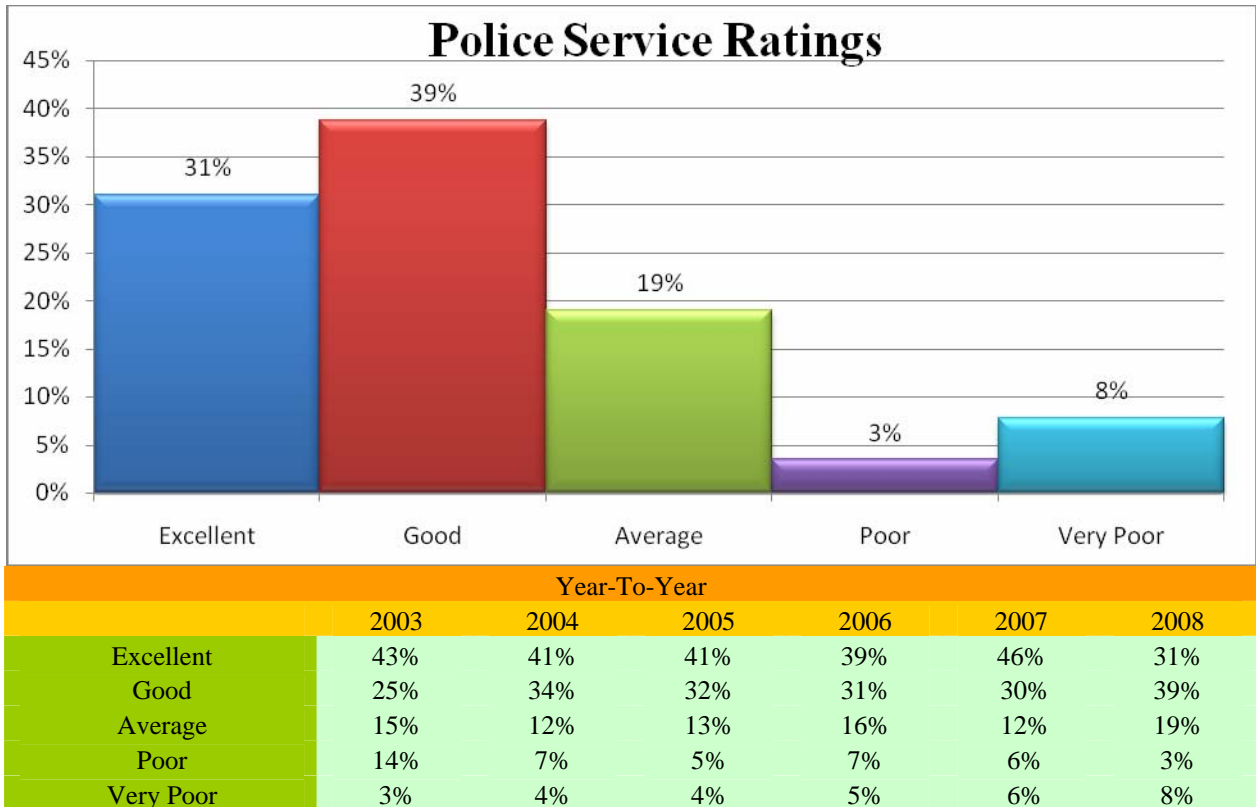
| Quadrant | | | | |
|-----------|-----------|-----------|-----------|-----------|
| | Northeast | Southeast | Northwest | Southwest |
| Very High | 16% | 7% | 8% | 15% |
| High | 34% | 38% | 42% | 31% |
| Average | 40% | 51% | 43% | 46% |
| Low | 8% | 0% | 6% | 6% |
| Very Low | 2% | 4% | 1% | 2% |

All quadrants of the city ranked in between 45% and 50% that the city efforts were High to Very High in providing a safe community. The quadrant with the highest below Average rating at 10% was in the Northeast quadrant.

Public Safety Services

3a *How would you rate the service you received?*

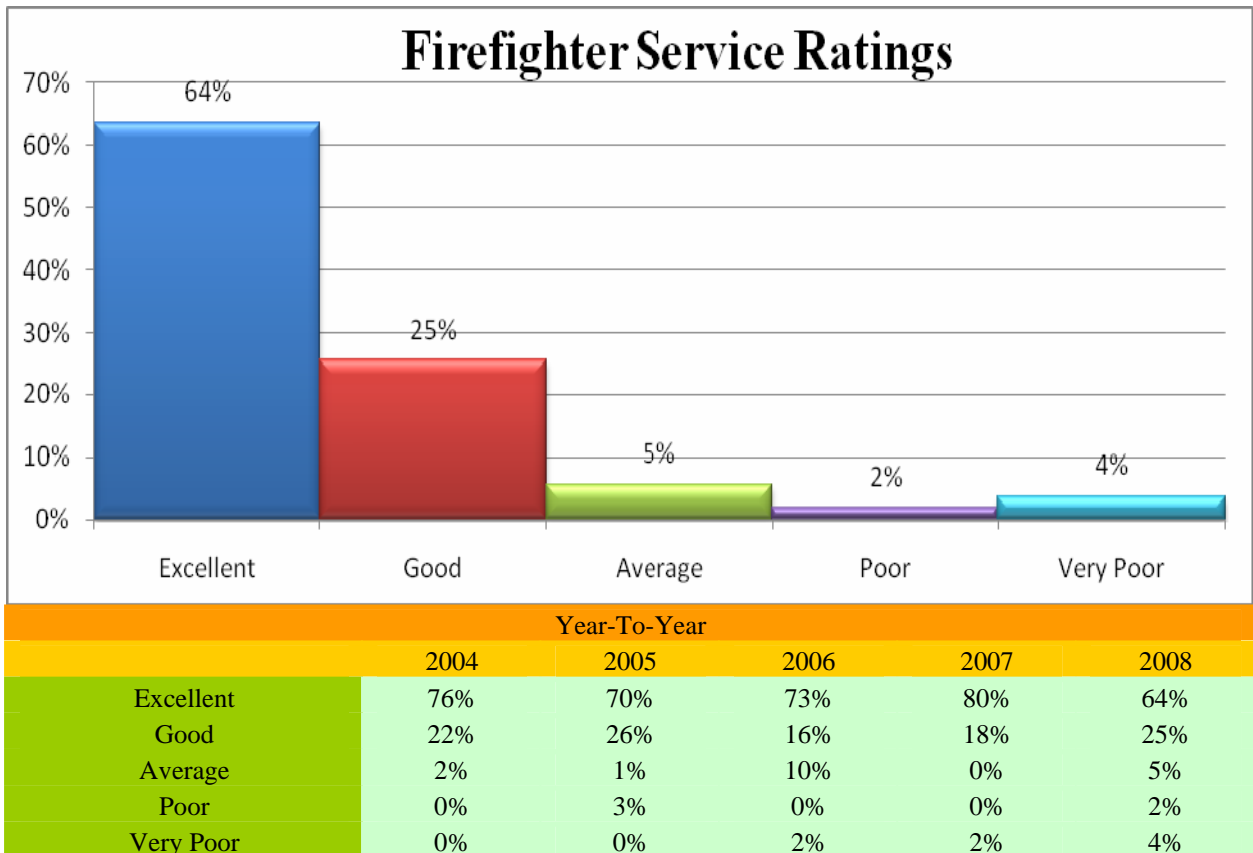
(For those who had contact with Visalia police department in the past year was asked to answer the above question.)



Of the 43% of respondents who had contact with the Police, 89% of them rated the police services as Average to Excellent. 58% respondents in the survey rated police services as Good to Excellent.

#4a *How would you rate the service you received?*

(For those who had contact with Visalia fire department in the past year was asked to answer the above question.)



Of the 55 respondents who had contact with the fire department they rated there services at 89% Good to Excellent. This is a slight decrease from last year by 9%, but may be due to the fact that only 20% respondents had contact with firefighter services.

2008 Significant Demographics FireFighter Services

| Quadrant | | | | |
|-----------|-----------|-----------|-----------|-----------|
| | Northeast | Southeast | Northwest | Southwest |
| Excellent | 53% | 64% | 62% | 88% |
| Good | 33% | 18% | 33% | 0% |
| Average | 7% | 9% | 5% | 0% |
| Poor | 0% | 0% | 0% | 12% |
| Very Poor | 7% | 9% | 0% | 0% |

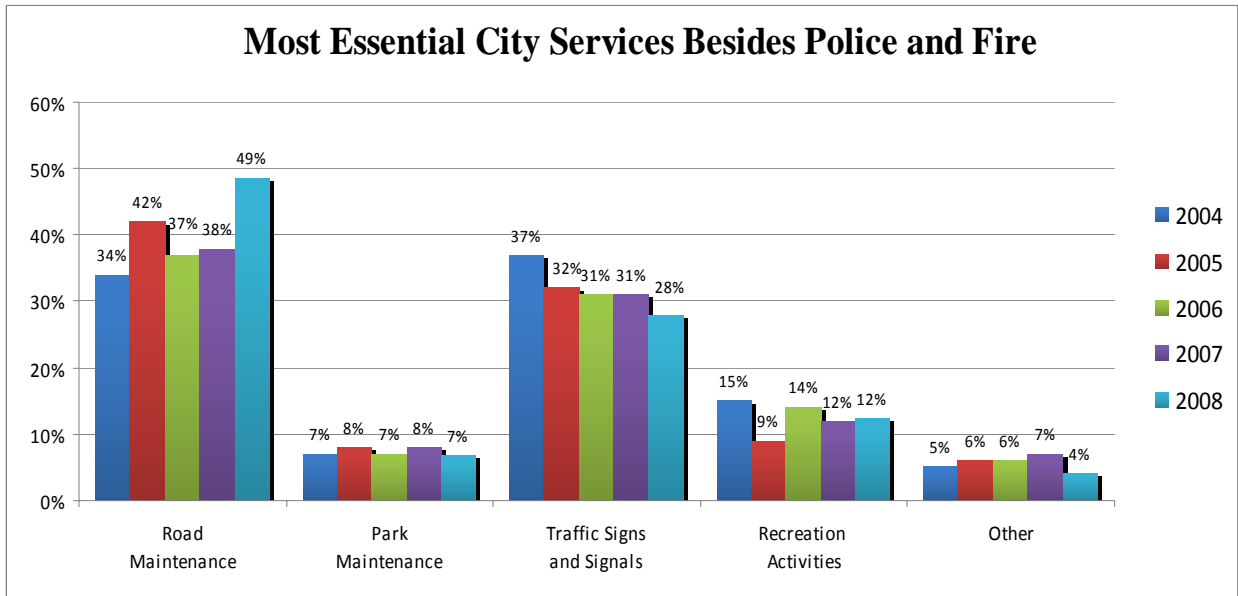
Overall the Northwest had the highest cumulative of Good to Excellent rating with 95% and the Southwest had the highest Excellent rating of 88% for firefighter services.

| Homeownership | | | |
|---------------|-----|------|-------|
| | Own | Rent | Other |
| Excellent | 68% | 60% | 75% |
| Good | 18% | 40% | 25% |
| Average | 5% | 0% | 0% |
| Poor | 3% | 0% | 0% |
| Very Poor | 4% | 0% | 0% |

Home owners were most concerned with the service provided with cumulative 7% rating below Average than those who rent or who marked other.

Quality of Services

#5 What do you consider the most essential City services besides Police and Fire departments?

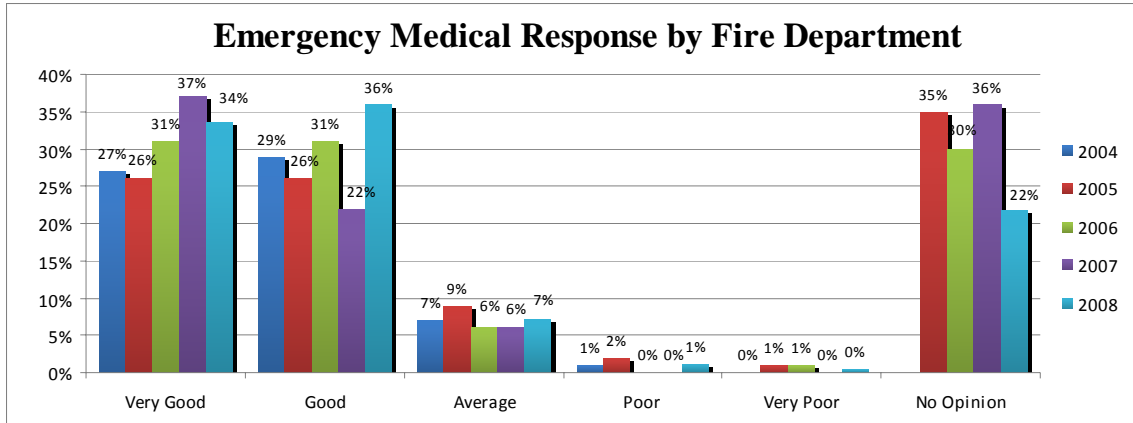


| | Road Maintenance | Park Maintenance | Traffic Signs and Signals | Recreation Activities | Other |
|------|------------------|------------------|---------------------------|-----------------------|-------|
| 2004 | 34% | 7% | 37% | 15% | 5% |
| 2005 | 42% | 8% | 32% | 9% | 6% |
| 2006 | 37% | 7% | 31% | 14% | 6% |
| 2007 | 38% | 8% | 31% | 12% | 7% |
| 2008 | 49% | 7% | 28% | 12% | 4% |

Respondents in the survey showed more concern for Road Maintenance making it the most essential service besides Police and Fire at 49%. This is up 11% from last year's survey.

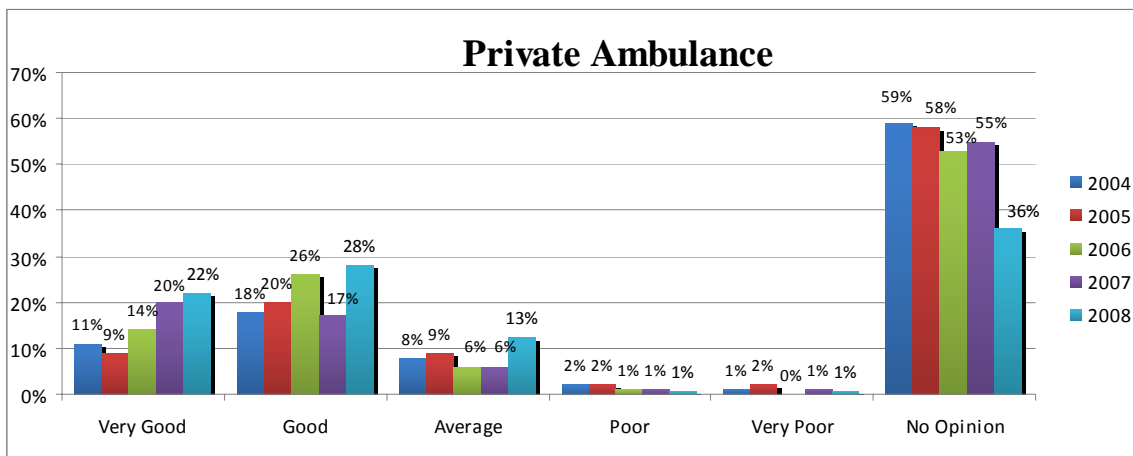
#6 How do you rate the quality of the following services in Visalia?

(1)



Emergency medical response by fire department had an increase of 11% in Very Good to Good from 2007. Overall all emergency services by fire department improved last year.

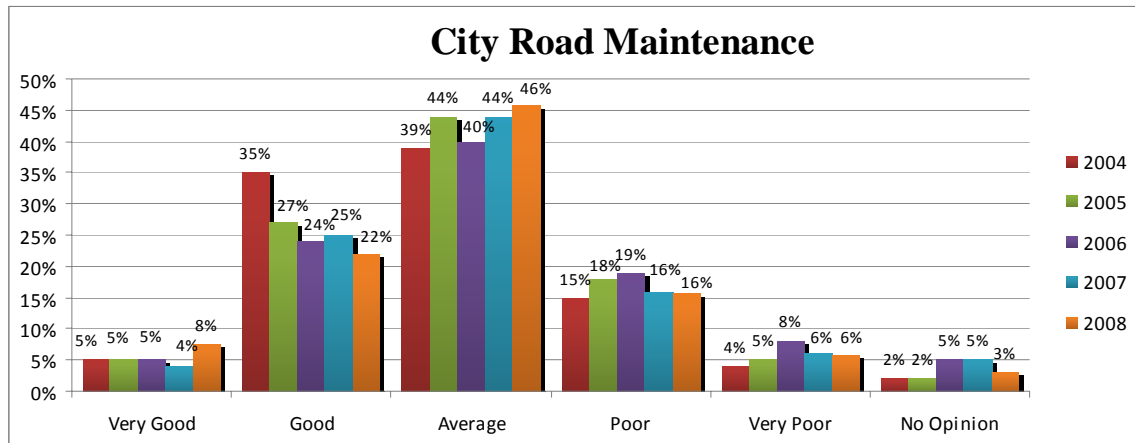
(2)



| | Year-To-Year | | | | |
|------------|--------------|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 11% | 9% | 14% | 20% | 22% |
| Good | 18% | 20% | 26% | 17% | 28% |
| Average | 8% | 9% | 6% | 6% | 13% |
| Poor | 2% | 2% | 1% | 1% | 1% |
| Very Poor | 1% | 2% | 0% | 1% | 1% |
| No Opinion | 59% | 58% | 53% | 55% | 36% |

Private ambulances improved their quality of services by 18% in the Average to Good rating.

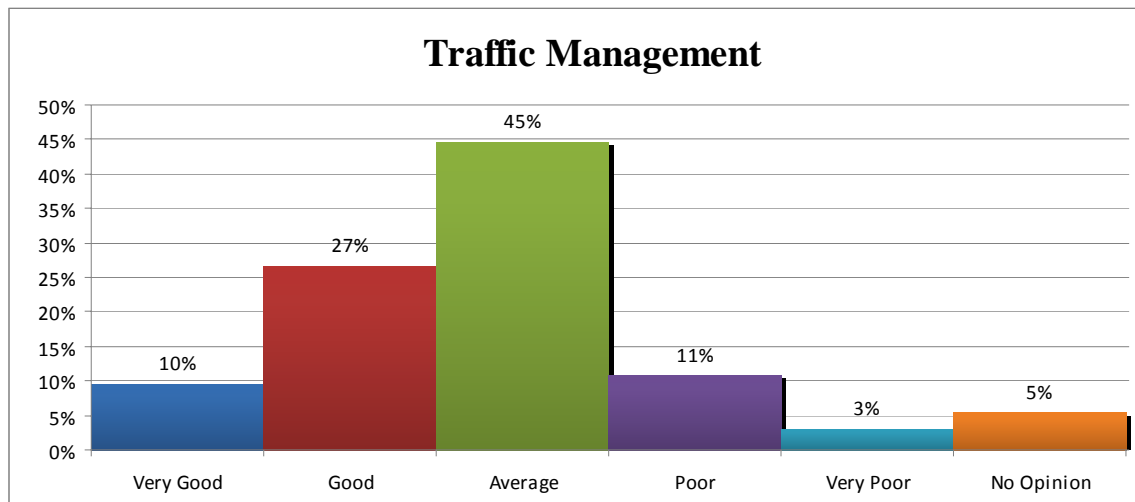
(3)



| Year-To-Year | | | | | | |
|--------------|------|------|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 7% | 5% | 5% | 5% | 4% | 8% |
| Good | 41% | 35% | 27% | 24% | 25% | 22% |
| Average | 35% | 39% | 44% | 40% | 44% | 46% |
| Poor | 13% | 15% | 18% | 19% | 16% | 16% |
| Very Poor | 3% | 4% | 5% | 8% | 6% | 6% |
| No Opinion | | 2% | 2% | 5% | 5% | 3% |

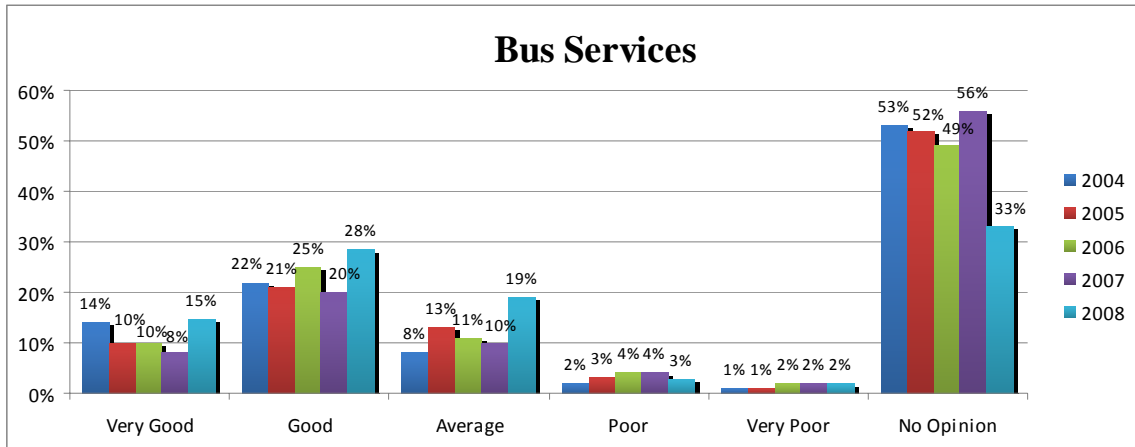
City road maintenance has stayed consistent with its quality of services in the past few years. This year respondents rated the quality of services 4% higher in the Very good range.

(4)



Respondents survey rated traffic management quality of services was 37% in the Good to Very Good range and 45% in the Average range.

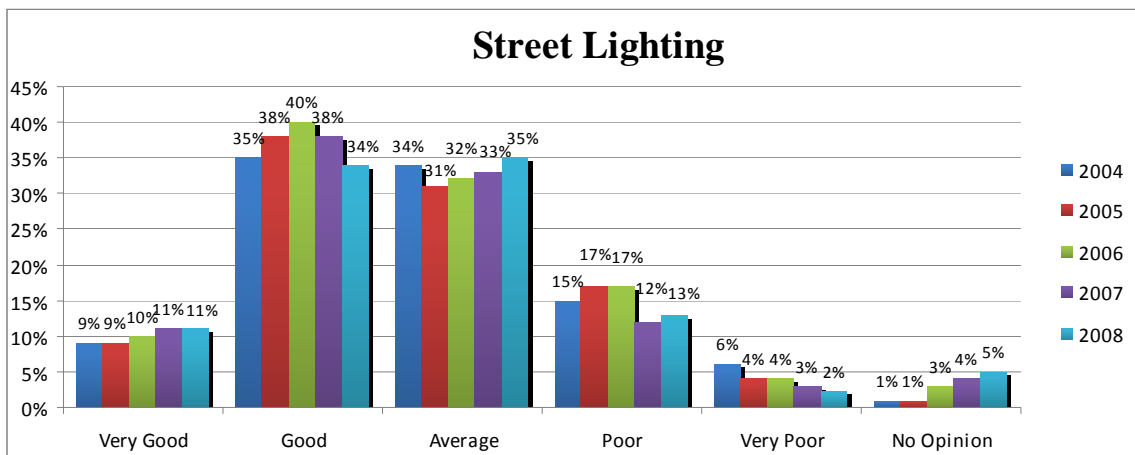
(5)



| Year-To-Year | | | | | |
|--------------|------|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 14% | 10% | 10% | 8% | 15% |
| Good | 22% | 21% | 25% | 20% | 28% |
| Average | 8% | 13% | 11% | 10% | 19% |
| Poor | 2% | 3% | 4% | 4% | 3% |
| Very Poor | 1% | 1% | 2% | 2% | 2% |
| No Opinion | 53% | 52% | 49% | 56% | 33% |

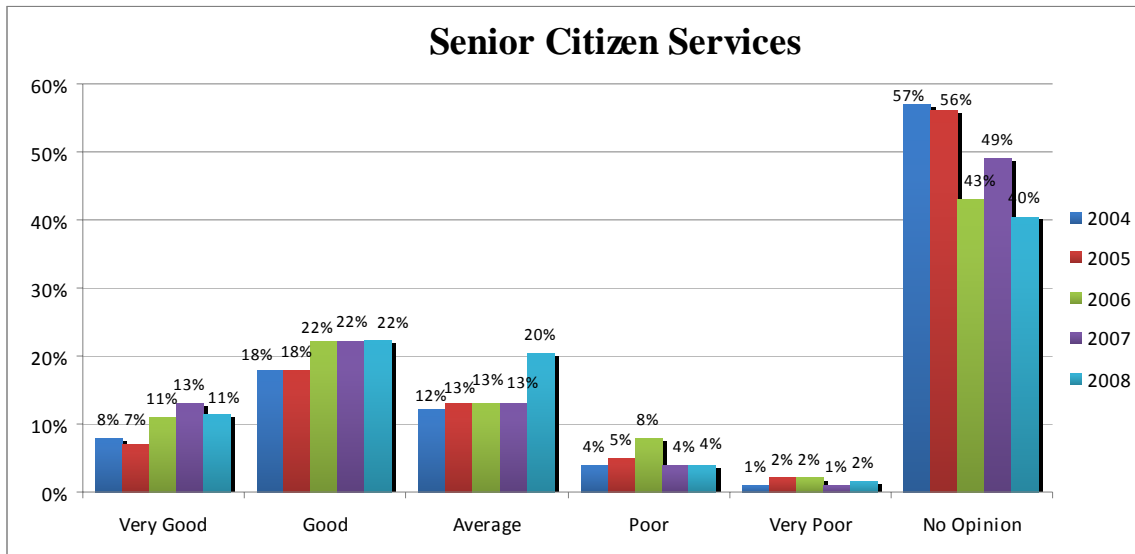
Quality of bus services in Visalia increased 15% from last year's survey and also by 9% increase in Average rating. No opinion was decreased by 23% probably due to this years sample including more respondents who used bus services.

(6)



The quality of services for street lighting didn't experience any significant changes, but a slight decrease in Good by 4%.

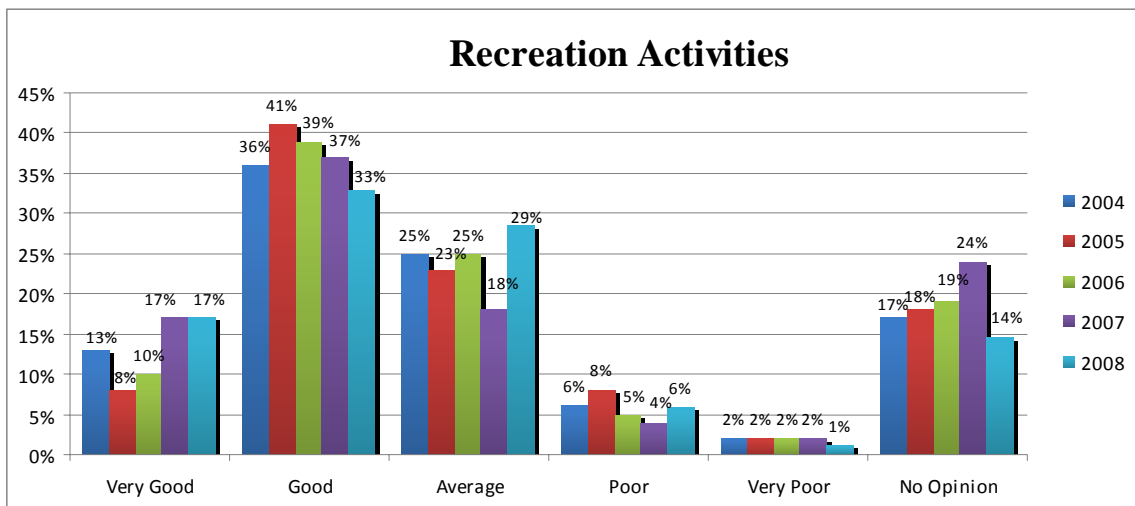
(7)



| Year-To-Year | | | | | | |
|--------------|------|------|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 20% | 8% | 7% | 11% | 13% | 11% |
| Good | 42% | 18% | 18% | 22% | 22% | 22% |
| Average | 32% | 12% | 13% | 13% | 13% | 20% |
| Poor | 5% | 4% | 5% | 8% | 4% | 4% |
| Very Poor | 1% | 1% | 2% | 2% | 1% | 2% |
| No Opinion | | 57% | 56% | 43% | 49% | 40% |

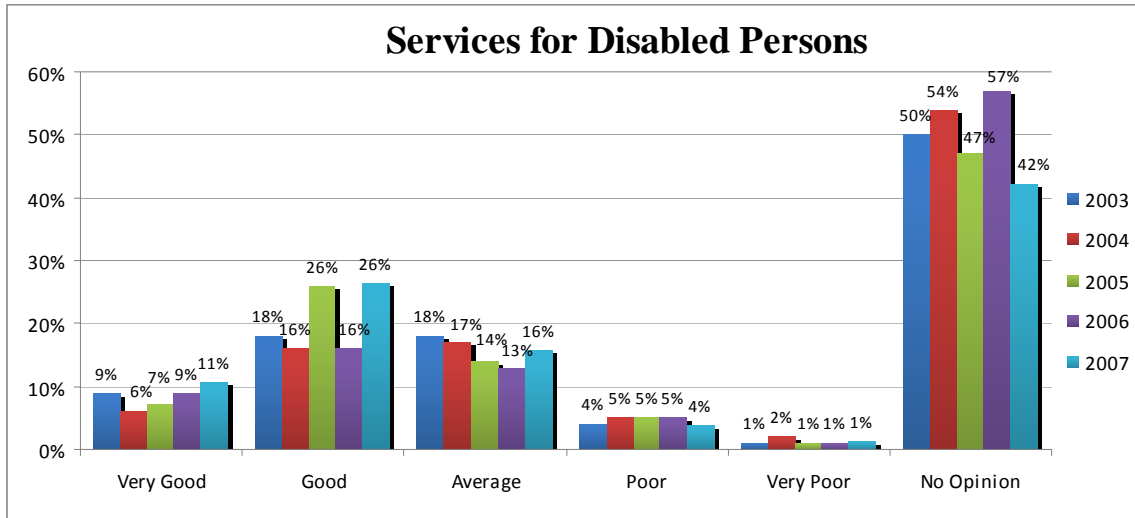
7% of respondents rated the quality senior citizens services higher in the Average rating.

(8)



Quality of services in recreational activities increased 11% in the Average rating. Overall 79% percent of respondent felt the quality of services were at least Average to Very Good.

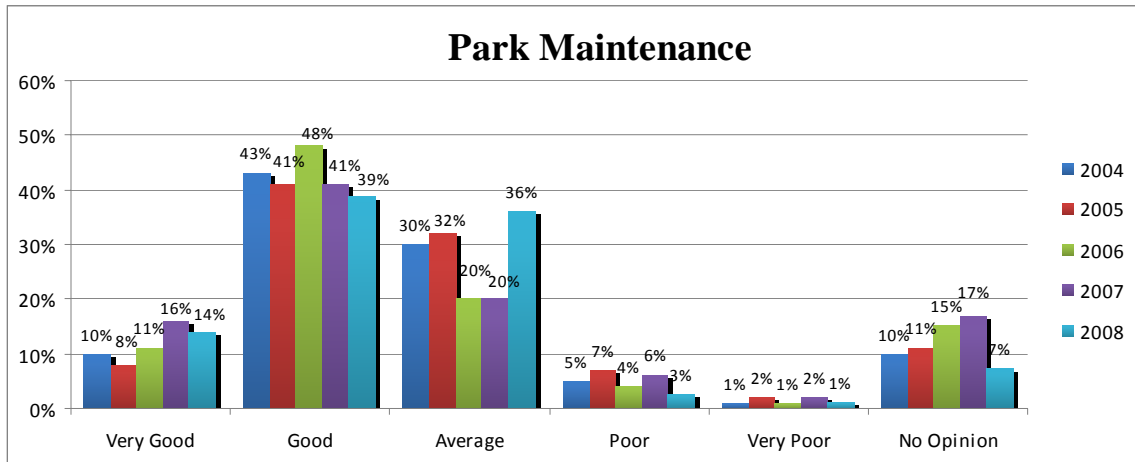
(9)



| Year-To-Year | | | | | | |
|--------------|------|------|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 10% | 9% | 6% | 7% | 9% | 11% |
| Good | 44% | 18% | 16% | 26% | 16% | 26% |
| Average | 36% | 18% | 17% | 14% | 13% | 16% |
| Poor | 8% | 4% | 5% | 5% | 5% | 4% |
| Very Poor | 2% | 1% | 2% | 1% | 1% | 1% |
| No Opinion | | 50% | 54% | 47% | 57% | 42% |

Quality of services for disabled persons increased a total of 15% from Average to Very Good. This year's survey sample decreased no opinions by 15%.

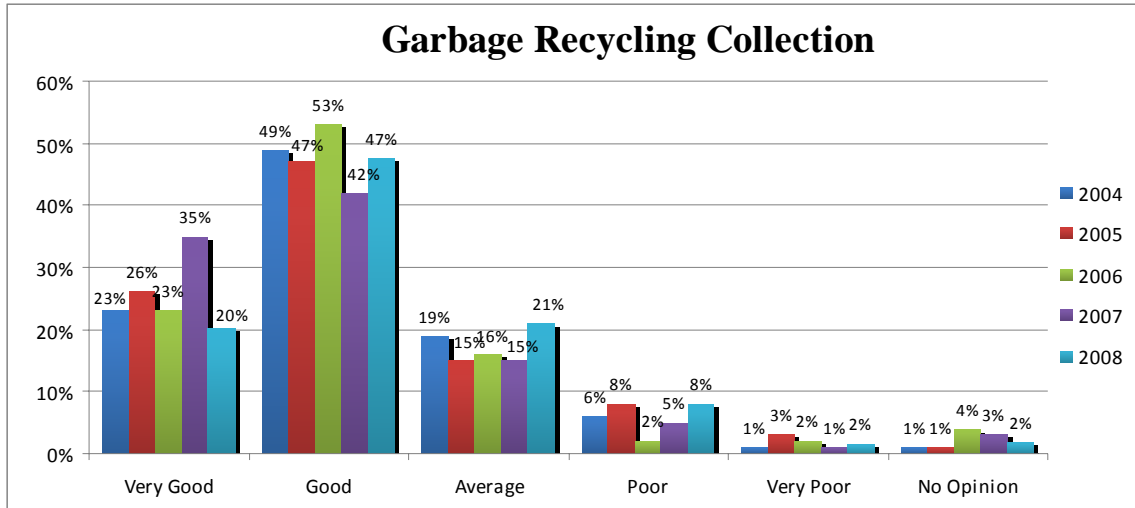
(10)



| Year-To-Year | | | | | | |
|--------------|------|------|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 19% | 10% | 8% | 11% | 16% | 14% |
| Good | 51% | 43% | 41% | 48% | 41% | 39% |
| Average | 24% | 30% | 32% | 20% | 20% | 36% |
| Poor | 6% | 5% | 7% | 4% | 6% | 3% |
| Very Poor | 1% | 1% | 2% | 1% | 2% | 1% |
| No Opinion | 0% | 10% | 11% | 15% | 17% | 7% |

Ratings for park maintenance services increased Average ratings by 16%. Overall 89% of respondents rated quality of parks maintenance at Average to Very Good.

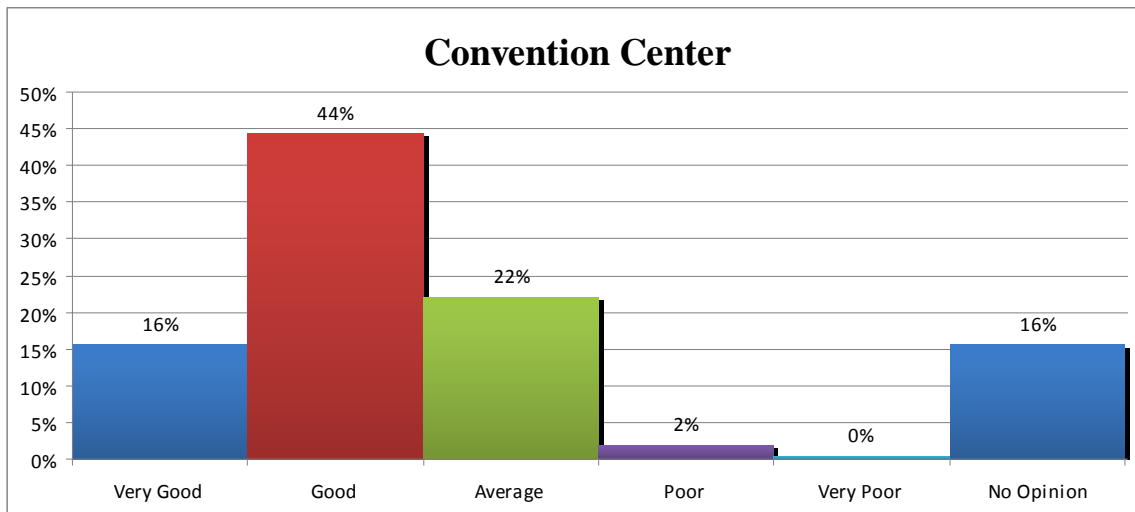
(11)



| Year-To-Year | | | | | | |
|--------------|------|------|------|------|------|------|
| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Very Good | 26% | 23% | 26% | 23% | 35% | 20% |
| Good | 53% | 49% | 47% | 53% | 42% | 47% |
| Average | 14% | 19% | 15% | 16% | 15% | 21% |
| Poor | 5% | 6% | 8% | 2% | 5% | 8% |
| Very Poor | 2% | 1% | 3% | 2% | 1% | 2% |
| No Opinion | | 1% | 1% | 4% | 3% | 2% |

Quality of services increased by 11% in Average to Good rating, but declined in Very Good by 15%. Overall 88% of respondents rate services at Average to Very Good.

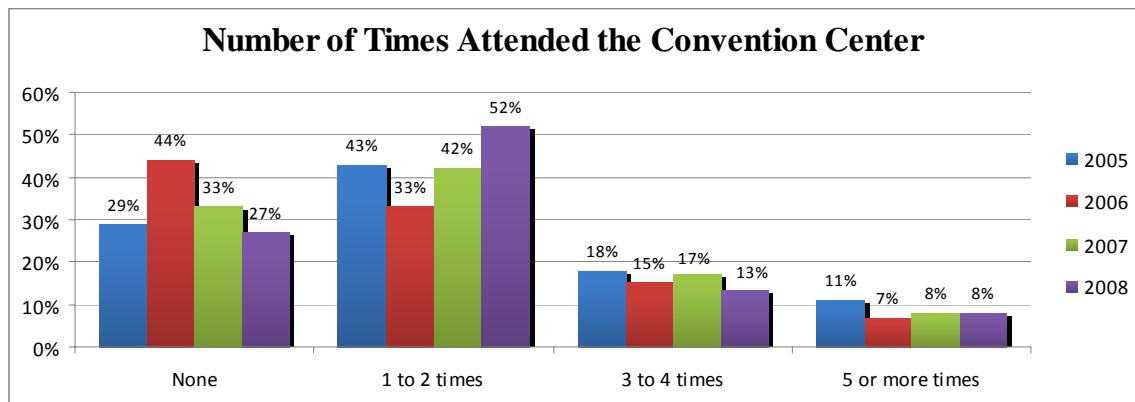
(12)



Quality of services at the convention center rated 82% Average to Very Good.

Questions of Concern

#7 How many times have you attended activities at the Convention Center in the last year?



| Year-To-Year | | | | | |
|-----------------|------|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| None | 30% | 29% | 44% | 33% | 27% |
| 1 to 2 times | 43% | 43% | 33% | 42% | 52% |
| 3 to 4 times | 17% | 18% | 15% | 17% | 13% |
| 5 or more times | 10% | 11% | 7% | 8% | 8% |

The number of respondents that attended activities increased for 1-2 times increased 10%. Overall decreases balanced with increases showing respondents this year attended an equivalent number of times in the previous year's survey.

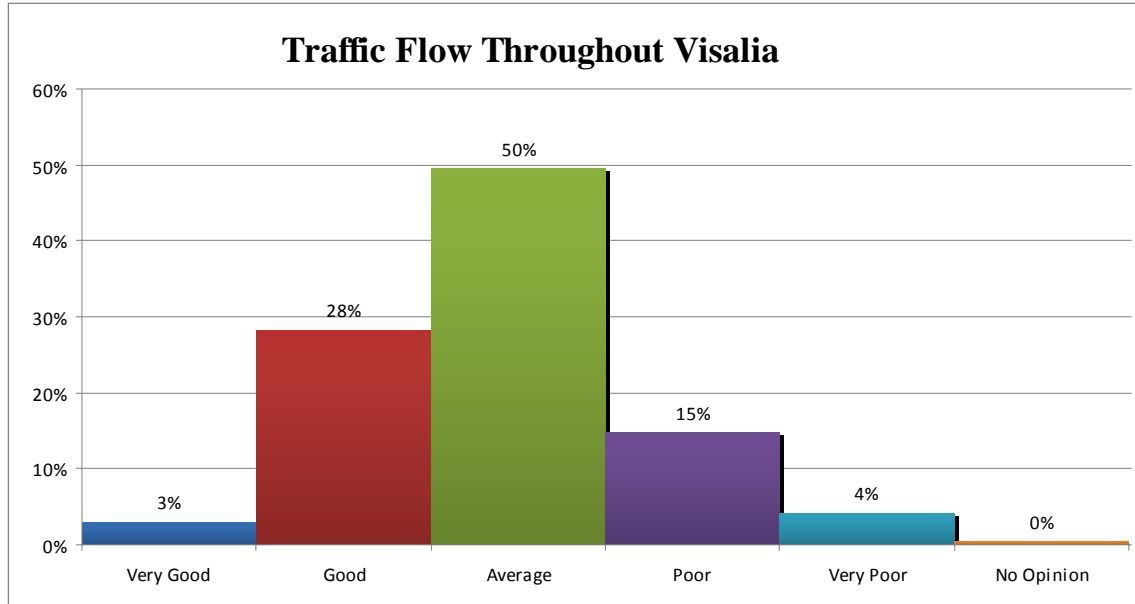
| 2008 Significant Demographics | | | | | |
|-------------------------------|-----------------|---------------|---------------|----------------|-----------------|
| Income | | | | | |
| | Less than \$15k | \$15k - \$40k | \$40k - \$70k | \$70k - \$100k | \$100k and over |
| None | 48% | 27% | 25% | 29% | 15% |
| 1 to 2 times | 38% | 53% | 58% | 48% | 54% |
| 3 to 4 times | 5% | 12% | 5% | 20% | 24% |
| 5 or more times | 10% | 8% | 12% | 4% | 7% |

As income levels shifted we can see that the frequency increased on the number of times a respondent attend convention center activities.

| Age | | | |
|-----------------|--------|-------|-------------|
| | 18 -34 | 35-54 | 55 and over |
| None | 29% | 21% | 31% |
| 1 to 2 times | 53% | 55% | 48% |
| 3 to 4 times | 12% | 18% | 10% |
| 5 or more times | 6% | 6% | 11% |

The 35-54 age group frequented the convention center the most with 79% of respondents at least attend 1 or more times.

#8 *In your opinion, how do you view traffic flow throughout Visalia?*

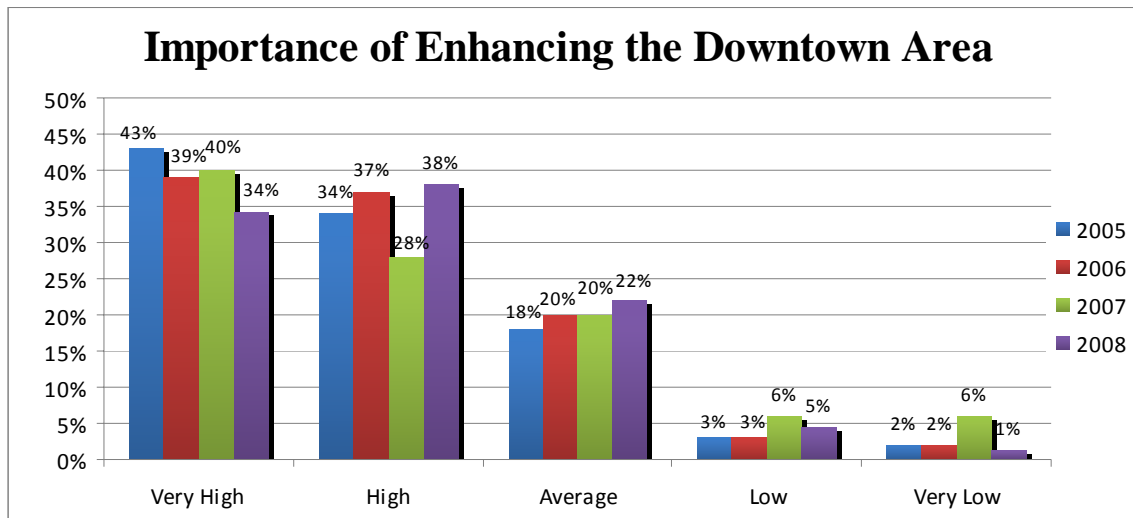


Overall respondents viewed traffic flow throughout Visalia at 81% Average to Very Good.

| 2008 Significant Demographics | | | | |
|-------------------------------|-----------|-----------|-----------|-----------|
| Quadrant | | | | |
| | Northeast | Southeast | Northwest | Southwest |
| Very Good | 6% | 4% | 1% | 1% |
| Good | 29% | 23% | 33% | 25% |
| Average | 50% | 48% | 52% | 50% |
| Poor | 11% | 20% | 11% | 16% |
| Very Poor | 3% | 4% | 2% | 7% |

Both the Southeast and Southwest quadrants viewed traffic flow as Poor to Very Poor at 24% and 23% respectively. This figure is about 10% greater than the Northeast and Northwest quadrants.

#9 The city continues to enhance the downtown area. How important is to you?



| Year-To-Year | | | | |
|--------------|------|------|------|------|
| | 2005 | 2006 | 2007 | 2008 |
| Very High | 43% | 39% | 40% | 34% |
| High | 34% | 37% | 28% | 38% |
| Average | 18% | 20% | 20% | 22% |
| Low | 3% | 3% | 6% | 5% |
| Very Low | 2% | 2% | 6% | 1% |

Overall 2008 increased a cumulative of 6% for Average to High importance in comparison to 2007.

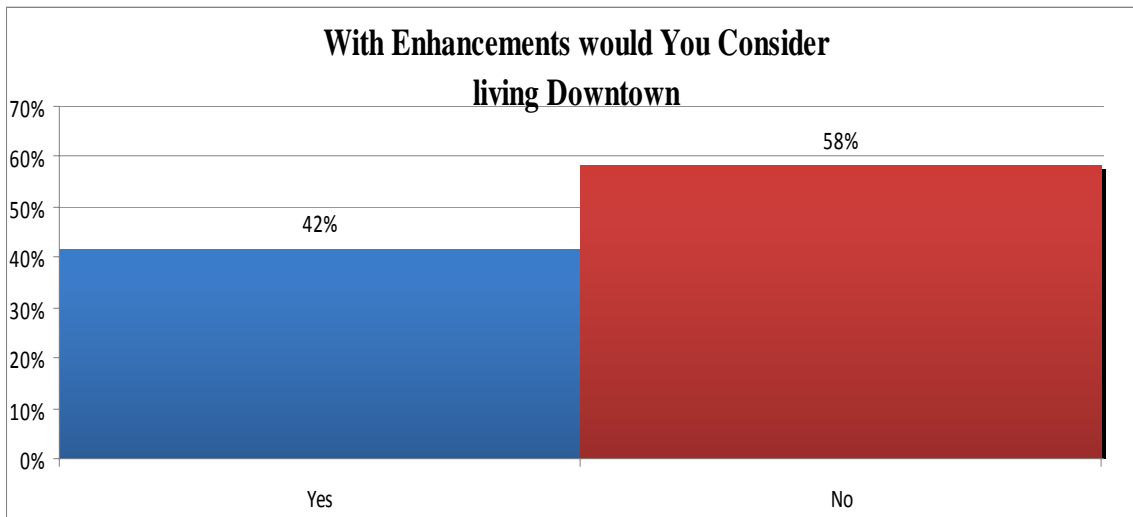
| 2008 Significant Demographics | | | | | |
|-------------------------------|-----------------|---------------|--------------|----------------|-----------------|
| Income | | | | | |
| | Less than \$15k | \$15k - \$40k | \$40k- \$70k | \$70k - \$100k | \$100k and over |
| Very High | 24% | 30% | 31% | 41% | 42% |
| High | 38% | 34% | 44% | 40% | 33% |
| Average | 29% | 30% | 22% | 13% | 18% |
| Low | 10% | 4% | 3% | 4% | 5% |
| Very Low | 0% | 2% | 0% | 2% | 2% |

Overall all as income went up higher concentrations of respondents felt that importance of enhancing downtown increased, but altogether respondents in each income bracket hold similarities of importance in the enhancements of downtown.

| Quadrant | | | | |
|-----------|-----------|-----------|-----------|-----------|
| | Northeast | Southeast | Northwest | Southwest |
| Very High | 34% | 32% | 38% | 32% |
| High | 45% | 41% | 33% | 37% |
| Average | 18% | 23% | 23% | 22% |
| Low | 2% | 4% | 6% | 6% |
| Very Low | 2% | 0% | 0% | 3% |

Of all the quadrants the Northeast had a higher concentration of respondent in the Very High to High at 79%. Overall we can see that all quadrants of the city agree that enhancing downtown holds significant importance.

#9a If you were planning to move and the downtown continued to have more community improvements would you consider living above an existing Main Street business?



Overall 42% of 230 respondents felt that they would consider moving above an existing Main street business.

Open Ended Responses

#17 *In your opinion, what do you think the focus of City services should be?*

(Respondents filled in the following open-ended questions. Data was analyzed and placed into each departments it might impact)

| Police Department | | | |
|--|---|---------------------------------|--|
| cleaning up gangs | Gangs | Roads & Safety | safety, crime, gang prevention |
| Code enforcement | Help Police and Fire to provide great service | roads and safety | Safety, traffic flow, maintenance |
| Code enforcement-being more consistent with violations | Keep safety and streets as priority | safe from crime | Safety/Traffic |
| Control young punks | Keeping gangs & drugs out | Safety | Safety-get rid of gangs |
| Crime prevention | Law Enforcement | Safety | Services for kids, gangs |
| drug & code enforcement | Make people safer | Safety | Speeders on little streets |
| Drug addicts | More police on street (gangs & drugs) | safety | Street crime |
| Drugs, gangs | Police need to focus more on gangs & not petty things | Safety | Street crime |
| fix the Hispanic gangs | Police Protection | Safety | Improve traffic flow and prevent gang activities |
| for police to pay attention to speeders instead of hiding on streets | Police shouldn't discriminate Latinos | safety | Violence/gang suppression |
| Gang Enforcement | Police, fire and continued downtown enhancement | safety | Dealing with homeless people |
| gang eradication | Police, fire and traffic | Safety | |
| gang programs | Police/roads | safety & roads | |
| Gangs, education, downtown 1-3 | Public Safety | Safety & Services | |
| Gangs | Public Safety | Safety (reduce gang activities) | |
| Gangs | put out fires and catch crooks | Safety and quality of life | |
| Gangs | quality of life-parks, safety, community relations | Safety first | |
| Gangs | Reduce gang activity & graffiti | Safety for kids | |
| Gangs | Reduce violence | safety from gangs | |
| Gangs | Road pavements & Gangs off the streets | safety is first/quality next | |

| | |
|--|---|
| Community Development | |
| Building Community | more open minded in zoning |
| community clean up & involvement | North side fast food |
| Direction of growth | Not allowing shopping centers to stay empty when businesses close. |
| Don't allow businesses to build new buildings -rent & remodel existing ones. | Public transportation, consolidate growth. Solar on all new homes |
| Fill in vacant buildings. Build up not out | quality of life-parks, safety, community relations |
| Less apartments near residential and no group homes in neighborhoods | stop growth, stop wasting existing buildings |
| More apartments, schools and jobs | Too many empty buildings |
| more convenience for handicapped | Too many empty buildings. Opening const. past Packwood was a mistake. |

| | |
|--|--|
| Housing & Economic Development | |
| Attract new businesses and jobs | Improving downtown area-more parking |
| Better department stores; trader Joe's | in-fill of dead economic zones |
| essential services first then improving the economy hen enhancement/recreation | job development & gang prevention |
| growth | lower cost of living |
| Growth | Main Infrastructure |
| Healthy living; jobs for young people | Managing growth-revitalize centers |
| help us in this hard economy | more convenience for handicapped |
| helping people who need jobs | Police, fire and continued downtown enhancement |
| Housing for disabled. | Pro growth, pro property values |
| housing for low income & elderly | restoration of old city areas currently run down |

| | |
|--|---|
| Engineering | |
| Traffic lights | road improvement & turning signals @ County Center & Caldwell |
| Better flow of traffic | Safety, traffic flow, maintenance |
| better traffic flow (stoplights) | Safety/Traffic |
| Crosswalks easier for people to cross and catch those who cross where there's no signs | traffic |
| fixing the roads and putting up stop signs on the north side of town | Traffic |
| improve lighting | Traffic flow, especially at bottlenecks |
| Improve traffic flow and prevent gang activities | Traffic on Mooney |
| Police, fire and traffic | Traffic, parks |

| |
|---|
| Fire Department |
| Fire Protection |
| Help Police and Fire to provide great service |
| Police, fire and continued downtown enhancement |
| Police, fire and traffic |
| put out fires and catch crooks |

| |
|--|
| Natural Resources |
| No new building permits for new housing and then complain/tell us there is a water shortage. |
| Clean environment, everything great |

| | | |
|---|--|---|
| Public Works | | |
| Better roads | Keep safety and streets as priority | Road pavements & Gangs off the streets |
| Better roads | more through streets | Road work and completing in a timely manner |
| Better streets | more through streets | Roads |
| Clean it up. Dirty | On roads | Roads & Safety |
| clean roads and parks | Police/roads | roads and safety |
| clean up other parts of Visalia besides downtown | Protection, roadways | roads, trash, cleaning up the city |
| Completing road repairs and removal of graffiti | Really improve the road pavements ASAP especially around Houston St. | safety & roads |
| Finish work on Mooney & work on ancillary streets. Commercial garbage collection. | repair roads | Safety, traffic flow, maintenance |
| Fix roads/Graffiti | road improvement & turning signals @ County Center & Caldwell | Streets/asphalt |
| fixing the roads and putting up stop signs on the north side of town | road maint./graffiti/landscaping/overall cleanliness | to be able to see line on roads |
| Improve street surface | Road maintenance | |

| |
|---|
| Parks & Recreation |
| clean roads and parks |
| Improving recreation |
| keep up parks & landscape |
| parks |
| quality of life-parks, safety, community relations |
| Transit |
| get rid of buses with few people riding |
| Public transportation, consolidate growth. Solar on all new homes |

| | | |
|--|---|--|
| General Misc. Services | | |
| Moving above an existing Main Street building is a good idea | More North side services | |
| Dealing with homeless people | more programs for children | |
| easier access to programs for youth, community involvement | Need more health services at our community | |
| education | Our youth | |
| Family oriented activities | Pets | |
| focus on people not things | Providing cheap/free activities for teen | |
| Help people that need most | public awareness | |
| Human services-senior center, summer rec activities | Response to family & children services | |
| More activities for our youth | Safe environment for children and after school programs | |
| more family oriented activities | Seniors, children, homeless | |
| more focus on activities for kids on the Southside. | Teens in this town need more programs | |
| more for senior citizens | The focus should be the people | |

#18 If you could add one thing to Visalia to improve our quality of life, what would that be?

a designated place for the homeless to reside and improve their situations.
a park similar to Woodward park in Fresno
add more police
air
Air Quality
air quality
amusement parks
better stores
Better city lighting & cleaner restrooms at parks
Better communication between agencies
better communication with city government
better parks & rec., no one returns calls
Better representation-district elections
Better roads

better roads

Better roads, get rid of 15% population

better shopping malls

Better thought out plans on traffic flow
Better traffic flow
better traffic flow, smarter intersection lights
better/higher capacity yard waste removal
Bigger trash bins. Separate for recycling
clean air-better downtown farmers market
college
Communication & Safety
department stores
Dinner Theatre
Elimination of gangs
encourage businesses to use existing buildings (i.e. old Costco, Vons) before building new ones.
everything is fine
everything is fine
Everything is good

faster police response
fill up all the empty buildings before building new
Fix pot holes
Fix stop light @ Lovers Lane and Noble
fix the Hispanic gangs

Focus on youth

parks
parks & cooling areas in high heat
police
Help the homeless
helping the needy
Homeless
hospital care
I enjoy living in Visalia
Ikea, Pottery barn
Improve traffic flow
Improve air quality through mass transit
Improvements on parking areas
increase business opportunities
increase police and fire
inmates cleaning up our hwy 198 and off and on ramps
It frustrates parents that when children run away police wouldn't arrest them.
Jogging trails, bike trails that connect through the city
jogging trails, downtown shops, neighborhood maintenance
Keep streets safe-violence
Keep the downtown area vibrant
Keep the intimacy & small town feel
large department store like Macy's
large item refuse day at our resident street
Late night eating establishments
Less apartments-consider home owners
Less congestion and protect our borders
Less gangs
Less traffic

lessen congestion
Let people cut oak trees down
local laws try to remove private property rights
Love Visalia; fill empty buildings
Lovers lane by frwy entrance needs enhancement

lower sales tax
Make golf course larger (another 9 holes)
make it safer, more effort dealing with gangs
McDermont building (like the one in Lindsay)
More activities for the youth to keep them out of trouble

gangs
Get rid of gangs
Get rid of gangs
great
have speed bumps put in our busy streets
more ducks at the park
more economic opportunities/jobs
More employment opportunities
More employment opportunities
More gang control
More homeless shelters, gang control
more jobs

More jobs
more jobs
more jobs
more jobs

more parks
more parks
More parks & recreational activities
More Police
More Police
More Police
more police and opportunities for kids
More police presence.
more recreation areas like sports complex
More recreation for family

more recreation programs
more security
more security
more shopping
more stop signs on busy street corners
more things for young people
more through streets
more trees
more trees

more trees

more walking trails/bike areas
More work for people
More work for people
Move out COS farms because of smell
need to improve roads in Goshen
No com.
no crime
No more gangs
No traffic
North-side crime

more activities
More activities
more activities for adults/families
More activities for all ages
more activities for teenagers
more activities for young & teens
More activities for youth & teenagers
More amusement activities
More bike paths, new park
More bike routes
more commercial business
More culture centers
prevent leapfrog development. Many islands undeveloped
recreation for teens, stop housing
Reduce smog laws
more recreational events in our parks
road maintenance should be done by private contractors
safety
school
Shopping (high end)
smaller classes in the schools
Something similar to McDermont field in Lindsay
Something to help homeless
Spend tax money efficiently
stop gangs and more police
stop the gangs
the flood plane taken care of to avoid high premium for people who own their homes
there's not just one
traffic
Traffic flow
traffic lights in some areas
trim back graffiti on walls & fences
Viable airport
Water park for kids
waterway downtown feature
On and off ramp traffic flow @ Ben Maddox & Lovers Lane
opportunities to spend time w/ community members/fellowship sense of belonging
park maintenance
Oak trees

Methodology and Statistical Procedures

This year's survey has been successful all around based on its statistical variance of sample size, similarities to census data, positive response from respondents, and improved efficiency in conducting the survey.

Sample size this year totaled 271 respondents which were concluded to be sufficient representation of the target population. Our survey sample of 271 respondents provided a 95% level of confidence with only 6% (+/-) confidence interval. This means we are 95% certain that within 6 percent (plus or minus) those percentages from data collected in our survey will represent our target population of 123,607. Sample size is smaller than previous years; however, confidence interval only increased by 1%. One can determine, comparing results of the survey demographics with census data, that overall it has improved in better representing the target population than in years past.

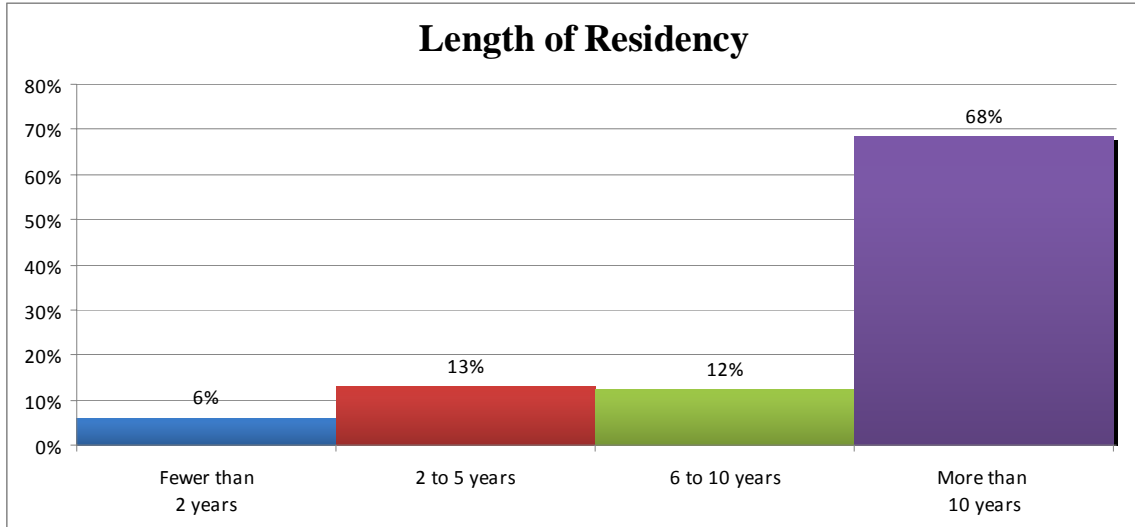
In previous year's census data, certain demographics were skewed based on the way the survey was conducted. This year's survey improved in many areas of its demographic which came closer to census data than in years passed. Having the survey's placed in different quadrants of the city helped diversify the sample of respondents.

However, this survey is strictly an approximation of the general public's opinion about its community. In regards to all findings in this survey a purely speculative and under no circumstances is this survey liable for misinterpretation.

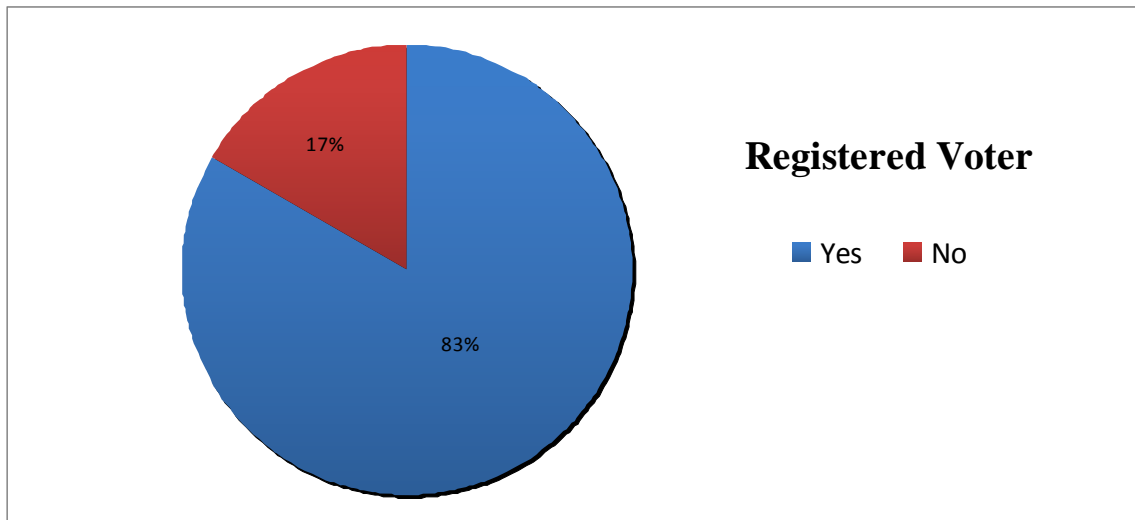
Consequentially, overall the CAC is moving in the right direction in its efforts to produce a survey that represents its community's target population. The face-to-face approach will aid in making the POS a stronger sounding board in representing the needs and concerns of fellow citizens in the community.

Demographic Summary

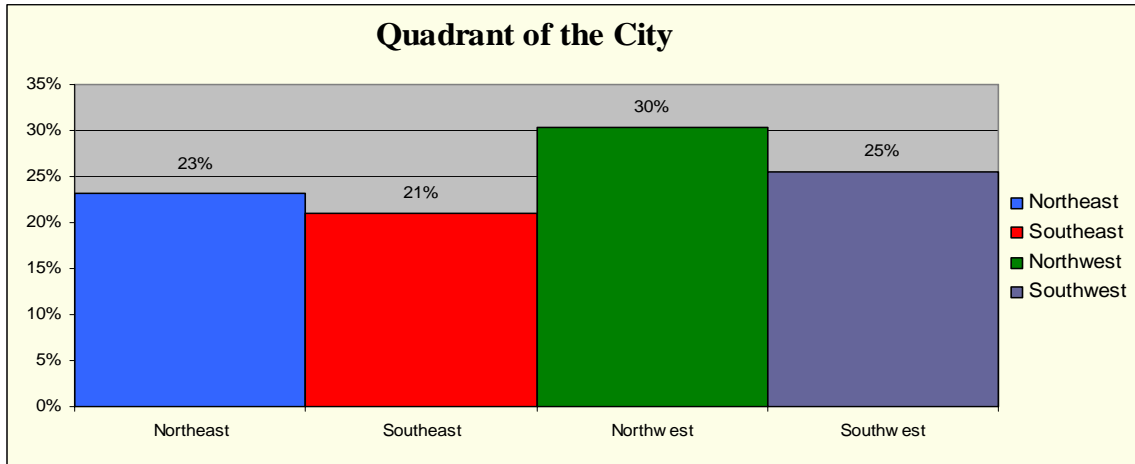
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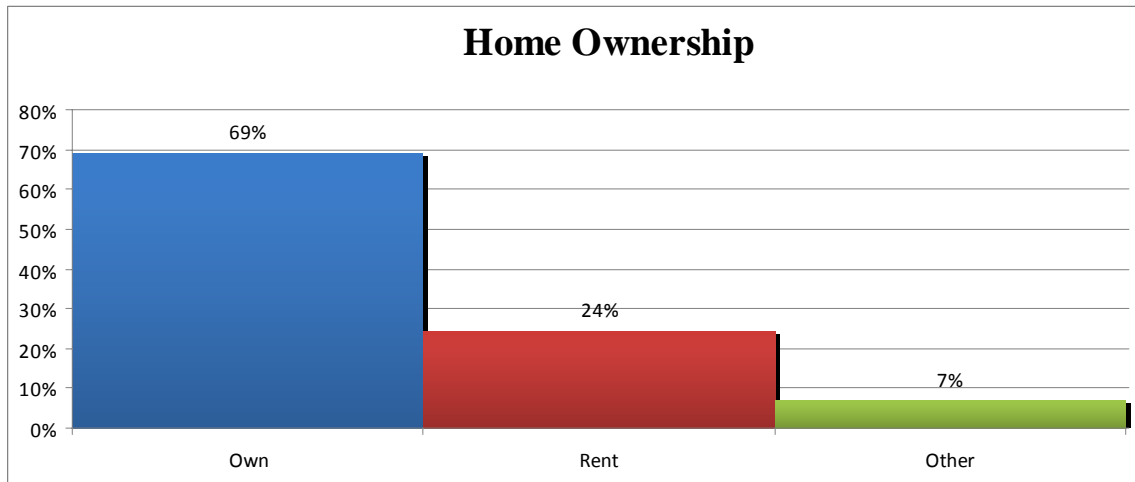
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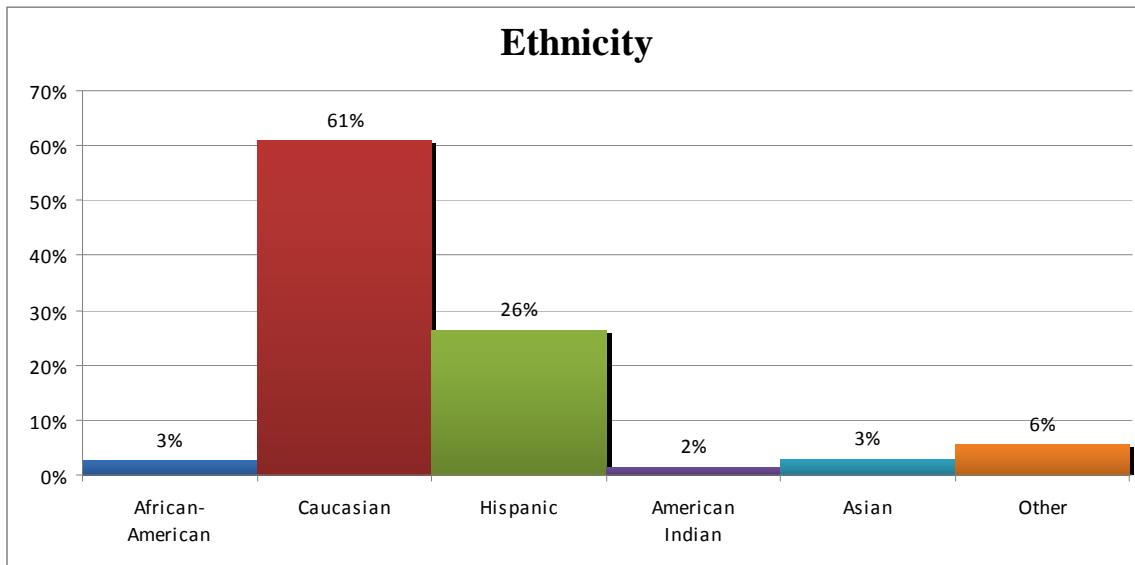
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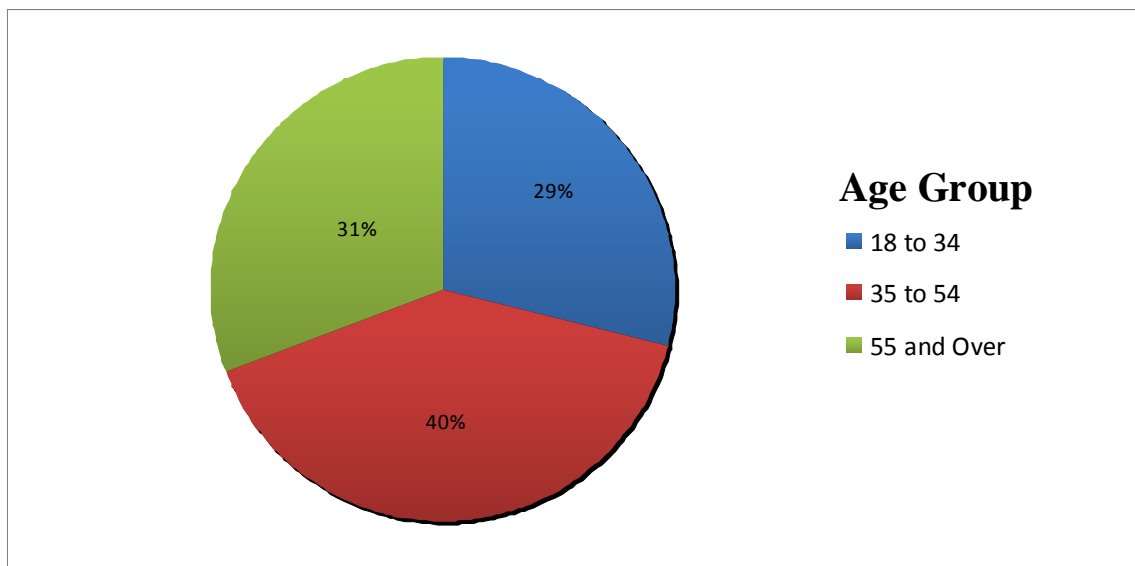
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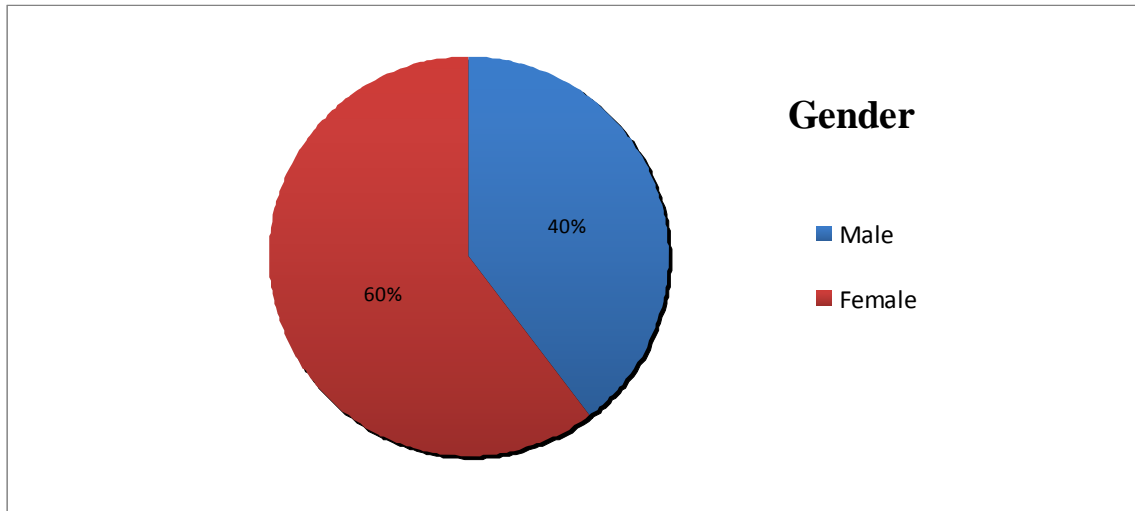
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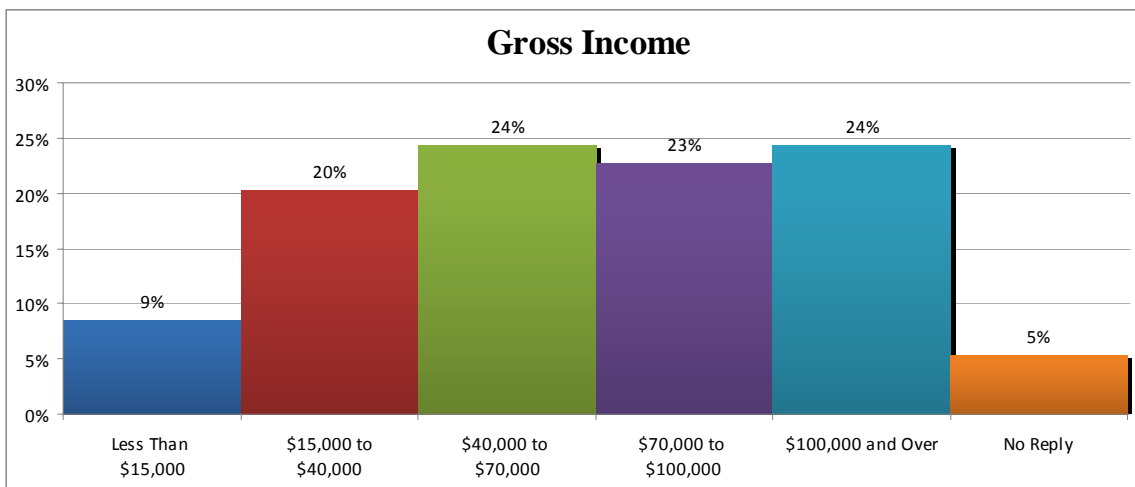
#15



#14



#16



Sample Survey

Public Opinion Survey 2009 - Proposed

1) Which part of the City do you live in if Mooney and Hwy. 198 are considered the cross sections of town?

| | | | |
|-----------|-----------|-----------|-----------|
| 1 | 2 | 3 | 4 |
| Northeast | Southeast | Northwest | Southwest |

2) How do you rate the City's efforts at providing a safe community?

| | | | | |
|-----------|------|---------|-----|----------|
| 1 | 2 | 3 | 4 | 5 |
| Very High | High | Average | Low | Very Low |

3) Have you had contact with the Visalia Police Department in the past year? (if "No", go to question 4)

| | |
|-----|----|
| 1 | 2 |
| Yes | No |

3A) How would you rate the service you received?

| | | | | |
|-----------|------|---------|------|-----------|
| 1 | 2 | 3 | 4 | 5 |
| Excellent | Good | Average | Poor | Very Poor |

4) Have you had contact with a Visalia firefighter in the last year? (if "No", go to question 5)

| | |
|-----|----|
| 1 | 2 |
| Yes | No |

4A) How would you rate the service you received?

| | | | | |
|-----------|------|---------|------|-----------|
| 1 | 2 | 3 | 4 | 5 |
| Excellent | Good | Average | Poor | Very Poor |

5) What do you consider the most essential City services besides Police and Fire departments?

| | | | | |
|------------------|------------------|---------------------------|-----------------------|-------|
| 1 | 2 | 3 | 4 | 5 |
| Road Maintenance | Park Maintenance | Traffic Signs and Signals | Recreation Activities | Other |

6) How do you rate the quality of the following services in Visalia?

| | Very Good | Good | Average | Poor |
|-------------------------------|-----------|------|---------|------|
| Fire Emergency Response | 1 | 2 | 3 | 4 |
| Private Ambulance | 1 | 2 | 3 | 4 |
| City Road Maintenance | 1 | 2 | 3 | 4 |
| Traffic Management | 1 | 2 | 3 | 4 |
| Bus Services | 1 | 2 | 3 | 4 |
| Street Lighting | 1 | 2 | 3 | 4 |
| Senior Citizen Services | 1 | 2 | 3 | 4 |
| Recreation Activities | 1 | 2 | 3 | 4 |
| Services for Disabled Persons | 1 | 2 | 3 | 4 |
| Park Maintenance | 1 | 2 | 3 | 4 |
| Garbage+Recycling Collection | 1 | 2 | 3 | 4 |
| Convention Center | 1 | 2 | 3 | 4 |

7) How many times have you attended activities at the Convention Center in the last year?

| | | | |
|------|--------------|--------------|-----------------|
| 1 | 2 | 3 | 4 |
| None | 1 to 2 times | 3 to 4 times | 5 or more times |

8) In your opinion, how do you view traffic flow throughout Visalia?

| | | | | |
|-----------|------|---------|------|-----------|
| 1 | 2 | 3 | 4 | 5 |
| Very Good | Good | Average | Poor | Very Poor |

Public Opinion Survey 2009 (continued)

| | | | | | |
|-----|---|-------------------------|--|-----------------------|-----------------------|
| 9) | The city continues to enhance the downtown area. How important is it to you? | | | | |
| | 1 | 2 | 3 | 4 | 5 |
| | Very High | High | Average | Low | Very Low |
| 9A) | If you were planning to move and the downtown continued to have more community improvements, would you consider living above an existing Main Street business? | | | | |
| | Yes | No | | | |
| 10) | How long have you lived in Visalia? | | | | |
| | 1 | 2 | 3 | 4 | |
| | Fewer than 2 years | 2 to 5 years | 6 to 10 years | More than 10 years | |
| 11) | Are you a registered voter? | | | | |
| | 1 | 2 | | | |
| | Yes | No | | | |
| 12) | Do you own or rent your home? | | | | |
| | 1 | 2 | 3 | | |
| | Own | Rent | Other | | |
| 13) | What is your ethnicity? | | | | |
| | 1 | 2 | 3 | 4 | 5 |
| | African- American | Caucasian | Hispanic | American Indian | Asian |
| | | | (Multiple races may apply - more than one OK) | | |
| 14) | What is your gender? | | | | |
| | 1 | 2 | | | |
| | Male | Female | | | |
| 15) | What is your age group? | | | | |
| | 1 | 2 | 3 | | |
| | 18 to 34 | 35 to 54 | 55 and over | | |
| 16) | What was your household's total gross income before taxes last year? | | | | |
| | 1 | 2 | 3 | 4 | 5 |
| | Less than \$15,000 | \$15,000 to \$40,000 | \$40,000 to \$70,000 | \$70,000 \$100,000 | \$100,000 and over |
| 17) | In your opinion, what do you think the focus of City services should be? (Comment area. Mark respondent's answer in space below) | | | | |
| 18) | If you could add one thing to Visalia to improve our quality of life, what would that be? | | | | |
| 19) | Taking all things into consideration, how would you rate the overall quality of life in Visalia? | | | | |
| | 1 | 2 | 3 | 4 | 5 |
| | Very High | High | Average | Low | Very Low |

The City produces an email newsletter about twice a month. Would you like to receive the newsletter?

email address:

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segrue



VICE CHAIRPERSON:
Adam Peck

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

MONDAY AUGUST 10, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- 7:00 TO 7:01 1. THE PLEDGE OF ALLEGIANCE
- 7:01 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 7:12 6. PUBLIC HEARING– Andy Chamberlain

Variance No. 2009-09: is a request by Dr. Chawki Gerges to reduce the front landscape setback from 30 feet to 10 feet along Tamarack Street. The site is an the PA (Professional / Administrative Office) zone. The site is located at 131 S. Tamarack Street (APN: 085-240-005).
- 7:12 TO 7:51 7. PUBLIC HEARING – Andy Chamberlain
 - a. Conditional Use Permit No. 2009-32: A request by Jack and Karen Gould to create parcels less than one acre in the RA (Rural Residential) zone. The site is located on the northwest corner of Sol Road and Douglas Avenue APN: 103-120-019.
 - b. Sol Road Estates Tentative Subdivision Map No. 5542: A request by Jack and Karen Gould to subdivide 9.52 acres into 17 lots in the R-1-12.5 (Single Family Residential) and RA (Rural Residential) zones. The site is located on the northwest corner of sol Road and Douglas Avenue APN: 103-120-019.

Approve as recommended (Salinas, Peck) 5-0

Open: 7:05
Close: 7:10
Spoke:
1. Martin Hale

Approve as recommended (Salinas, Peck) 3-2 Lane & Segrue voted no

Open: 7:23
Close: 7:27
Spoke:
1. Randy Forester
2. Robert Fishback

7:51 TO 9:13

8. PUBLIC HEARING – Paul Scheibel

a. Approve as recommended (Salinas, Soltész) 5-0

b. Approve as recommended (Salinas, Soltész) 5-0

c. Approve as recommended (Salinas, Peck) 5-0

d. Approve as recommended (Salinas, Peck) 5-0

e. Approve as recommended (Salinas, Peck) 5-0

Open: 8:28
Close: 9:03

Spoke:

1. Darlene Mata
2. Valerie Ava
3. Robert Babcock
4. Michael Tharp
5. Lyle Christensen
6. Patsy Christensen
7. Paul Ridenour
8. Pam Babcock

- a. General Plan Amendment No. 2008-02: A request by Paul Ridenour and Greg Nunley to amend the General Plan land use designations from RLD (Low Density Residential) and RHD (High Density Residential) to CSO (Shopping / Office Commercial), PAO (Professional/ Administrative Office), and RHD (Residential High Density) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- b. Change of Zone No. 2008-03: A request by Paul Ridenour and Greg Nunley to change the zoning designations from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) and R-M-3 (Multi-family Residential; 1,500 sq. ft. minimum site area per unit) to P-C-SO (Planned Shopping/Office Commercial), P-PA (Planned Professional/Administrative Office), and R-M-3 (Multi-family residential zone, 1,500 sq. ft. minimum site area per unit) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- c. Tentative Subdivision Map No. 5540: A request by Greg Nunley for the Oakwood Ranch 2 & Professional Center to create 20 lots for a mix of multi-family residential and office development, and two common areas. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)
- d. Conditional Use Permit No. 2008-18: A request by Paul Ridenour to develop a self-storage facility with caretaker unit totaling 206,272sq.ft. on 10.8 acres. The site is located generally on the northwest corner of Goshen Ave. and Demaree St. APNs: 077-660-001, 077-090-015, -016, -017
- e. Conditional Use Permit No. 2008-19: A request by Greg Nunley for a planned mixed-use development consisting of 13 units totaling 56 multi-family residences on 3.72 acres, and eight salable lots and two commercial lots for office buildings totaling 49,045sq. ft. on 4.35 acres. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)

9:13 TO 9:16

9. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:

Commissioners were updated on the joint Planning Commission/City Council Meeting, to be held on September 25, 2009.

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

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 24, 2009
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

9:16 TO 9:16
Motion to Adjourn (Segrue, Peck) 5-0

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorization to place a lien for \$14,752.60 on real property located at 2714 S. Encina Street.
Resolution 2009 - 32

Deadline for Action: None

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number:

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

Department Recommendation: Approval of request to lien property located at 2714 South Encina Street Visalia.

Summary/background:

In November of 2005, the Visalia Fire Department responded to a structure fire at a single family residence, located at 2714 South Encina Street in Visalia.

As a result of the fire, Chief Building Official, Dennis Lehman determined that the residence sustained extensive damage and was a complete loss which required securing and eventual demolition.

Once the structure was determined to be dangerous and substandard the title to the property was clouded with the Tulare County Recorder's Office.

As a result of the property owner's failure to rehabilitate or demolish the property following the fire, the property owner, Roger Price was sent a 30-Day Formal Notice and Order To Abate Dangerous Building on March 28, 2008, directing him to provide a plan of repair or demolition. **The property was determined to be an "Attractive Nuisance" which constituted a hazard and danger to the citizens of the City of Visalia.**

Mr. Price failed to respond to the first notice and an Administrative Enforcement Order was sent to him on July 24, 2008, advising of possible fines for non compliance. Mr. Price responded to the second notice and was advised that the property was an "Attractive Nuisance" and needed to be abated. Mr. Price indicated that the property was not insured at the time of the fire and that

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.

he did not have the necessary financial resources to rehabilitate or demolish the residence as required.

Mr. Price agreed to allow the City to abate the parcel and place a lien on the property to recover City costs incurred for the demolition of the residence, removal of the foundation, demolition and back fill of an in ground swimming pool and for the clearing of the parcel.

On May 20, 2009, Roger Price met with Combination Building Inspector Doug Elliott and entered into a consensual "Agreement to Enter Property and Demolish Substandard Buildings" on his parcel.

The parcel does not have a mortgage or any liens attached to it.

Although this abatement occurred at the property owners' request and with the property owners' consent pursuant to Visalia Municipal Code Section 1.13.060 F 5, it is necessary for the City Council to review and authorize a special assessment or lien of the property.

The lien amount of \$14,752.60 was established based on the following incurred costs associated with the abatement of the property:

- **Hazardous Materials Survey- \$820.00**
- **Hazardous materials (Asbestos) Removal and Disposal- \$3,270.00**
- **Demolition Of Residence, Removal Of In Ground Pool- \$7,900.00**
- **Cost Recovery Fees For Staff Time- \$901.45**
- **Attorney's Fees- \$520.00**
- **10% Administrative Fee, \$1,341.15**

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives: Leave the title to the property clouded but, do not place a lien on the property.

Attachments:

1. Resolution 2009-32
2. Agreement to Abate notarized contract
3. Two Photographs of fire damaged residence
4. Vicinity map of the location for residence
5. Two aerial maps of the location of the residence
6. Report and Assessment

Recommended Motion (and Alternative Motions if expected): Staff proceed with placing a lien on the real property at 2714 South Encina Street in Visalia for the abatement of the property. **Resolution 2009 - 32**

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2009-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
CONFIRMING THE REPORT OF THE CHIEF BUILDING OFFICIAL
REGARDING ASSESSMENTS OF ABATEMENT COST AT 2714 S. ENCINA STREET
IN THE CITY OF VISALIA FOR WHICH A FIRE DAMAGED UNINHABITABLE
SINGLE FAMILY DWELLING HAS BEEN ABATED AND POSED A THREAT TO THE
HEALTH AND SAFETY.**

WHEREAS, the properties in the City of Visalia described by assessor parcel number and street address in Exhibit "A" were determined to be in violation of the Visalia Municipal Code which prohibits maintaining open and abandoned dilapidated structures which constitute public nuisances: and

WHEREAS, notices and orders of the City of Visalia Building Department, as provided in Chapter 8.40.010 of the Visalia Municipal Code, were provided to the recorded owners of the aforementioned properties; and

WHEREAS, the properties in question were duly posted as provided in Chapter 1.13.030B (3) (a) of the Visalia Municipal Code; and

WHEREAS, the property owner consented to the City abatement and lien of the property for City abatement costs incurred

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

1. That the Chief Building Official caused work to be performed by contractors for removal of public nuisances and submitted and filed with the City Clerk a Report and Assessment List which described the costs incurred by the City to abate such public nuisances and which is attached hereto as Exhibit "A", and made a part hereof by this reference.

2. The costs incurred and described in the Report and Assessment list, attached hereto as Exhibit "A" are hereby confirmed.

3. The cost of Abating and Removing a substantial threat to public health & safety as described in Exhibit "A", are hereby made a lien and special assessment against said properties and the Chief Building Official is directed to notify the property owner of and record the lien created herein as required under Government Code Section 38773.1(b) - (c).

4. That the City Attorney is hereby authorized to commence any action necessary for collecting the sum due including foreclosure on the lien established herein as provided for in Government Code Section 38773.1 (c).

5. That the property owner named in said Exhibit "A" may pay, or cause to be paid, the charges stated therein at the office of the Finance Department, 707 W. Acequia, Visalia, California, at any time prior to the time the lien imposed under

Government Code Section 38773.1 and Visalia Municipal Code Section 8.40.020 is foreclosed or placed on the property tax rolls for collection as described in paragraph 6 below.

6. At the discretion of the City Attorney, and in the event such charges assessed and confirmed against the property as listed in Exhibit "A" are not paid in full prior to collection or foreclosure, such assessment or balance due remaining thereof, may be recorded on the assessment roll, and said assessment shall constitute a special assessment against and a lien upon the property. The amount of said assessments remaining unpaid against the property will then be entered and extended on the property tax roll, and pursuant to law, the County tax collector shall include such amounts on the tax bill applicable to the property for collection therein.

RESOLUTION NO. 2009-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
CONFIRMING THE REPORT OF THE CHIEF BUILDING OFFICIAL
REGARDING ASSESSMENTS OF ABATEMENT COST AT 2714 S. ENCINA STREET
IN THE CITY OF VISALIA FOR WHICH A FIRE DAMAGED UNINHABITABLE
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Agreement to Enter Property and Demolish Substandard Buildings

This agreement is entered into between ROGER PRICE, ("Owner") the owner of the real property located at 2714 South Encina Street, Visalia California, 93277, and the CITY OF VISALIA ("City"). A legal description of the property is attached to this Agreement as Exhibit "A" and made a part thereof.

WHEREAS, in November 2005, a fire occurred at the property causing major damage and there has been no effort to remove the remaining parts of the structure or repair it; and

WHEREAS, the property, in its present condition, is unsafe to occupy, it is structurally unsound, is obviously vacant, unsightly, and due to damage from the elements over the years no part of the house above the foundation would be reasonably suitable for repairs; and

WHEREAS, the building on the property are in violation of multiple sections of the City of Visalia Municipal Code; and

WHEREAS, the City has inspected the property numerous times and prepared several notices since the file requesting the Owner take action. The City has expended \$2,241.45 in inspection costs; and

WHEREAS, the owner does not have sufficient financial resources to pay for the repair or the removal of the buildings; and

WHEREAS, the City wishes to remove the hazardous condition and is willing to do so with the permission of the Owner and upon the Owner agreeing that the costs of demolition will be recorded as a lien against the property.

NOW THEREFORE, for valuable consideration, including the covenants contained herein, the parties agree as follows:

1. The City agrees to prepare a demolition plan for the structures on the real property, obtain all required permits, and carry out the demolition plan.

2. The Owner agrees that the City may enter the property to carry out all actions necessary to demolish the structures, and that all costs incurred by the City in preparing and carrying out the demolition plan will be recorded as a lien against the property owed to the City. In addition to the costs of demolition, the Owner agrees that the City will bill the Owner **\$13,411.45** (See Exhibit "B" for fee details), the amount representing the present inspection fees owed by the Owner to the City. No other encumbrances will be assessed by the City against the property, and Owner will not be subject to further penalty or citation for failing to abate the nuisance described herein.

3. The Owner agrees that after the date this Agreement is signed the City will have an unconditional right of entry over the property for any purpose related to preparing for or carrying out the demolition of the structures. The City will not be required to obtain prior notice from the Owner before entering the property; although the City agrees to notify the Owner in writing of the structure demolition date at least five business days before the scheduled demolition date.

4. The Owner agrees it has received adequate notice concerning the intent of the City to enter the property and demolish the structures. The Owner hereby expressly acknowledges that he agrees with the City that the structures are unsafe, that he is unable to repair or demolish the property, and that he is giving the City his express permission to enter the property and demolish the structures. The Owner is hereby waiving any right to appeal the demolition by the City available under applicable, federal, state, or local law and waiving the right to appeal the right of the City to file a lien for costs incurred after the buildings are demolished.

5. The City agrees to keep records of all costs incurred in demolishing the building pursuant to Municipal Code Section 15.44.090. After the demolition is completed the City will file a copy of these costs with the City Clerk and present these costs to the Visalia City Council. Pursuant to Municipal Code Section 15.44.10, the City Clerk shall post a copy of the report containing these costs at City Hall, 707 W. Acequia Ave, Visalia, CA 93291, together with a notice containing the time and place when the report on the costs will be heard by the City Council. The City will also mail Owner a copy of these costs with the Notice of Hearing. The Owner may appear at the hearing to object to any costs listed in the report.

6. The costs of demolition approved by the City Council, with the inspection fees listed above, shall be provided to the City Finance Officer wherein the Owner may make payments to the City, or the costs shall be referred to the County Auditor for placement on the tax rolls pursuant to Municipal Code Section 15.44.110.

7. The City agrees to waive their right to assess the Owner penalties for violation of Visalia Municipal Code ordinances if such violations are related to the condition of the real property following the 2005 fire. Notwithstanding this waiver, after the structures on the property are demolished the property owner will be responsible for keeping the property clear from all trash, debris, and dead vegetation as required by the Visalia Municipal Code or other applicable laws. Failure to maintain the property in the future

may result in subsequent code enforcement action by the City that will be separate from this Agreement.

8. The City will be responsible for providing all necessary insurance for all City employees or agents that are present on the property for the purpose of preparing the property for demolition and for carrying out the demolition. The City agrees to hold Owner harmless for any liability incurred by the City, their agents, or contractors, arising from or related to demolition activities.

9. This Agreement constitutes the entire, final and binding understanding between the parties hereto. No other statement or representation, written or oral, express or implied, has been received or relied upon in the settlement. 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.

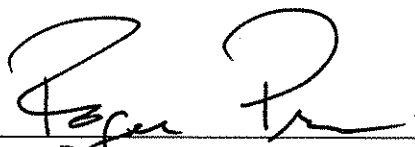
10. Each party enters into this Agreement knowingly and voluntarily, in the total absence of any fraud, mistake, duress, coercion, or undue influence, and after careful thought and reflection upon the settlement and this Agreement and accordingly by signing this document and the documents referred to herein, each signifies full understanding, agreement and acceptance.

11. The parties agree to perform further acts and to execute any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

12. If any party or parties commence any legal proceeding against any other party with respect to any of the terms and conditions of this Agreement, the non-prevailing party or parties will pay the prevailing party or parties all expenses of those proceedings, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date opposite their respective signatures and notary acknowledgements are attached.

DATED: 5-20-2009



Roger Price

DATED: 5-20-09



Ricardo Noguera, Housing and Economic
Development Director - City of Visalia

(Notary Acknowledgments Attached)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Tulare

On 5/20/09
Date

before me, Tracy Robertshaw
Here Insert Name and Title of the Officer

personally appeared Roger Price
Name(s) of Signer(s)

22210 S. Seneca, Visalia CA 93277

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tracy Robertshaw
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Voluntary Lien

Document Date: 5/20/09

Number of Pages: _____

Signer(s) Other Than Named Above: na

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

EXHIBIT A

Property Detail Report



For Property Located At

2714 S ENCINA ST, VISALIA CA 93277-6719

| | | | |
|--------------------------------------|--|--------------------------|----------------------------------|
| Owner Information: | | | |
| Owner Name: | PRICE ROGER D | | |
| Mailing Address: | 2714 S ENCINA ST, VISALIA CA 93277-6719 C016 | | |
| Phone Number: | Vesting Codes: | SM // | |
| Location Information: | | | |
| Legal Description: | TR 236 LOT 15 | APN: | 123-023-013-000 |
| County: | TULARE, CA | Alternate APN: | |
| Census Tract / Block: | 19.01 / 3 | Subdivision: | |
| Township-Range-Sect: | | Map Reference: | / 1719-A3 |
| Legal Book/Page: | | Tract #: | 236 |
| Legal Lot: | 15 | School District: | VISALIA UN BASIC |
| Legal Block: | | Munic/Township: | |
| Market Area: | | | |
| Neighbor Code: | | | |
| Owner Transfer Information: | | | |
| Recording/Sale Date: | / | Deed Type: | |
| Sale Price: | | 1st Mtg Document #: | |
| Document #: | | | |
| Last Market Sale Information: | | | |
| Recording/Sale Date: | 09/15/1988 / | 1st Mtg Amount/Type: | / |
| Sale Price: | \$6,600 | 1st Mtg Int. Rate/Type: | / |
| Sale Type: | UNKNOWN | 1st Mtg Document #: | |
| Document #: | 60698 | 2nd Mtg Amount/Type: | / |
| Deed Type: | DEED (REG) | 2nd Mtg Int. Rate/Type: | / |
| Transfer Document #: | | Price Per SqFt: | \$3.18 |
| New Construction: | | Multi/Split Sale: | |
| Title Company: | | | |
| Lender: | | | |
| Seller Name: | | | |
| Prior Sale Information: | | | |
| Prior Rec/Sale Date: | / | Prior Lender: | |
| Prior Sale Price: | | Prior 1st Mtg Amt/Type: | / |
| Prior Doc Number: | | Prior 1st Mtg Rate/Type: | / |
| Prior Deed Type: | | | |
| Property Characteristics: | | | |
| Gross Area: | | Parking Type: | |
| Living Area: | 2,076 | Garage Area: | |
| Tot Adj Area: | | Garage Capacity: | |
| Above Grade: | | Parking Spaces: | |
| Total Rooms: | 6 | Basement Area: | |
| Bedrooms: | 3 | Finish Bsmnt Area: | |
| Bath(F/H): | 3 / | Basement Type: | |
| Year Built / Eff: | 1958 / | Roof Type: | |
| Fireplace: | Y / 1 | Foundation: | |
| # of Stories: | 1.00 | Roof Material: | GRAVEL & ROCK |
| Other Improvements: | COVERED PATIO;FENCE | | |
| Site Information: | | | |
| Zoning: | R16 | Acres: | 0.22 |
| Flood Zone: | X500 | County Use: | SINGLE FAMILY RESIDENTIAL (1100) |
| Flood Panel: | 0604090010C | Lot Area: | 9,372 |
| Flood Panel Date: | 01/06/1994 | Lot Width/Depth: | 71 x 132 |
| Land Use: | SFR | Res/Comm Units: | / |
| | | State Use: | |
| | | Site Influence: | |
| | | Sewer Type: | PUBLIC SERVICE |
| | | Water Type: | PUBLIC |
| Tax Information: | | | |
| Total Value: | \$108,580 | Assessed Year: | 2008 |
| Land Value: | \$28,574 | Improved %: | 74% |
| Improvement Value: | \$80,006 | Tax Year: | 2008 |
| | | Property Tax: | \$1,067.44 |
| | | Tax Area: | 006003 |
| | | Tax Exemption: | HOMEOWNER |

"EXHIBIT A"

60698

VOL 4748 PAGE 658

Name: ROGER D. PRICE
Street Address: 227 N. West Street
City & State: VISALIA, CA 93271

RECORDED AT REQUEST OF
TICOR TITLE INS. CO.
TIME 2:10 P.M. FEE 2.41
SEP 15 1988
OFFICIAL RECORDS
TULARE COUNTY, CALIFORNIA
JAY C. BAYLESS, RECORDER

MAIL TAX STATEMENTS TO:
Name:
Street Address:
City & State:
SAME AS ABOVE

SPACE ABOVE FOR RECORDER'S USE

Grant Deed

THIS FORM FURNISHED BY TULARE COUNTY ESCROW CO.

123-002-03-13

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 60.65
() computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

DAVID ADALIAN AND NANCY ADALIAN, husband and wife, also known as DAVID P. ADALIAN, SR.
and NANCY D. ADALIAN,
hereby GRANT(S) to ROGER D. PRICE, a single man,

the following described real property in the City of Visalia
County of Tulare, State of California:

Lot 15 in Tract 236 in the City of Visalia, as per Map recorded in Book 21, page 75 of
Maps in the office of the County Recorder of said County.

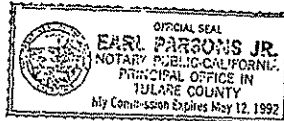
Dated July 26, 1988

David Adalian
DAVID ADALIAN

STATE OF CALIFORNIA }
COUNTY OF TULARE } SS.
On July 26, 1988 before me, the under-
signed, a Notary Public in and for said State, personally appeared
DAVID ADALIAN & NANCY ADALIAN, PROVEN
ON THE BASIS OF SATISFACTORY

Nancy Adalian
NANCY ADALIAN

_____ known to me
to be the person(s) whose names are subscribed to the within
instrument and acknowledged that they executed the same.
WITNESS my hand and official seal



Signature *Earl Parsons Jr.*

Name (Typed or Printed)

Title Order No. _____ Escrow or Loan No. _____

MAIL TAX STATEMENTS AS DIRECTED ABOVE



FEES
"EXHIBIT B"

1. CITY OF VISALIA COST RECOVERY FEES FOR
EMPLOYEE TIME-----\$901.45

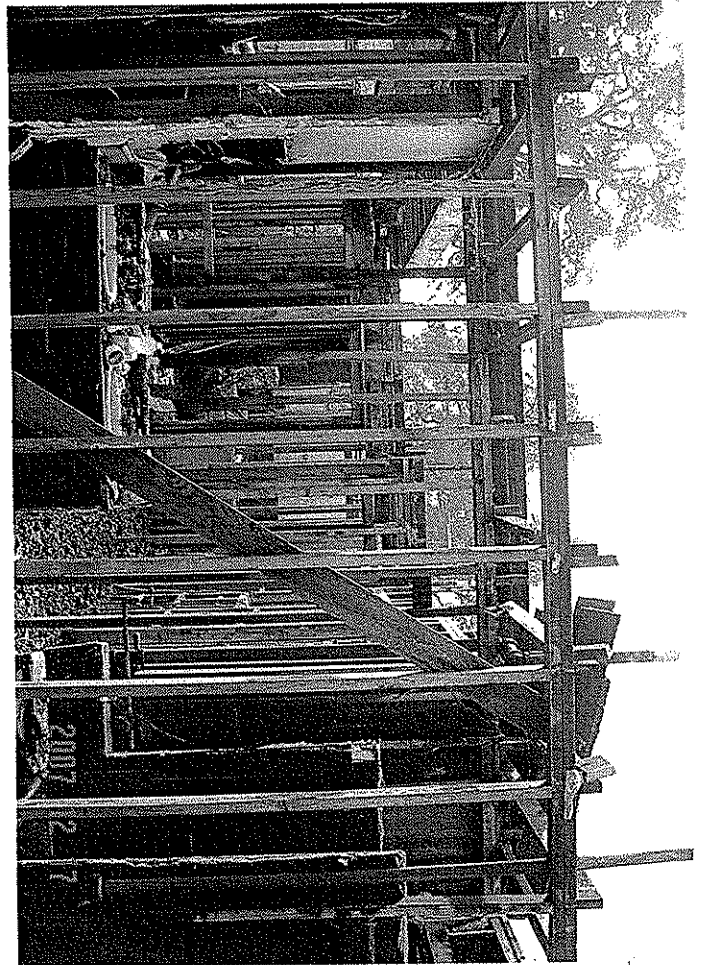
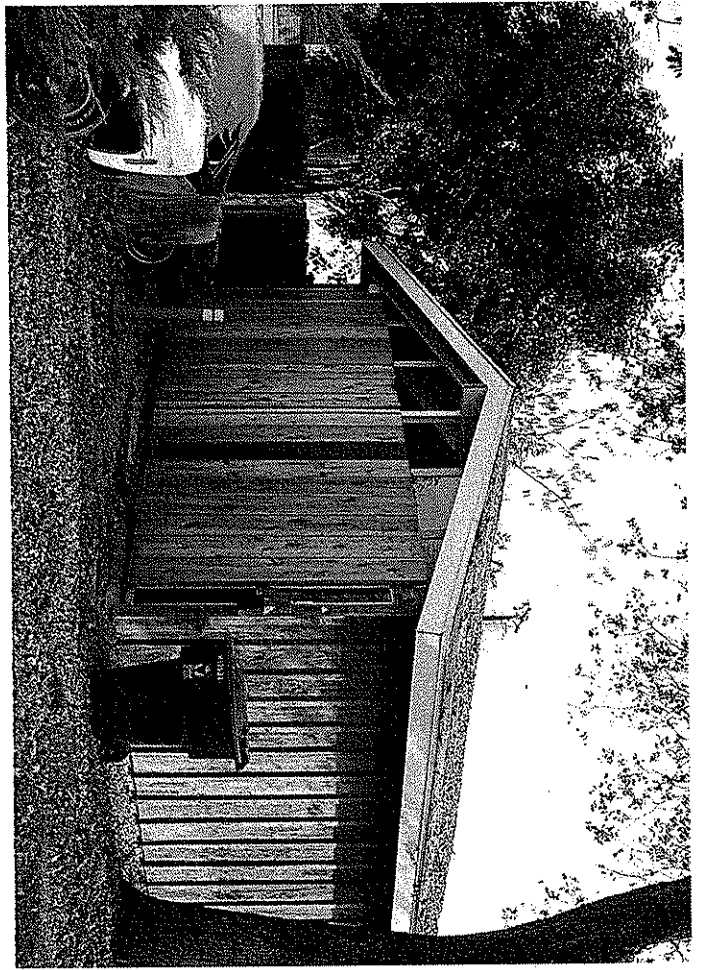
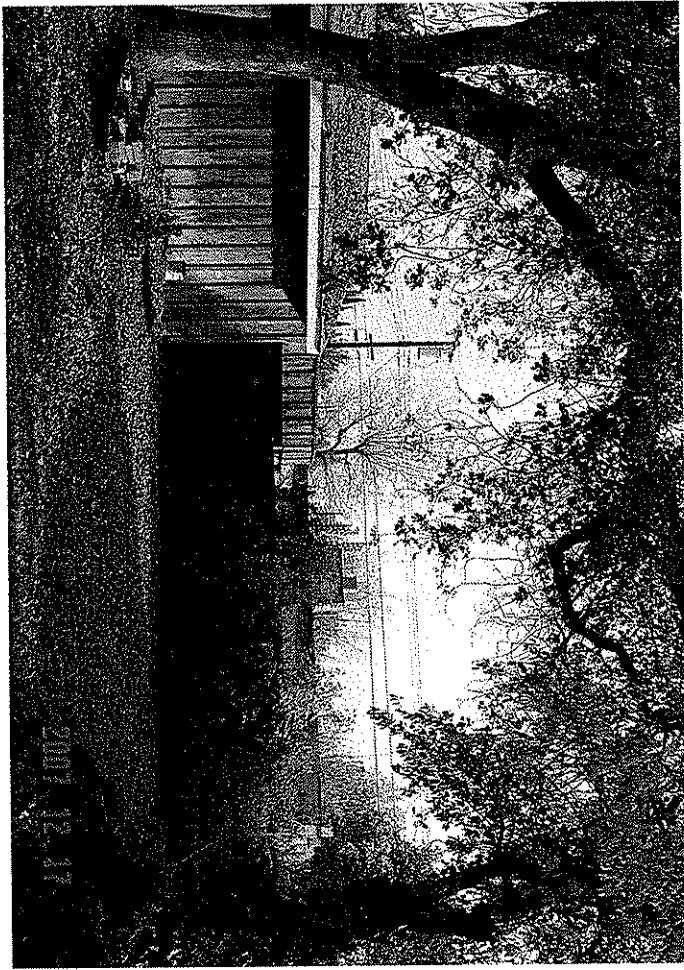
2. CITY OF VISALIA, CITY ATTORNEY FEES-----\$520.00

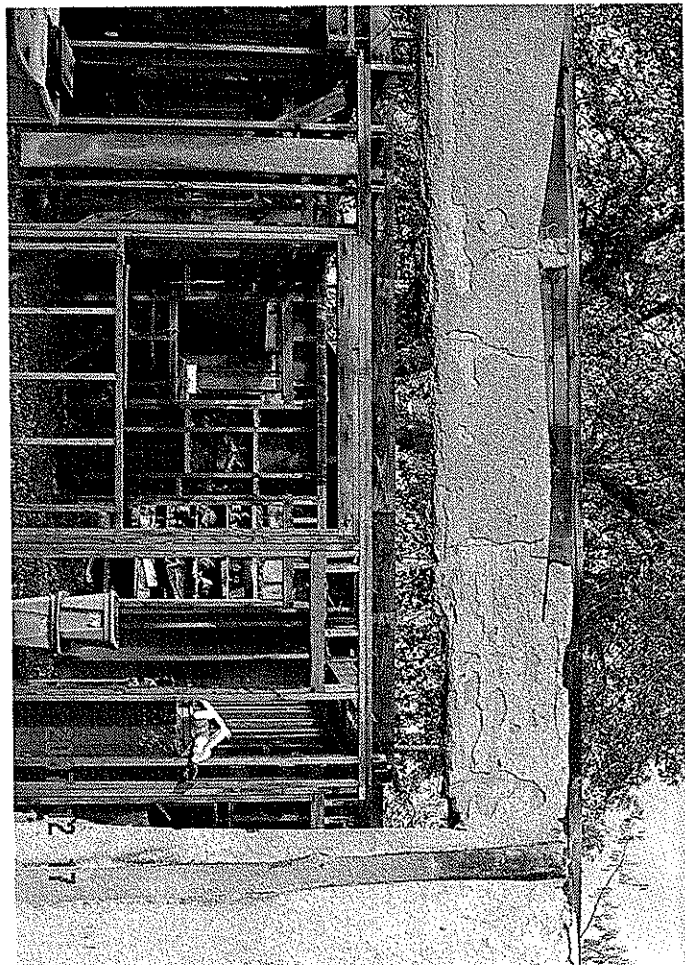
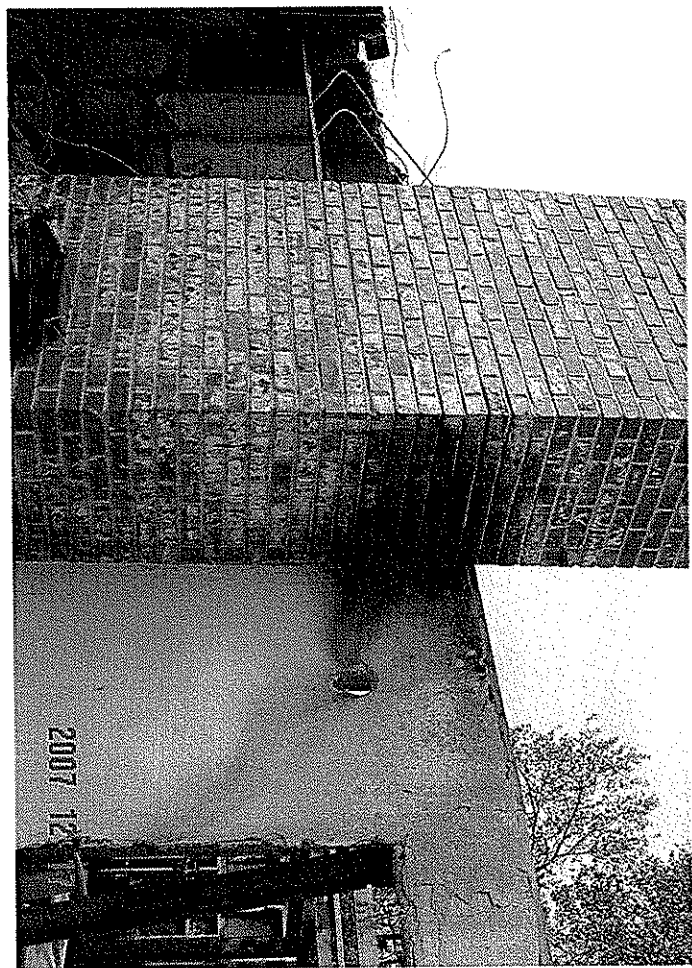
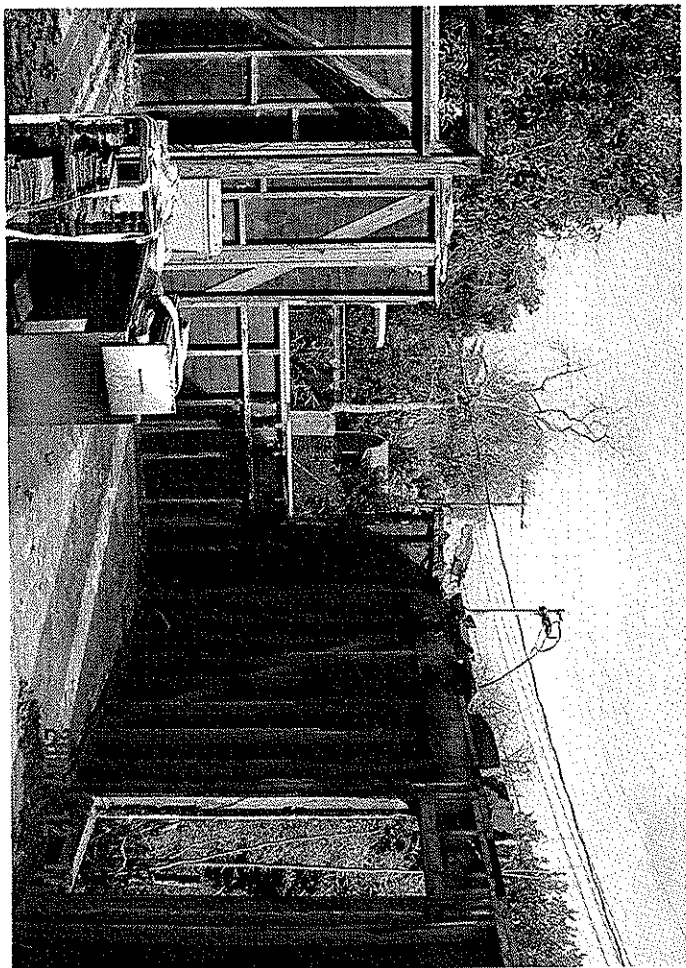
3. ASBESTOS SURVEY OF PROPERTY-----\$820.00

4. DEMOLITION CONTRACTOR,
WISE ENGINEERING-----\$7,900.00

5. ASBESTOS REMOVAL, PARC CONSTRUCTION---\$3,270.00

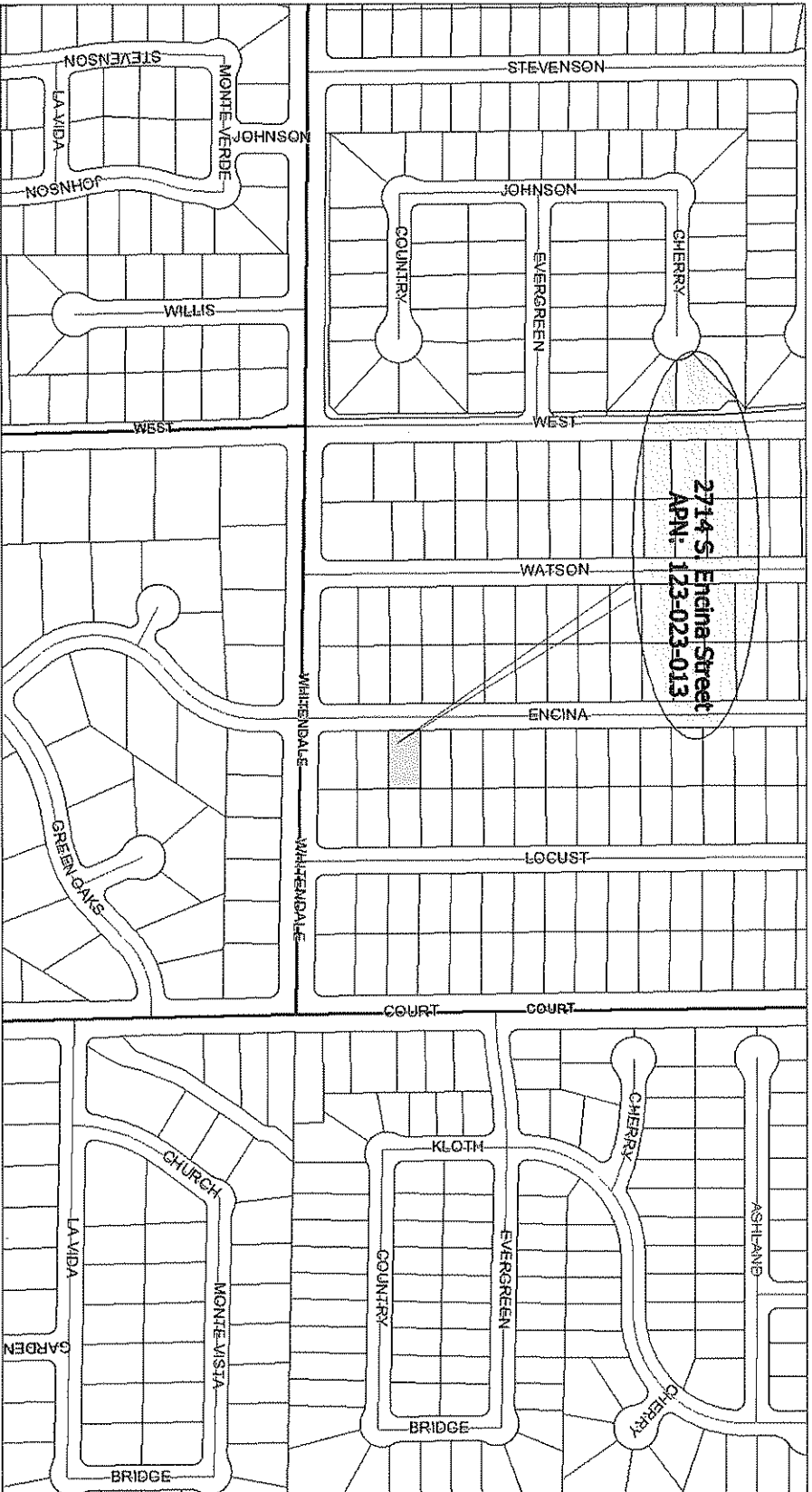
- TOTAL FEES OWED----- \$13,411.45







2714 S. Encina Street



Map By:
Code Enforcement
7/23/2009
© City of Visalia

Notes



Legend

- Large/Small
- Streets
- Major Streets
- - - City Limits
- - - Railroad
- PARCELS
- Street Names
- Major Street Names

1:3,450





2714 S. Encina Street



Legend

- LargeStanno
- Streets
- Major Streets
- City Limits
- Railroad
- PARCELS
- Color Aerials - April 2008
- Red: Band 1
- Green: Band 2
- Blue: Band 3
- Street Names
- Major Street Names

1:1,247



Map By:
 Code Enforcement
 7/23/2009
 City of Visalia

Notes



2714 S. Encina Street



Map By:
Code Enforcement
7/23/2009
@ City of Visalia

Notes

1:1,247



Legend

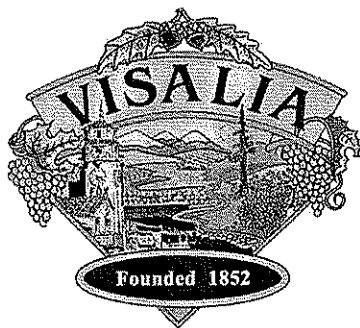
- Large/Arroyo
 - Streets
 - Major Streets
 - City Limits
 - Railroad
 - PARCELS
- Color Aerials - April 2008
- Red: Band, 1
 - Green: Band, 2
 - Blue: Band, 3
- Street Names
Major Street Names

REPORT AND ASSESSMENT LIST EXHIBIT

Date: July 23, 2009

Property Address : 2714 S. Encina St
Accessor Parcel Number: 123-023-013-000

| DESCRIPTION OF WORK COMPLETED BY CITY | COST OF WORK | REVENUE | TOTAL |
|--|--------------|---------|--------------------|
| Asbestos Survey Fee | \$820.00 | | \$820.00 |
| Abatement of Asbestos | \$3,270.00 | | \$3,270.00 |
| Demolition and Abatement of SFD and all debris | \$7,900.00 | | \$7,900.00 |
| City Attorney fees | \$520.00 | | \$520.00 |
| Cost Recovery Fees for Staff Time | \$901.45 | | \$901.45 |
| 10% Finance Charge | \$1,341.15 | | \$1,341.15 |
| Total Balance Owed: | | | \$14,752.60 |




Signature

City of Visalia Agenda Item Transmittal

Meeting Date: August 17, 2009

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

Agenda Item Wording: Introduction of amendment to Visalia Municipal Ordinance Section 10-32 for the transition of the Private Property Vehicle Abatement Program from the Visalia Fire Department to the Housing and Economic Development Department - Introduction to Ordinance 2009-05

Deadline for Action: None

Submitting Department: Housing and Economic Development Department (HEDD)

Contact Name and Phone Number:

Ricardo Noguera, Director HEDD, 713-4190
Tim Burns, Neighborhood Preservation Manager, 713-4172
Mark Nelson, Chief Nelson, Fire Department,; 713-4218

Department Recommendation: Approve transfer of the Private Property Vehicle Abatement Program to HEDD

Summary/background:

Pursuant to Visalia Municipal Code Section 10.32.060 the Fire Department is currently responsible for the administration and enforcement of Private Property Vehicle Abatement in Visalia.

To provide more efficient and effective enforcement of the ordinance and higher level of service to the community, staff is recommending that the administration and enforcement of the Private Property Vehicle Abatement Program be transferred from the Fire Department to the Housing and Economic Development Department. This will also enable Fire Department personnel to focus its' energies on fire inspections.

Although it is not a prerequisite, frequently abandoned vehicles on private property are associated with substandard housing cases that are regularly inspected and abated by code enforcement personnel from the Housing and Economic Development Department. Therefore, there is a close relationship between regular code enforcement duties and private vehicle abatement which will result in the transition being a relatively seamless process.

When code enforcement inspectors observe abandoned vehicles on private property in violation of the city ordinance the current practice is to notify the fire inspector of the violation and violations are dealt with separately by the Fire Department as time permits based on their current work load.

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 minutes

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.

With council's consent the transition of responsibility will require minor text amendments of the ordinance. In anticipation of Council approval, the City Attorney has prepared the necessary amendments to modify the ordinance for Council review and consideration.

In the interim, the Fire Chief has the authority to designate deputy enforcement officers and has designated the appropriate Housing and Economic Development staff to act as enforcement officers with Fire Department personnel available to advise and assist during the transition.

To more effectively address private property vehicle abatement violations in Visalia staff is recommending that a vehicle abatement officer be hired to exclusively provide private property vehicle abatement enforcement throughout Visalia under the administration of the Housing & Economic Development Director.

Prior to any proactive enforcement actions being taken significant community education and outreach will be conducted through the local media.

The position can be funded through either cost recovery fees assessed to responsible parties or through the Vehicle Licensing Fund. CDBG funds may be utilized for vehicles abated in the designated areas.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Take no action and have the Fire Department continue to be the enforcement agency for the Private Property Vehicle Abatement Program.

Attachments:

- Proposed Text Amendments
- Letter from Fire Chief authorizing transfer of program to HEDD

Recommended Motion (and Alternative Motions if expected): Authorize the text amendments necessary to allow for the transition of the Private Property Vehicle Abatement Program from the Fire Department to the Housing and Economic Development Department.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

ORDINANCE NUMBER 2009 -- 05

**AMENDING OF THE VISALIA MUNICIPAL CODE LISTING
THE CITY EMPLOYEE RESPONSIBLE FOR ENFORCING
CITY REQUIREMENTS CONCERNING ABANDONED VEHICLES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry by requiring the maintenance of property or premises within the City. Therefore, the City Council of the City of Visalia recommends the following revisions to the Municipal Code.

Section 2: Section 10.32.060 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 10.32.060 as follows:

10.32.060 Enforcement.

Except as otherwise provided herein, the provisions of the chapter shall be administered and enforced by the housing and economic development director or his or her designee, hereinafter referred to as "enforcement officer." In the enforcement of this chapter such enforcement officer and his or her deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter.

Section 3: Section 10.32.080 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 10.32.080:

10.32.080 Administrative Costs.

The enforcement officer shall keep an accounting of the costs of abating any such nuisance. Such costs may be recovered as administrative costs under this chapter and, together with the costs incurred for the removal of the vehicle or parts thereof, may become a special assessment against the parcel of said land pursuant to Section 22660 of the California Vehicle Code and Section 38773.5 of the California Government Code. In the event a civil lawsuit is filed to enforce these provisions, then the prevailing party shall be entitled to recover reasonable attorney's fees and all costs.

Section 4: Section 10.32.090 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 10.32.090:

10.32.090 Notice of Intention.

A. Upon discovering the existence of an inoperative, abandoned, wrecked or dismantled vehicle, or part thereof, on private property or public property within the city, the enforcement officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure described herein. A ten day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

B. The ten day notice of intention to abate or remove shall contain a statement of the hearing rights of the owner of the land and owner of the vehicle, including the right of the owner of the land to appear in person at a hearing on the question of abatement and removal, or to submit a sworn, written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial in lieu of appearing.

Section 5: Section 10.32.100 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 10.32.100:

10.32.100 Notice of Hearing.

A. Upon request by the owner of the vehicle or owner of the land, either received by the enforcement officer within ten days after the mailing of the notices of intention to abate and remove are made at the time of signing a release waiving any interest in the vehicle, or parts thereof, a public hearing shall be held before an administrative hearing officer appointed pursuant to Visalia Municipal Code Chapter 1.13. Requests for appeal by the owner of the vehicle or the owner of land shall be made pursuant to Visalia Municipal Code Section 1.13.080. The hearing shall decide issues related to whether sufficient grounds under this Chapter, 10.32, existed to abate and remove the vehicle, or part thereof, as an inoperative, abandoned, wrecked or dismantled vehicle, and the assessment of the administrative costs and the cost of the removal of the vehicle or part thereof against the property on which it is located.

B. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten day period, such statement shall be construed as a request for a hearing within such ten day period which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle; unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for a hearing is not received within ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or part thereof as a public nuisance without holding a public hearing.

Section 6: Visalia Municipal Code Section 10.32.110 is hereby repealed and replaced with the following amended Section 10.32.110:

10.32.110 Public Hearing.

A. All hearings under this chapter shall be held before the hearing officer appointed pursuant to Visalia Municipal Code Chapter 1.13. The hearing officer shall hear all facts and testimony he or she deems pertinent. Said facts and testimony may include testimony on the condition that the vehicle or part thereof and the circumstances concerning its location on the said private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle or part thereof is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his or her reasons for such denial.

B. The hearing officer may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purpose of this chapter. He or she may delay the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. At the conclusion of the public hearing the hearing officer may find that a vehicle or a part thereof is inoperative, abandoned, wrecked or dismantled on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine that the administrative costs and the costs of removal be charged against the owner of the land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and vehicle number of the vehicle, if available, at the site.

C. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and he has not subsequently acquiesced in its presence, the hearing officer shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

Section 7: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8: 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 9: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 10: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney



August 6, 2009

Ricardo Noguera
City of Visalia – Housing & Economic Development

I, Mark R. Nelson, Fire Chief for the Visalia Fire Department, hereby appoint the City of Visalia Housing & Economic Development – Neighborhood Preservation Department as deputy enforcement officers with the responsibility and authority to enforce Chapter 10.32 of the City of Visalia Municipal Code. This appointment is made pursuant to Municipal Code Section 10.32.060:

10.32.060 Enforcement.

Except as otherwise provided herein, the provisions of the chapter shall be administered and enforced by the director of Fire and Emergency Management (hereinafter referred to as "Fire Chief" or Enforcement Officer"). In the enforcement of this chapter such Enforcement Officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter.

The Housing & Economic Development - Neighborhood Preservation Department shall comply with all procedural requirements contained in Chapter 10.32. The Fire Department is in the process of revising the applicable ordinances to completely transfer its Chapter 10.32 enforcement duties. Visalia Fire Department Senior Fire Inspector Kurtis Brown will be available to assist in the transition of this important community program. With the continued efforts of both departments, we expect to make this transfer as seamless as possible.

Thank you,

A handwritten signature in blue ink, appearing to read "Mark R. Nelson", is written over a horizontal line.

Mark R. Nelson, Fire Chief

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorize the City Manager to execute a Consent Agreement (CON07199193) between Southern California Edison Company (SCE) and the City of Visalia for the installation of storm drain pipeline facilities within the existing SCE easement located along the St. John's Parkway extension (approximately one-half mile east of McAuliff Street).

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Jason Huckleberry, Associate Engineer - 713-4259
Chris Young, Assistant Community Dev. Director – 713-4392

Department Recommendation:

Staff recommends that the City Council authorize the City Manager to execute a Consent Agreement (CON07199193) between Southern California Edison Company (SCE) and the City of Visalia for the installation of storm drain pipeline facilities within the existing SCE easement located along the St. John's Parkway alignment (one-half mile east of McAuliff Street). The storm drain pipeline installation has been completed. This line will convey storm water from the River Run Ranch development to the existing master plan storm drain basin located along the east-side of the SCE easement.

Summary/background:

The City required that the River Run Ranch Development (Phase 5) install master plan storm drain facilities within St. John's Parkway across the existing SCE easement to the storm drain basin along the east side of the future Tower Road extension. This project will allow for future development areas, west of the existing SCE easement, to drain runoff water to the existing master plan storm drain basin located along the west side of the SCE easement.

In the future, if any rearrangement, relocation, reconstruction or removal of the City facilities is necessary, the City will be responsible for the costs incurred in complying with such work. This consent agreement covers storm drain facilities lying within the existing SCE tower easement that is considered as alternate route #2 of SCE's San Joaquin Cross Valley Loop project. These storm drain improvements, and future St John's Parkway street improvements, have been reviewed with the location of future SCE towers. Recommendations from the City have been made to SCE in order to accommodate all 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.): 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.

Prior Council/Board Actions: Council approved authorization to file a Notice of Completion for the Master Plan Storm Drain Facilities installed with River Run Ranch Phase 5 on July 13, 2009.

Committee/Commission Review and Actions: N/A

Alternatives: None recommended.

Attachments: Location Map, Consent Agreement

Recommended Motion (and Alternative Motions if expected):

Move to authorize the City Manager to execute a Consent Agreement (CON07199193) between Southern California Edison Company and the City of Visalia for the installation of storm drain pipeline facilities within the existing SCE easement located along the St. Johns Parkway extension (approximately one-half mile east of McAuliff Street).

Environmental Assessment Status

CEQA Review: N/A

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:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorize the City Manager to execute a Joint Use Agreement (REL06141596) between Southern California Edison Company (SCE) and the City of Visalia for the relocation of SCE facilities on the north side of Riggan Ave, from 430' east of Mooney Blvd to 1,000' west of Mooney Blvd.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Jason Huckleberry, Associate Engineer - 713-4259
Chris Young, Assistant Community Dev. Director - 713-4392

Department Recommendation:

Staff recommends that the City Council authorize the City Manager to execute the Joint Use Agreement with Southern California Edison Company (SCE) for the relocation of facilities on the north side of Riggan Ave, from 430' east of Mooney Blvd to 1,000' west of Mooney Blvd. The relocation is completed and was necessary for the new construction of the north one-half of Riggan Avenue required with the Shannon Ranch 2 Units No. 3 & 5 subdivision.

Summary/background:

The City required the Shannon Ranch 2 Units No. 3 & 5 subdivision to complete the north one-half of Riggan Ave across the frontage of the subdivision. Riggan Ave is a designated arterial street in the City's Circulation Element. The completion of the north one-half of Riggan Ave required the relocation of six power poles. Prior to relocation, these facilities were located in an existing SCE easement that was obtained in 1948.

The Shannon Ranch 2 Units No. 3 & 5 subdivision map dedicated the right-of-way for the north one-half of Riggan Ave. The relocated power poles are within this additional right-of-way but outside of the existing SCE easement. In order for SCE to keep their rights that the existing easement afforded them, the City is establishing a strip of land for joint use of the public right-of-way. In the future, if the City requires any rearrangement, relocation, reconstruction or removal of these SCE facilities, the City will be responsible for the costs incurred in complying with such work. SCE will consent to the construction, reconstruction, maintenance, or use by the City of a street over, along and upon the SCE existing easement.

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.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended. The existing power poles were located in an existing SCE easement and they have been moved to allow the street widening.

Attachments: Location Map, Joint Use Agreement

Recommended Motion (and Alternative Motions if expected):

Move to authorize the City Manager to execute a Joint Use Agreement (REL06141596) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the north side of Riggins Ave, from 430' east of Mooney Blvd to 1000' west of Mooney Blvd.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorize the City Manager to execute a Joint Use Agreement (REL06148574) between Southern California Edison Company (SCE) and the City of Visalia for the relocation of facilities on the east side of McAuliff Street, south of Walnut Avenue.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Jason Huckleberry, Associate Engineer - 713-4259
Chris Young, Assistant Community Dev. Director - 713-4392

Department Recommendation:

Staff recommends that the City Council authorize the City Manager to execute the Joint Use Agreement with Southern California Edison Company (SCE) for the relocation of facilities on the east side of McAuliff Street, south of Walnut Avenue. The relocation has been completed and was necessary for the new construction of the east one-half of McAuliff Street required with the Woodside Sousa Property Subdivision (Unit No. 1).

Summary/background:

The City required the Woodside Sousa Property Subdivision (Unit No. 1) to complete the east one-half of McAuliff Street across the frontage of the subdivision. McAuliff Street is a designated collector street in the City's Circulation Element. The completion of the east one-half of McAuliff Street required the relocation of seven power poles. Prior to relocation, these facilities were located in multiple existing SCE easements that were obtained in 1948. The relocation was necessary for the completion of the east one-half of McAuliff Street.

The Woodside Sousa Property Unit No. 1 subdivision map dedicated the right-of-way for the east one-half of McAuliff Street. The relocated power poles are within this additional right-of-way, but outside of the existing SCE easement. In order for SCE to keep their rights that the existing easement afforded them, the City is establishing a strip of land for joint use of the public right-of-way. In the future, if the City requires any rearrangement, relocation, reconstruction or removal these SCE facilities, the City will be responsible for the costs incurred in complying with such work. SCE will consent to the construction, reconstruction, maintenance or use by the City of a street over, along and upon the SCE existing easement.

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.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended. The existing power poles were located in an existing SCE easement and they have been moved to allow the street widening.

Attachments: Location Map, Joint Use Agreement

Recommended Motion (and Alternative Motions if expected):

Move to authorize the City Manager to execute a Joint Use Agreement (REL06148574) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the east side of McAuliff Street, south of Walnut Avenue.

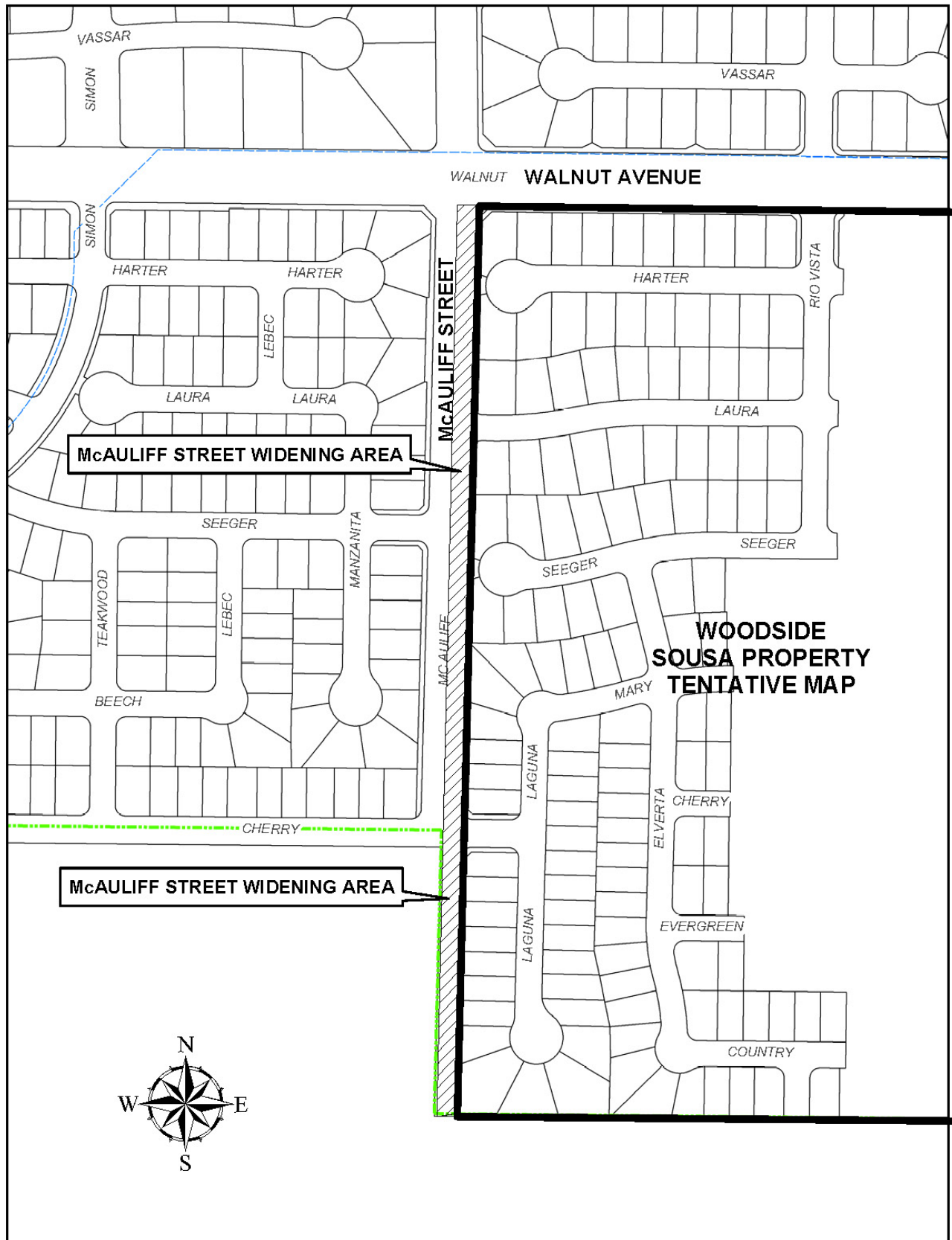
Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

LOCATION MAP



City of Visalia Agenda Item Transmittal

Meeting Date: August 17, 2009

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

Agenda Item Wording: Consideration of requests from the Hispanic Roundtable and the Downtown Visalians to have a representative on the recently appointed Public Art Policy Task Force which will develop City policies for locating and approving public art.

Deadline for Action:

Submitting Department: Administration

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

Department Recommendation:

It is recommended that the Council approve the addition of a member of the Hispanic Roundtable and of the Downtown Visalians to the recently approved Public Art Policy Task Force which will develop policies regarding public art in Visalia including, but not limited to, consideration of the following:

- *How public art is defined
 - *Permanent, long-term and short term outdoor art exhibits
 - *Public space versus private space
 - *All forms of public art including murals, statues, sculptures, paintings, art work paving and/or fencing, etc.
 - *Permitting and approval processes
 - *Artists rights
 - *Property Owner rights
 - *Soliciting/encouraging public art
 - *Criteria for where public art could/should be located in publicly owned areas, including parks, plazas, green spaces and non-traditional art spaces
 - *How city-owned sites will be selected/approved for public art, and how the type of piece, subject matter and artist will be selected and approved
 - *Other city's public art policies
 - *A review panel that is comprised of an already-formed group (Current Committee, Commission or community organization)

Summary/background:

At the July 13 meeting, the Council approved the formation of a Public Art Policy Task Force. The group is slated to meet for the first time later this month to begin discussions on the items

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 81309
(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.

identified above, and other issues related to sighting and selecting public art that may be raised by the group. The members of the Task Force, as approved by Council, include representatives from the Citizens Advisory Committee (2), the Parks and Recreation Commission (1), Arts Consortium (3), the Chamber of Commerce (1), and the Hispanic Chamber of Commerce (1). (While the Council approved two for the Parks and Recreation Commission, only one is interested in participating.

In a recent letter, the Hispanic Roundtable requested that the Council consider adding a member of the Roundtable to the Task Force, citing their previous involvement with the bust of Manuel Hernandez at the school that bears his name, and their interest in ensuring that the members of the community they represent, a group they believe is often forgotten or ignored, has a voice in the formation of these policies.

In addition, the Downtown Visalians sent an e-mail asking if their organization was going to have a representative on the Task Force. Since the Task Force is a city-wide task force and not specific to the downtown, they were not included in the original recommendation, but they have indicated to the Arts Consortium that they would be interested in having a representative.

Prior Council/Board Actions:

August, 2008 – Approved the Cultural Arts Plan

July, 2009 – Approved the formation of the Public Art Task Force

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the addition of representatives from the Hispanic Roundtable and the Downtown Visalians to the Public Art Task Force.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: August 17, 2009

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

Agenda Item Wording: Adoption of **Resolution 2009- 33** supporting the University of California, Merced's efforts to address the physician shortage in the San Joaquin Valley by establishing a medical school. (Resolution 2009- 33 required)

Deadline for Action: N/A

Submitting Department:

Contact Name and Phone Number: Steve Salomon, 713-4314, Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council adopt Resolution 09- supporting the University of California, Merced's efforts to address the physician shortage in the San Joaquin Valley by establishing a medical school.

Department Discussion

According to statistics provided by Kaweah Delta Medical Center officials, the San Joaquin Valley has historically been an underserved region in terms of recruiting and retaining medical professionals and has 31 percent fewer primary physicians and 51 percent fewer specialists than the rest of the state.

Assessments of California's health care work force point to a shortage of up to 17,000 physicians in the State of California by 2015 and the University of California's Health Sciences Advisory Council recommended a 34 percent increase in MD student enrollments between 2005 and 2020. The Council also recognized that medical education programs need to be developed in the San Joaquin Valley and the Inland Empire, where projected population growth rates are twice that of the rest of the state.

As part of the effort to address this current and projected future shortage, UC Merced is developing a medical school to address the shortage, help combat serious health-related illness in the San Joaquin Valley, and expand higher education opportunities in San Joaquin Valley.

Because of the current economic conditions, UC Merced is proposing to phase in the program, starting with a Biomedical Education Track on the campus by 2010, developing into a full medical school by 2020.

Cities in the Valley are being asked to adopt Resolutions supporting the University's efforts. Officials at Kaweah Delta Medical Center have reviewed the proposal and are also supportive of the program and believe it will directly benefit the Visalia area.

Prior Council/Board Actions: N/A

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC73009

Finance

City Atty

City Mgr

Committee/Commission Review and Actions: N/A

Alternatives: To not adopt the resolution of support

Attachments: Resolution 2009-33

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 09-33 supporting the University of California, Merced's efforts to address the physician shortage in the San Joaquin Valley by establishing a medical school.

Resolution 2009- 33
Valley Coalition for UC Merced Medical School

WHEREAS, the University of California, Merced is planning a medical school, founded on a community-based distributive model of medical education in order to best serve the needs of the San Joaquin Valley and focus teaching and research on the community health needs of the region.

WHEREAS, the UC Merced Medical School will address the critical projected physician shortage and combat serious health-related illness that plague the San Joaquin Valley and will also expand higher education opportunities in San Joaquin Valley.

WHEREAS, UC Merced retained the services of the Washington Advisory Group (WAG) to provide recommendation on the planning process for the medical school, WAG recommends a delay of UC Merced's current plan due to the recent economic downturn in the State of California and the nation as a whole.

WHEREAS, WAG states "the commitment to establish an independent medical school is undiminished," and instead recommends the development of a three-phase plan:

Phase I: Development of a "Biomedical Education Track" for an undergraduate pre-med program at UC Merced, to be developed as early as 2010.

Phase II: Development of a UC Davis/UC Merced program for a "branch medical school" of UC Davis, to be developed as early as 2012.

Phase III: A fully independent UC Merced Medical School, with a distributive model program, to be developed no later than 2020.

WHEREAS, Mark Yudof, President of the University of California endorsed the WAG report in his remarks before the University of California Board of Regents on February 4, 2009, pledging to work with UC Merced on the development of the plan.

WHEREAS, assessments of California's health care work force point to a shortage of up to 17,000 physicians in the State of California by 2015 and the University of California's Health Sciences Advisory Council recommended a 34 percent increase in MD student enrollments between 2005 and 2020. The Council also recognized that medical education programs need to be developed in the San Joaquin Valley and the Inland Empire, where projected population growth rates are twice that of the rest of the state.

WHEREAS, the San Joaquin Valley has historically been an underserved region in terms of recruiting and retaining medical professionals. The Valley has 31 percent fewer primary physicians and 51 percent fewer specialists than the rest of the state, and UC Merced's Medical School is the single most important action that can be taken to address this shortage.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Visalia City Council supports the University of California, Merced's phased approach that will begin immediately to implement quality medical education in the San Joaquin Valley; and,

BE IT FURTHER RESOLVED that the Council supports and appreciates UC Merced's efforts to address the physician shortage in the San Joaquin Valley.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorize the City Manager to execute an amendment to the Professional Service Agreement with Community Services and Employment Training (CSET) to provide labor for various City grant funded projects where CSET is a partner in the grant application.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

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

Department Recommendation:

That the City Council authorizes the City Manager to execute an amendment to the Professional Service Agreement with CSET.

Background Information:

In January 2008 Council authorized the City Manager to execute a professional Service Agreement with CSET to provide labor for various grant projects where CSET is specified as a partner for an amount not to exceed \$293,000. Since then staff has identified three other grants where CSET is identified as providing labor. These three grants are: St. Johns Trail at McAuliff, Mill Creek Trail at McAuliff (both of these are State Recreational Trail Program grants) and a 2008 Environmental Enhancement and Mitigation grant to plant 800 trees and 2,500 shrubs within the City's right-of-way on various public streets. Grant funding covers project management, plants, irrigation materials and labor. CSET will provide labor for these three grants for an amount not to exceed \$165,000. With the approval of this amendment, the total funding under the agreement would increase to \$458,000.

Prior Council/Board Actions: Jan. 7, 2008 Council approved a professional services agreement with CSET.

Committee/Commission Review and Actions: None

Attachments: Proposed amendment to agreement

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.

Recommended Motion (and Alternative Motions if expected):

That the City Council authorizes the City Manager to execute an amendment to the Professional Service Agreement with CSET.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorization to award the contract for the Rehabilitation of Taxiway Edge Lighting and Signage at the Visalia Municipal Airport to RB Development in the amount of \$393,990. Project numbers 4011-72000-0-0-8187, corresponding to FAA AIP Project number 3-06-0271-25.

Deadline for Action: N/A

Submitting Department: Administration - Airport

Contact Name and Phone Number: Mario Cifuentez, II
713-4480

Department Recommendation

City staff recommends that City Council award the project to RB Development for the amount of \$393,990. The contract price is \$164,110 less than the total engineer's estimates. The project includes replacing existing taxiway edge lighting with new LED taxiway lighting and the replacement of airfield guidance signs and emergency generator. The required 5% match (\$19,699.50) for the grant will be paid out of the Airport Enterprise Fund.

Summary/Background

In June, the Federal Aviation Administration (FAA) notified staff that there was funding available from a previous year's entitlement program and that they were prepared to make a grant offer to the Visalia Airport if the project could be advertised, awarded and the funding obligated prior to September 30, 2009. The City was awarded the grant based on our ability to meet very short timelines. Consequently, the project was put out to bid and the award was based on the Base Bid only, with additional work added as an alternative. The City could not risk basing the project on the total bid price and having the bids come in higher than that grant funding available. Had the City done so, there would not have been enough time to put the project out to bid again.

Bids were received and opened for this project on July 30, 2009. A total of four (4) bids were received ranging from \$267,610 by RB Development of Big Bear, California to \$375,195 by St. Francis Electric of San Leandro, CA. The engineer's estimate for the project was \$399,300.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 10

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.

| | <u>Base Bid</u> | <u>Additive Alternate 1</u> |
|----------------------------|-----------------|-----------------------------|
| <i>Engineer's Estimate</i> | \$ 399,300.00 | \$ 158,800.00 |
| 1. RB Development. | \$ 267,610.00 | \$ 126,380.00 |
| 2. AC Electric | \$ 283,230.00 | \$ 82,140.00 |
| 3. Royal Electric Company | \$ 321,163.00 | \$ 107,057.00 |
| 4. St. Francis Electric | \$ 375,195.00 | \$ 103,830.00 |

After review of the Bid Submittals, the FAA has determined that there is sufficient grant funding available to fund the Additive Alternate and will issue the grant for the amount necessary to cover the Base Bid, Alternate and all associated administrative and engineering costs.

The airport's consulting engineer has reviewed the bids and recommends the City award the contract to the low bidder, RB Development for the bid amount. The City has already received FAA Approval to award to RB Development. RB Development specializes in airport electrical projects, has satisfactorily completed previous projects at the Visalia Airport and has a history of completing FAA funded projects for many airports in the state.

These projects have been identified through the City's Capital Improvement Program and adequate funding has been allocated. The project will be funded 95% by an FAA agreement previously approved by the City Council.

This project will replace all existing taxiway lights with FAA approved LED versions. Additionally, a recent FAA inspection noted that many of the airport's guidance signs were beginning to fade and a recommendation was made to replace them as part of a future year's grant.

The airfield guidance signs were installed with the taxiway lighting work in 1986. The signs are old now with some of them fading and replacement parts are becoming harder to find. This project will replace the old signs with new LED signs.

The taxiway edge lighting system on the taxiways was also installed in 1986. The system is now 23 years old, the resistance to ground in the cable system is low and extensive maintenance is required on an ongoing basis. The existing lights have incandescent lamps. This project will replace all existing lights, transformers and cable and with a modern LED lighting system.

The existing emergency generator and transfer switch are at least 30 years old and the engine uses propane for fuel. The generator and transfer switch are in poor condition and require extensive maintenance and it is difficult to obtain spare parts. This project proposes to replace the existing 30kW system with a new, diesel-powered 100kW system that is capable of powering the entire airport lighting system, instead of just the runway circuit.

All of the airport's lighting and signage is powered by a Pilot-controlled system. This means that the lighting system is activated by the pilots, utilizing the assigned radio frequency, and only used when needed. Consequently, the airport will see some savings in energy usage, but the primary savings from this project will come from reduced man hours needed to maintain the system and less frequent need to change burned out lamps.

Prior Council/Board Actions:

July 13, 2009 – Council authorized the City Manager to execute a FAA Grant Agreement for an amount up to \$550,000 to fund the project.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Abstract of Bids

Recommended Motion (and Alternative Motions if expected):
Move to award the contract for the Taxiway lighting and Airfield signage rehabilitation to RB Development in the amount of \$393,990.

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)*

VISALIA MUNICIPAL AIRPORT
VISALIA, TULARE COUNTY, CALIFORNIA

REHABILITATION OF NORTHEAST TAXIWAYS EDGE LIGHTING & SIGNING
ADDITIVE ALTERNATE NO. 1
REHABILITATION OF SOUTHWEST TAXIWAYS EDGE LIGHTING

AIP NO. 3-06-0271-25

BID OPENING:
JULY 30, 2009 @ 1:00 P.M.

SUMMARY OF BIDS

| | <u>Base Bid</u> | <u>Additive Alternate 1</u> |
|---|-----------------|-----------------------------|
| <i>Engineer's Estimate</i> | \$ 399,300.00 | \$ 158,800.00 |
| 1. <u>RB Development</u> | \$ 267,610.00 | \$ 126,380.00 |
| 2. <u>A-C Electric</u> | \$ 283,230.00 | \$ 82,140.00 |
| 3. <u>Vellutini Corporation, Royal Electric</u> | \$ 321,163.00 | \$ 107,057.00 |
| 4. <u>St. Francis Electric</u> | \$ 375,195.00 | \$ 103,830.00 |

**VISALIA MUNICIPAL AIRPORT
VISALIA, CALIFORNIA**

REHABILITATION OF NORTHEAST TAXIWAYS EDGE LIGHTING & SIGNING

**ADDITIVE ALTERNATE NO. 1
REHABILITATION OF SOUTHWEST TAXIWAYS EDGE LIGHTING**

AIP NO. 3-06-0271-25

ABSTRACT OF BIDS

BID OPENING: JULY 30, 2009 @ 1:00 P.M.

| Item No. | Description | Unit | Quantity | Engineer's Estimate | | RB Development | | A-C Electric | | Royal Electric | | St. Francis Electric | |
|------------------|---|---------|----------|---------------------|----------|----------------|----------|--------------|----------|----------------|----------|----------------------|----------|
| | | | | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost |
| BASE BID: | | | | | | | | | | | | | |
| 1 | SWPPP Submitted by California Registered Civil Engineer (P-148) | L.S. | L.S. | L.S. | \$ 5,000 | L.S. | \$ 1,000 | L.S. | \$ 1,500 | L.S. | \$ 3,948 | L.S. | \$ 1,200 |
| 2 | Marking and Lighting of Closed Airport Facilities (P-149) | L.S. | L.S. | L.S. | 10,000 | L.S. | 1,500 | L.S. | 1,250 | L.S. | 6,000 | L.S. | 7,200 |
| 3 | Mobilization (P-150) | L.S. | L.S. | L.S. | 10,000 | L.S. | 2,000 | L.S. | 27,000 | L.S. | 34,000 | L.S. | 22,700 |
| 4 | Airfield Cable, L824, 1/C, No. 8, Type C, 5 KV, Furnish and Install in Duct or Conduit (L-108) | Ln. Ft. | 21,000.0 | \$ 1.50 | 31,500 | \$ 0.75 | 15,750 | \$ 0.85 | 17,850 | \$ 1.00 | 21,000 | \$ 0.75 | 15,750 |
| 5 | Furnish and Install 10 kW, 6.6 amp, 3-step Regulator, Complete in Place (L-109) | Each | 1.0 | 18,000.00 | 18,000 | 16,500.00 | 16,500 | 10,700.00 | 10,700 | 7,200.00 | 7,200 | 9,950.00 | 9,950 |
| 6 | Upgrade Electrical Vault (L-109) | L.S. | L.S. | L.S. | 12,000 | L.S. | 4,000 | L.S. | 18,600 | L.S. | 5,000 | L.S. | 28,250 |
| 7 | Remove and Replace Existing Taxiway Edge Lights and Transformers with New LED Taxiway Edge Lights and Transformers - Taxiway A Circuit (L-125) | Each | 193.0 | 700.00 | 135,100 | 520.00 | 100,360 | 385.00 | 74,305 | 405.00 | 78,165 | 470.00 | 90,710 |
| 8 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 2 Character, Single Face, Lighted, Size 2 (L-125) | Each | 14.0 | 2,000.00 | 28,000 | 2,000.00 | 28,000 | 1,325.00 | 18,550 | 2,140.00 | 29,960 | 2,390.00 | 33,460 |
| 9 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 3 Character, Single Face, Lighted, Size 2 (L-125) | Each | 4.0 | 2,800.00 | 11,200 | 3,000.00 | 12,000 | 1,625.00 | 6,500 | 2,975.00 | 11,900 | 3,290.00 | 13,160 |
| 10 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 5 Character, Single Face, Lighted, Size 2 (L-125) | Each | 2.0 | 3,700.00 | 7,400 | 4,000.00 | 8,000 | 3,100.00 | 6,200 | 3,870.00 | 7,740 | 4,320.00 | 8,640 |

| Item No. | Description | Unit | Quantity | Engineer's Estimate | | RB Development | | A-C Electric | | Royal Electric | | St. Francis Electric | |
|-----------------------|---|------|----------|---------------------|------------|----------------|------------|--------------|------------|----------------|------------|----------------------|------------|
| | | | | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost |
| 11 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 6 Character, Single Face, Lighted, Size 2 (L-125) | Each | 1.0 | \$ 3,700.00 | \$ 3,700 | \$ 4,000.00 | \$ 4,000 | \$ 4,050.00 | \$ 4,050 | \$ 3,850.00 | \$ 3,850 | \$ 4,320.00 | \$ 4,320 |
| 12 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 7 Character, Single Face, Lighted, Size 2 (L-125) | Each | 1.0 | 4,600.00 | 4,600 | 4,000.00 | 4,000 | 4,050.00 | 4,050 | 3,850.00 | 3,850 | 4,320.00 | 4,320 |
| 13 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 1 Character, Double Face, Lighted, Size 2 (L-125) | Each | 1.0 | 2,200.00 | 2,200 | 2,500.00 | 2,500 | 1,625.00 | 1,625 | 2,290.00 | 2,290 | 2,555.00 | 2,555 |
| 14 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 5 Character, Double Face, Lighted, Size 2 (L-125) | Each | 2.0 | 3,900.00 | 7,800 | 4,000.00 | 8,000 | 3,475.00 | 6,950 | 4,150.00 | 8,300 | 4,620.00 | 9,240 |
| 15 | Remove and Replace Existing Airfield Guidance Signs with New LED Airfield Guidance Signs on Existing Sign Base and L867 Base, 6 Character, Double Face, Lighted, Size 2 (L-125) | Each | 4.0 | 4,200.00 | 16,800 | 4,000.00 | 16,000 | 3,550.00 | 14,200 | 4,190.00 | 16,760 | 4,625.00 | 18,500 |
| 16 | Remove and Replace Existing Distance Remaining Signs with New LED Distance Remaining Signs on Existing Base and L867 Base, Size 4 (L-125) | Each | 4.0 | 4,000.00 | 16,000 | 2,000.00 | 8,000 | 1,850.00 | 7,400 | 3,550.00 | 14,200 | 3,935.00 | 15,740 |
| 17 | Remove and Replace Existing Backup Generator with New 100 kW, 120/240 V, 3 Phase, 4W Generator and Automatic Transfer Switch, Complete (L-126) | L.S. | L.S. | L.S. | 80,000 | L.S. | 36,000 | L.S. | 62,500 | L.S. | 67,000 | L.S. | 89,500 |
| Total Base Bid | | | | | \$ 399,300 | | \$ 267,610 | | \$ 283,230 | | \$ 321,163 | | \$ 375,195 |

| Item No. | Description | Unit | Quantity | Engineer's Estimate | | RB Development | | A-C Electric | | Royal Electric | | St. Francis Electric | |
|---------------------------------------|--|------|----------|---------------------|------------|----------------|------------|--------------|-----------|----------------|------------|----------------------|------------|
| | | | | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost | Unit Price | Cost |
| ADDITIVE ALTERNATE NO. 1 | | | | | | | | | | | | | |
| 1-1 | Furnish and Install 10 kW, 6.6 amp, 3-step Regulator, Complete in Place (L-109) | Each | 1.0 | \$ 18,000.00 | \$ 18,000 | \$ 16,500.00 | \$ 16,500 | \$ 10,700.00 | \$ 10,700 | \$ 7,200.00 | \$ 7,200 | \$ 9,950.00 | \$ 9,950 |
| 1-2 | Upgrade Electrical Vault (L-109) | L.S. | L.S. | L.S. | 5,000 | L.S. | 9,000 | L.S. | 1,600 | L.S. | 917 | L.S. | 2,700 |
| 1-3 | Remove and Replace Existing Taxiway Edge Lights and Transformers with New LED Taxiway Edge Lights and Transformers - Taxiway N Circuit (L-125) | Each | 194.0 | 700.00 | 135,800 | 520.00 | 100,880 | 360.00 | 69,840 | 510.00 | 98,940 | 470.00 | 91,180 |
| Total Additive Alternate No. 1 | | | | | \$ 158,800 | | \$ 126,380 | | \$ 82,140 | | \$ 107,057 | | \$ 103,830 |

City of Visalia
Agenda Item Transmittal

Meeting Date: August 17, 2009

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

Agenda Item Wording: Authorization to purchase by direct sale from Caltrans property consisting of approximately 2759 square feet of area located West of Ben Maddox adjacent to the south side of State Route 198 adjacent to Noble Avenue through "Offer to Purchase Agreement;" Adoption of Resolution of Public Purpose re Same. **Resolution No. 2009-34**

Deadline for Action:

Submitting Department: Administration, Community Development, Engineering

Contact Name and Phone Number:

Steve Salomon, City Manager: 713-4312
Mike Olmos, Assistant City Manager: 713-4332
Chris Young, Assistant Director of Engineering: 713-4392
Adam Ennis, Manager Engineering Design: 713-4323
Colleen Carlson, Consultant: 627-4400

Department Recommendation:

1) Council Accept Caltrans' offer to sell and authorize the City Manager to enter into an Offer to Purchase Agreement to acquire the Caltrans property for \$6,900.00 (\$2.50/Sq. Ft.); and 2) adopt Resolution No. 2009-34 indicating the purchase is for a public purpose (Ben Maddox/Noble Avenue bridge/road widening project) as required by the Caltrans Excess Land Direct Sale process.

Summary/background:

A 2759 square foot strip of land between Noble Avenue and Highway 198 just west of Ben Maddox is required by the City for its bridge widening road project (see attached project exhibit map). The City has been waiting for Caltrans to complete its clearance activities and declare the land excess. In the meantime, the property has been included as part of our construction encroachment permit. Caltrans appraisers valued the property at \$6,900.00 which triggered a direct sale offer from Caltrans to City subject to California Transportation Commission (CTC) approval. (This same process was employed a few years ago when City purchase the old Caltrans maintenance yard at Burke and Murray). Although Council previously authorized the purchase of this property in January, 2008 at the Hopper-appraised value of \$9657.00, we could not move forward until we received the actual February 25, 2009 offer letter from Caltrans (attached) which is required by their Excess Land Direct Sale process. In order to complete the E-76 process to proceed with the project, the excess land sale process was put on hold 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.): 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.

instead an encroachment permit including this land was issued. We have now received word from Caltrans that we are cleared to complete the excess land process.

Appraisal: Caltrans determined the full fair market value of the property to be \$6,900.00. Hopper's prior appraisal indicated a value of \$9,657. The Caltrans appraisal has been approved by the Director of District 6 as well as by headquarters. Further approval is not required, however it is presented to the California Transportation Commission ("CTC") as explained below.

Summary of Offer to Purchase Agreement Terms (copy attached):

Price: \$6900 - Cash;

CTC: Transaction is subject to California Transportation Commission Approval;

Title Insurance: None offered

Title/Encumbrances: Property is conveyed subject to special assessments, restrictions, reservations, easements, and any encumbrances of record (a title report is being obtained to determine what, if any of these, exist)

Escrow and Recording Fees: To be paid by City, if any

Due Diligence: The purchase price is non-negotiable. The property has been surveyed by City as part of its road project and Caltrans' proposed deed and legal description evolved from such survey. A Title Report has been ordered and will be reviewed prior to recording the Deed. A preliminary check with Chicago Title indicated it is highly unlikely encumbrances will exist as this property was acquired many years ago by Caltrans. Additionally, prior to declaring the land excess, Caltrans goes through a multi-department review of the property to investigate all aspects of the property.

Presentation of Proposed Sale to California Transportation Commission: The Caltrans appraisal, City's acceptance of the Offer to Purchase, and the City's Resolution of Public Purpose will be presented to the CTC. Although the appraisal and direct sale documents are collected and approved at the local District 6 level, the proposed transaction is presented to the CTC by Caltrans staff to determine compliance with Caltrans' established regulations and compliance with the Government Code related to disposition of excess land.

Property Use: Ben Maddox Bridge/Noble Avenue widening project (CIP 3011-9242).

Funding: As part of the 1999/2000 Capital Improvement Budget Council authorized this project and has appropriated funding each year since for a total of \$6,580,000. The Project is assigned project number 3011-00000-720000-0-9242 and is being funded by a combination of funding sources including gas tax, transportation impact fees and federal grant(s), including federal stimulus funding of approximately \$6,000,000.

Prior Council/Board Actions: In January 2008, Council approved appraisals and authorized staff to make offers to all land owners from which the City required property to complete the project

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

1. Ben Maddox/Noble Avenue Project Exhibit
2. February 25, 2009 Caltrans Offer letter, with Offer Contract and Directors Deed
3. Resolution of Public Purpose 2009-34

Recommended Motion (and Alternative Motions if expected):

I move to: authorize the City Manager to enter into the Caltrans Offer to Purchase Agreement and to adopt **Resolution 2009-34** identifying the public purpose therefore.

Environmental Assessment Status

CEQA Review: The sale/purchase of surplus government property is categorically exempt from CEQA per CEQA guidelines section 15312. With respect to the road project itself, on the basis of an Initial Study, it has been determined that the Project will have no significant effect on the environment with incorporated mitigation measures which must be employed when construction begins. Therefore a Mitigated Negative Declaration was adopted by the City Council on July 21, 2003 by Resolution 2003-84. Caltrans and Quad-Knopf have recently revisited and updated the CEQA/NEPA environmental documents.

NEPA Review: Because federal funding will be used on a portion of the Project, an Environmental Assessment was also prepared at the time of preparation of the Initial Study. The outcome of the Assessment was a Finding of No Significant Impact in accord with Federal Highway Administration National Environmental Policy Act requirements.

BEFORE THE CITY COUNCIL
OF THE
CITY OF VISALIA

RESOLUTION OF PUBLIC PURPOSE
RELATED TO ACQUISITION OF
EXCESS LAND MADE AVAILABLE BY
THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION AND IDENTIFIED AS
APPROXIMATELY 2,759 SQUARE FOOT
AREA OF LAND BETWEEN STATE
HIGHWAY 198 AND NOBLE AVENUE
WEST OF BEN MADDOX WAY IN THE
CITY OF VISALIA AND IDENTIFIED AS
CALTRANS PROPERTY: DD 66786-01-03

RESOLUTION NO. 2009-34

WHEREAS, on February 25, 2009, the California Department of Transportation (“Caltrans”) mailed notice to the City of Visalia of its intent to sell surplus land shown on their attached map DD 66786-01-03 (attached); and

WHEREAS, the surplus property is identified in said notice as “DD 66786-01-03” hereinafter referred to as “the Property”; and

WHEREAS, the City of Visalia, by transmission of this Resolution to Caltrans, evidences its interest and need in acquiring the Property; and

WHEREAS, by this Resolution the City Council of the City of Visalia authorizes its City Manager to accept the offer and execute the 2/25/09 OFFER TO PURCHASE DD#66786-01-03; and

WHEREAS, as required by Caltrans Regulations, the City of Visalia declares that upon and after acquisition of the Property the preponderant area of the Property will be used for public purposes as defined in said regulation; and

WHEREAS, the specific public purposes for which said agency desires to acquire the Property include a road right-of-way project.

NOW, THEREFORE, the City Council of the City of Visalia hereby resolves as follows:

1. The City of Visalia desires to purchase the Property described herein;
2. City Manager is authorized to execute the Offer to Purchase and complete the transaction;
3. Upon and after acquisition of the Property, it will be used predominately for public purposes relating to street right of way.

This Resolution was moved by _____ and seconded by _____, and adopted at a regular meeting of the City Council of the City of Visalia held on _____, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF VISALIA

By: _____
Jesus Gamboa, Mayor

Attested to:

By: _____
Steve Salomon, City Clerk

CERTIFICATION

I, Leslie B. Caviglia, the undersigned do hereby certify: That I am the Deputy City Clerk of the City of Visalia and that the foregoing joint resolution of the City of Visalia was adopted on the ____ day of _____, 2009.

Leslie B. Caviglia, Deputy City Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

State Business – No Recording Fee
(Gov. Code 6103)
DEPT. OF TRANSPORTATION

BY: _____
Right of Way Agent

APN None

Space above this line for Recorder's Use

DIRECTOR'S DEED

| District | County | Route | Post | Number |
|----------|--------|-------|-----------|----------------|
| 06 | TUL | 198 | P.M. 10.6 | DD 66786-01-03 |

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby
grant to _____

_____ that certain real property in the City of Visalia, County of
Tulare, State of California, described as:

(DESCRIPTION FOLLOWS ON PAGE 2)

MAIL TAX
STATEMENTS TO:

Form RW 6-1(S) (Revised 4/96)

DD 66786-01-03

That portion of the northeast quarter of Section 32,
Township 18 South, Range 25 East, Mount Diablo Base and
Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 32;

Thence (1) South 00°30'04" East, along the east line of said
Section 32, a distance of 363.69 feet, to the southerly right
of way line of State Highway 198, and the northerly right of
way line of Noble Avenue;

Thence (2) North 73°52'01" West along said northerly right of
way line, a distance of 46.29 feet;

Thence (3) South 57°34'49" West, along the said northerly
right of way line, a distance of 33.16 feet to the POINT OF
BEGINNING:

Thence (4) continuing South 57°34'49" West, along said
northerly right of way line, a distance of 9.11 feet to the
beginning of a non-tangent curve, concave southwesterly,
having a radius of 1232.00 feet, a radial line to said curve
bears North 17°40'36" East;

Thence (5) westerly along said curve through a central angle
of 17°36'04", an arc length of 378.47 feet;

DD Parcel 66786-01-03 Page 2 of 4

DD 66786-01-03 continued

Thence (6) South 89°55'28" West, a distance of 47.10 feet;

Thence (7) North 84°19'30" East, a distance of 69.20 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 1239.00 feet, a radial line to said curve bears North 01°04'53" East;

Thence (8) easterly along said curve through a central angle of 16°51'55", an arc length of 364.71 feet to the POINT OF BEGINNING;

Containing 2759 square feet, more or less.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

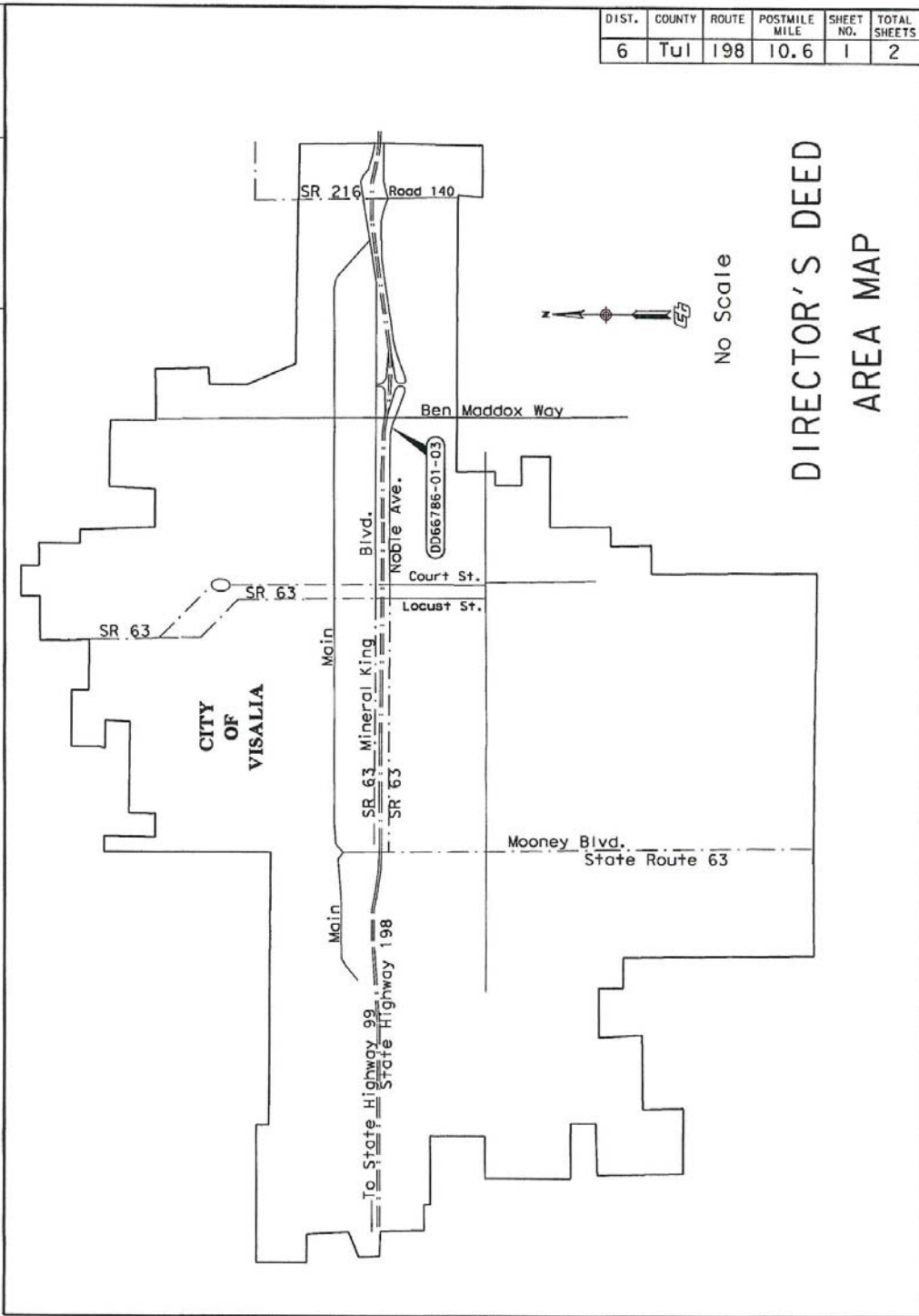
Signature Steven G. Kuelter
Professional Land Surveyor

Date September 19, 2007



Drawn By: S. Kuehler Date: 10/01/07
 Checked By: D. Oulinn Date: 10/02/07

| DIST. | COUNTY | ROUTE | POSTMILE MILE | SHEET NO. | TOTAL SHEETS |
|-------|--------|-------|---------------|-----------|--------------|
| 6 | Tul | 198 | 10.6 | 1 | 2 |



DEPARTMENT OF TRANSPORTATION

DISTRICT 6

855 M STREET, SUITE 200
FRESNO, CA 93721-2716
PHONE (559) 445-6263
FAX (559) 445-6215
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

February 25, 2009

City of Visalia
Mr. Steve Salomon, City Manager
425 E. Oak Avenue, Suite 301
Visalia, CA 93291

Dear Mr. Salomon:

The Department of Transportation (Department) hereby offers to sell the surplus land shown on the attached map as DD 66786-01-03.

The following facts pertain to DD 66786-01-03:

- Size: 2,759 square feet approximately
- Present Zoning: not zoned
- Encumbrances: Parcel will be sold subject to any encumbrances.
- Appraised fair market value is: Six Thousand Nine Hundred Dollars (\$6,900 .00).
- Improvements: none

This sale must be approved by the California Transportation Commission (CTC) and is subject to the attached terms of the Offer to Purchase Agreement. Prior to CTC submission the Department requires a Resolution of Public Use and Acceptance executed by your governing body.

If you intend to purchase please execute and return the following documents to 855 M Street, Suite 200, Fresno, CA 93721 on or before March 27, 2009:

- Offer to Purchase Agreement
- Resolution of Public Use and Acceptance

If you intend to purchase DD 66786-01-03, please make a cashier's check out to the Department of Transportation for \$ 6,900.00. The check is due on or before May 20, 2009.

I may be reached at (559) 445- 6263 if you should have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Autumn Newland-Zetz".

AUTUMN NEWLAND-ZETZ
Asso. Right of Way Agent

Attachments

C: Colleen Carlson

I (We), the undersigned, hereby offer to purchase the property described in the attached Director's Deed DD # 66786-01-03 as delineated on the map(s) attached for the sum of: Six Thousand Nine Hundred Dollars (\$ 6,900.00).

The balance of the purchase price Six Thousand Nine Hundred Dollars (\$ 6,900.00) shall be paid on or before May 20, 2009.

Please execute and return the Offer to Purchase Agreement and Resolution of Public Use and Acceptance on or before March 27, 2009.

Offeror(s) and State agree that if any Offeror fails to complete this purchase for any reason: (1) State shall be released from obligation to sell the property to the remaining Offeror(s), if any; (2) State shall retain, as liquidated damages for breach of contract, the deposit actually paid; (3) State retains the right to proceed against Offeror for specific performance or any other claim or remedy State may have in law or equity, other than breach of contract damages.

The Offeror(s) agree(s) that his offer to purchase vests no right, title interest or equity, including the right of possession, in or to said real property until the sale has been approved in the manner provided by law and a Director's Deed has been executed, recorded and delivered to the undersigned.

This sale is subject to the approval of the California Transportation Commission. If the sale is not approved, the deposit money shall be refunded without interest.

The Department of Transportation reserves the right to reject this offer any time prior to the approval of the sale by the California Transportation Commission. In the event of rejection of this offer, the deposit(s) money shall be refunded without interest.

It is understood that the right, title and interest in the property to be conveyed shall not exceed that vested in the State of California and that no Policy of Title Insurance will be furnished or escrow fees paid by the State in this transaction.

The Offeror(s) agree(s) to pay any and all recording fees and documentary stamp tax chargeable by the County Recorder.

The Offeror(s) acknowledges that title to this property shall be conveyed subject to special assessments, if any, restrictions, reservations and easements of record.

It is understood that if the Offeror(s) desire a survey of the property, this may be accomplished by an independent survey at the Offeror(s) expense. No warranty is made by the State relative to the ground locations of property lines other than monumented highway right of way lines.

The Offeror(s) assumes all responsibility for complying with local development standards, codes, and ordinances for any use or development. All properties are sold in an "as is" condition. The State makes no warranty or representation that any property being offered is developable or that the local jurisdiction will permit development.

This agreement is not assignable in whole or in part, either by operation of law or otherwise, without the prior written consent of the State.

All notices or payments shall be made in writing and addressed as follows:

To Offeror(s), Name _____

Address _____

Signature of Offeror Date

Signature of Offeror Date

Telephone No. _____

Telephone No. _____

(COMPLETE THE TITLE VESTING INFORMATION BELOW)

The undersigned Offeror(s) request that the property vests as follows:

(PLEASE PRINT NAME/TITLE BELOW)

(PLEASE INDICATE TYPE OF VESTING BELOW)

_____ Husband and Wife

_____ As Joint Tenants

_____ A Single (man) (woman)

_____ As Tenants In Common

_____ A Married (man) (woman)

_____ As (his) (her) Sole
and Separate Property

_____ An Unmarried (man (woman)

_____ Other (specify below)

Mail documents and payments to: Department of Transportation
Attention Autumn Newland-Zetz
855 M Street, Suite 200
Fresno, California 93721.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

State Business – No Recording Fee
(Gov. Code 6103)
DEPT. OF TRANSPORTATION

BY: _____
Right of Way Agent

APN None

Space above this line for Recorder's Use

DIRECTOR'S DEED

| District | County | Route | Post | Number |
|----------|--------|-------|-----------|----------------|
| 06 | TUL | 198 | P.M. 10.6 | DD 66786-01-03 |

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby
grant to _____

_____ that certain real property in the City of Visalia, County of
Tulare, State of California, described as:

(DESCRIPTION FOLLOWS ON PAGE 2)

MAIL TAX
STATEMENTS TO:

That portion of the northeast quarter of Section 32, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 32;

Thence (1) South $00^{\circ}30'04''$ East, along the east line of said Section 32, a distance of 363.69 feet, to the southerly right of way line of State Highway 198, and the northerly right of way line of Noble Avenue;

Thence (2) North $73^{\circ}52'01''$ West along said northerly right of way line, a distance of 46.29 feet;

Thence (3) South $57^{\circ}34'49''$ West, along the said northerly right of way line, a distance of 33.16 feet to the POINT OF BEGINNING:

Thence (4) continuing South $57^{\circ}34'49''$ West, along said northerly right of way line, a distance of 9.11 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 1232.00 feet, a radial line to said curve bears North $17^{\circ}40'36''$ East;

Thence (5) westerly along said curve through a central angle of $17^{\circ}36'04''$, an arc length of 378.47 feet;

DD 66786-01-03 continued

Thence (6) South 89°55'28" West, a distance of 47.10 feet;

Thence (7) North 84°19'30" East, a distance of 69.20 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 1239.00 feet, a radial line to said curve bears North 01°04'53" East;

Thence (8) easterly along said curve through a central angle of 16°51'55", an arc length of 364.71 feet to the POINT OF BEGINNING;

Containing 2759 square feet, more or less.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Steven G. Kuelter
Professional Land Surveyor

Date September 19, 2007



Drawn By: Steve Kuehler
 Checked By:

Date: 10/01/07
 Date:

| DIST. | COUNTY | ROUTE | POSTMILE MILE | SHEET NO. | TOTAL SHEETS |
|-------|--------|-------|---------------|-----------|--------------|
| 6 | Tul | 198 | 10.6 | 2 | 2 |

BEN MADDOX WAY

EAST LINE SEC. 32-18/25

NORTHEAST CORNER
 SEC. 32-18/25

363.69'

72.82'

32.22'

10+00

9+00

8+00

7+00

6+00

DD66786-01-03

STATE HIGHWAY 198

NOBLE AVENUE

EXIST. CITY R/W

CITY OF VISALIA

Area = 2,759 SF

69.20'
 47.10'

L=364.71' R=1239' DELTA=16°51'55"
 L=378.47' R=1232' DELTA=17°36'04"

L=436.03' R=1200' DELTA=20°49'08"

L=425.13' R=1170' DELTA=20°49'08"

32.00'

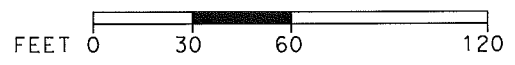
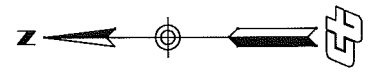
30.00'

32.00'

30.00'

5+00

EXCESS LAND

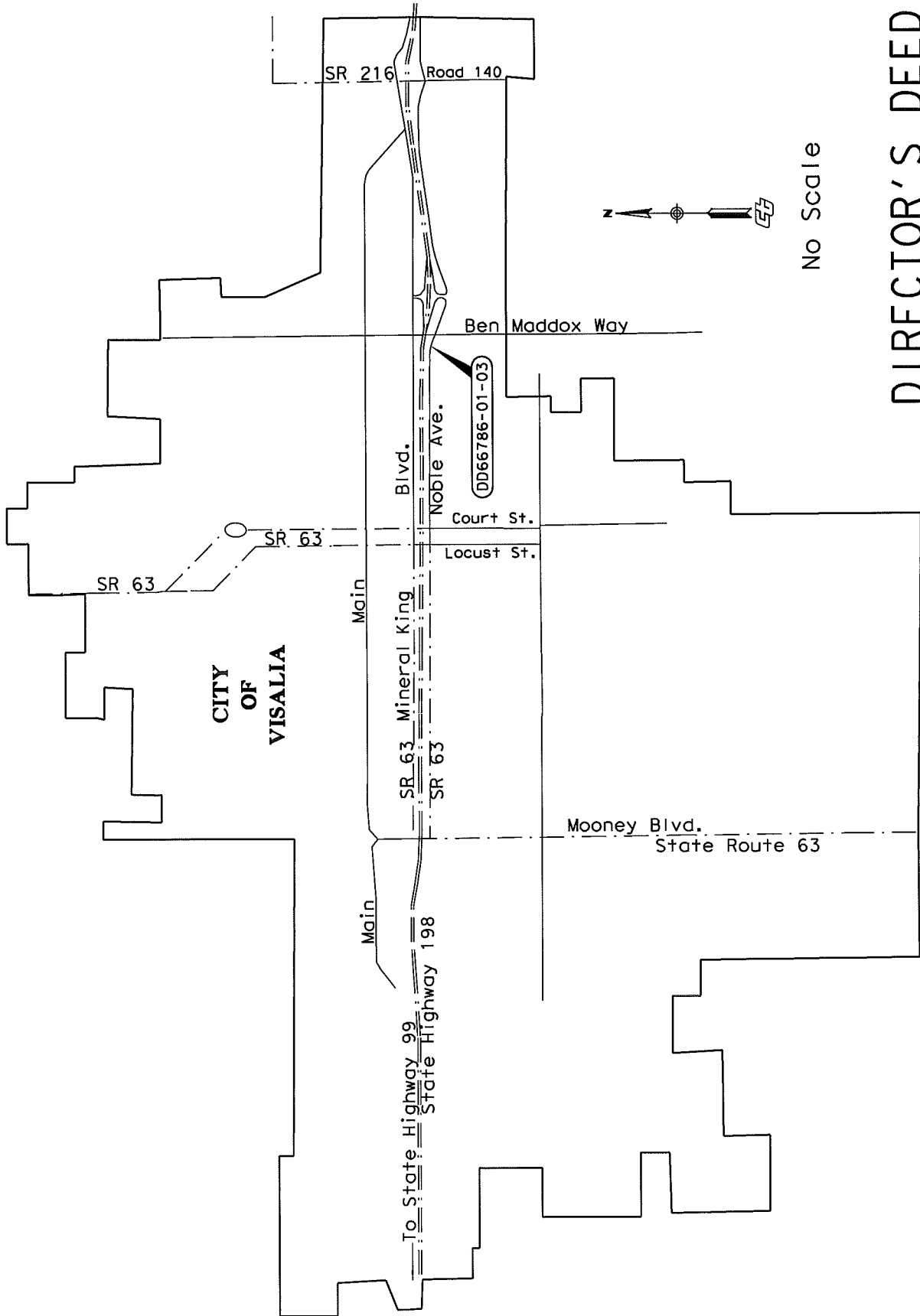


Scale 1" = 60'

DIRECTOR'S DEED MAP

Drawn By: S. Kuehter Date: 10/01/07
 Checked By: D. Quinn Date: 10/02/07

| DIST. | COUNTY | ROUTE | POSTMILE MILE | SHEET NO. | TOTAL SHEETS |
|-------|--------|-------|---------------|-----------|--------------|
| 6 | Tul | 198 | 10.6 | 1 | 2 |



No Scale

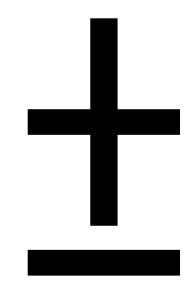
DIRECTOR'S DEED AREA MAP



- Legend**
- Parcel
 - City of Visalia to Purchase RW
 - City of Visalia to Purchase RW
 - Proposed Curb
 - City of Visalia to Purchase RW



3011-00000-720000-0-9242-2006
198 & BEN MADDOX OVERCROSSING
RIGHT OF WAY EXHIBIT



1"=100'

| ID | Owner Name | Property Address | Apn ID | Environmental Report and Date | Notes |
|----|-------------------------------------|--------------------------|---------------------------|--|-------|
| 1 | CALTRANS | | CALTRANS | | |
| 2 | MARY'S VINEYARD | 1679 E. MINERAL KING AVE | 100020011 | | |
| 3 | SOUTHERN PACIFIC RAILROAD | | SOUTHERN PACIFIC RAILROAD | | |
| 4 | GALANTE & GALANTE PROPERTIES | 1375 E. MINERAL KING AVE | 100030015 | | |
| 5 | FREDDIE J GALANTE JR (LSR) | | 100030005 | | |
| 6 | WAL-MART REAL ESTATE BUSINESS TRUST | | 100040038 | | |
| 7 | FREDDIE J GALANTE JR | | 100030007 | | |
| 8 | FREDDIE J GALANTE | 2321 E. NOBLE AVE | 100030018 | | |
| 9 | MARY'S VINEYARD | 1699 E. NOBLE AVE | 100020012 | | |
| 10 | MARY'S VINEYARD | 1401 E. NOBLE AVE | 100020013 | | |
| | | | | MND 2003-20, City Council Resolution No. 2003-84 dated July 22, 2003 | |

City of Visalia Agenda Item Transmittal

Meeting Date: August 17th, 2009

Agenda Item Number (Assigned by City Clerk): 71

Agenda Item Wording: Request authorization to file a Notice of Completion for the Luisi Acres Storm Drain Tie-in Project, (final cost \$188,300); and authorize the City Manager to execute the Ferguson Avenue Project Reimbursement Agreement for the storm drain master planned facilities and the related right-of-way acquisition.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Adam Ennis, Engineering Services Manager – 713-4323

Department Recommendation: City staff recommends that City Council give the authorization to file a Notice of Completion for the Luisi Acres Storm Drain Tie-in Project, (final cost \$188,300); and authorize the City Manager to execute the Ferguson Avenue Project Reimbursement Agreement for the storm drain master planned facilities and related right-of-way acquisition.

Summary/background: Luisi Acres subdivision is an approved tentative subdivision map located north of Ferguson Avenue between Divisadero Street and Mooney Boulevard. The development has been planned for seven phases (one phase has been completed). A short street segment of Ferguson Avenue (west of Giddings Street) was completed as part of the first phase of the subdivision improvements. In order to improve traffic circulation, the City funded a capital improvements project that extended Ferguson Avenue west to Mooney Boulevard.

A storm drain trunk line needed to be installed prior to paving this segment of Ferguson Avenue. Under a reimbursement agreement, the developer of the Luisi Acres subdivision agreed to install approximately 2,150 feet of storm drain pipeline (adjacent to the future phases of the subdivision). The City agreed to share the costs of installing this pipeline. The cost sharing formula (57% carried by developer and 43% carried by City) is based on the minimum pipe size needed to convey storm runoff thru the project area. The City will reimburse to the developer their share of cost of the storm drain project (\$80,969.00) once the Notice of Completion is filed. The developer will not be entitled storm drain development impact fee credits upon development of the remaining phases. The storm drain line “dead ends” on the Mooney Boulevard alignment (at a point 600-feet north of Ferguson Avenue). From this point, the storm drain line will be

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.): 1Min.

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.

extended to the north to discharge into the Modoc ditch (part of an upcoming City capital improvement project).

The City needed to acquire right-of-way adjacent to Ferguson Avenue in order to install the pipeline and the roadway itself. The developer agreed to dedicate the needed right-of-way through the future phases of his development and will be reimbursed through Transportation Impact Fee Program.

Prior Council/Board Actions: City Council Accepted an Irrevocable Offer of Dedication for the portions of Ferguson Avenue right-of-way between Divisadero Street and Mooney Boulevard on May 19th, 2008.

Committee/Commission Review and Actions:

- The Planning Commission approved the Tentative Map on October 11th, 2004.
- Developer Reimbursement Review Committee approved the Storm Drain reimbursement agreement on January 14th, 2009.

Alternatives: N/A

Attachments: Project Agreement, Developer Disclosure Form and Location Map.

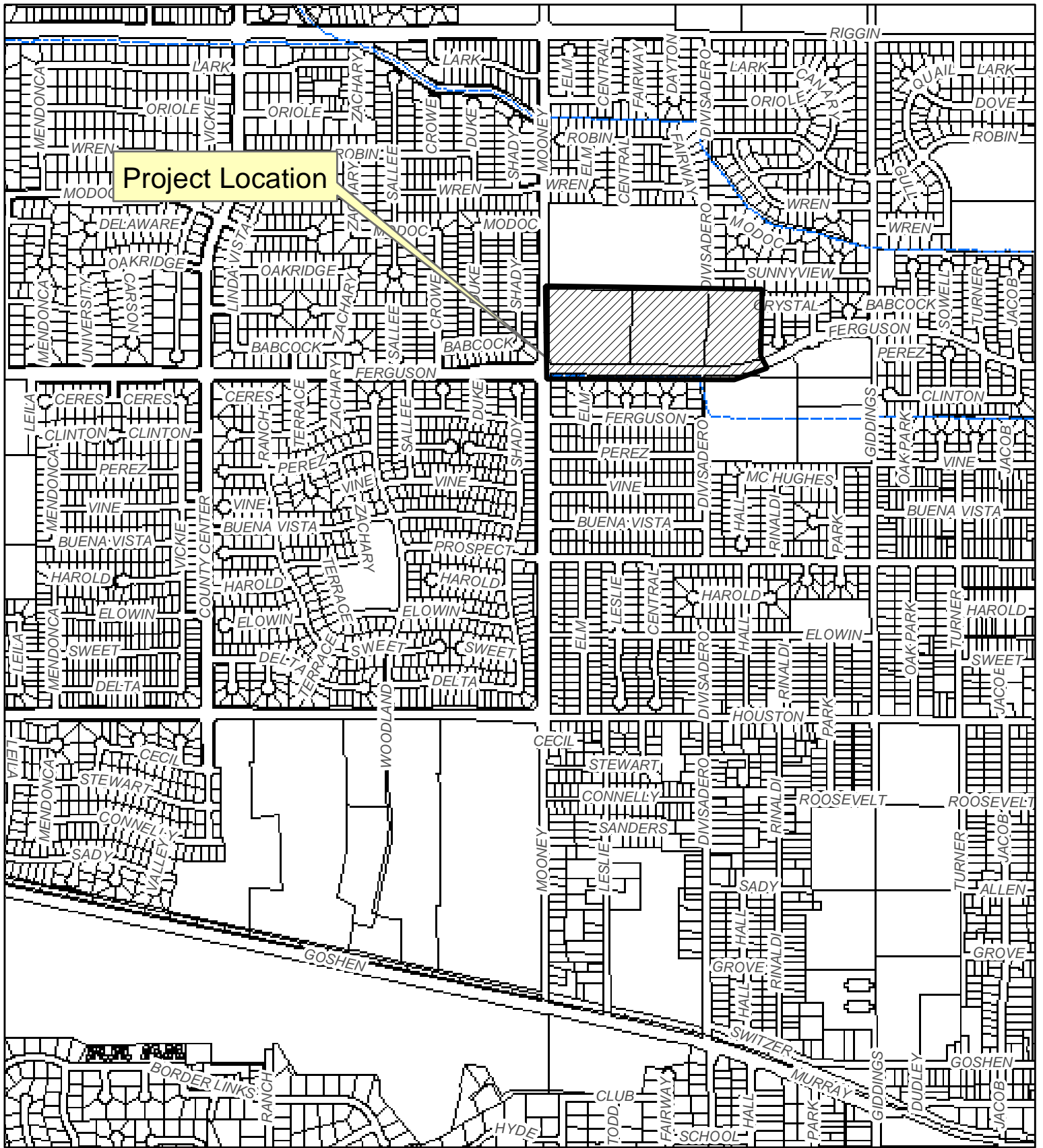
Recommended Motion (and Alternative Motions if expected):

Authorize City staff to file a Notice of Completion for the Luisi Acres Storm Drain Tie-in Project, (Final Cost \$188,300); and authorize the City Manager to execute Ferguson Avenue Project Reimbursement Agreement for the Storm Drain Master Planned facilities and the related right-of-way acquisition.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review: N/A



Luisi Acres Development Vicinity Map



Scale: 1"=1000'

EXHIBIT

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 17, 2009

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

Agenda Item Wording: Request authorization to file a Notice of Completion for public improvements only for Sequoia Crossing, containing 86 single family private street access lots, located 660 feet south of Caldwell Avenue on the East side of Akers Street.

Deadline for Action: August 17, 2009

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev/ Director -713-4392
David Bruce, Engineering Inspector - 713-4188

Department Recommendation: City staff recommends that City Council give authorization to file a Partial Notice of Completion for the Sequoia Crossing Subdivision. The Notice of Completion would be for all the public improvements.

Summary/background: All the necessary public improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. There are still private improvements remaining to be completed by the new owner the (Te Velde Family Trust) consisting of frontage landscaping, block walls and an access gate. Approved plans are on file at the City for these private improvements. The subdivision was originally developed by Reynen & Bardis Communities, Inc. This developer has since declared bankruptcy and the Te Velde Family Trust is the new owner. This new owner has submitted the required Ownership Discloser statement and supplied a copy of the sales agreement with Reynen & Bardis. Reynen and Bardis Communities, Inc., originally submitted a maintenance bond in the amount of \$9,445.00 (which is currently enforceable), as required by the Subdivision Map Act, to guarantee the improvements against defects for one year. A number of incomplete public improvements in the subdivision were completed by Reynen & Bardis' surety company (Insko Dico Group of Irvine, CA.). It should be noted that this is the second subdivision completed by the Subdivision Monitoring Committee that has successfully utilized the performance bond to complete improvements. A Landscape and Lighting District was not formed because the maintenance will not be performed by the City (currently the responsibility of the developer and eventually the responsibility of the homeowner's group).

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Prior Council/Board Actions: Final Map recording was approved at Council meeting of August 21, 2006.

Committee/Commission Review and Actions: The tentative subdivision map for Sequoia Crossing Subdivision was approved by Planning Commission on September 26, 2005.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for public improvements only for Sequoia Crossing Subdivision.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review: N/A

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

Copies of this report have been provided to:



SEQUOIA CROSSING



Scale: 1"=500'



CITY OF VISALIA
Disclosure Development Project

RECEIVED

APR 30 2009

COMM. DEVELOP.
CITY OF VISALIA

NOTICE OF COMPLETION

INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN
CONTINUANCE OR DELAY OF YOUR PROJECT.

SITE:

Address or APN(s): Sequoia Crossing, Akers St.

Short Title or Name of proposed project: _____

Summary description of the proposed project: 86 Lot subdivision

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.

Name (print) Reynen & Bardis Name (print) _____


Mailing Address 10630 Mather Blvd. Mailing Address _____

Sacramento, CA 95655 _____

Phone 916-366-3665 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

4-24-09
Date


Developer Signature
Jeb Elmore, Director
Print Name & Title

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Partner/Owner/Trustee: John Reynen

Partner/Owner/Trustee: Christo Bardis

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____



CITY OF VISALIA Disclosure Development Project

NOTICE OF COMPLETION

INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN CONTINUANCE OR DELAY OF YOUR PROJECT.

SITE:

Address or APN(s): Akers & Caldwell APN 119-780-001 thru 086
Short Title or Name of proposed project: Sequoia Crossing
Summary description of the proposed project: 86 lot Subdivision

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.

Name (print) Principle Development Group Name (print) _____
Mailing Address 2814 W Newton Ct. Mailing Address _____
Visalia, Ca 93291
Phone (559) 805-0597 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

6/1/09
Date

Bernard te Velde
Developer Signature
Bernard te Velde / Owner
Print Name & Title

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Partner (Owner) Trustee: Bernard te Velde
Partner/Owner/Trustee: _____
Partner/Owner/Trustee: _____
Partner/Owner/Trustee: _____
Partner/Owner/Trustee: _____

City of Visalia Agenda Item Transmittal

Meeting Date: August 17, 2009

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording:

Public hearing for:

- Appeal of the Planning Commission's approval of Conditional Use Permit (CUP) No. 2008-46 by Jay and Cindy Moccio and residents of the Country Meadows Community Subdivision:** The project is a request by Grace Community Church to develop a campus with a sanctuary, Sunday School, fellowship and administration buildings, including an outdoor amphitheater, and lighted baseball and soccer fields in the R-1-6 (Single-Family Residential, 6,000 square foot minimum site area) zone. The 29.38 acres site is located at the southwest corner of Cherry Avenue and Lovers Lane. (APN: 126-110-061). **Resolution No. 2009-35 required.**

Deadline for Action: August 17, 2009. Per Visalia Municipal Code Section 17.02.045.B, an appeal before the City Council must be heard within 30 days of the appeal filing date. This appeal was filed on August 4, 2009, requiring the appeal to be heard by August 17, 2009.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Fred Brusuelas, AICP, Asst. Comm. Devt. Dir. /City Planner,
713-4364
Paul Bernal, Associate Planner 713-4025

Department Recommendation: It is recommended that the City Council adopt the resolution upholding the approval by the Planning Commission on July 27, 2009, and deny the appeal. This recommendation is based on the conclusion that the Planning Commission's approval was made in conformance with the Visalia Municipal Code, and consistent with previous Planning Commission actions on similar projects.

Background on CUP No. 2008-046: The CUP is a request to approve the master site plan for a new church campus proposed on a 29.38-acre site. The site will be developed with 152,855 square feet of building space in three (3) phases as depicted on Exhibit "A". In addition, the church master campus site plan includes the construction of recreational athletic fields in Phase 1 which include sports fields and courts, a 1,800 square foot maintenance shed, and a 546 square foot toilet facility (see Exhibit "A"). The Planning Commission staff report is included as Exhibit 2.

Neighborhood Meeting: The proponents of Grace Community Church informed staff that two neighborhood information meetings were held on July 12 and July 13, 2009. These meetings were conducted to inform the surrounding neighborhood of the church's intent to develop the site with a church campus setting. In addition, the meeting would allow the residences of the neighborhood to raise concerns/issues regarding this development. The applicant informed staff that seven people attended the July 13, 2009, meeting and raised questions regarding

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.): 1hrs

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

parking, use of the athletic fields and construction start dates. A copy of the notice was provided to staff and is included as Exhibit "E".

During the public hearing, the appellant stated that she was never notified of these meetings and also stated that other members of the neighborhood were not informed of the church's intent to develop the site.

Planning Commission Action: The Planning Commission held a public hearing on July 27, 2009, and approved Conditional Use Permit No. 2008-46 by a 4-0 vote (Commissioner Soltesz absent). The staff report analyzed lighting, noise, traffic, and development phasing. During the public hearing, four persons spoke on the item. Dennis Whistler, Architect, Bob Brown, noise consultant, and Jim Wood, contractor for Grace Community Church, spoke in favor of approving the CUP. Ms. Cindy Moccio, a resident from the Country Meadows Subdivision spoke against the proposed project. Ms. Moccio's concerns related to the lighting and use of the athletic playing fields, noise, and phasing of the project.

The Planning Commission considered all of the testimony and adopted the findings in Resolution No. 2009-50. The Planning Commission added a new Condition No. 14 restricting hours of operation for all outdoor activities.

Liaison in Response to Intent to File Appeal: Staff has informed the applicant of the resident's intent to file an appeal. Staff recommended the applicant conduct a meeting with the neighbors in opposition to address and/or come to a resolution regarding their concerns. Due to the filing date for the appeal and the City's requirement to have an appeal scheduled before the City Council within 30 days of filing an appeal, staff was unable to confirm if a meeting was held with the appellants and representatives of the project.

Appeal: On August 4, 2009, staff received the appeal. The reasons for the appeal are stated by the Appellant's as follows (see Exhibit "1" for the appeal statement):

1. The proposed athletic field lighting would be disruptive to the neighborhood.
2. Location of the athletic fields and parking lot located along the west side of the soccer fields will be disruptive to the homes that are located along the west property line of the project site.
3. The proposed amphitheater will create noise that will be disruptive to the neighborhood.
4. Phasing of construction with the athletic fields proposed as the initial phase.
5. Use of the athletic fields would increase traffic flow.

Issue 1 The proposed athletic field lighting would be disruptive to the neighborhood:

The appellant contends the use of athletic field lighting would impact the neighborhood and disrupt their quality of life. The appellant contends the field lighting would cast lighting on surrounding properties during evening hours when residences of the neighborhood are settling down for the evening and/or trying to sleep.

Planning Commission Determination:

The Planning Commission considered this issue. It determined that the proposed lighting is allowed by the Visalia Municipal Code (VMC) and that the Light Study and conditions applied to the project would adequately mitigate potential nuisance effects and would meet the City's codified noise and light standards. The Planning Commission also added Condition No. 14 to restrict the hours of operation for all outdoor activities. This condition limits outdoor activities to the hours of 8:00 a.m. to 9:00 p.m.

City Council Alternatives:

If the City Council determines that the project should be approved, but the field lighting concept requires further mitigation, it may consider:

1. Eliminating the field lighting entirely from the athletic fields.
2. Require lowering the field lighting to approximately street light heights (i.e., 25 feet).
3. Modify the hours in which the field lights may be lighted.

Issue 2 Location of the athletic fields and parking lot located along the west side of the soccer fields will be disruptive to the homes that are located along the west property line of the project site:

The appellant contends the location of the athletic fields and parking lot would be disruptive to the surrounding homes. Activities associated with the use of the athletic fields and the parking lot located along the west side of soccer fields would create noise which would adversely affect the neighborhoods quality of life. The appellant contends the use of the athletic fields and the parking lot would exceed the Noise Ordinance standards.

Planning Commission Determination:

The Planning Commission considered this issue. Representatives of Grace Community Church stated that the church congregation would be the primary users of the athletic fields. They did state that there is a potential for future use of the fields by other local outside organizations but did not have plans to do so at this time. However, the Church would not use the athletic fields during times that would be distributive to the neighborhood.

The Commission deliberated the location of the athletic fields and parking lot located along the west side of the soccer fields as depicted on Exhibit "A". The Commission determined that the location of the parking lot provides as an appropriate buffer between the existing single-family homes and the athletic fields. The Commission concluded the 25 foot landscape planter abutting the west property line in conjunction with the seven foot high block wall and 124 feet to the closest soccer field provides ample distance to be non-distributive to those homes located to the west of the project site. In addition, the Commission determined the use of the athletic fields and the conditions applied to the project would adequately mitigate noise concerns. The Planning Commission also added Condition No. 14 to restrict the hours of operation for all outdoor activities. This condition limited outdoor activities to the hours of 8:00 a.m. to 9:00.

City Council Alternatives:

If the City Council determines that the project should be approved, but the athletic fields and parking lot require further mitigation, it may consider:

1. Eliminating the parking lot located to the west of the soccer fields from the site.
2. Eliminating the athletic fields and associated parking from the site.
3. Eliminating any use within the 124 foot area between the soccer fields and the west property line.
4. Modify the hours in which the field may be used.
5. Require the relocation of the athletic fields to an alternative on-site location.

Issue 3 The proposed amphitheater will create noise that will be disruptive to the neighborhood:

The appellant contends the use of the amphitheater would create noise in excess of what is allowable per the Noise Ordinance. The use of the amphitheater would create noise to a level that is unacceptable to the neighborhood. Amplification of music and activities associated with the amphitheater would be intrusive to a relatively quite neighborhood.

Planning Commission Determination:

The Planning Commission considered this issue. During the Planning Commission hearing, the Commission requested further discussion regarding the Noise Study (Acoustical Analysis for Grace Community Church from Brown-Buntin Associates, Inc., dated May 23, 2007 and Acoustical Analysis Addendum dated March 9, 2009) and the mitigation measures incorporated into the project. The Commission determined that the Noise Study, mitigation measures, and conditions applied to the project would adequately mitigate the potential noise nuisance. Their determination is based on the conclusion that the noise levels with the incorporation of mitigation measures would not exceed the Noise Ordinance standards based on the closest sensitive land use located south of the site (i.e., the Villas Apartment Complex). The Planning Commission also added Condition No. 14 to restrict the hours of operation for all outdoor activities. This condition limited outdoor activities to the hours of 8:00 a.m. to 9:00 p.m.

City Council Alternatives:

If the City Council determines that the project should be approved, but the amphitheater requires further mitigation, it may consider:

1. Eliminating the use of amplified equipment at the amphitheater.
2. Eliminating the amphitheater from the site.
3. Modify the hours in which the amphitheater is used.

Issue 4 Phasing of construction with the athletic fields proposed as the initial phase:

The appellant's contends the phasing plan, particularly the first phase which consists of the athletic fields, parking and bathrooms does not provide for on-site supervision by the church should problems arise from use of the athletic fields.

Planning Commission Determination:

Grace Community Church provided a phasing plan depicting the improvements associated with each phase. The phasing plan depicts the construction of the recreational athletic fields which include sports fields and courts, a 1,800 square foot maintenance shed, and a 546 square foot toilet facility with Phase 1. The remaining two phases include the construction of the amphitheater, administration buildings, classrooms, and sanctuary.

The Planning Commission reviewed the phasing plan and determined that the phasing, as proposed by the applicant, is adequate because all off-site improvements along Cherry Avenue and Lovers Lane are required to be completed with the first phase rather than having the frontage improvements delayed to later phases. In addition, the erection of the block wall and ample on-site parking provided for each phase would result in minimizing the impacts to the surrounding neighborhood.

The Commission concluded that the first phase improvements provide for on-site vehicular circulation and for pedestrian connectivity by requiring the installation of curb, gutter and sidewalk along the local and major streets which currently do not exist along the project boundary. The Planning Commission approval of the phasing plan is consistent with the Commissions past project approvals where phasing was proposed for similar type projects. Recent projects where the Planning Commission approved phasing plans similar to Grace Community Church's plan include Neighborhood Church and Saint Charles Borromeo Catholic Church. To further mitigate potential impacts associated with outdoor activities, the Commission included an additional condition which limits the hours of operation of the athletic fields from 8:00 a.m. to 9:00 p.m.

City Council Alternatives:

If the City Council determines that the project should be approved, but the phasing plan requires further mitigation, it may consider:

1. Conditioning the first phase with the construction of the sanctuary, administration offices, and/or classrooms.
2. Eliminating the phasing plan and require the site be developed entirely as one phase.

Issue 5 Use of the athletic fields would increase traffic flow:

The appellant's contends the addition of the sports fields and outdoor amphitheater will increase traffic on Cherry Avenue.

Planning Commission Determination:

The Planning Commission concluded that the site would be developed in a manner that minimizes vehicular traffic into the surrounding neighborhood. The project provides ample on-site parking. Vehicular access points along Lovers Lane and internal vehicular drive aisles provide site users the ability to enter the site via a major street and proceed to traverse the site internally. The Commission determined that the traffic impact study prepared for the project and conditions applied to the project would adequately mitigate traffic flows from entering the neighborhood.

City Council Alternatives:

If the City Council determines that the project should be approved, but traffic flows along Cherry Avenue requires further mitigation, it may consider:

1. Eliminating the drive approaches along Cherry Avenue.
2. Require the south side of Cherry Avenue be posted prohibiting on street parking.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Planning Commission held a public hearing on July 27, 2009, approving Conditional Use Permit No. 2008-046 on a 4-0 vote (Commissioners Soltesz – absent).

Alternatives: The City Council may:

1. Affirm the decision of the Planning Commission but modify the approval with added or amended conditions to the Planning Commission's conditional approval of CUP No. 2008-46.
2. Overturn the decision of the Planning Commission and deny CUP No. 2008-46.

Attachments:

- Resolution denying the appeal and upholding the approval of CUP No. 2008-46
- Exhibit "1" – Appeal of Planning Commission Action dated August 4, 2009
- Exhibit "2" – Planning Commission Staff report dated July 27, 2009
- Exhibit "A" – Master Site Plan and Phasing Plan for Grace Community Church
- Exhibit "B" – Landscape Plan for Grace Community Church
- Exhibit "C" – Lighting Study
- Exhibit "D" – Acoustical Analysis for Grace Community Church from Brown-Buntin Associates, Inc., dated May 23, 2007 and Acoustical Analysis Addendum dated March 9, 2009
- Exhibit "E" – Grace Community Church notice
- Noise Ordinance Chapter 8.36
- Mitigated Negative Declaration No. 2008-55
- Unsigned Resolution No. 2009-50 approving CUP No. 2008-46
- General Plan Map
- Zoning Map
- Aerial Photo
- Location Sketch

Recommended Motion: I move to deny the appeal and uphold the Planning Commission's approval of CUP No. 2008-46; or,

Alternative Motion 2: I move to deny the appeal and uphold the Planning Commission's approval but modify the approval with added or amended conditions to the Planning Commission's conditional approval of CUP No. 2008-46.

Alternative Motion 3: I move to uphold the appeal and deny Conditional Use Permit No. 2008-46.

Environmental Assessment Status

CEQA Review: Certified Mitigated Negative Declaration No. 2008-55

NEPA Review: None Required

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

Copies of this report have been provided to:

Planning Commission

Applicant

Appellant

RESOLUTION NO. 2009-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2008-46, A REQUEST BY GRACE COMMUNITY CHURCH TO DEVELOP A CAMPUS WITH A SANCTUARY, SUNDAY SCHOOL, FELLOWSHIP AND ADMINISTRATION BUILDINGS, INCLUDING AN OUTDOOR AMPHITHEATER, AND LIGHTED BASEBALL AND SOCCER FIELDS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQUARE FOOT MINIMUM SITE AREA) ZONE. THE 29.38 ACRES SITE IS LOCATED AT THE SOUTHWEST CORNER OF CHERRY AVENUE AND LOVERS LANE, CITY OF VISALIA, COUNTY OF TULARE. (APN: 126-110-061)

WHEREAS, Conditional Use Permit No. 2008-46, a request by Grace Community Church to develop a Campus with a sanctuary, Sunday School, fellowship and administration buildings, including an outdoor amphitheater, and lighted baseball and soccer fields in the R-1-6 (Single-Family Residential, 6,000 square foot minimum site area) zone. The project site is located on the southwest corner of East Cherry Avenue and South Lovers Lane, City of Visalia, County of Tulare. (APN: 126-110-061); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on July 27, 2009; and

WHEREAS, the Planning Commission of the City of Visalia, after conducting a public hearing, approved Conditional Use Permit No. 2008-46; and

WHEREAS, an appeal of the Planning Commission's approval of Conditional Use Permit No. 2008-46 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on August 4, 2009; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on August 17, 2009; and

WHEREAS, the City Council finds the approval of Conditional Use Permit No. 2008-46 was made in accordance with Chapter 17.38 (Conditional Use Permits) of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration No. 2008-55 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Demaree/Caldwell Specific Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation incorporated into the project, and that Mitigated Negative Declaration No. 2008-55, incorporating the Mitigation Measures, is hereby adopted.

BE IT FURTHER RESOLVED that the City Council denies the appellants appeal and upholds the approval of the Conditional Use Permit on the real property here in above described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site shall be developed and operated in compliance with the approved site plan (Exhibit "A"), site plan and (Exhibit "B") operational statement.
2. That the site shall be developed consistent with the comments and conditions of the Site Plan Review Committee, as set forth under Site Plan No. 2006-249.
3. That the church sanctuary be developed in substantial compliance with the elevations shown in Exhibit "C" and "D".
4. That a seven (7) foot high concrete block wall be constructed along the west property line.
5. That the park strip landscape trees along Cherry Avenue and Lovers Lane be installed with first phase development (see Exhibit "E").
6. All drive gates shall be reviewed by the Site Plan Review Committee prior to building permit approval.
7. The Applicant/Developer shall comply with the Light Study (see Exhibit "F"). The Light Study shall demonstrate that the photometric output of each light fixture be 0.5 lumens or less at property lines, and are directed and/or shielded to not fall upon adjacent properties. Prior to building permit final for the field lighting, a photometric reading will be conducted with staff present to ensure compliance with the Light Study.
8. That the church sanctuary shall not have a main assembly area greater than that approved with this use permit.
9. That outdoor public address systems be prohibited from all athletic playing fields.
10. That outdoor public address systems and other equipment used for the amphitheater which may produce loud noise, comply with the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2008-46 are hereby incorporated as conditions of this CUP.
11. That a separate sign permit be obtained.
12. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2008-46 prior to the issuance of any building permits for this project.

13. That all other federal, state and city codes, ordinances, and laws be met.
14. All outdoor activities shall comply with the City of Visalia Noise Ordinance standards and be restricted to the hours of 8:00 a.m. to 9:00 p.m., Monday through Sunday. Use of the amphitheater shall comply with Noise Mitigation Measures 1.1 through 1.4 as identified in Mitigated Negative Declaration No. 2008-55.