

Special Meeting Agenda

Visalia City Council



Mayor: Bob Link
Vice Mayor: Amy Shuklian
Council Member: Warren Gubler
Council Member: Mike Lane
Council Member: Steve Nelsen

Monday, July 12, 2010

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

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

4:00 p.m. WORK SESSION AND ACTION ITEMS (as described)



1. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Community Center. **Receive public comment.**

4:30 p.m.

2. Review and authorize changes to the non-profit grant funding application process. **Receive public comment.**

3. *Item removed at the request of staff*

5:00 p.m. PUBLIC HEARING – PROPERTY & BUSINESS IMPROVEMENT DISTRICT

4. **PUBLIC HEARING** – to create a Property & Business Improvement District IV for ten (10) years. (Relates to Item 14 on this Agenda.) *(Upon completion of the public hearing, staff will proceed with opening & tabulating the ballots, the results of which will be reported at the end of the Regular Session and Council action will be taken at that time)*

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

6:00 p.m. CLOSED SESSION (immediately following Work Session)

5. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: All employee groups

6. Conference with Legal Counsel – Anticipated Litigations
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases

7. Conference with Real Property Negotiators (GC 54956.8)
Properties: (1) Portion of 28.26 acre property located on north side of Highway 198, east side of Kelsey Street (Road 88) (APN: 081-040-030); and (2) Portion of 16.38 acre property located on north side of State Highway 198, approximately 2000 feet east of Shirk Street (APN 085-010-096)
Negotiating Parties for City: Steve Salomon, Michael Olmos, Alex Peltzer
Negotiating Parties for Seller: Rick Telegan, BP Investors, LLC
Under negotiation: Authority to negotiate purchase, sale, and/or trade

7:00 p.m.

CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Arthur Escobedo, Praise Center Church

SPECIAL PRESENTATIONS/RECOGNITION

PUBLIC COMMENTS - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (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.

8. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*
- a) Authorization to read ordinances by title only.
 - b) Request authorization to file a Notice of Completion for the Center Avenue Improvements, Conyer Street to Bridge Street, Project No. 3011-00000-720000-0-8016.
 - c) Request authorization to file a Partial Notice of Completion for the McAuliff Street Improvement Project – Phase 3, Crossing over Evans Ditch and Mill Creek, Part A Project No. 3011-00000-720000-0-9945.
 - d) Appoint replacement of a representative from the Visalia Unified School District to the General Plan Update Review Committee.
 - e) Update the designees authorized to act as signatories for all City banks. **Resolution 2010-39 required.**

- f) Initiate a proposed Zoning Text Amendment (ZTA) to amend portions of Zoning Ordinance Chapter 17.48 pertaining to real estate sales signage, and refer the ZTA to the Planning Commission for review.
- g) Authorization to move forward with the design of the City's portion of a new Animal Control Facility and work with the architect to develop a phased approach for the overall facility design.
- h) Adopt Resolution supporting Tulare and Kings County High Speed Rail Station on the east side of Hanford. **Resolution 2010-45 required.**
- i) Authorization to file a Notice of Completion for Riverway Sports Park; Phase 2, Project No. 3011-720000-0-0-8029, for the construction of on-site improvements at a final cost of \$3,190,014.20.
- j) Authorization to submit a grant application in the amount of \$4,500,000 to the Department of Parks and Recreation to construct the Sequoia Shuttle visitor Center. **Resolution 2010-46 required.**

REGULAR ITEMS AND PUBLIC HEARINGS - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

- 9. **Request to continue PUBLIC HEARING to August 16, 2010.** *(Continued from 6/7/10 and 6/21/10 at the request of applicant)*
For property located at the northwest corner of Plaza Drive and Riggin Avenue, adjacent to the City of Visalia, and inside the County of Tulare. (APN: 077-120-012, 015)
 - a) Certification of Negative Declaration No. 2010-22. **Resolution 2010-26 required.**
 - b) Initiation of Proceedings for Annexation No. 2009-01 (Doe): a request by Russell Doe, applicant (Michael Porte, agent) to annex two parcels totaling approximately 156 acres into the City limits of Visalia for the purpose of facilitating future heavy industrial development on the property. **Resolutions 2010-27 and 2010-28 required.**
 - c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement.
 - d) Detachment of property from County Service Area No. 1.
- 10. **PUBLIC HEARING**
 - a) General Plan Amendment No. 2010-03: A request by the City of Visalia to change the General Plan Land Use designation from Agriculture to Public Institutional on 160 acres of land located between Road 44 and Road 48, north of Avenue 280 (Caldwell Ave.). APN 118-010-017. **Resolution 2010-35 required.**
 - b) Initiation of Proceedings for Annexation No. 2010-03 and Detachment from County Service Area No. 1, a proposal by the City of Visalia to annex an approximately 160 acre parcel site and detachment of the site from County Service Area No. 1. **Resolution 2010-36 required.**

11. **PUBLIC HEARING**

- a) General Plan Amendment No. 2010-04: A request by the City of Visalia to amend the 290,000 and 165,000 Population Urban Development Boundary to include the project site, and to change the General Plan Land Use designation from Agriculture to Public Institutional on 99 acres located south of the airport, north of Caldwell Avenue, between Highway 99 and Shirk Rd. APNs 119-021-29,30,31,32. **Resolution 2010-37 required.**
- b) Initiation of Proceedings for Annexation No. 2010-04 , a proposal by the City of Visalia to annex 99 acres of land and detachment of the land from County Service Area No. 1. **Resolution 2010-38 required.**

12. **PUBLIC HEARING**

- a) Certification of Negative Declaration No. 2010-13, which evaluates environmental impacts associated with General Plan Amendment No. 2010-01 and Annexation 2010-05. The site is located on the north side of West Riverway Drive, west of N. Dinuba Blvd APN 078-011-012. **Resolution 2010-40 required.**
- b) General Plan Amendment No. 2010-01: A request by the City of Visalia to change the General Plan land use designation from RLD (Residential Low Density) to P (Park) for a portion of a 7.2 acre parcel owned by the City of Visalia. The portion of the site that is subject to the General Plan Amendment lies south of the 100-foot riparian habitat development setback required from the bottom outside toe of the levee of the St. John's River. **Resolution 2010-41 required.**
- c) Initiation of Proceedings for Annexation No. 2010-05 (Riverway) and Detachment from County Service Area No. 1, a proposal by the City of Visalia to annex a 7.2 acre parcel and detachment of the parcel from County Service Area No. 1. **Resolution 2010-42 required.**

13. **PUBLIC HEARING**

- a) Certification of Negative Declaration No. 2010-16, which evaluates environmental impacts associated with Pre-Zone No. 2010-02 and Annexation 2010-06. The site is bounded by Road 152, Mill Creek, Highway 198 and the existing city limits. (APN: 103-500-001, 002, 003, 103-501-001, 002, 003, 004, 005, 006, 007, 008, 009). **Resolution 2010-43 required.**
- b) Introduction of Ordinance for Pre-Zone No. 2010-02, a City initiated action to pre-zone 12 parcels totaling approximately 162 acres under County jurisdiction to "A-Agriculture". **Ordinance 2010-05 required.**
- c) Initiation of Proceedings for Annexation No. 2010-06 and Detachment from County Service Area No. 1, a proposal by the City to annex to the city 12 parcels totaling approximately 162 acres with approximately 12.5 acres of adjacent right of way for a total of approximately 174.5 acres of land and detachment of the parcels from County Service Area No. 1. **Resolution 2010-44 required.**

14. **BALLOT RESULTS** (*See Item 4 on this Agenda*) – to create a Property & Business Improvement District IV for ten (10) years:

- a) Approve the District boundaries, assessments, exemptions, work program and budget per the proposed Management Plan for the Downtown Visalia Property and Business Improvement District dated May 2010. **Resolution 2010-33 required.**
- b) Authorize staff to file the District in order to receive the annual assessments. **Resolution 2010-34 required.**
- c) Authorize the City Manager to execute the agreement with the Downtown Visalians, Inc. for day-to-day operations and activities.

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings

- Monday, August 2, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Monday, August 16, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Tuesday, September 7, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. 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.

The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp. For more information, contact Community Relations Manager Nancy Loliva at nloliva@ci.visalia.ca.us.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Community Center.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: John Bradley, Recreation Supervisor 713-4585

Department Recommendation: Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Community Center for the 2009-10 fiscal year.

Background: In 1984 a group of concerned community members expressed the need for a recreation center to serve the Lincoln Oval neighborhood. In response, the City of Visalia assisted the group with the incorporation of a non-profit organization. Many volunteer hours were invested in the center. Community Development Block Grant (CDBG) funds were then used to build the existing center. In 1992, the City and the Non-Profit were successful in obtaining a grant from the California Youth Authority to expand programs at the center.

A separate agreement was entered into between the City and Wittman Community Center Board of Directors to manage operations at the center. In July 2002, the Wittman Community Center Board of Directors dissolved their non-profit status. Upon this dissolution, the City took over operations at the Wittman Community Center on an interim basis for a one year period.

In July 2003, after an extensive Request For Proposal (RFP) process, the City entered into a five year agreement with PROTEUS, Inc. to manage and operate the Wittman Community Center located at 315 Pearl Street in Visalia.

In 2008, an amendment was authorized by City Council extending the agreement for another 5 years, through June 30, 2013. This amendment also included an annual increase in the contract based on California Consumer Price Index (CPI).

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.): __10min

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.

In July 2009, the City provided PROTEUS, Inc. with \$96,644 in compensation for operations and management of the Wittman Community Center. For fiscal year 2010-11, the City is projecting a 1.8% (CPI) increase which will provide PROTEUS, Inc. with \$97,104.61 to manage and operate the Wittman Community Center. The percentage is determined by utilizing the most recent month for an increase or decrease over the past 12 months.

This contract is managed by the Parks and Recreation Department. In addition to periodic site visits by the City, PROTEUS, Inc. provides quarterly and annual written reports to the City outlining program operations, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS, Inc. Board desires to include. The latest quarterly report is provided in this report as Exhibit A.

In fiscal year 2009-10, multiple exterior and interior improvements were made to the Wittman Community Center and the adjacent Village Park. These improvements, totaling \$236,568.13, were financed using a State Bond Act/Proposition 40 Grant and City Community Development Block Grant (CDBG) funds.

Improvements included painting the gym walls, new basketball backboards, improvements to the kitchen (new plumbing, sink and countertops), new drinking fountain, new interior lighting, new tile flooring and replacement of the old swamp coolers. Exterior facility and Village Park improvements included resurfacing the basketball court, replacing basketball posts/backboards, a new park irrigation system, expanded outdoor lighting, new perimeter fencing, new playground equipment, landscaping, soccer goals, new park signage, a new entrance awning, new security fencing and drive through gate for the staff parking area and new picnic tables and benches.

The City also utilized \$4,950 in General Fund money to replace worn carpeting and tile in four rooms in the facility.

Members of PROTEUS, Inc. staff will be in attendance to provide an annual operational report to the Council and answer any questions.

Prior Council/Board Actions:

Approved a five-year agreement with PROTEUS, Inc. to manage and operate the Wittman Community Center from June 23, 2003 to 2008.

In September 2008, City Council authorized an amendment to the agreement with PROTEUS, Inc. to expand the management and operations contract of the Wittman Community Center for the period of July 1, 2008 through June 20, 2010.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment A - Most recent quarterly report as submitted by PROTEUS.

Recommended Motion (and Alternative Motions if expected):

Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Community Center.

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: Michael McCann, Chief Executive Officer PROTEUS Inc.
Juan Guerrero, Youth Division PROTEUS, Inc.

Wittman Community Center/Village Park

2009/10 Improvements

Building Exterior



Security Fencing



Facility with awning



New sign

Village Park



New Park Sign



New Play Structure



Replaced Irrigation, turf area with soccer goals

Exterior Basketball Court



Resurfaced outdoor basketball court

Basketball Court/Multipurpose Area



New Coolers



New Basketball Goals

Floor Replacement



Replaced flooring

April 14, 2010

John Bradley
Recreation Supervisor
City of Visalia
345 N Jacob Street
Visalia, California 93291

Contract: Wittman Community Center
Contract Period: 7/1/09 - 6/30/10
Report Month: **3rd Qtr. Narratives**
Proteus Fund: 6269
Proteus File: 08-0570

Dear Mr. Bradley:

Enclosed please find the **3rd Quarter Narratives** for the Wittman Community Center contract.

If you have any questions regarding this report, please do not hesitate to call
Graciela Mendoza, Program Development Associate at (559) 733-5423 Ext. 24.

Sincerely,


Michael E. McCann
Chief Executive Officer

MEM/gm
Enclosures

Wittman Village Community Center
January 2010 Narrative Report:

The Wittman Center was in full operation after the holidays.

It seems the community center is busier during the winter break than during the school year as children come to the center when school is out. We are currently offering our regular drop in program, our computer resource room, the PULSE program and the BIKE repair shop.

The PULSE program is doing well as we are at 93% of plan attendance as a monthly average. We are a small program and try to service the children of the Lincoln Oval area and try not to over commit. The PULSE program was monitored this January by Visalia Unified After School Director, Frank Escobar. We await the results of the monitoring visit.

The PULSE program has several offerings. We have basketball and have been able to field team. We also have a co-ed dodge ball team under the PULSE program. Our Bike program was dormant for while as we had to replace our youth. The youth training in the Bike Repair shop lost his mother. The youth has since relocated to North Carolina.

Our Independent Study program is going well. We have a steady stream of students and they are attending the class. Leonard Velasquez is our teacher and the students like Mr. Velasquez a lot.

In January we met with City of Visalia staff to discuss our new "Print Shop" program. We have a grant from Department of Labor and will be doing silk screening, off set printing and embroidery. We have interviewed a possible teacher and will start the teacher as soon as back ground checks are completed.

Our ESL program has had a steady enrollment since the start of the year. We have stable child care program offered at the Wittman Center Annex. Between 15 and 20 children attend the child care program. The ESL class and the Child Care program are offered via Visalia Adult School.

Wittman Center staff assisted and attended the Martin Luther King program offered at the Boys and Girls Club in mid-January. The MLK program is a good learning experience for our children.

The Wittman Center made adjustments to staffing. Staff member, Manuel Castro was laid off due to funding.

Wittman Village Community Center,
February 2010 Narrative Report:

The Wittman Center is operating all programs at optimum. We presently have an after school program where attendance is at 93% of plan goal. We have a Bike Repair program at our center and have one youth trainee in that program. The Bike program was funded by a small grant by Union Bank.

Additionally, we operate a drop in center and have seen an increase in youth attending over the last month. Our renovated facility has a lot to do with more users at the Wittman Center. We also have had a steady flow of students for our Independent Study program at the Wittman Center.

Regarding our other services, ESL and Child Care, I have spoken to Visalia Adult School staff and they have assured me that they will continue to use the Wittman Center. Hence, adult school staff also told me that we may have an increase in students as they may close other facilities.

We have not been able to start our garden. The constant rain has not permitted us to turn the soil as our tractor will get stuck in the mud. We are organizing local families to participate in the community garden and preparing our orders for plants.

Proteus Inc. has decided to open our print shop at another site away from Wittman Center. The site will be open for Wittman Center youth for training. We anticipate that print shop will be operational within two months.

Our center submitted a new Teen Pregnancy Prevention proposal to the State of California, hopefully our Teen Pregnancy Prevention program be refunded. We also have a new canopy at the Wittman Center. The renovation appears to be near completion and I will speak to appropriate staff regarding an Open House.

Wittman Village Community Center,
March 2010 Narrative Report:

The Wittman Center had a very busy month in March. The after-school PULSE program at Wittman Center has a strong enrollment. Youth are attending the center for PULSE and our indoor/outside activities. That increase in youth is reflected in our unduplicated count of youth participants. We have many students, enrolled in the PULSE program, participating in soccer. Recently the City of Visalia installed soccer goals (with nets) in Village Park. Installation of the soccer goals is a great addition for the soccer program currently at the Wittman Center.

In addition to soccer, the BIKE Repair shop has been operational and successful. Many youth and adults have utilized the Bike repair program. We have one youth in training in the bike program and will have more youth participate as we have some SEE youth WIA trainees. Children from the community have brought their bikes in for repair. The Wittman Center has also started a cooking class on Tuesdays and Thursdays. The class is basic and involves our latch key kids. This new program is a success already as staff/youth have made pizzas, enchiladas, tacos, muffins, bread and other types of food. Youth have also been utilizing our gym a lot. The gym renovation has been well received by the community with many youth and adults playing basketball.

In addition to the PULSE and drop-in services at Wittman Center, we have been working on our community garden. The garden has received assistance this year from the Neighborhood Church. We have cleaned out the new lots provided by the city on N.W. 5th. The community garden has 22 families that will be participating this year. The community garden will have 24 plots with a communal area and a youth garden.

We are in hopes that our community garden will participate with the Farmer's Market being developed by the North Visalia Events Committee (NVEC). The NVEC will start their Farmers Market in June.

Staffs conducted home visits with the center's youth and families and have done gang prevention/intervention services to many families. Wittman staff volunteered to assist in the recent Community Challenge Teen Pregnancy Prevention program "Arts" event on March 27th. About 700 people came to the event. Many youth from the Wittman Center received awards in the arts event.

Wittman Center staff and youth participated in the Step Up Youth Summit on March 11, 2010 in Lindsay. Staff (NYC's) also participated and provided a presentation at a state wide Teen Pregnancy Prevention presentation on March 5, 2010.

THE WITTMAN VILLAGE COMMUNITY CENTER
CONTRACT DATES: JULY 1, 2009 – JUNE 30, 2010
ANNUAL REPORT THROUGH MAY 2010
MONTHLY OVERVIEW

July 2009

The Wittman Village Community Center was busy in July working with our Summer Lunch program, Summer Jobs program, Bike Program, and the Community Garden project.

Although the Wittman Center was closed for renovation, we were still providing services to the Lincoln Oval community. Our summer lunch program served between 40 to 80 summer lunches daily. The number varied for the summer lunches as families would come whenever they wanted to come for summer lunches; however, there were 758 summer lunches served in July. Hence, no enrollment forms are completed nor is this a mandatory program. Foodlink of Tulare County was the provider this year for the summer lunch program. Overall the summer lunch program is vital service as many families were affected by the economic downturn.

The Wittman Center also benefited from the ARRA Summer jobs program. We had twelve youth assign to this project at the Wittman Center. Most youth attend the Visalia Unified School District schools and were between the ages of 14 to 18 years of age. Our summer youth participated in the Wittman Center Bike program and also our community garden.

The Wittman Center Bike program was created via a grant from Union Bank of California. The Bike program received donations from the Visalia Police Department in the form of ten bikes. These bikes are being renovated and fixed and will be given to underprivileged children. The Bike program also provides a training opportunity for Wittman Center youth.

The Wittman Center Community Garden is proceeding very well. We increased the number of families participating in that two more families have joined this project. We now have seventeen families participating in the community garden. The garden has brought out families from their homes and has increased their interaction in their community.

Lastly in July, we reached out to our youth and took them to Cutler Park for an all day picnic and fun day. We felt it was necessary to re-connect with our kids as most have not been to the center during the summer. We also were able to take our kids to San Francisco on a field trip. The youth that went to San Francisco were middle school age kids who have been participating in our after school programs.

August 2009

The Wittman Center is looking very nice with the renovation. The center itself is coming along as the kitchen is nearly completed. We anticipate having the center open to the public in September.

Proteus Inc. purchased a range and micro-wave for the kitchen with monies we raised in our golf tournament fund raiser. Our company maintenance staff fitted the stove and micro wave into the kitchen. The pay is beautiful.

Staff has been busy making home visits and connecting with our youth. Most youth completed the summer jobs program in August but we still have two youth working as they were late starters. Our summer lunch program also ended in August. The summer lunch program was a success for the Wittman Center. We had many children come to the summer lunch program, even as the center was closed. Our summer lunch program was held outside the community center under trees. We were visited by the health department and received no violations.

School started on August 14th. We immediately implemented our PULSE program and began serving 20 students under this program. We are organizing a football team and other activities for our after school students.

Our families have been working diligently in the community garden. The community garden has been a very good success as 17 families participate. The community garden is an excellent example of youth and adults working together. Our summer youth worked alongside our families doing service learning. Additionally the community garden brings out local residents who have been on our grounds in the early morning and late afternoons. The presence of families at all hours is an excellent gang prevention program for this area.

The Wittman Center NYC program was featured in the Visalia Times Delta as the NYC's had a "community conversation" with residents at Café 210. Café 210 invited NYC's to discuss gang intervention/mediation. The presentation was in the evening and open to the public. Hence, gang intervention and mediation is not done by many groups. Typically the emphasis has been prevention or suppression. The intervention piece seems to be rarely discussed or implemented.

We look forward to an Open House in September or early October. We will schedule the Open House as soon as the center is completed.

September 2009

The Wittman Center wrapped up the TWIB Summer Jobs program in September. Overall we had 15 youth working at the Community Center this past summer. Our last worker finished on September 30, 2009.

Also in September we started our Flag Football Team for the PULSE program. The Flag Football League started September 18, 2009. We have 16 youth that are participating in the flag football team. As part of the PULSE program, we have outings for our students. On September our Wittman Center youth went to Roller Towne. Additionally, many of our youth also are participating in our community garden. Tony Delfino, tutor for PULSE program, works with our students on gardening. Currently our youth have planted chilies, tomatoes, corn, squash, and pumpkins.

Our community garden also is a joint venture with 17 families from our local area. The families have 17 individual plots whereby they also have vegetables growing. The families plan to fully participate in the community garden next year.

The Wittman Center was a full participant with the Lincoln Oval Concert series. The last concert for 2008 was held on September 19, 2008. Aside from many local artists that participated, we also had the Visalia Schools perform. Valley Oak Middle School sent their choir and Jazz Band to the concert series.

Our Neighborhood Youth Counselors (NYC's) have been busy visiting Visalia Schools. They conducted nineteen group sessions and have been getting to know students as have started a new school year. Also NYC's have been conducting home visits with at-risk youth. 30 home visits were conducted in the month of September.

October 2009

The Wittman Center was busy in the month of October. We had many activities for our children, such as, PULSE, drop in, Streetwise Partners and a new Independent Study program.

This Fall, our center's youth played a lot of flag football. The Wittman Center itself has 16 kids on the PULSE flag football team. Additionally we have sponsored two teams under our Streetwise Partners program. The Streetwise Partners teams are from Goshen and London, respectively. Each Streetwise team has 15 youth playing.

In addition to the flag football, we now started a dance program at the Wittman Center. We have ten youth participating in the dance program. What is important to note is that the dance instructors are Wittman Center youth (high school teenagers). Our dance team performed at the October Club Remix dance competition. We have a handful of teenagers that also participate in the dance program. The teens are volunteers that simply come to our center and dance.

Wittman Village Community Center
Annual Report Through May 2010

Our community center invested in some new computers this fall. We have five new computers downstairs in the resource room. Our “old” computers are upstairs in the PULSE after-school room. The PULSE room is a self contained room now and offers many programs for our youth.

This year we have started a new gang intervention program. Utilizing our current NYC model, we have started an Independent Study (I.S.) program for youth that have been expelled from school. These youth are hard to reach students that have not been attending school. Additionally if these youth did attend they would most likely cause a disruption on campuses. Our Independent Study teacher is a retired Adult School teacher: Leonard Velasquez. Mr. Velasquez has many years teaching and students tend to learn and get along well with Mr. Velasquez. Five (5) students have started the IS program. All five students have been attending the program and doing well. Please note: The IS program is offered in the mornings and it is referral based. While they are in the IS program, each student also receives gang intervention sessions with the NYC’s.

Our community garden program is in the last stages. Soon we’ll finish harvesting the final crops. We believe this program has been successful and intend to operate a community garden next year with our families and youth.

November 2009

The Wittman Center worked very hard this November with activities for our youth. Our PULSE program is strong and we have many Middle School students attend our program. Our PULSE flag football team made it to the playoffs. They took 4th place and had a great time playing. Our staff has started a cooking program at our center. They cooked turkeys for Thanksgiving, baked plenty of cookies and have also baked many pizzas. Our youth really enjoy the cooking program and have noticed our attendance seems to increase when we’re cooking.

We had a good turn out for thanksgiving. Our event was solely for our kids and families. We didn’t do a community event for two reasons. We didn’t have very many turkeys this year (bad economy) and we wanted to dedicate the occasion to the center’s youth. We hosted a dance on November 19th at our center. We had many youth attend our dance and they had a great time. Our dance DJ donated his time for our kids. We have restarted our Bike program. In November, there were 10 bikes reconstructed and continue to build bikes for Christmas. We have one youth currently working under the bike program.

The Wittman Center has been doing a pilot program with Visalia Charter Alternatives. This program is very important as it brings in high risk students (gang involved) to our program. We have been doing gang intervention with the IS students. We are starting to see success and are hopeful these students’ behaviors can turn around from their negative behavior.

Wittman Village Community Center
Annual Report Through May 2010

Forty (40) home visits were conducted in the month of November by our NYC's. the home visits are an integral part of our NYC program.

The Wittman Village Community is looking very nice. We had outside lights repaired recently and are waiting for our outside canopy to be installed. We have met with the City of Visalia Redevelopment Department and have discussed our community for year 2010.

December 2009

The Wittman Village Community Center was busy this year working on the holidays. The first two weeks of December were spent operating programs such as the PULSE program, Cal Grip, The Union Bank Bike Shop and our Teen Pregnancy Prevention program. Our children in PULSE attended a Roller Towne event and a PULSE Christmas Event.

Additionally, Carina Munoz worked with Visalia's Community Centers on their annual toy Drive. Unfortunately, not much assistance is given to Visalia Youth Centers by the Toys-for-Tot's organization. Many in the youth-serving community have questioned if toys collected by the Visalia Toy's-for-Tot's organization go to Visalia residents.

Hence, the annual toy drive in which the Wittman Center and Visalia's youth center community inclusive of YMCA (UCYC), Boys and Girls Club, PAL program, Manuel Hernandez Community Center work with Mr. Mike Fierro (community organizer) and Mr. Bob Arroyo, owner of Stone Brook Car Wash. If Stone Brook Car Wash had not stepped into the picture to assist with a toy drive, many children in Visalia would not have had a Christmas Holiday. A sincere thank you goes out to both Mike Fierro and Bob Arroyo.

At our Wittman Christmas event toys were distributed to our Wittman Center children. In addition to toys we had a bike raffle. Five (5) refurbished bicycles were raffled to girls and boys. Santa Claus came in to distribute the toys and we also had cookies and punch. In addition to the Christmas event, staff was also busy with their routine work, such as, home visits and operating our new Independent Study (IS) program.

On a sad note, a young man name Mark Corral was to attend the Wittman Center IS program but was fatally shot during the weekend before he was to start Independent Study. Both NYC's Eddie Lopez and Manuel Castro went to Mark's family home (candle light vigil) and funeral. They offered support to the families as both are youth pastors for their respective churches.

January 2010

The Wittman Center was in full operation after the holidays.

It seems the community center is busier during the winter break than during the school year as children come to the center when school is out. We are currently offering our regular drop in program, our computer resource room, the PULSE program and the BIKE repair shop.

The PULSE program is doing well as we are at 93% of plan attendance as a monthly average. We are a small program and try to service the children of the Lincoln Oval area and try not to over commit. The PULSE program was monitored this January by Visalia Unified After School Director, Frank Escobar. We await the results of the monitoring visit.

The PULSE program has several offerings. We have basketball and have been able to field team. We also have a co-ed dodge ball team under the PULSE program. Our bike program was dormant for while as we had to replace our youth. The youth training in the Bike Repair shop lost his mother. The youth has since relocated to North Carolina.

Our Independent Study program is going well. We have a steady stream of students and they are attending the class. Leonard Velasquez is our teacher and the students like Mr. Velasquez a lot.

In January we met with City of Visalia staff to discuss our new "Print Shop" program. We have a grant from Department of Labor and will be doing silk screening, off set printing and embroidery. We have interviewed a possible teacher and will start the teacher as soon as back ground checks are completed.

Our ESL program has had a steady enrollment since the start of the year. We have stable child care program offered at the Wittman Center Annex. Between 15 and 20 children attend the child care program. The ESL class and the Child Care program are offered via Visalia Adult School.

Wittman Center staff assisted and attended the Martin Luther King program offered at the Boys and Girls Club in mid-January. The MLK program is a good learning experience for our children.

The Wittman Center made adjustments to staffing. Staff member, Manuel Castro was laid off due to funding.

February 2010

The Wittman Center is operating all programs at optimum. We presently have an after school program where attendance is at 93% of plan goal. We have a Bike Repair program

Wittman Village Community Center
Annual Report Through May 2010

at our center and have one youth trainee in that program. The Bike program was funded by a small grant by Union Bank.

Additionally, we operate a drop in center and have seen an increase in youth attending over the last month. Our renovated facility has a lot to do with more users at the Wittman Center. We also have had a steady flow of students for our Independent Study program at the Wittman Center.

Regarding our other services, ESL and Child Care, I have spoken to Visalia Adult School staff and they have assured me that they will continue to use the Wittman Center. Hence, adult school staff also told me that we may have an increase in students as they may close other facilities.

We have not been able to start our garden. The constant rain has not permitted us to turn the soil as our tractor will get stuck in the mud. We are organizing local families to participate in the community garden and preparing our orders for plants.

Proteus Inc. has decided to open our print shop at another site away from Wittman Center. The site will be open for Wittman Center youth for training. We anticipate that print shop will be operational within two months.

Our center submitted a new Teen Pregnancy Prevention proposal to the State of California, hopefully our Teen Pregnancy Prevention program be refunded. We also have a new canopy at the Wittman Center. The renovation appears to be near completion and I will speak to appropriate staff regarding an Open House.

March 2010

The Wittman Center had a very busy month in March. The after-school PULSE program at Wittman Center has a strong enrollment. Youth are attending the center for PULSE and our indoor/outside activities. That increase in youth is reflected in our unduplicated count of youth participants. We have many students, enrolled in the PULSE program, participating in soccer. Recently the City of Visalia installed soccer goals (with nets) in Village Park. Installation of the soccer goals is a great addition for the soccer program currently at the Wittman Center.

In addition to soccer, the Bike Repair shop has been operational and successful. Many youth and adults have utilized the Bike repair program. We have one youth in training in the bike program and will have more youth participate as we have some SEE youth WIA trainees. Children from the community have brought their bikes in for repair. The Wittman Center has also started a cooking class on Tuesdays and Thursdays. The class is basic and involves our latch key kids. This new program is a success already as staff/youth have made pizzas, enchiladas, tacos, muffins, bread and other types of food. Youth have also been utilizing our gym a lot. The gym renovation has been well received by the community with many youth and adults playing basketball.

Wittman Village Community Center
Annual Report Through May 2010

In addition to the PULSE and drop-in services at Wittman Center, we have been working on our community garden. The garden has received assistance this year from the Neighborhood Church. We have cleaned out the new lots provided by the city on N.W. 5th. The community garden has 22 families that will be participating this year. The community garden will have 24 plots with a communal area and a youth garden.

We are in hopes that our community garden will participate with the Farmer's Market being developed by the North Visalia Events Committee (NVEC). The NVEC will start their Farmers Market in June.

Staffs conducted home visits with the center's youth and families and have done gang prevention/intervention services to many families. Wittman staff volunteered to assist in the recent Community Challenge Teen Pregnancy Prevention program "Arts" event on March 27th. About 700 people came to the event. Many youth from the Wittman Center received awards in the arts event.

Wittman Center staff and youth participated in the Step Up Youth Summit on March 11, 2010 in Lindsay. Staff (NYC's) also participated and provided a presentation at a state wide Teen Pregnancy Prevention presentation on March 5, 2010.

April 2010

The Wittman Village Community Center has been very busy working with our families and youth in the month of May.

We have 24 families that have planted in our community garden. In addition to our families, the youth at the community center also have a youth garden. We have enough space to include 4 more families in the upcoming month. If the additional families are added, we will have 28 families this year which is double the number that participated the year before. To help with security of the garden a fence was installed. Also of significance is that we have different ethnicities (White, Hispanic and South East Asian) participating this year.

We have been running a nice soccer program at the community center this year. We have over 16 youth participating in the program. New soccer goals installed by the City of Visalia which makes this program better this year. Youth from the Wittman Center use the soccer goals almost every day.

We also have been doing a lot of arts and crafts and programs such as dance and cooking for youth. These programs are ongoing at the community center. Additionally the Bike program we operate has been a success as many youth have benefitted from that program. In addition to youth adults have also come by to have their bikes repaired.

Wittman Village Community Center
Annual Report Through May 2010

Recently, Graciela Moreno of Channel 30 News came by the community center to do a story on the Foto-Novela program. The story involved our NYC program but footage was taken of the ESL class at the Wittman Center as well.

We currently have 3 youth from the SEE program. They are here as part of an out-of-school program. The youth are currently participating in the print shop program. In print shop the youth will have the opportunity learn some printing skills and build work habits.

The community center is always doing the best to work with both youth and community members.

May 2010

The month was busy with after school program monitoring occurring. The PULSE program had a Categorical Program Monitoring (CPM) occur in May. We ensured that all records requested were submitted and done correctly. We also ensured that all our records were up to date and ready. The CPM was completed and our program was approved with no findings.

We had our Wittman Center kids get 2nd place at the PULSE soccer tournament this year. The youth also took 1st place in the derby races. The PULSE program also took kids to Adventure Park. And, the PULSE program had a BBQ on Saturday May 22, 2010 this year. The center staff has done a lot this year. Our youth still come to our center in very good numbers. For instance, we exceed our enrollment projections for PULSE program as we average more youth than contracted.

Staff made 22 home visits and attended summer lunch and summer jobs trainings, respectively. We also have 24 families doing the community garden this year. The garden program is running well this year.

On a sad note, a drive by was committed at Village park on May 10, 2010. The drive was very frightening to all staff and youth. However, no children or adults were injured during the drive by. Wittman Center staff did an excellent job of protecting our kids. Staff acted quickly to warn of the drive by, and locked down the community center. It should be noted that most all our kids came back to the community center the very next day, we had a full house.

Due to the drive by, we are closing our front door and using the side entrance during programs. During the summer lunch program this year we will have it operate in the back of the center, not the park.

This summer we intend to get back to basics with our Streetwise partners programs. We have a print operating at Proteus and our Wittman Center kids are the beneficiaries. We also operate our computer room with full attendance. We have better programs and no "my space" is allowed.

Wittman Village Community Center
Annual Report Through May 2010

We expect a good summer this year.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Authorize changes to the non-profit grant funding application process.

Deadline for Action: None

Submitting Department: Citizens Advisory Committee

Contact Name and Phone Number:

Chris Gomez- Non-Profit Subcommittee Chair (625-9600)
George Shelton - CAC chair
Eric Frost – Staff Liaison to CAC (713-4474)

Recommendation: That Council authorize the following changes in the non-profit grant funding application process:

- (1) To remove the three year limitation on funding for any single program;
- (2) To continue to require attendance at a CAC grant-writing workshop as a condition for applying for a grant;
- (3) To reinstate the language contained in the application requiring that a minimum of 25% of the annual funding be awarded to programs directed specifically at gang prevention/intervention, and;
- (4) To allow funding to new programs that have not received any funding in previous funding years.

Summary: Council previously directed the Citizens Advisory Committee (CAC) to administer the nonprofit grant process and make agency funding recommendations to the Council. The CAC has completed three cycles of reviewing applications and recommending grant awards.

The CAC is making recommendations to improve the process and clarify expectations. Additionally, the recommendations are being made to clarify that limitations imposed for FY09/10 on the selection of qualified non-profit programs are not being continued and the applications process as it was implemented in prior grant cycles. The substantive changes recommended by the CAC are

1. To remove the three year limitation on funding for any single program;
2. To continue to require attendance at a CAC grant-writing workshop as a condition for applying for a grant;

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_5_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

3. To reinstate the language contained in the application requiring that a minimum of 25% of the annual funding be awarded to programs directed specifically at gang prevention/intervention, and;

4. To allow funding to new programs that have not received any funding in previous funding years.

The proposed changes have the following rationale:

1. The removal of the three year limitation will allow the city to continue to support specific proven programs that continue to provide important services to the community and will continue to carry out the specific goals of the grant. The committee recommends the removal of this restriction due to the number of program applicants that serve an important community function and effectively utilize the limited funds provided by this grant.

2. The grant workshop will continue to improve the quality of the applications and assist the volunteer CAC members in efficiently and effectively evaluating and comparing the various proposals.

As in 2009, each grant workshop will be 1 to 1-1/2 hours and will be offered on different days of the week at different times of the day. At least one workshop will be offered on a Saturday. The dates and times of the workshops will be announced at the time the availability of the Non Profit Grant applications is publicized.

The workshops give the attendees the opportunity to ask questions about the grant program and give the CAC subcommittee the opportunity to explain how the applications should be completed. This allows for the information received on the applications to be more easily comparable. In the past, some applications were received that noted "See Attached" instead of the applicant completing pertinent areas of the application. These applicants attached their financial statements or tax returns to the application in lieu of completing the questions. Those who attended one of the workshops completed their application thoroughly and completely and they did not attach anything other than the documents specified in the application packet. It was difficult for the CAC subcommittee to interpret the individual data from the many different types of financial statements or tax returns in order to fairly compare the need for funds to the other applications. Completeness and consistency in the responses assists the CAC in evaluating and comparing the applications. Workshop attendance should continue to be mandatory to ensure fair comparability.

3. The language in the application requiring a minimum of 25% of the funding to go to programs specifically directed at gang prevention/intervention was limited by the Council in 2009. This effectively disqualified programs that had received funding in the past. This limitation was not imposed until after the application process was completed and organizations that had applied believing they were qualified excluded.

It should be noted that in previous funding years, more than 60% of the grant fund were given to gang prevention/intervention programs.

4. In 2009, the City Council also elected to limit the organizations qualified to receive grant funds to programs that had received funding in the previous fiscal year. The CAC recommends to reinstate the policy that new programs be encouraged to apply in keeping with the original intent of allowing this to be a competitive grant in order to stimulate new programs for Visalia's youth.

Background:

At the May 1, 2006 Council meeting, the CAC recommended the following guidelines which were approved by Council.

- Who to Fund

Funding should be made available to nonprofit and local government agencies to fund programs or projects to benefit youth, including at risk youth. A minimum of 25% of all budgeted funds should specifically fund gang prevention/intervention activities.

- Activities to Fund

Funding may be used for operation or capital expenditures. Preference should be given for capital expenditures as opposed to operational expenditures.

- Length of Funding

Chosen nonprofits will be funded for a maximum of three years. After the three year period, the program or project would no longer be eligible for funding.

- Amount of Funding

Grants will be awarded at a minimum of \$5,000 and are limited to a maximum of 30% of the annual funding for the Visalia Non-Profit Program.

At the November 19, 2007 Council meeting, the CAC recommended the following changes to the guidelines which were approved by Council:

- Amount of Funding

The maximum award amount was reduced to 20% of the annual funding for the Visalia Non-Profit Program.

- Length of Funding

Clarification that agencies may apply for three *consecutive* years to fund the same program.

At the December 15, 2008 Council meeting, the CAC recommended the following further changes to the guidelines which were approved by Council:

- To reduce the minimum grant amount from \$5,000 to \$3,000;
- To require attendance at a CAC grant-writing workshop as a condition for applying for a grant; and,
- To require that the board resolution accompanying the application include a declaration that:

(a) the funds received from the City of Visalia will not be used for religious purposes and,

(b) the program will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

At the June 15, 2009 Council meeting, the following changes to the guidelines were approved by Council:

- Youth Services Grants are only open to those organizations who are currently receiving funding and who are working on programs that serve at-risk youth to reduce gang activity.

Prior Council/Board Actions: Approved policies for administering the funding of nonprofits, May 1, 2006. Approved the awarding of funds, June 18, 2007. Approved changes to policies for administering the funding of nonprofits November 19, 2007. Approved the awarding of funds, June 16, 2008. Approved changes to policies for administering the funding of nonprofits December 15, 2008. Approved changes to policies for administering the funding of nonprofits June 15, 2009. Approved the awarding of funds, July 13, 2009.

Committee/Commission Review and Actions:

Alternatives: Make no changes to the application for the funding of nonprofits.

Attachments: 2010/2011 Non Profit Funding Application with recommended changes.

Recommended Motion (and Alternative Motions if expected):
 1) Move to approve the CAC's recommended changes to the nonprofit funding application.

Environmental Assessment Status

CEQA Review: n/a

NEPA Review:

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

Copies of this report have been provided to:

CITY OF VISALIA
NON-PROFIT FUNDING PROGRAM
APPLICATION FOR FUNDING
FY 2010-2011



Administered by
City of Visalia Citizens Advisory Committee

Application Due Date: Friday, August 20, 2010 @ 5:00 p.m.

Applicants *Must* Attend One Grant-Writing Workshop

Grant-Writing Workshops Will Be Held On:

Saturday, July 31, 2010 @ 10:00 a.m.

Thursday, August 5, 2010 @ 6:00 p.m.

Tuesday, August 10, 2010 @ 11:00 a.m.

All Grant-Writing Workshops will be held at City Hall in the Council Chambers located at 707 West Acequia Avenue

Introduction to the Non-Profit Fund Application

The City of Visalia recognizes both the importance of the community's young residents and the role that non-profit agencies play in the lives of children. To help support the efforts of agencies working with young people, the City has established the Non-Profit Program Fund administered by the Citizens Advisory Committee. This Fund assists non-profit and local government agencies in providing programs and services aimed at (1) improving the quality-of-life of youth in the City and (2) gang prevention/intervention programs.

Instructions

Grant-writing workshops will be held on Saturday, July 31, 2010 at 10:00 a.m., Thursday, August 5, 2010 at 6:00 p.m., and Tuesday, August 10, 2010 at 11:00 a.m. for all agencies considering applying for this funding. Applicants **must attend** one workshop session as a prerequisite for submitting an application; the funding process is very competitive, and the workshop will assist agencies in requesting funding. All of the grant-writing workshops will be held in the Council Chambers of City Hall, located at 707 West Acequia Avenue.

Funding for an agency's Visalia Non-Profit Program (see definition in Glossary at end of application form) is available to any qualified nonprofit and government agencies with programs or services for people under the age of 18 living in the City of Visalia.

The applicant agency must certify that (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

A minimum of 25% of the annual funding from the City of Visalia will be awarded for gang prevention/intervention programs or activities, provided qualified applications are received. If not enough qualified applications with gang prevention/intervention programs or activities are received, the remainder of this set-aside amount will be dispersed to other applicants at the discretion of the CAC.

The minimum grant amount to be awarded to an agency is \$3,000; the maximum grant amount to any one agency is equal to 20% of the total annual funding for the Visalia Non-Profit Program Fund. The funds are to be expended during the fiscal year.

Requests for "seed" money to start new programs or activities are strongly encouraged. Capital expenditures that benefit the qualified program or activity, as well as other uses listed in the application, are also eligible for funding. The grants are annual awards, and the funds requested are to be expended from July 1, 2010 – June 30, 2011.

Agencies may apply for funding for more than one program or activity. However, a **separate application** is to be completed for each program or activity for which funding is requested.

Agencies are encouraged to complete the application by inserting responses into the electronic format of the application. Incomplete applications will not be accepted or reviewed.

The forms and tables in the application must be completed; substitutions and references to attachments will not be accepted. In particular, agencies are urged to fully respond to item #12 of the application regarding anticipated “outputs” and “outcomes” of the program or activity. More information about these terms is found in the Glossary at the end of the application. An agency’s failure to meet the Program Outcomes or Outputs from previous grant requests may affect an agency’s current and future funding requests.

All successful applicants awarded grants will be required to submit semi-annual progress reports to the CAC in January 2011 and July 2011. Failure to submit these progress reports may jeopardize future funding requests.

Agencies must submit the original application signed by an authorized agent and an additional 6 (six) unstapled copies of the signed original for a total of 7 (seven) submitted applications. In addition, the following must be included with the application:

- One copy of the agency’s most recent Federal tax return;
- One copy of the agency’s most recent fiscal year-end financial statement;
- One copy of the agency’s IRS 501 (c) (3) determination letter;
- One copy of the resolution of the Board of Directors authorizing the grant application. The resolution must be signed by two members of the board and include the following statements:
 - *The Board of Directors approves the request for funding from the City of Visalia’s Non-Profit Fund Program in the amount of \$_____.*
 - *_____ is authorized to sign the grant application on behalf of [Grantee agency].*
 - *[Grantee agency] acknowledges that among the conditions placed on the grant by the City of Visalia are the following: (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program or activity supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation, and [Grantee Agency] agrees to comply with such conditions.*

Questions should be directed to Jason Montgomery at jmontgomery@ci.visalia.ca.us

Submit completed application and required attachments
by Friday, August 20, 2010 @ 5:00 p.m. to:

City of Visalia - Citizens Advisory Committee
707 West Acequia Avenue
Visalia, CA 93291
Attn: Jason Montgomery, Finance

Submit completed applications and required attachments to:

City of Visalia - Citizens Advisory Committee
707 West Acequia Avenue
Visalia, CA 93291
Attn: Jason Montgomery, Finance

**Deadline – 5:00 p.m. Friday
August 20, 2010**

Visalia Non-Profit Program Fund Application

Agency name: _____

Program/Activity for which funding is requested (if different): _____

Agency mailing address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ E-Mail: _____

Contact name & title: _____

Program/Activity Information

1. Amount requested in this application: _____

2. The funding requested is for (select one)

a capital expenditure (one-time purchase or property improvement intended to be used for more than one year) that benefits a qualified program or activity.

a new program or activity to be started during FY 2010/2011.

an ongoing program or activity.

agency or program/ activity operations.

scholarships.

other (describe): _____

3. Briefly describe the specific intended use of the Visalia Non-Profit Program Fund grant requested by the agency.

4. Briefly describe the program/activity for which funding is requested. (Include, for example, a description of the program or service, service locations, hours of operation, fee structure, scholarship criteria, how participants are identified or recruited. If funding is being requested for a capital expenditure, describe how the item to be purchased/facility to be constructed will enhance the agency's program or activity.):

5. Has the program/activity been previously funded by the City of Visalia's Non-Profit Program?

No

Yes. If yes, for which fiscal years was this funding awarded? _____

6. Are there any major changes anticipated for the staffing and/or funding of the agency or activity in FY 2011?

No.

Yes. If "yes", describe.

7. How many Visalia residents under the age of 18 did the agency serve through this program or activity from January 1, 2009 through December 31, 2009? _____ (Answer "N/A" if this is a new program or activity.)

8. How many total people did this program or activity serve from January 1, 2009 through December 31, 2009? (Answer "N/A" if this is a new program or activity.) _____

9. How many Visalia residents under the age of 18 is this program or activity projected to serve for the period July 1, 2010 through June 30, 2011? _____

10. Is the purpose of the program or activity for which funding is requested gang prevention or intervention?

No.

Yes. If yes, describe the gang prevention or intervention aspects of the program or activity.

11. List similar programs or activities of other organizations in the City of Visalia and describe what sets apart your organization's program or activity.

12. (a) Summarize the outcomes and/or outputs of the program or activity for which funding is being sought and (b) how these will be measured by the agency. (Refer to the "Glossary of Terms" at the end of the application for a further description of these terms. In reviewing grant proposals and allocating grant funds, preference will be given to grants that identify measurable outcomes rather than only outputs.)

General Agency Information

13. Agency Mission or Purpose Statement:

14. Describe the fundraising activities of the agency.

15. In the organization's most recent fiscal year, what is the percentage of fundraising expenses compared to the total funds raised (i.e. fundraising expenses divided by the total funds raised)?

Total costs of fundraising \$ _____ = _____ %
Total funds raised \$ _____

16. List the key agency staff involved with the program or activity for which funding is being requested. (Indicate those who are to be paid from City funds.)

<i>Staff Name</i>	<i>Position</i>	<i>Paid from City Funds</i>	
		<i>Yes</i>	<i>No</i>

17. List the members of the Agency's Board of Directors.

<i>Name</i>	<i>City</i>	<i>Board Office (if any)</i>	<i>Term Ending</i>

18. Describe any Agency financial/budgetary problems or debt within the last 5 years (including annual budget deficits).

19. How often does the Board of Directors meet?

20. What constitutes a quorum for a meeting of the Board?

21. How many times was the quorum met in the Agency's most recent fiscal year?

22. What is the fiscal year of the agency?

Sources of Funds - Agency

	Current Year Budget Amount FY 2009-2010	Projected Amount for FY 2010-2011	Status of projected FY 2010-2011 funding commitments “S” indicates secured funding sources; “U” to indicate unsecured
SOURCES OF REVENUE			
Visalia Non-Profit Program Funds			
Donations			
Fundraising events			
County funding			
State funding			
Private foundations			
Program fees			
Other			
Grants (list individually)			
TOTAL AGENCY REVENUE			
LESS AGENCY EXPENSES (from page 9)			
TOTAL AGENCY EXCESS OR <DEFICIT>			

Sources of Funds - Visalia Non-Profit Program

	Current Year Budget Amount FY 2009-2010	Projected Budget Amount for FY 2010-2011	Status of projected FY 2010-2011 funding commitments "S" indicates secured funding sources; "U" to indicate unsecured
SOURCES OF REVENUE			
Visalia Non-Profit Program Funds			
Donations			
Fundraising events			
County Funds			
State Funds			
Private Foundations			
Program Fees			
Other			
Grants (list individually)			
TOTAL PROGRAM REVENUE			

Uses of Funds - Agency

EXPENSES CATEGORY	Current Year Budget Amount FY 2009-2010	Projected Amount for FY 2010-2011
Salaries		
Employee Benefits		
Payroll Taxes		
Office Expenses/Rent		
Utilities		
All Other Expenses (list by categories)		
TOTAL AGENCY EXPENSES		

CERTIFICATION

This certifies that the information contained in this application is true and accurate and that this application has been authorized by the applicant agency.

Date: _____

By: _____

Agency: _____

Title: _____

Board of Directors' Authorization to Request Funds:

A resolution of the agency's board of directors must be included with the funding request. The resolution must be signed by two members of the governing body and include the following statements.

- *The Board of Directors approves the request for funding from the City of Visalia's Non-Profit Fund Program in the amount of \$_____.*
- *_____ is authorized to sign the grant application on behalf of [Grantee agency].*
- *[Grantee agency] acknowledges that among the conditions placed on the grant by the City of Visalia are the following: (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation, and [Grantee Agency] agrees to comply with such conditions.*

Attachments:

- One copy of the agency's most recent Federal tax return
- One copy of the agency's most recent fiscal year-end financial statement
- One copy of the agency's IRS 501(c) (3) determination letter
- One copy of the resolution of the Board of Directors authorizing the grant application
- 6 (six) unstapled photocopies of signed application (in addition to the original application)

Glossary of Terms

Outputs are the units of service delivered by the activity or the number of people served. These are usually measured in terms of the volume of work accomplished, such as number of low-income households served, number of meals served, nights of shelter, childcare slots, counseling sessions provided, etc.

Outcomes are benefits or changes that result from a program or project. Outcomes typically related to a change in conditions, status, attitudes, skills, knowledge, or behavior of the participants or community served. Common outcomes could include improved quality of life for program participants, improved nutritional health or sense of security, improved mental health, or sense of well-being. Outcomes need to be measurable (i.e. surveys or questionnaires of participants and may include outcomes such as, fewer number of inter-personal conflicts, number of participants who become employed or enrolled in school, or measurable improvement in classroom performance, etc.).

Visalia Non-Profit Program refers to the program or activity for which funding is being sought. Responses to questions regarding the "Visalia Non-Profit Program" should be limited to the agency's program or activity that serves young residents of the City of Visalia even if the agency serves people in a broader geographic area or in other age groups.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Public Hearing to receive testimony on the formation of PBID IV for 10 years; District boundaries, assessments, zones and exemptions and direct staff to file and record the District in order to receive the assessments and approval of an Administrative Services Agreement with Downtown Visalians, Inc. for daily operations and activities. **Resolutions 2010-33 and 2010-34 required.**

At the close of the Public Hearing, staff will be directed to open and tabulate property owners' ballots for creation of a Property & Business Improvement District IV (PBID IV) for ten (10) years. Results will be reported at end of the meeting (see Item 14 on this agenda)

Deadline for Action: July 12, 2010

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number: Steve Salomon, City Manager (x4312); Michael Olmos, Assistant City Manager (x4332); Ricardo Noguera, Housing and Economic Development Director (x4190)

Department Recommendation: The City Council authorizes the following:

1. **PUBLIC HEARING.** Hold a public hearing in order to receive input on the proposed formation of PBID IV and consideration of a Resolution of Formation. Invite any outstanding votes to be brought forward for counting and results to be presented by the City Clerk;
2. **BALLOT CERTIFICATION.** Direct the City Clerk's Office to tabulate the votes for the renewal/formation of the proposed PBID IV and upon a report by the City Clerk affirming that a majority of the assessment votes are in favor of renewal/formation of the proposed PBID IV, take those actions specified hereinafter as required to complete the formation of the Downtown PBID IV for a ten year term;
3. **RESOLUTION OF FORMATION.** Adopt a Resolution of Formation to create a Property & Business Improvement District (IV) for ten (10) years if the majority in assessments (dollar value) supports the formation of the District;

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Upon the City Clerk reporting the assessment vote indicates the approval of the renewal of the PBID, the City Council will be requested to take the following actions:

PBID Formation Actions:

1. Approve the District boundaries, assessments, exemptions, work program and budget per the proposed Management Plan for the Downtown Visalia Property and Business Improvement District dated May 2010;
2. Authorize staff to file the District in order to receive the annual assessments;
3. Approval and authorization of the City Manager to execute the agreement with the Downtown Visalians, Inc. for day-to-day operations and activities.

Action Summary: This is the final action required for the formation and recording of the third renewal for a 10-year term of the Downtown Visalia Property-Based Business Improvement District. Upon taking these actions, staff will prepare and present the required documents and assessment rolls to Tulare County by the August deadline for filing the district. The first receipts of funds for the new district are anticipated to be available in December 2010.

The above listed actions are required to formally initiate the formation of a Downtown Property-Based Business Improvement District under the California Streets & Highways Code and Proposition 218 Assessment District formation requirements. Petitions showing the proposed assessments were submitted to the respective property owners to determine if there was sufficient support for renewing the District for an additional 10 years. Based on the information provided by Downtown Visalians, approximately 51% of the private property owners responded favorably toward the re-formation and assessment. Public entities owning property in the proposed district have also responded positively including the Kaweah Delta Healthcare District and Tulare County and indicated their willingness to participate.

Background

On May 17, 2010, Council adopted a Resolution of Intention to create a PBID for ten years. The City Clerk also initiated the election balloting process which is required to complete the formation of the PBID in accordance with the applicable sections of the Street & Highway Code and Proposition 218. The City Manager was also directed to vote in favor of the formation for those City properties within the proposed PBID IV District at the estimated rate of \$67,303.86 assessed per year. Lastly, staff was directed to schedule a public hearing on July 12, 2010, to receive public testimony and comments regarding the proposed formation of PBID IV and consideration of a Resolution of Formation.

Prior Council/Board Actions:

- May 17, 2010 Council adopted a Resolution of Intention to create PBID IV for 10 years; initiated the election balloting process; authorized the City Manager to vote in favor of the formation of City properties within the proposed PBID District; and set July 12, 2010 as date of public hearing to receive public testimony regarding the formation of PBID IV;
- April 6, 2009 Council/agency approved \$23,000 loan from Central RDA funds to support PBID III and Ballot for Formation and Expansion of District for 5 additional years
- June 20, 2005 Public Hearing and Balloting
- May 2, 2005 Adoption of Resolution of Intention
- February 22, 2005 – Authorization for petition process

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

- Resolutions 2010-33 and 2010-34
- Sample Notice of Assessment
- Assessment Roll
- District Map
- Summary Management Plan

Recommended Motion (and Alternative Motions if expected):

1. **PUBLIC HEARING.** Hold a public hearing in order to receive input on the proposed formation of PBID IV and consideration of a Resolution of Formation. Invite any outstanding votes to be brought forward for counting and results to be presented by the City Clerk;

2. **BALLOT CERTIFICATION.** Direct the City Clerk’s Office to tabulate the votes for the renewal/formation of the proposed PBID IV and upon a report by the City Clerk affirming that a majority of the assessment votes are in favor of renewal/formation of the proposed PBID IV, take those actions specified hereinafter as required to complete the formation of the Downtown PBID IV for a ten year term;

3. **RESOLUTION OF FORMATION.** Adopt a Resolution of Formation to create a Property & Business Improvement District (IV) for ten (10) years if the majority in assessments (dollar value) supports the formation of the District.

Upon the City Clerk reporting the assessment vote indicates the approval of the renewal of the PBID, the City Council will be requested to take the following actions:

PBID Formation Actions:

- a) Approve the District boundaries, assessments, exemptions, work program and budget per the proposed Management Plan for the Downtown Visalia Property and Business Improvement District dated May 2010. **Resolution 2010-33 required.**
- b) Authorize staff to file the District in order to receive the annual assessments. **Resolution 2010-34 required.**
- c) Authorize the City Manager to execute the agreement with the Downtown Visalians, Inc. for day-to-day operations and activities.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

Copies of this report have been provided to:

- Downtown Visalians
- PBID

RESOLUTION NO. 2010-33

**ADOPTION OF A RESOLUTION OF FORMATION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, AUTHORIZING THE
RE-FORMATION OF A TEN (10) YEAR PROPERTY & BUSINESS IMPROVEMENT
DISTRICT FOR DOWNTOWN VISALIA.**

WHEREAS, on June 1, 1998, the City Council established a “Downtown Visalia Property and Business Improvement District” (commonly referred to as the “PBID”) pursuant to the adoption of Resolution No. 98-65 and in compliance with the requirements set forth in the Property and Business Improvement District Law of 1994, Section 36000, et seq., of the California Streets and Highways Code; and

WHEREAS, the City Council in June 2001 renewed the PBID (as “PBID II”) for a four-year term and renewed the PBID again in June 2005 (as “PBID III”) for a five-year term concluding on June 30, 2010; and

WHEREAS, the term of the new PBID IV will commence on January 1, 2011 and expire on December 31, 2020, encompassing a ten-year period; and

WHEREAS, in furtherance of its to date successful goal of improving and conveying special benefits to the properties within the Downtown, a majority of the property owners in the District have supported the establishment of a new PBID (“referred to as PBID IV”); and

WHEREAS, the City of Visalia supports this desire to establish a PBID IV and on May 17, 2010 passed Resolution No. 2010-19 adopting the Intention to create the new PBID IV, which conceptually approved it; and

WHEREAS, pursuant to the provisions of Proposition 218, written notice of the proposed assessment, ballots, and notice of a public protest hearing was mailed to all record landowners to be effected by the proposed PBID IV; and

WHEREAS, a public protest hearing was held on July 12, 2010, at the Visalia City Council Chambers, located at 707 W. Acequia Avenue, Visalia, California, concerning the establishment of the PBID IV, however no verbal protests were received or presented; and

WHEREAS, a majority of the ballots returned at the protest hearing supported the implementation of the self-imposed assessment; and

WHEREAS, the City of Visalia is an affected property owner within the proposed Property & Business Improvement District and therefore has the right to vote; and

WHEREAS, the City Council has expressed its desire to actively promote and participate in the economic revitalization and physical maintenance of the downtown business district; and

WHEREAS, it is beneficial to fund property related improvement, maintenance and activities through the levy of assessments upon the real property that benefits from those improvements; and

WHEREAS, the Downtown Visalians & Alliance is a non-profit organization formed to improve the image and economic vitality of the downtown Visalia commercial district; and

WHEREAS, many activities must be accomplished in order to establish the Property & Business Improvement District prior to the deadline to provide information to the Tulare County Auditor in order to place the assessment on the earliest fiscal year County property tax bills;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia does hereby find and determine that:

1. It is in the best interests of the downtown business community that the City of Visalia establish the Downtown Visalia Property and Business Improvement District (“PBID IV”); and
2. The properties within the PBID IV will benefit by the improvements, projects, programs and activities funded by the assessments proposed to be levied; and
3. The Visalia City Council is hereby directed to do all acts and execute, verify and file all documents necessary to effectuate the formation of the PBID IV;
4. The PBID IV shall adopt a Management Plan. The Budget and assessment data within such plan shall be as follows:

The total PBID IV will comprise two assessment zones that have been created which contain different levels of services based on the needs of each zone. Zone One represents the core of downtown and will receive the majority of capital improvements and services, thus a higher assessment. Security, maintenance, marketing and economic development services are proposed for both zones and are allocated based upon the land within each zone.

Four property assessment variables will be used that vary with property location and benefits received. The assessment variables will be lot square footage, parking area square footage, first floor square footage, and floors other than first floor square footage. Annual assessments will range from .040 and .014 cents per square foot of land and parking area, 0.08 to .027 cents per square foot of the first floor area and .056 to .019 per square foot of other floor area.

Cap: Assessments may be subject to changes in the Consumer Price Index, not to exceed 3%.

Collection: Assessment will appear as a separate line item on annual property tax bills.

City Services: The City of Visalia has established a policy to maintain the level of services within the PBID IV after the PBID IV is established;

Duration: Per state law, the PBID IV will have a ten-year life. After ten years, the petition process must be repeated for the District to continue; and

5. All real property in the PBID IV established by this Resolution shall be subject to any amendment to the Property and Improvement District Law (Streets and Highways Code Section 36600, et seq.); and
6. The improvements and activities to be provided in the PBID IV will be funded by the levy of the assessments; and
7. The revenue from the levy of assessments within the PBID IV shall not be used to provide improvements or activities outside the District or for any purpose other than the purpose specific in the Resolution of Intention; and

8. This resolution shall be entitled “The Downtown Visalia Property and Business Improvement District Resolution,” as Resolution No. _____ with an effective adoption date commencing January 1, 2011.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

RESOLUTION NO. 2010- 34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
CERTIFYING TO THE COUNTY THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE SPECIAL ASSESSMENTS ON THE SECURED TAX ROLL**

WHEREAS, the City is placing miscellaneous special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the special assessments have been levied in accordance with a particular benefit to each parcel to be assessed without regard to its assessed valuation; and

WHEREAS, the Property & Business Improvement District special assessments are for the improvement and conveyance of special benefits to properties located within the central business district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that the list submitted with parcel numbers, and amount are certified as being correct, the Administrative Services Director is hereby directed to give the list to the Tulare County Auditor for placement on the secured tax roll for collection:

1. The Property & Business Improvement District special assessment.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

SAMPLE

Recording Requested by
And Return to:
Department of Community and
Economic Development
City of Visalia
315 E. Acequia
Visalia, CA 93291

NOTICE OF ASSESSMENT

On _____, the City Council for the City of Visalia approved the "Downtown Visalia Property and Business Improvement District" (commonly referred to as PBID IV) pursuant to the adoption of Resolution 2010-__ and in compliance with the requirements set forth in the Property and Business Improvement District Law of 1994, Section 36000 et seq., of the California Streets and Highways Code. The undersigned City Clerk of the City of Visalia, County of Tulare, State of California, hereby gives notice that an assessment diagram and assessment were filed in the office of the City Clerk relating to the following described property:

The legal description of the Assessment District, assessment roll with listing by APN #, and the assessment diagram/map of Assessment District No. _____, City of Visalia, County of Tulare, State of California as recorded in Book __ of __, Maps of Assessment and Community Facilities District at page __, in the office of the County Recorder of the County of Tulare, State of California.

Notice is further given that upon the recording of this Notice in the office of the County Recorder, the several assessments assessed on the lots, pieces, and parcels shown on the filed assessment diagram shall become a lien upon the lots or portions of the lots assessed, respectively.

Reference is made to the assessment diagram, legal description, and assessment roll recorded in the office of the City Clerk of the City of Visalia, County of Tulare, State of California.

Dated: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

**Downtown Visalia Property-Based Improvement District (PBID)
Summary Management Plan
January 2010**

Established by a coalition of property and business owners in 1997, the Downtown Visalia Property-Based Business Improvement District (PBID) is a benefit assessment district designed to improve and convey special benefits to properties located within the central business district of Downtown Visalia. The PBID is being renewed for the third time pursuant to the state law; the "Property and Business Improvement District Law of 1994", as amended. As described in this plan, it is proposed that the Downtown Visalia PBID will continue to provide improvements and activities including economic and environmental enhancements above and beyond what the City currently provides.

LOCATION: The Management District will encompass the central business district of Downtown Visalia bounded roughly by School, Santa Fe, Mineral King and Conyer Streets. Property owners within the PBID District have indicated a desire for different levels of service in distinct sub-districts within the overall Management District. These "benefit zones" will contain different levels of service and assessments based on the needs of each zone and will encompass the following areas:

- Benefit Zone 1:** The core of the downtown generally bounded by Santa Fe on the east, Mineral King, Willow and Acequia on the south, Willis on the west and Center on the north.
- Benefit Zone 2:** Generally bounded by Mineral King to the south, Willis and Conyer to the west, Oak, School and Race to the north and Tipton to the east..

A map of the proposed PBID boundary is provided in this Summary Management Plan.

IMPROVEMENTS AND ACTIVITIES: The PBID will finance services and improvements that will economically and environmentally enhance the downtown experience. Services will include:

- **Economic Enhancements:** Including programs and incentives to attract grow and incubate new businesses, an in-lieu parking program to remove barriers to downtown development and provide for continued investment in downtown parking, and marketing and promotions to improve downtown's image and invite consumers to downtown.
- **Environmental Enhancements:** Including public safety patrols to support crime prevention and reduce the incidence of nuisance crimes, streetscape and landscape enhancements to make downtown more attractive, graffiti removal to provide a cleaner downtown environment, and general downtown maintenance including sidewalk sweeping and steam cleaning.

METHOD OF FINANCING: Levy of assessments upon real property that benefit from the proposed improvements and activities.

BUDGET: Total district assessment budget for its first year of operation is **\$370,000**:

ACTIVITY:	2011 BUDGET:	% OF TOTAL:
Economic Enhancements	\$ 50,000	13.5%
Environmental Enhancements	\$236,000	62.2%
Management and Administration	\$ 90,000	24.3%
TOTAL	\$370,000	100%

ASSESSMENTS: Annual assessments are calculated based upon each property's benefit received from the identified programs and their relative cost. The assessment factors are based on lot square footage, first floor square footage, upper floor square footage and parking square footage. The following table illustrates the first year's assessments:

ASSESSMENTS PER:	ZONE 1	ZONE 2
Lot Square Footage	\$0.041	\$0.014
Parking Square Footage	\$0.041	\$0.014
First Floor Square Footage	\$0.081	\$0.028
Upper Floor Square Footage	\$0.057	\$0.020

CAP: Annual assessments may increase by as much as 5% per year to keep pace with the consumer price index and other program costs. The determination of annual assessment rates will be subject to the review and approval of the PBID Owners Association.

COLLECTION: Assessments will appear as a separate line item on the annual County of Tulare Property Tax bills.

CITY SERVICES: The City of Visalia has established a policy to maintain the level of services currently provided within the District after the District is established. The PBID will not replace any pre-existing City services.

GOVERNANCE: The Downtown Visalia PBID will be governed by an Owners' Association as prescribed by the PBID legislation. The Downtown Visalia PBID Owners' Association will be a new 501(c) 6 non-profit entity which will be representative of stakeholders paying into the PBID and will determine budgets, set assessment rates and monitor service delivery of the PBID. It is recommended that the Downtown Visalia PBID Owners' Association contract for services with Downtown Visalians to eliminate any potential duplication of service and administration, while maximizing leverage with other downtown improvement resources. Annual reports of the PBID Owners' Association will be filed with the Visalia City Council.

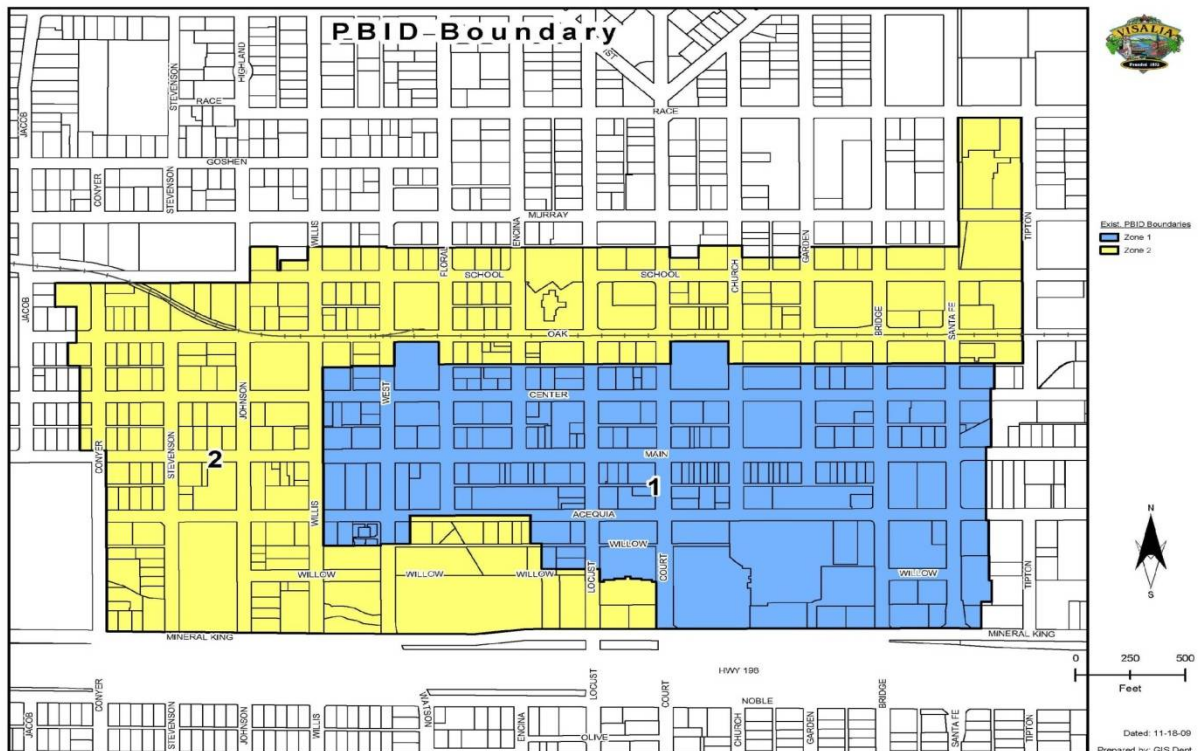
DISTRICT FORMATION: District formation requires submission of petitions signed by property owners in the proposed district who will pay more than 50% of total assessments i.e. petitions must represent more than 50% of the \$370,000 to be assessed. Petitions are then submitted to City Council and a mail ballot is sent to all affected property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the PBID in order for City Council to approve it.

DURATION: The district will have a ten year life commencing January 1, 2011. After five years, the Downtown Visalia PBID Owners' Association and the downtown property owners will undertake a review of the Management Plan and PBID programs. Any new or increased assessments that are not consistent with the provisions of this Management Plan will require a new mail ballot process.

Why We Need A Property-Based Improvement District (PBID) in Downtown Visalia?

A PBID gives all property owners within the district a participatory process to collectively determine the priorities for services PBID should deliver. The Management Plan outlines the following broad improvement and activity plan for the duration of the district. It is the function of the elected board to determine projects and policies benefiting the membership and monitor the allotment of assessment funds yearly.

1. Economic Enhancements:
 - a. Business Retention and Recruitment
 - b. Image and Marketing
 - c. In-Lieu Parking Program
 - d. Leadership and Policy
2. Environmental Enhancements:
 - a. Enhanced Maintenance, Cleaning and Graffiti Removal
 - b. Public Safety
 - c. Landscape and Streetscape Enhancements
3. Management and Administration



A complete copy of the Downtown Visalia Property-Based Business Improvement District Management Plan is available from Downtown Visalians, 103 North Court Street, Visalia, CA 93291 or by calling 559-732-7737.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

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

Agenda Item Wording: Request authorization to file a Notice of Completion for the Center Avenue Improvements (Conyer Street to Bridge Street, Project No. 3011-00000-720000-0-8016).

Final Construction Cost \$195,687.41

Deadline for Action: none

Submitting Department: Community Development Department, Engineering

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392
Adam Ennis, Engineering Services Manager, 713-4323
Rebecca Keenan, Civil Engineer, 713-4541

Department Recommendation: The Community Development Department recommends that authorization be given to staff to file a Notice of Completion for the Center Avenue Improvements Project (Project # 3011-00000-720000-0-8016).

Summary: The project was located along Center Avenue, between Conyer Street and Bridge Street. It included the installation of landscape planters along the south side of Center Avenue for future decorative plantings. The project also included the installation of a new irrigation system with related controllers, valves, and tree bubblers. The new irrigation main is ready for a future connection, once the plants are selected for each planter. Brian Kemp, Director of the Urban Tree Foundation has obtained a grant from the California Natural Resources Agency and Caltrans (The Environmental Enhancement and Mitigation Program) for the new plants. He is currently working with the City's Parks Department to prepare a planting scheme, and will implement the planting in the fall of 2010, after the summer heat has decreased.

The construction work for the project was completed by Lockwood General Engineering, Inc. at a final cost of \$195,687.41, with 8.9% in Change Orders. The awarded contract amount for the construction was \$178,084.00.

Background: Project work also included the installation of ADA detectable warning surfaces (truncated domes) at various corners at streets intersecting Center Avenue. The new detectable warning surfaces provide a visual contrast between the ramp and the street, and the tactile feature

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

will serve to alert pedestrians who are visually impaired to the presence of a hazard in the line of travel. A minimum amount of touch-up striping, (including parking spaces and crosswalk striping) was completed in the areas impacted by the construction.

Change Orders

There were eight approved change orders totaling \$17,603.41 applied to this project. The approved changes were:

1. This Change Order included modifications to the irrigation trench resurfacing detail, the City Standard landscape curb, and deletion of 16 truncated domes from the contractor's scope of work. The modifications allowed for cost savings to the City, while providing the necessary final product. The trench resurfacing was changed to decrease the trench backfill time. The City Standard Median Curb was modified to a City Standard Landscape curb to decrease the concrete set-up time. The truncated domes were deleted due to existing nonconforming ramps. These deleted ramps will each require a significant, costly retrofit, including complete replacement of the concrete ramp and surrounding sidewalk, possible pavement modification, and additional right of way acquisition. Due to the considerable amount of funds that will be required for this work, these individual ramps will be retrofitted independently, over the next few years, as funds become available. One possible way of financing this work is through the City's Minor Concrete and ADA Improvement Program.

Total Cost of Change Order No. 1: (\$11,933.48) credit

2. This Change Order was to remove/replace the existing concrete and asphalt located at the southwest corner of Conyer Street and Center Avenue. The existing pedestrian path was warped and cracked, providing a rough transition to the street. The corner was scheduled to have new truncated domes installed, however, the concrete and pavement in the area had to be fixed prior to installation of the domes.

Total Cost of Change Order No. 2: \$3,514.00

3. Change Order No. 3 was a no cost change order to extend the contract completion time by 8 days. This extension was warranted by rainy weather and by a traffic detour caused by Caltrans.

Total Cost of Change Order No. 3: \$00.00

Time of Extension: 8 Days

4. Change Order No. 4 included additional compensation to the Contractor for the removal and disposal of asphalt concrete along Center Avenue, due to unforeseen conditions. Once the demolition of the existing asphalt started, it was discovered that the asphalt was approximately 9-inches thick. The original expectation was the asphalt would be approximately half that thickness. The additional thickness resulted in additional labor and disposal costs. The change order also included an extension of the contract length to complete the additional asphalt demolition and disposal. This change order also included the upgrading of the specified backflow prevention devices, to lead-free models. This was necessary to comply with new Cal Water requirements, which were implemented after the award of the construction contract. Change order No. 4 also included replacing the specified backflow prevention device enclosure with a new version required by City Park staff.

Total Cost of Change Order No. 4: \$15,630.47
Time of Extension: 3 Days

5. Change Order No. 5 includes additional work related to the southwest corner of Conyer St. at Center Ave. The work included additional demolition of concrete and asphalt, and the pouring of additional concrete and asphalt in the area. This work was necessary due to unforeseen conditions related to the slopes encountered on site. The amount of construction had to be expanded to ensure that the slopes within the pedestrian path of travel were within allowable ADA limits. The previous configuration would have exceeded the allowable slopes. The Change Order also included the removal and replacement of 10 lineal feet of concrete curb at the southwest corner of Willis and Center Ave. This had to be done to raise the elevation of the curb to integrate with the surrounding asphalt. Credit for 15 tree bubblers that were removed from the contract is also reflected in this change order. The bubblers were removed from the contract because the tree wells are already being served from a different source. This change order also included a credit for one of the detectable warning surface that was to be installed at the southwest corner of Conyer Street and Center Avenue. The detectable warning surface was no longer needed, due to the reconfiguration of the corner.

Total Cost of Change Order No. 5: \$3,356.70
Time Extension: 9 days

6. Change Order No. 6 is for work related to unforeseen conditions at the southwest corner of Conyer Street and Center Avenue. The work included the removal and replacement of asphalt adjacent to the concrete gutter to form a smooth transition along the street. It also included additional excavation around an existing corrugated metal drainage pipe which had a hole, and was leaking. The pipe was encased in concrete slurry prior to backfilling around it. This change order also included the installation of a new battery operated controller for the irrigation system and a new 6 volt battery. This was necessary because there was no electric power source at the site. There was also additional dirt added to two of the planters located on either side of Johnson Street with this change order. The additional dirt was necessary to raise the elevation of the planter for the future plantings.

Total Cost of Change Order No. 6: \$2,255.37
Time Extension: 14 Days

7. Change Order No. 7 is for unforeseen field conditions at the southwest corner of Church Street and Center Avenue. While the Contractor worked to install the new irrigation main, he encountered several old bricks and other debris which impeded completion of the work. This debris was underneath and around an existing concrete curb, which was to remain. The new pipe was going to be placed under the curb, without impacting the curb. However, due to the debris, this could not be done, so the curb was removed and replaced to allow the work to continue. This change order also included payment for 45 lineal feet of additional concrete landscape curb that was installed. The additional 45 feet of concrete was shown on the plans, but the quantity was not updated on the bid sheet given to the Contractors for bidding.

Total Cost of Change Order No. 7: \$1,263.33
Time Extension: 10 Days

8. Change Order No. 8 is for the installation of 4" PVC pipe sleeves across the street intersections with Center street. The new irrigation main is located inside the sleeves. This will allow City staff to easily maintain the new irrigation system by accessing the main without having to trench across the intersection and disrupt traffic. Segments of the irrigation main can be replaced by exposing the sleeve end. The Parks department forgot to indicate the need for sleeves during their plan review. However, the Contractor installed the sleeves, as part of the industry's standard practice.

Total Cost of Change Order No. 8: \$3,517.02

Time Extension: 4 Days

Financial Summary:

Funds were available from the Community Development Block Grant Recovery Act (CDBG-R), administered through the Federal Housing and Urban Development Department, specifically from the American Recovery and Reinvestment Act of 2009. \$193,200 was available for construction and \$17,098.00 was available for internal administrative costs. All the funds from CDBG-R have been expended.

Based on a 40 hour work week, this project created 2.27 jobs (full-time equivalent), in the first quarter of 2010. It created 1.49 jobs in the second quarter of 2010.

The project also had funding available from the following sources:

General Fund (0011), Vehicle License Fee (0012), and Gas Tax (1111)

Any excess funds left from these three funding sources will be **appropriated** as follows:

- A. General Fund: \$11,000.00 to be **reallocated** to the McAuliff Street Improvement Project - Phase 3 (Crossing over Evans Ditch and Mill Creek - Project No. 9945). This amount will be used for the additional work related to the Edison Street Light Improvements along McAuliff Street, between Houston Avenue and Mill Creek Parkway.
- B. Vehicle License Fee: \$94,000.00 to be **reallocated** to the McAuliff Street Improvement Project - Phase 3 (Crossing over Evans Ditch and Mill Creek - Project No. 9945). This amount will be used for the additional work related to the Edison Street Light Improvements along McAuliff Street, between Houston Avenue and Mill Creek Parkway.
- C. Gas Tax: \$82,298 to be **reappropriated** to a new project called the "Watson Street Off-Ramp" project. In addition, since the City of Visalia is committed to contribute \$125,000.00 towards this joint project with Caltrans, an additional \$42,702 from the Gas Tax fund will be **appropriated** for the Watson Street Off-Ramp project.

Prior Council/Board Actions: The City Council Awarded the Construction Contract at the December 7, 2009 meeting.

Committee/Commission Review and Actions: None.

Alternatives: None

Attachments:

Exhibit # 1 - Location Map

Exhibit #2 – Ownership disclosure for contractors and consultants

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Notice of Completion for the Center Avenue Improvement Project (Conyer Street to Bridge Street, Project # 3011-00000-720000-0-8016) AND to appropriate funding as listed in this staff report.

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-8016

Budget Recap:

Total Estimated Cost: \$240,000.00	New Revenue:	\$
Amount Budgeted: \$410,000.00	Lost Revenue:	\$
New funding required: \$00,000	New Personnel:	\$
Council Policy Change: Yes ___	No <u>X</u>	

Copies of this report have been provided to:

Environmental Assessment Status

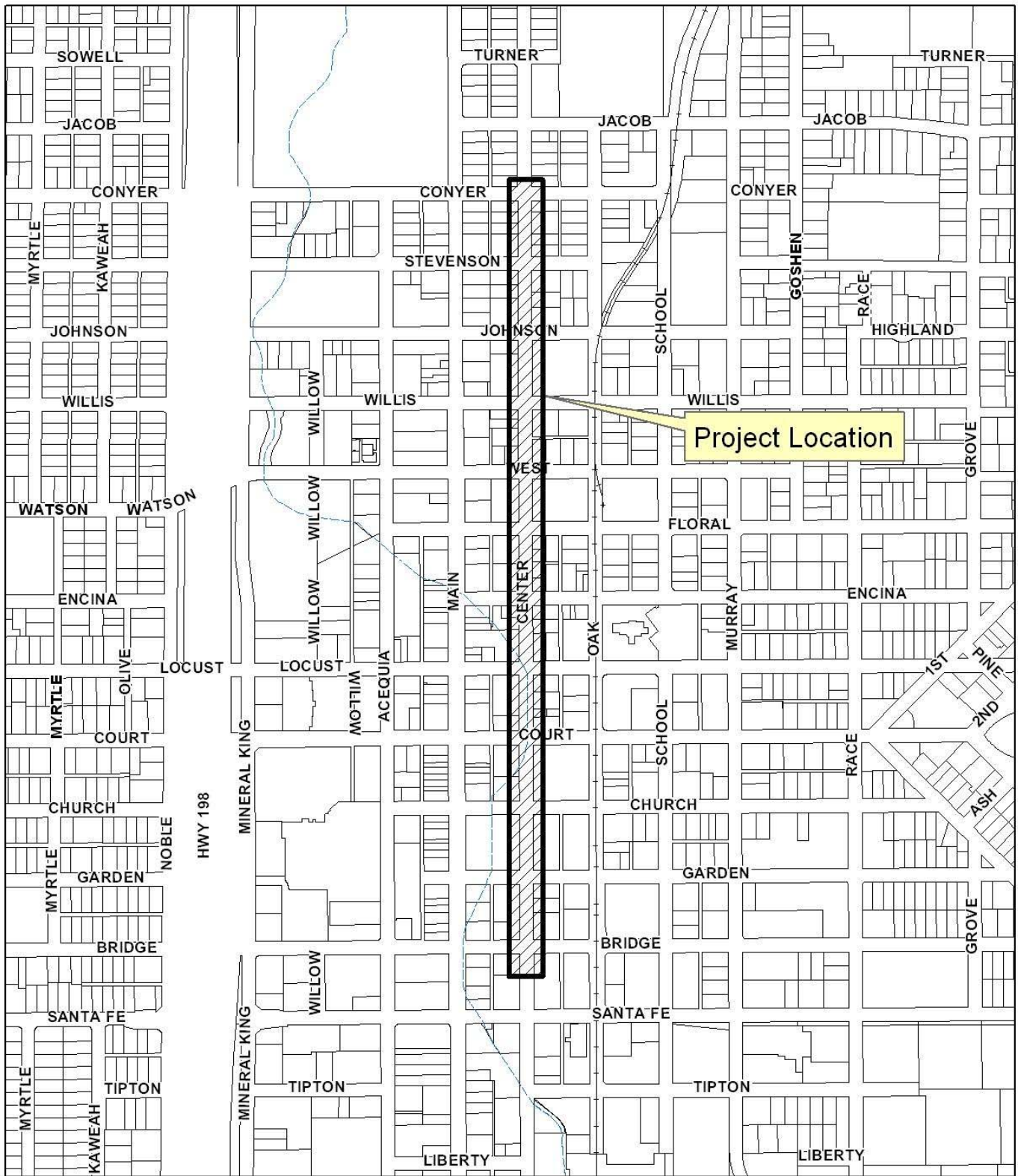
CEQA Review:

Required? Yes No
Review and Action: Prior: Categorical Exemption, completed July 16, 2009
Required:

NEPA Review:

Required? Yes No Categorically excluded per 24 CFR 58.35 (a) (1)
Review and Action: Prior: Document dated 9-21-09
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)



Center Avenue Improvements Conyer St to Bridge St





CITY OF VISALIA
Ownership Disclosure for Contractors and Consultants
NOTICE OF COMPLETION

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

Firm Name Lockwood General Engineering Inc.

Firm Address 10533 West Goshen Avenue, Visalia, CA 93291

List the names of all principals, partners, and/or trustees. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Thomas Alan Lockwood - 100% equity interest in Corp.

(P.K.A. - Tom A. Lockwood)

Submitted by: Name

Teresa G. Hernandez

Date

6/29/10

City of Visalia Agenda Item Transmittal

Meeting Date: July 12, 2010

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

Agenda Item Wording: Request authorization to file a Partial Notice of Completion for the McAuliff Street Improvement Project - Phase 3, Crossing over Evans Ditch and Mill Creek, Part A (Project No. 3011-00000-720000-0-9945).

Final Construction Cost for Part A: \$1,123,514.83

Deadline for Action: None

Submitting Department: Community Development Department

Contact Name and Phone Number:

Chris Young, Community Development Director 713-4392,
Adam Ennis, Engineering Services Manager 713-4323
Rebecca Keenan, Civil Engineer 713-4541

Department Recommendation: Staff recommends that the authorization be given to file a Partial Notice of Completion for the McAuliff Street Improvement Project - Phase 3, Crossing over Evans Ditch and Mill Creek, Part A (Project # 3011-00000-720000-0-9945).

Summary: Staff is requesting a partial notice of completion on this project since the work in the original project scope has been completed. However, during construction it was determined by Southern California Edison (SCE) that the street light system to the north along McAuliff needed to be completed to extend power south to the street lights installed as part of the creek crossing project. Since the City has a contractor already at the site, this work is being added to the overcrossing project. The original design for this extension was done several years ago and did not meet current City and Edison standards. Therefore, a re-design of the system was required by SCE. The re-design is anticipated to be complete in the next few weeks and the contractor has agreed to provide a cost and complete this work once the re-design is complete.

Since the Contractor has achieved substantial completion of the original scope of work for the Project, and the City of Visalia has taken possession of the product (the crossing is open to vehicular traffic), the filing of the Partial Notice of Completion is warranted. The filing of the Partial Notice of Completion will commence the warranty period on those products that have been constructed, and are in use. The electrical work related to the street lights is excluded from the Partial Notice of Completion. This action will also allow the City to decrease the labor and performance bonding amount required of the Contractor, to cover only the work left to be done (street light electrical work).

The construction work for the Project was completed by Rising Sun Company, Inc. at a final cost of \$1,123,514.83, with 4.3% in Change Orders. The awarded contract amount for the construction was \$1,075,225.00.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Background: Part A provided the connection of McAuliff Street, between Mill Creek Parkway and Murray Street (over Mill Creek and Evans Ditch). The project consisted of the removal and reconstruction of structures such as wing walls, flumes, gates, and concrete rip-rap within the banks of Mill Creek and Evans Ditch. It also included the installation of a new box culvert at Mill Creek, and a new 72" pipe culvert at Evans Ditch. The new McAuliff street section was constructed over the culverts. Surface improvements included new street pavement, curb, gutter, chain link fence, striping, signage, and marking between Mineral King and Douglas Street.

The project also included the extension of a new north/south storm drain pipe to connect to the existing Creekside Basin through Part B of the Project, which is nearing completion.

Traffic Control at the intersection of McAuliff and Mineral King:

One component of the project was the conversion of the intersection of McAuliff Street and Mineral King to an all-way stop. The conversion was necessary with the completion of this project, since the new traffic volumes at this intersection met the warrants for the all-way stop. The intersection of McAuliff Street and Mineral King was recently evaluated for the possibility of a traffic signal. Based on the Engineering Traffic Study, a traffic signal is not justified (warranted) at this time. The intersection did not meet the criteria established by the MUTCD for traffic volumes, pedestrian volume, interruption of continuous traffic, school crossing, accident history, or the proximity to existing near-by traffic signals. Staff will continue to monitor the intersection in the future for changes to these conditions.

McAuliff Street Speed Limit:

The segment of McAuliff north of Mill Creek Parkway, and south of Houston Avenue has historically been posted at 45 MPH, based on conducted speed surveys, and City Council adoption. Based on initial observations in the Engineering Traffic Study for the newly opened McAuliff Street crossing, McAuliff south of Mill Creek Parkway is functioning at an average speed of 44 MPH. Staff will perform additional speed surveys along McAuliff to develop a speed limit recommendation for City Council approval in the near future.

Traffic Control at the intersection of McAuliff and Mill Creek Parkway:

The intersection of McAuliff Street and Mill Creek Parkway was recently evaluated for the possibility of an all way stop or traffic signal. Based on the Engineering Traffic Study, an all-way stop or traffic signal is not justified (warranted) at this time. The intersection did not meet the criteria established by the MUTCD for traffic volumes, accident history, and visibility. Staff will continue to monitor the intersection in the future for changes to these conditions.

The cost of the additional street light construction will be added to the existing Purchase Order as a contract change order. Excluding the pending Edison related work for the streetlights, there were nine approved change orders totaling \$48,289.83 applied to this project. The approved changes were:

1. This Change Order included the removal, storage, and redistribution of topsoil and the hydroseeding of portions of the site, once the construction was complete. These items were required by the Project's revegetation plan, which was required and approved by the California Department of Fish and Game after the bid process to obtain a Contractor. Therefore, they had to be incorporated through a Change Order.

Total Cost of Change Order No. 1: \$47,449.00

2. This Change Order included the installation of an additional 72" storm drain manhole which was necessary to connect the new storm drain system to an existing storm drain pipe which did not match dimensions of the new pipe. It also included the addition of a temporary six foot tall chain link fence with privacy screen along the neighbor's property.

The privacy screen was necessary to decrease the disturbance to neighbors in the area due to construction and the routing of pedestrian traffic adjacent to their property. The change order also included the addition of one 48" canal gate. The canal gate was not reflected in the bid schedule provided to the Contractor, but was a necessary feature of the design. The final item included in this change order was the deletion of a bid item to backfill an existing temporary storm drain basin. The backfilling of the basin was deleted because the property occupied by the basin is in the process of being sold, and the new buyer would like to keep the basin for future use.

Total Cost of Change Order No. 2: (\$49,090) credit

3. Change Order No. 3 was for the installation, maintenance, and removal of temporary, six foot high chain link fence around the entire construction site. The original contract required the contractor to provide temporary "snow fencing", which is orange, plastic cautionary fence, with warning signs and directional signage indicating the pedestrian path provided during construction. However, the snow fencing was replaced with more durable chain link fence to deter the consistent trespassing by pedestrians, particularly students who were determined to walk through the center of the construction area in spite of sufficient construction warnings, including construction superintendents verbally directing them around the site.

Total Cost of Change Order No. 3: \$9,172.00

4. Change Order No. 4 included the addition of aggregate base rock and a geotextile fabric above and around the new box culvert. These materials were provided to decrease the amount of potential settlement around the box culvert in the future. This change order also added some traction ridges to a new concrete ramp located on Evans Ditch. The traction ridges will make it easier for maintenance equipment to access the ditch.

Total Cost of Change Order No. 4: \$14,494.00

Amount of Extension: 3 Days

5. Change Order No. 5 included the addition of redwood header to a portion of a new, asphalt multi-use trail included in the project. The redwood header was required by the Kaweah Delta Water Conservation District. The change order also included an additional swing gate and related six foot high chain link fence. These were necessary due to changes to the configuration of the permanent chain link fence on the west side of McAuliff for providing maintenance access. Additionally, five existing trees located on adjacent property were found to be in conflict with the new construction, so they had to be demolished and replaced in kind, at a new location designated by the adjacent property owner. There was also the need to provide an aggregate base surface behind a new maintenance driveway to accommodate the heavy maintenance vehicles that would be in the area. The final item included in this change order was providing truncated domes to the existing handicap ramp located at the southwest corner of McAuliff and Mill Creek Parkway to provide ADA compliance.

Total Cost of Change Order No. 5: \$18,962.00

Amount of Extension: 10 Days

6. Change Order No. 6 was a no cost change order which extended the Contract Time by 16 days due to poor construction weather during January. This included several rain days and cold weather days that made paving difficult, as the process is temperature dependent. Change Order No. 6 also replaced proposed sidewalk, with a wider driveway, to simplify access by maintenance vehicles.

Total Cost of Change Order No. 6: \$00.00

Amount of Extension: 16 Days

- 7. Change Order No. 7 extended the Contract Time by 6 days due to poor weather, including several rain days. It also removed some proposed gunite at an area on the east side of McAuliff since the area was sloped flatter and did not require the slope erosion protection. Also, a reinforced concrete lining was added to the north bank of Mill Creek, east of McAuliff to provide additional erosion protection for the bank. This change order also incorporated some additional six foot high chain link fence and a swing gate to provide for additional maintenance access. Some additional concrete at the east side driveway was added with this change order, and there were 2 additional street signs added to the contract. In addition, there was some additional traffic striping removal added to the contract.

Total Cost of Change Order No. 7: \$8,252.83

Amount of Extension: 6 Days

- 8. Change Order No. 8 was a no-cost change order extending the Contract Time by 14 days due to poor weather, including several rain days.

Amount of Extension: 14 Days

- 9. Change Order No. 9 was a balance of quantity change order for the electrical work that could not be done at this time. The change order credits the City for the work not done. An additional change order will be added to the contract, once the electrical design is received from Edison and a cost is received from the contractor and approved by the City's Change Order Committee.

Total Cost of Change Order No. 9: Credit (\$950.00)

Prior Council/Board Actions: The City Council Awarded the Construction Contract at the July 13, 2009 meeting.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Exhibit # 1 - Location Map, Exhibit #2 – Ownership disclosure for contractors and consultants

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Partial Notice of Completion for the McAuliff Street Improvement Project Phase 3, Crossing over Evans Ditch and Mill Creek, Part A. Project No. 3011-9945

Financial Impact			
Funding Source:			
Account Number: 3011-00000-720000-0-9945			
Budget Recap:			
Total Estimated cost:	\$1,376,000.00	New Revenue:	\$
Amount Budgeted:	\$1,445,000.00	Lost Revenue:	\$
New funding required:	\$00,000	New Personnel:	\$
Council Policy Change:	Yes _____	No	<u>X</u>

Copies of this report have been provided to:

Environmental Assessment Status

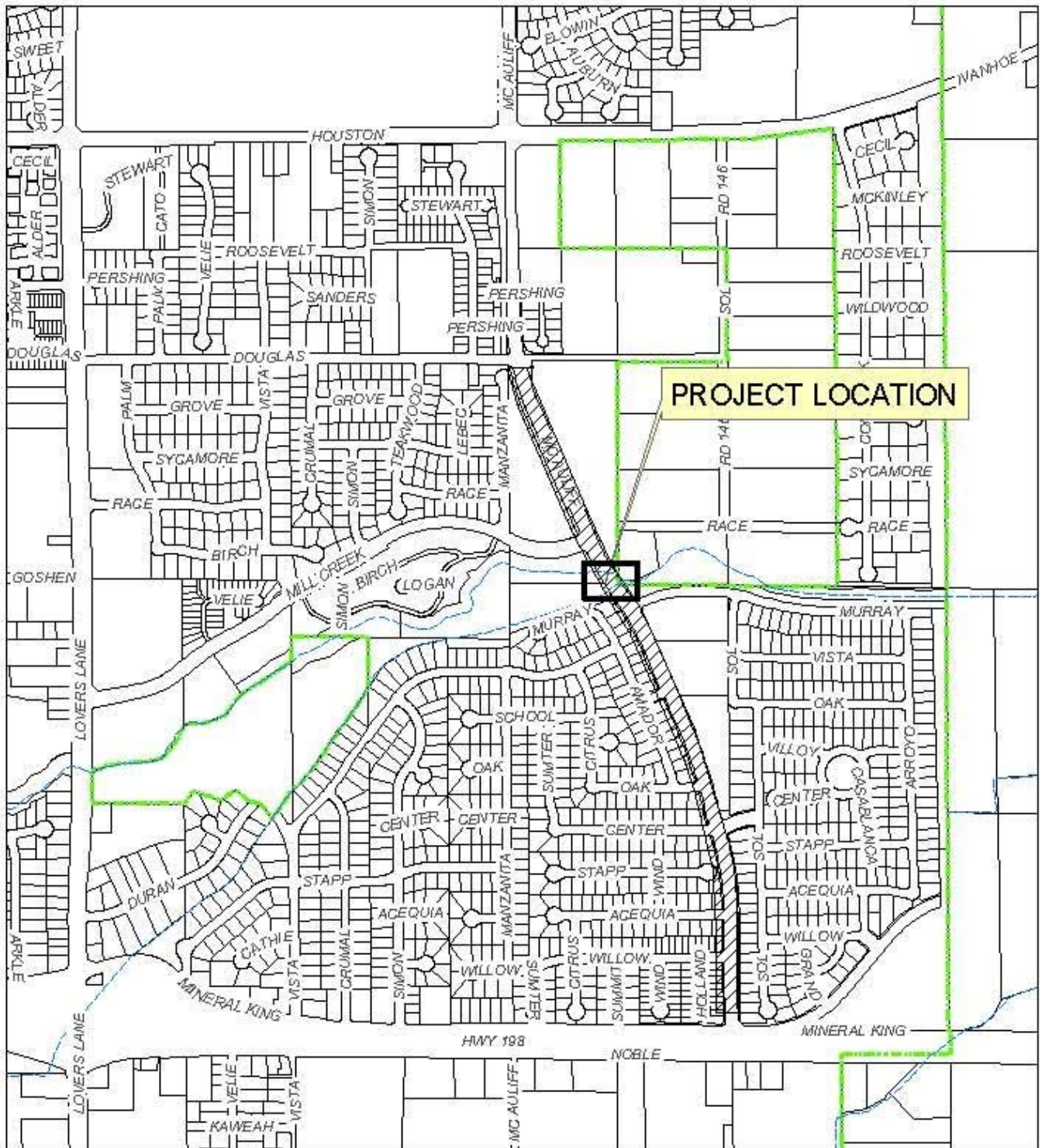
CEQA Review:

Required? Yes No
Review and Action: Prior: Initial Study and Mitigated Negative Declaration
Required: Completed February 2003

NEPA Review:

Required? Yes No
Review and Action: Prior:
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)*



McAuliff Street at Evans Ditch and Mill Creek, Part A





CITY OF VISALIA
Ownership Disclosure for Contractors and Consultants
NOTICE OF COMPLETION

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

Firm Name Rising Sun Company Inc.

Firm Address 2182 Penlan Avenue, Exeter, CA 93221

List the names of all principals, partners, and/or trustees. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

WILLIAM L. SARIO, PRESIDENT

MARLENE SARIO, VICE-PRESIDENT, SECRETARY

Submitted by: Name Lauren Sario

Date 6/22/10

City of Visalia Agenda Item Transmittal

Meeting Date: July 12, 2010

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

Agenda Item Wording: Replacement of a representative from the Visalia Unified School District to the General Plan Update Review Committee.

Deadline for Action: None

Submitting Department: Community Development Department/
Planning Division

Contact Name and Phone Number:

Brandon Smith, AICP, Senior Planner	713-4636
Paul Scheibel, AICP, Planning Services Manager	713-4369

Department Recommendation: It is recommended that the Visalia City Council affirm Visalia Unified School District (VUSD) staff person Clarise Dilbeck to serve on the General Plan Update Review Committee, and that VUSD staff person Nathan Deforest be affirmed as an alternate member.

Summary: The Visalia Unified School District lost its representative to the General Plan Update Review Committee when Administrative Services Director Randy Groom accepted a full-time City Administrator position with the City of Exeter. VUSD has submitted two names for consideration of GPURC representative. Clarise Dilbeck would be the appointed representative for VUSD, and Nathan Deforest would be the alternate representative in the event that Ms. Dilbeck would need to permanently step down from the position. Ms. Dilbeck serves as VUSD's Budget Director and is a long time resident of the City. Mr. Deforest serves as VUSD's Printing Supervisor and lives outside the current City limits but within the City's Urban Area Boundary.

On November 3, 2008, the City Council authorized the formation of a General Plan Update Review Committee, and expanded the Committee's composition to include representation from several key stakeholders. There are currently 24 persons on the Committee representing 22 community-based groups (see attached Exhibit "A" for roster). The Visalia Unified School District has one representative serving on the General Plan Update Review Committee. The Committee held its first meeting on March 25, 2009, and has met approximately once a month since then.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Committee/Commission Review and Actions: N/A

Alternatives: None

Attachments: Exhibit "A" – General Plan Update Review Committee Roster

Recommended Motion (and Alternative Motions if expected):

I move to authorize Clarise Dilbeck to serve on the General Plan Update Review Committee and Nathan Deforest to serve as an alternate, representing the Visalia Unified School District.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Exhibit "A"

General Plan Update Review Committee Committee Roster – June 2010

<u>AUTHORIZED GROUP</u>	<u>DESIGNATED REPRESENTATIVE</u>
Visalia City Council	Bob Link
Visalia City Council	Michael Lane
Citizens Advisory Committee	Dirk Holkeboer
College of the Sequoias	Eric Mittlestead
Downtown Visalians	Michael Kreps
Environmental Committee	Dean Mann
Hispanic Chamber of Commerce	Raymond Macareno
Historic Preservation Advisory Committee	Matthew Owdom
Kaweah Delta Hospital	Dena Cochran
Kaweah Delta Hospital Board of Directors	Carl Anderson
Mooney Boulevard Merchant's Organization	Don Wright
North Visalia Neighborhood Advisory Committee	Bill Huott
Parks & Recreation Commission	Carla Calhoun
Planning Commission	Larry Segrue
Planning Commission	Vincent Salinas
Tulare / Kings Home Builders Association	Mike Knopf
Tulare County Affordable Housing	Ken Kugler
Tulare County Association of Realtors	Brad Maaske
Tulare County Farm Bureau	Brian Blain
Visalia Chamber of Commerce	Josh McDonnell
Visalia Community Forum	Darlene Mata
Visalia Economic Development Council	Jim Robinson
Visalia Unified School District	Randy Groom
Waterways and Trails Committee	Bob Brown

City of Visalia
Agenda Item Transmittal

Meeting Date: July 12, 2010

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

Agenda Item Wording: Approve Resolution Number 2010- 39 designating and authorizing signatories for all City banks.

Deadline for Action: None.

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474
Jason Montgomery 713-4425

Department Recommendation

Staffing changes have made it necessary to update the designees authorized to act as signatories for all City banks. It is recommended that Council designate and authorize the following as signatories for all City accounts:

Steve Salomon	City Manager
Eric Frost	Administrative Services Director
Renee Nagel	Finance Manager
Melody Murch	Finance Manager
D. Anice Dew	Financial Analyst
Ruth Pena	Financial Analyst
Jason Montgomery	Financial Analyst

Two signatures are required on all City checks. Staff recommends that the City Council designate City Manager Steve Salomon and Administrative Services Director Eric Frost as facsimile check signers on all City accounts.

It is also recommended that the City Council designate City Manager Steve Salomon, Administrative Services Director Eric Frost, Finance Managers Renee Nagel and Melody Murch, Financial Analysts D. Anice Dew, Ruth Pena, and Jason Montgomery as authorized alternate manual signers on all City accounts. The issuing of a manual check will require at least one manual signature from either the City Manager, Administrative Services Director, or one of the two Finance Managers in addition to any other designee's manual signature.

Control

As a practice of internal control, all checks issued on City accounts require two signatures. As an additional control measure, designees authorized as check signers are not involved in the reconciliation of City bank accounts nor do they have direct access to the general ledger.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5 min

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The City also incorporates the use of Citizens Electronic Processing Solutions (CEPS) as a control measure against fraud. CEPS is a program the City is participating in with the City's current bank, Citizens Business Bank (CBB). Under CEPS, any time a check is issued by the City, an electronic file must immediately be uploaded to CBB notifying them of the check number, check date, payee, and dollar amount of each check issued. When checks are submitted to CBB for payment against City accounts, the checks submitted must match what is in the CEPS system. If they do not match exactly, an exception report is generated and emailed to the Senior Accounting Assistant in Accounts Payable and the Payroll Specialist in Payroll. The exception is reviewed to see if the check submitted is a valid City check and the reason for the exception. In most cases, the exception is generated because of a keying error by the bank. These exceptions must be corrected and approved before payment will be made.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected): Approve Resolution No. 2010-____ designating and authorizing signatories for all City banks.

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. 2010-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING ITS BANKS TO HONOR SIGNATURES OF THE CITY MANAGER STEVE SALOMON, ADMINISTRATIVE SERVICES DIRECTOR ERIC FROST, FINANCE MANAGER RENEE NAGEL, FINANCE MANAGER MELODY MURCH, FINANCIAL ANALYST D. ANICE DEW, FINANCIAL ANALYST RUTH PENA, AND FINANCIAL ANALYST JASON MONTGOMERY ON BEHALF OF THE CITY OF VISALIA

WHEREAS, the City is required to designate the authorized signatories for all City banks; and,

WHEREAS, the City Council has determined that it is in the best interests of the City to designate City Manager Steve Salomon and Administrative Services Director Eric Frost as facsimile check signers on all City accounts; and,

WHEREAS, the City Council has determined that City Manager Steve Salomon, Administrative Services Director Eric Frost, Finance Managers Renee Nagel and Melody Murch, Financial Analysts D. Anice Dew, Ruth Pena, and Jason Montgomery shall be authorized as alternate manual signers on all City accounts and that the issuing of a manual check on all City accounts will require at least one manual signature from either the City Manager, Administrative Services Director or one of the two Finance Managers in addition to any other designee's manual signature:

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

Section 1: That the City Council hereby declares that the two facsimile signatures of City Manager Steve Salomon and Administrative Services Director Eric Frost shall be honored on all City accounts of the City of Visalia.

Section 2: That the City Council hereby further declares that City Manager Steve Salomon, Administrative Services Director Eric Frost, Finance Managers Renee Nagel and Melody Murch, Financial Analysts D. Anice Dew, Ruth Pena, and Jason Montgomery shall be authorized as alternate manual signers on all City accounts and that the issuing of a manual check on all City accounts will require at least one manual signature from either the City Manager, Administrative Services Director or one of the two Finance Managers in addition to any other designee's manual signature.

Section 3: That all City accounts shall either honor the two facsimile signatures of City Manager Steve Salomon and Administrative Services Director Eric Frost, or any manual signature of either the City Manager, Administrative Services Director or one of the two Finance Managers in addition to any other designee's manual signature.

Section 4: That this resolution shall take effect immediately upon adoption, and shall effectively rescind all resolutions in conflict herewith.

PASSED AND ADOPTED:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

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

Agenda Item Wording: Initiate a proposed Zoning Text Amendment (ZTA) to amend portions of Zoning Ordinance Chapter 17.48 pertaining to real estate sales signage, and refer the ZTA to the Planning Commission for review.

Deadline for Action: None

Submitting Department: Community Dev. Department/
Planning Division

Contact Name and Phone Number:

Paul Scheibel, AICP, Planning Manager - 713-4369

Recommendations: Staff recommends that the City Council consider the information received and direct staff as follows:

- Initiate and direct staff to process a Zoning Text Amendment (ZTA) of Visalia Municipal Code Chapter 17.48 (Sign Ordinance) pertaining to real estate sales signage, and refer the ZTA to the Planning Commission for review, specifically:
- Amend section 17.48.070. B. to add an allowance of up to four A-frame signs. Allow up to two offsite subdivision directional signs with a size not to exceed 4'x4' per sign (16 sq. ft.), per subdivision, to be located on private property only, on non-Residential zoned property;

Allow up to four portable A-frame signs for bona fide "Open House" house sale events only. The copy area shall not to exceed 12square feet per face, and be allowed in the public right-of-way (sidewalk or mow strip, but not in medians) within 1,500 feet of the Open House event. Such signs shall only be allowed while the "open house" event is occurring, and shall be removed at the conclusion of the "open house" event each day.

- **City staff will immediately apply the signage code changes that may be directed by the City Council during the interim period between the initiation of the subject ZTA and its adoption.** This period is expected to be between 60

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

and 90 days. Staff will coordinate directly with the Tulare County Association of Realtors for implementing this application strategy and for ensuring compliance with the limits of the interim policy.

If Council initiates a Code amendment, the matter will be processed as an amendment to the Zoning Ordinance. The Planning Commission will hold a public hearing and will make recommendations to Council on the amendment. Council will also hold a public hearing and will make the final decision on the amendment. This process will take 60-90 days to complete.

Summary/Background: This item was requested by the Tulare County Association of Realtors in an e-mail letter to the City Council dated June 21, 2010 (Attachment 1). In summary, the Association requested that up to six in-ground signs (up to six square feet per copy face) be allowed in the public right-of-way, exclusive of center medians. Currently, house sale signage in residential zones is limited to two signs located on the property for sale (or lease). Signs in the right-of-way (signs on the sidewalk, in a landscape strip, etc.) are not allowed per section 17.48.070.B2 (Attachment #2 - Sign Ordinance extract). As noted, City Code Enforcement staff has not aggressively abated these signs as long as they are not located in roadway center medians.

The request has some similarities and justifications as the recently approved subdivision sign allowances which were ultimately authorized to be processed as a zoning text amendment (ZTA) on May 17, 2010. The closest like kind provision between the two types of real estate sales signage venues is the portable signs that are now allowed within 1,500 feet of the subdivision sales location. In this case, the requested "Open House Amendment" is intended for "open house" sales events for existing houses in established neighborhoods throughout the City.

Analysis: The attached request cites the need for existing home sellers in the City to employ similar promotional signage as that allowed by other jurisdictions, and as recently extended to the subdivision home sales entities. Staff recommends approval of a form of the request, tempered by the fact that the subject of the signage is a single house instead of at least ten houses in a new subdivision development. The recommendation is further tempered by the fact that there could be over 700 such "open house" events on a given day (as stated in the Association's letter of request).

Consequently, only the final close-in directional signage is recommended (within 1,500 feet of the "open house" event). The City Council is allowing up to four such portable A-frame signs per subdivision. This recommendation is for the same allowance. The in-ground signs are not recommended for the same reasons the City Council did not allow them for subdivision sales promotions. The City Council determined unattended in-ground signs are often not tended and are too likely to become litter in the public space.

At the May 17, 2010 City Council meeting, the City Council considered the potential benefits and drawbacks of this type of signage. The final direction was to allow up to four A-frame sign (six square foot maximum copy area per side) in the right-of-way.

Alternatives: The City Council may:

1. Initiate the plan to amend the Zoning Code with amended allowances other than those recommended by staff;
2. Take no action at this time

Attachments: 1. Tulare County Association of Realtors letter dated June 21, 2010

2. VMC Chapter 17.48 (extract)

Recommended Motion (and Alternative Motions if expected):

I move to initiate a proposed Zoning Text Amendment (ZTA) to amend portions of Zoning Ordinance Chapter 17.48 pertaining to real estate sales signage, and refer the ZTA to the Planning Commission for review.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

Copies of this report have been provided to:
Tulare County Association of Realtors
Home Builder's Association
Visalia Chamber of Commerce Governmental Affairs Committee

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

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

Agenda Item Wording: Authorization to move forward with the design of the City's portion of a new Animal Control Facility (ACF) and work with the architect to develop a phased approach for the overall Facility Design.

Deadline for Action: None.

Submitting Department: Administration

Contact Name and Phone Number:

Mario Cifuentez, Airport Manager/Animal Control Contract Administrator, 713-4480

Recommendation:

The Council Animal Control Facility Subcommittee of Amy Shuklian and Steve Nelsen and City Staff recommend that Council authorize staff to move forward with the design of the City's portion of a new Animal Control Facility. This will allow for phased expansion to accommodate future development of an adoption center by the Valley Oak SPCA (VOSPCA).

Summary:

Council has previously authorized staff to enter into a Contract with WLC Architects for the design of a new Animal Control Facility. At the time of the previous Council decision, it was envisioned that the City would build a Joint Facility with the VOSPCA. Since that time, the VOSPCA has developed their draft Capital Campaign Plan, which details the plan to fund their portion of the facility over a 3-5 year timeframe. Given the current economic environment and the current condition of the existing shelter, the Subcommittee and staff believe that the time is right for design and construction and the City should not wait several years to move forward with the construction of its share of a new facility. The City plans to move forward with the design, and ultimately the construction, but will work with the architect to design the facility in a way to minimize the duplication of facilities once the VOSPCA constructs their Adoption Center.

Background:

On April 19, 2010, the City Council authorized the award of contract to WLC Architects for the design of a new Animal Control Facility. As the City and the VOSPCA began to discuss the timelines for the design and construction phases of the total project, it became apparent that the VOSPCA will need considerably more time to raise the funds to build their portion of the project.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.) 20 min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Council representatives to the ACF Subcommittee, which was formed to review matters relating to the construction of a new animal control facility and make recommendations to the Council, have reviewed the draft of the Capital campaign developed by the VOSPCA, and that plan details a 3-5 year program for raising the funds to build their portion of the facility. The City should not delay the construction of a new animal shelter for that length of time.

Between December 2008 and April 2009, staff, in conjunction with the VOSPCA, conducted extensive research and analysis on contemporary shelter designs and functions. During that research, the subcommittee reviewed both the Campus style design and Joint use design. While the recommendation at time of the award of contract was for a joint facility, the need to move forward with the animal control portion of the facility will result in a phased approach to construction that may ultimately end up like more of a campus style design than a true joint facility. This would not be a new approach for the City as, at one point, the subcommittee previously endorsed the campus style design. The Animal Control portion can be designed so that the intake can be expanded in the second phase of construction and is ultimately shared between the two entities. This approach separates the City's legally mandated animal control functions pursuant to the State Health and Safety Code from those of the animal adoption and education outreach programs of the VOSPCA.

This concept is being used with noted success in a number of locations with similar circumstances as those of Visalia. Under the campus approach, the City ACF will function primarily as a lost and stray animal facility. As such, it would be a relatively austere building that facilitates animal control officer functions, spay/neutering of animals before release to owners, administrative services such as licensing, and kenneling for lost animals and strays.

The VOSPCA building, which will be constructed with private funds to be raised by the non-profit, will be constructed at a later date and will focus on owner-surrenders, adoption, voluntary spay/neutering, education, advocacy and outreach, and VOSPCA organizational activities not directly related to its service contract with the City. For now VOSPCA-exclusive operations would continue to occur at the existing (old) ACF.

Committee/Commission Review and Actions:

The subcommittee recommends that the City move forward with the design of a new Animal Control Facility and allow for future construction phasing of the new VOSPCA Adoption Center.

Attachments:

Recommended Motion:

I move to authorize staff to move forward with the design of the City's portion of a new Animal Control Facility and work with the architect to design a facility that will allow for eventual phasing at such time that the Valley Oak SPCA completes their fundraising and are prepared to build their Adoption Center.

Environmental Assessment Status

CEQA Review: *No CEQA review is needed for the City Council to authorize the release of a Request for Qualifications.*

NEPA Review: *NA*

Copies of this report have been provided to:

- Subcommittee
- VOSPCA Board of Directors

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

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

Agenda Item Wording: Request adoption of resolution supporting a High Speed Train rail alignment and station for the Kings/Tulare Region located on the east side of the City of Hanford, near the juncture of State Highway 198 and State Highway 43.

Resolution No. 2010-45

Deadline for Action: July 12, 2010

Submitting Department: Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends that the City Council adopt the attached resolution supporting a High Speed Train alignment and station site on the east side of Hanford, near the juncture of State Highways 198 and 43.

Summary/background: The High Speed Rail Authority (HSRA) is evaluating alternative rail alignments for the future high speed train (HST) system through the South Valley. The HSRA has determined that the HST will generally follow the BNSF rail alignment through the Tulare/Kings County region. A future station site is planned for the Kings/Tulare Counties region along the HST system near Hanford.

The HSRA is currently evaluating alternative alignments for the HST through the Hanford area that will determine the location of the HST station. Two options are under review. The primary option is an easterly loop from the BNSF around the City of Hanford then reconnecting to the BNSF. This alternative would provide a station location near the juncture of State Highway 198 and Highway 43.

Due to concerns raised by the farming community in Kings County about impacts to farmlands, the HSRA is now examining a second option that would place the HST alignment through the center of Hanford (similar to Amtrak). The City of Hanford is resisting the second option due to anticipated impacts of HST operations on their community.

If the HST alignment moves to a Central Hanford route, the future station will move to a location outside of Hanford, apparently several miles to the south. The revised location will be much

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.

less accessible and convenient for potential HSR passengers in outlying areas, including persons travelling from cities in Tulare County.

Staff agrees with the City of Hanford that an HST alignment that provides a station on the east side of Hanford is strongly preferred for the following reasons:

- The East Hanford area is largely undeveloped at this time which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.
- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Visalia, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
- Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities through the region, especially for cities in Tulare County.

Staff is recommending that Council adopt the enclosed resolution to support an East Hanford HST alignment and station location. The resolution will be forwarded to the HSRA for consideration in conjunction with technical studies currently underway for the two alternatives.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Attachments:

Recommended Motion (and Alternative Motions if expected): Move to adopt enclosed resolution in support of an East Hanford High Speed Train alignment and station location.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

RESOLUTION NO. 2010-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA SUPPORTING A HIGH
SPEED TRAIN RAIL ALIGNMENT AND FUTURE KINGS/TULARE REGION TRAIN STATION
IN EAST HANFORD

WHEREAS, the California High Speed Rail Authority is considering alternative route locations for the High Speed Train in the Kings/Tulare Counties region; and

WHEREAS, the rail alignment will determine the location of a future High Speed Train (HST) station for the Kings/Tulare region; and

WHEREAS, the Kings/Tulare HST station will serve a large geographic region, with cities spread across two counties; and

WHEREAS, the Kings/Tulare region will have an estimated population of approximately 1 million residents by the year 2030; and

WHEREAS, to effectively serve this unique region, the future HST station must be placed in a location that is conveniently accessible to this geographically dispersed population.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia hereby acknowledges the following benefits of an HST rail alignment and station on the East Side of the City of Hanford:

- The East Hanford area is largely undeveloped at this time which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.
- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Visalia, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County cities to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
- Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities through the region, especially for cities in Tulare County.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby declares its support for a High Speed Train rail alignment and station location in East Hanford near the juncture of State Highway 198 and State Highway 43.

City of Visalia Agenda Item Transmittal

Meeting Date: July 12, 2010

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Riverway Sports Park; Phase 2, Project No. 3011-720000-0-0-8029, for the construction of on-site improvements at a final cost of \$3,190,014.20.

Deadline for Action: None

Submitting Department: Park and Recreation Department

Contact Name and Phone Number: Vincent Elizondo, Director of Parks and Recreation, 713-4367

Department Recommendation: Authorize staff to file a Notice of Completion on Project No. 3011-0000-720000-0-8029 for the construction of Riverway Sports Park Phase 2. Applegate-Johnston completed the project at a final construction cost of \$3,190,014.20

Summary: The project developed 12.2 acres of the park area as Phase 2, bringing the total amount of acreage developed in the regional park to 60 acres. The project included construction of four lighted youth baseball fields with a concession-restroom building, additional paved parking for an additional 200 vehicles, the lighting of two soccer fields and the BMX track and perimeter landscaping.

The original contract amount for the project was \$ 3,157,411.20 and additional net change orders (16) in the amount of \$32,603, totaling approximately 1% of the total project cost.

A summary of the change orders are as follows:

- | | |
|--|--------------|
| 1. Repair a damaged gate valve (installed in Phase 1). | \$ 1,796.00 |
| 2. Relocation of drain inlet in Phase 1
(necessary to ensure drainage for parking lot). | \$ 3,144.00 |
| 3. Locating of an electrical conduit to integrate Phase I
with Phase 2. (See detailed explanation below). | \$ 14,605.00 |

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.): 5Min.

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.

- | | |
|--|---------------|
| 4. Relocation of Field 1 outfield fence. (Fence was moved 8 feet closer to home plate to accommodate the relocation of field lights away from overhead power lines on Riverway Drive per utility company requirement). | \$ 2,994.00 |
| 5. Additional grading to eliminate water from draining onto sidewalk south of BMX area. | \$ 3,087.00 |
| 6. Replace faucet in concession. | \$ 464.00 |
| 7. Added paving in parking area for ADA crossing to meet ADA requirement. | \$ 729.00 |
| 8. Credit for Fog Seal (per Engineering). | (\$ 6,564.00) |
| 9. Credit for rip rap in basin. | (\$ 487.00) |
| 10. Drain cover inlet at the Giddings entry too low. Raise to meet existing grades. | \$ 392.00 |
| 11. Added curb at Field 1 for protection from grade drop of 18 inches. | \$ 1,139.00 |
| 12. Change of grades in parking lot to ensure proper drainage. (Public Works inspector requested additional slope in one area to increase fall to drain inlet to insure there would be no standing water). | \$ 3,389.00 |
| 13. Added paving at maintenance yard entry gate to mitigate standing water (requested by the City). | \$ 2,316.00 |
| 14. Add "No Parking" signs and striping on south side of entry road as requested by Building Inspector. | \$ 2,128.00 |
| 15. Addition of 4 tactical surfaces per ADA requirement as requested by Building Inspector. | \$ 1,725.00 |
| 16. Realign manhole in parking lot installed in Phase 1. | \$ 1,845.00 |

Change Order #3 became necessary when the general contractor from Phase 2 was unable to locate an electrical conduit installed by the previous General Contractor from Phase 1. The conduit was not accurately shown on the Phase 2 plans and when located, the conduit was approximately 40 feet from where it was shown on the Phase 2 plan. This issue was a result of not having accurate information from the "as-built" plans as provided by the Phase 1 general contractor and no landmark for the location at the end of the conduit. Since the Phase 1 project was completed over two years ago, and the Phase 1 General Contractor was not associated with the Phase 2 project in anyway, its difficult to make the Phase I General Contractor responsible for the oversight in locating the electrical conduit for the Phase 2 project.

Cost breakdown for the change order is as follows:

1. Locating and extending the conduit included a locating service, \$1,200.
2. Labor to pothole additional locations and extend conduit, \$4,677.
3. Materials to extend conduit, including wire, additional electrical box, splicing, and conduit, \$6,737.
4. Contractor mark up (15%), \$1,892.

All of these change orders were reviewed and approved by the City's Change Order Committee, which is chaired by the City's Chief Building Official.

Prior Council/Board Actions: Award of construction contract.

Alternatives: None

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize City staff to file a Notice of Completion on Project No. 3011-0000-720000-0-8029 for the construction of Visalia Riverway Sports Park Phase 2.

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: July 12, 2010

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

Agenda Item Wording: Authorization to submit a grant application in the amount of \$4,500,000 to the Department of Parks and Recreation to construct the Sequoia Shuttle Visitor Center.
Resolution No. 2010-46 required

Deadline for Action: July 12, 2010.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: Authorize staff to submit a grant application in the amount of \$4,500,000 to the Department of Parks & Recreation to construct the Sequoia Shuttle Visitor Center.

Summary/background: The Transit Division is taking advantage of several grant opportunities. This is a competitive grant made available through Proposition 84 Nature Education Facilities Program. The grant amount is for 100% of the project cost with no match required.

The grant will be used to construct the Sequoia Shuttle Visitor Center at the Convention Center. It will be conveniently accessible from the freeway, in close proximity to the downtown, offer cutout parking on Acequia for buses, close to the parking structure across the street, and adjacent to two hotels. The Center will be a focal point for promoting the Sequoia Shuttle to and through the Sequoia National Parks.

The facility will include an interactive lobby where visitors can learn more about the various destinations within Tulare County, get information about different services including the Sequoia Shuttle, and educational interpretive material associated with the Sierras. The Sequoia Riverland Trust, first major tenant, will lease space to cover operating costs. The Convention & Visitors Bureau will also provide staffing. The facility will also house related agencies such as the National Parks Service, Sequoia Natural History Association, and McKellar Farms, an agriculture tourism vendor.

The Visitor Center will include 6,000 square feet on two levels. The expansion will include, on the first floor, a welcome desk and information center, exhibits and maps of the area, and include a public restroom, stock room, and/or retail space for related agencies. New technology includes screens where videos can access information via a computer on a 24-hour, 7 day a week basis. The second floor will include office space, conference room, copy and break room, and a mezzanine.

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.

We will continue to apply for other grants as they become available. The facility won't be built until funding is secured.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move that the City Council authorize staff to submit a grant application in the amount of \$4,500,000 to the Department of Parks and Recreation to construct the Sequoia Shuttle Visitor Center.

Financial Impact

Funding Source:

Account Number:

Budget Recap:

Total Estimated cost:	\$ 0	New Revenue:	\$ 0
Amount Budgeted:	\$ 0	Lost Revenue:	\$
New funding required:	\$ 0	New Personnel:	\$
Council Policy Change:	Yes _____ No <u>X</u>		

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Require:

NEPA Review:

Required? No
Review and Action: Prior:
Require:

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

Copies of this report have been provided to:

NATURE EDUCATION FACILITY PROGRAM FUNDS
Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond
Act of 2006

RESOLUTION NO. 2010-46

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Nature Education Facilities Program, setting up necessary procedures governing the Application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require The City of Visalia to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, The City of Visalia will enter into a contract with the State of California to complete the PROJECT;

NOW, THEREFORE, BE IT RESOLVED that The City of Visalia hereby:

Approves the filing of an application for the construction of the Sequoia Shuttle Visitors Center, and

1. Certifies that The City of Visalia has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project should this grant be awarded; and
1. Certifies that The City of Visalia has or will have sufficient funds to operate and maintain the project; and
1. Certifies that The City of Visalia has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
1. Certifies that this project is consistent with the applicable city or county, or appropriate planning document, as the case may be; and
1. That the City Manager and/or designee is authorized to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project; and
1. That the City Manager and/or designee agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the 12 day of July, 2010

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2010-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on July 12, 2010.

Dated: July 13, 2010

(Clerk or Board Secretary)

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording:

PUBLIC HEARING:

A.) General Plan Amendment No. 2010-03: A request by the City of Visalia to change the General Plan Land Use designation from Agriculture to Public Institutional on 160 acres of land located between Road 44 and Road 48, north of Avenue 280 (Caldwell Avenue). (APN: 118-010-017) **Resolution No. 2010-35 required.**

B.) Initiation of Proceedings for Annexation No. 2010-03 (Avenue 280-Road 44) and Detachment from County Service Area No. 1, a proposal by the City of Visalia to annex an approximate 160 acre site located between Road 44 and Road 48, north of Avenue 280 (Caldwell Avenue). (APN: 118-010-017) and detachment of the site from County Service Area No. 1. **Resolution No. 2010-36 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Paul Scheibel, AICP, Principal Planner, 713-4369
Paul Bernal, Senior Planner, 713-4025
Phyllis Coring, Project Planner, 713-4348

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Department Recommendation and Summary:

The Planning Commission and staff recommend that the City Council:

1. Approve General Plan Amendment (GPA) No. 2010-03, and
2. Initiate proceeding on Annexation 2010-03 (Avenue 280-Road 44) with Tulare County Local Agency Formation Commission (LAFCO) and authorize detachment of the property from County Service Area No. 1.

The site is a city owned facility consisting of water holding basins which are a part of the city's water reclamation program. The purpose of these actions is to bring the city owned facility into the City Limits, detach the site from County Service Area No. 1, and to provide General Plan designation on the property of "PI – Public Institution." The site would be zoned QP- Quasi-Public upon annexation.

Description of Site:

The site consists of an approximately 160 acres containing four water holding basins owned by the City, commonly referred to as Basin #4. The basins are a part of the City's water reclamation program. Water reaches the basins by way of a city-owned ditch that diverts water from Mill Creek approximately ½ mile south of Visalia's Water Conservation Plant on Road 68. Some of the treated wastewater effluent from the City Water Conservation Plant flows into Mill Creek joining water from upstream and then into the ditch which carries the water into the water holding basins. The Water Conservation Plant is currently undergoing major improvements which will result in an upgrade to the water quality of the treated effluent making it suitable for a wider range of uses. The site is located on the east side of Road 44 (County Line), north of Avenue 280 (Caldwell Avenue) and west of Road 48. Raised levees form the sides of the individual basins.

The site has been used as a water basin for decades. According to the Kaweah Delta Water Conservation District, the site was acquired in 1940 and developed into the ponding basin shortly thereafter. The City acquired the property in 2004.

Annexation No. 2010- 03 (Avenue 280-Road 44):

Annexation 2010-03 is a proposal to annex a 160 acre water holding basin facility owned by the City of Visalia, but located within County jurisdiction. The site, located between Road 44 and Road 48, north of Avenue 280 (Caldwell Avenue), is outside the City's Urban Area Boundary and LAFCO's Sphere of Influence for the City of Visalia. The purpose of this action is to gain jurisdiction authority over the subject site. There will be no change in use of the land after annexation to the City. The property is being annexed only for municipal use.

This annexation is different from most due to Basin 4 being located outside of Visalia's Urban Area Boundary and LAFCO's Sphere of Influence and because the City owned property is not contiguous to the City. Basin 4 is being annexed under the provisions of California State Governmental Code Sections (Cortese-Knox-Hertzberg) §56375 (d) and §56742. These State codes provide for annexation of land that is not contiguous to the City Limits when the land is owned by a city and used for municipal purpose. The codes further provide that municipally owned land used for reclamation, disposal, and storage of treated wastewater may be annexed without limitation as to the size of the territory. If the City sells the land, it would become detached from City limits. The Visalia's Water Conservation Plant was annexed under similar provisions and other cities in Tulare County have had similar annexations.

General Plan Amendment No. 2010-03

General Plan Amendment (GPA) No. 2010-03 is a request by the City of Visalia to designate 160 acres of property from County Agriculture to PI (Public Institutional). This is the same Land Use designation that has been applied to the City's Water Conservation Plant. Basin 4 is

outside both the Urban Area Boundary and LAFCO's Sphere of Influence. Since the land is currently being used by the Water Conservation Plant to store treated wastewater effluent, there is no conflict with the land being outside the Urban Area Boundary. Tulare County LAFCO has determined that land being annexed for water reclamation purposes does not need to be in the Sphere.

Approval of the GPA would mean that the property would be zoned QP (Quasi-Public) upon annexation, which is the associated pre-zoning for Public Institutional.

Environmental Review

The California Environmental Quality Act provides the framework through which the environmental effects of projects are evaluated. The Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provides that certain projects are exempt from CEQA. This project is considered Categorically Exempt under Section 15319 (Class 19) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for annexations of existing facilities and lots for exempt facilities. The Class 19 exemption provides, in part, that annexations of existing public structures developed to the density allowed by the current zoning or pre-zoning...,whichever is more restrictive, are exempt from CEQA. As the water basins are a fully developed existing facility and the current County zone classification provides for a very wide range of uses that are not provided for in the City Quasi-Public zone, staff recommends that City Council find the project to be categorically exempt from CEQA.

Planning Commission Review and Correspondence

The Planning Commission held a public hearing on the project on June 14, 2010. No one spoke during the public hearing. The Commission discussed the annexation being distant from existing City Limits and the Water Conservation Plant. Vice Chairman Peck indicated he had recently attended a conference on Regional Wastewater Treatment Facilities and indicated that reclamation facilities were commonly very distant from communities.

Correspondence was received from the Tulare County Resource Management Planning Branch and Visalia Community Forum. Visalia Community Forum indicated it supported the project, however, both letters questioned the appropriateness of considering the project to be Categorically Exempt from CEQA. It was apparently not clear to the County that the facility currently exists and is fully developed. The letter from Visalia Community Forum states that the County Agricultural zone is more restrictive than the City's proposed zoning and therefore use of a Categorical Exemption is not appropriate.

Cortese-Knox-Hertzberg (State Annexation Law) Sections §56375 (d) and §56742 and CEQA Section 15319 specifically provide for this annexation and environmental finding. The property is developed into water basins used for treated wastewater and is a part of the City Water Conservation Plant operation and annexation is consistent with the provisions of Cortese-Knox-Hertzberg. CEQA Section 15319 specifically exempts annexations of public facilities that are fully developed. The property was developed into water basins in the 1940's and there will be no change in the use of the property. It is appropriate that the finding be made that the project is Categorically Exempt from CEQA.

Prior Council/Board Actions:

Committee/Commission Review and Actions: On June 14, 2010, the Planning Commission found Annexation No. 2010-03 (Avenue 280-Road 44) to be consistent with the General Plan, and recommended that the City Council approve General Plan Amendment No. 2010-03. (4-0, Soltesz absent)

Alternatives: City Council may choose not to initiate the annexation.

Attachments:

- o Resolution Approving GPA No. 2010-03
- o Resolution Initiating Annexation No. 2010-03 (Avenue 280-Road 44)
- o Correspondence
- o Planning Commission Staff Report

Recommended Motion (and Alternative Motions if expected):

I move to

- a) adopt Resolution No . 2010 -35 approving General Plan Amendment No. 2010-03, and
- b) adopt Resolution No. 2010 – 36 initiating Annexation No. 2010-03 (Avenue 280-Road 44) and detachment from County Service Area No. 1.

Environmental Assessment Status

CEQA Review: This project is considered Categorical Exempt under Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for annexations of existing facilities and lots for exempt facilities (Categorical Exemption No. 2010-24).

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)*

Signed resolution for Annexation to Tulare Co. LAFCO:
Deliver to contact person by Wednesday, July 14

RESOLUTION NO. 2010 -35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING GENERAL PLAN AMENDMENT NO. 2010-03, A REQUEST BY THE CITY OF VISALIA TO DESIGNATE 160 ACRES OF LAND LOCATED BETWEEN ROAD 44 AND ROAD 48, NORTH OF AVENUE 280 (CALDWELL AVENUE) AS PUBLIC INSTITUTIONAL IN THE LAND USE ELEMENT OF THE VISALIA GENERAL (APN: 118-010-017)

WHEREAS, General Plan Amendment No. 2010-03 is a request by the City of Visalia to apply a General Plan Land Use designation of Public Institutional on approximately 160 acres of land located between Road 44 and Road 48, north of Avenue 280 (Caldwell Avenue). (APN: 118-010-017); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 14, 2010; and

WHEREAS, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.060 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission found the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA, as follows:

The City Council of the City of Visalia makes the following findings with regard to the project:

1. That Categorical Exemption No. 2010-24 was prepared finding the project exempt under CEQA Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).
2. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Public Institutional land use designation would be compatible with the adjacent land uses.
4. That the proposed General Plan Amendment will assist the City of Visalia in positioning land for Water Conservation operations.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the General Plan Amendment 2010-03, described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings.

RESOLUTION NO. 2010-36

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2010-03 (AVENUE 280-ROAD 44) AND DETACHMENT FROM COUNTY
SERVICE AREA NO. 1

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for Annexation No. 2010-03 (Avenue 280-Road 44) to said city, of territory described on the attached legal description, Exhibit A and map, Exhibit B; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate the orderly maintenance and development of infrastructure necessary to support urban development in the City; will situate a City owned facility within the jurisdiction of the City; and will provide and facilitate proper overall planning and zoning of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the property within the subject territory is a city-owned facility used for the reclamation, disposal and storage of treated wastewater, for which annexation is provided pursuant to Government Code Section 56742.

WHEREAS, the City of Visalia is the owner of the property and consents to the annexation, and

WHEREAS, the territory proposed to be annexed is uninhabited; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on June 14, 2010, and found it to be consistent with the General Plan; and

WHEREAS, the Visalia City Council, after duly published notice, held a public hearing on July 12, 2010, to consider adopting a resolution initiating Annexation No. 2010-03 (Avenue 280-Road 44); and

WHEREAS, pursuant to Government Code Section 56654, mailed notice was provided to each interested and subject agency of the date of public hearing and the City's intent to adopt this resolution initiating annexation; and

WHEREAS, pursuant to Government Code Section 56157, mailed notice was provided of the date of public hearing and the City's intent to adopt this resolution initiating annexation and to all registered voters and owners of property within 300 feet of the proposal; and

WHEREAS, the Council of the City of Visalia finds that the proposed action is exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15319;

WHEREAS, upon annexation, the territory will be classified to the zoned Quasi-Public as consistent with the General Plan Land Use Element Designation as provided in Section 17.06.050 of the Visalia Municipal Code.

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

1. The City Council hereby makes the following findings with regard to the project:
 - A. The annexation is consistent with the policies and intent of the General Plan.
 - B. The proposed action is exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15319.
 - C. The property within the subject territory is a city-owned facility used for the reclamation, disposal and storage of treated wastewater.
2. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the proposal questionnaire entitled Annexation No. 2010-03 (Avenue 280-Road 44).
3. The Council of the City of Visalia requests that the Local Agency Formation Commission order the territory annexed without notice and hearing in accordance with Government Code Section 56663 as the City, as sole property owner within the subject territory, consents to the annexation.
4. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Tulare County Local Agency Formation Commission for the detachment of the subject property from County Service Area No. 1.
5. Proceedings are to be taken for the annexation proposed herein.
6. Upon annexation, the territory shall be zoned Q-P, Quasi-Public, consistent with the General Plan Land Use Element and pursuant to Visalia Municipal Code Section 17.06.050.
7. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording:

PUBLIC HEARING:

A.) General Plan Amendment No. 2010-04: a request by the City of Visalia to amend the 129,000 & 165,000 Population Urban Development Boundary to include the project site, and to change the General Plan land use designation from Agriculture to Public Institutional, on 99 acres located south of the airport, north of Caldwell Avenue, between Highway 99 and Shirk Road (APNs: 119-021-29, 030, 31 & 32). **Resolution No. 2010-___ required.**

B.) Initiation of Proceedings for Annexation No. 2010-04 (Airport South), a proposal by the City of Visalia to annex 99 acres of land, owned by the City of Visalia, located north of Caldwell Avenue, between Highway 99 and Shirk Rd. (APNs 119-021-29, 30, 31, 32) and detachment of the land from County Service Area No. 1. **Resolution No. 2010-___ required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Paul Scheibel, AICP, Principal Planner, 713-4369
Paul Bernal, Senior Planner, 713-4025
Phyllis Coring, Project Planner, 713-4348

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Department Recommendation and Summary:

The Planning Commission and staff recommend that the City Council:

1. Approve General Plan Amendment (GPA) No. 2010-04

2. Initiate proceedings on Annexation 2010-04 (Airport South) and Detachment of the property from County Service Area No. 1.

The purpose of these actions is to bring city owned property into the City Limits, detach the land from County Service Area No. 1, to amend the 129,000 & 165,000 Population Urban Development Boundary to include the project site and to provide a General Plan Land Use designation on the property of "Public Institutional." The subject site would be zoned "Airport" upon annexation.

Description of Site:

The site consists of 99 acres in agricultural production, located south of the airport, north of Caldwell Avenue, between Highway 99 and Shirk Road. The site is located in the Airport Runway Protection Zone, as identified in the Airport Master Plan, which was adopted in 2004. The land was purchased by the City in 2007 through the assistance of the Federal Aviation Administration (FAA). The city entered into a 40 lease with the adjacent property owner for agricultural use.

A portion of the proposed annexation is situated within Williamson Act Agricultural Preserves Nos. 2736 and 2737 Land Preservation Contracts Nos. 253 and 254. Upon annexation, the land will be subject to the City of Visalia policy governing the administration of Agricultural Preserves (City of Visalia Resolution No. 2001-03). This is consistent with the intent of the Runway Protection Zone.

Annexation No. 2010- 04 (Airport South):

The city has purchased the subject site for the purpose of protection of the airport from incompatible land uses. The purchase satisfies a goal in the City's Airport Master Plan for acquiring land within the Airport Runway Protection Zone in fee title. The function of the Runway Protection Zone is to enhance the protection of people and property on the ground through airport owner control of the land. The land within the Airport Runway Protection Zone is now owned solely by the City of Visalia. The 99 acres are a part of the Airport facility and it is appropriate that it be annexed and included within the jurisdiction of the City and subject to City regulations and policies and public safety services.

General Plan Amendment No. 2010-04:

The City's General Plan Land Use Element (LUE) currently designates the site as Agriculture. The subject site is situated between the Urban Growth Boundary and the Urban Development Boundary. The site is situated in the Airport Runway Projection Zone, as established by the Airport Master Plan which was adopted in June, 2004. As the Land Use Element was adopted prior to the Airport Master Plan, the subject site was not included within the Urban Growth Boundary, as was the rest of the Airport facility. General Plan Amendment No. 2010-04 will amend the General Plan to include this remaining portion of the Runway Protection Zone within the same boundaries as the rest of the Airport and designate the land as Public Institutional. The site would be zoned "Airport" upon annexation.

The subject site is intended to remain in agriculture in order to fulfill the intent of the Airport Runway Protection Zone. There is no foreseeable change in land use to occur on the site.

Environmental Review

The California Environmental Quality Act provides the framework through which the environmental effects of projects are evaluated. The Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provides that certain projects are exempt from CEQA. This project is considered Categorically Exempt under Section 15319 (Class 19) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for annexations of existing facilities and lots for exempt facilities. The Class 19 exemption provides, in part, that annexations of existing public structures developed to the density allowed by the current zoning or pre-zoning..., whichever is more restrictive, are exempt from CEQA. As the site is fully developed into agricultural use, with no anticipated change and the current County zone classification provides for a very wide range of uses that are not provided for in the City Airport and Airport Runway Protection Zone, staff recommends that City Council find the project to be categorically exempt from CEQA.

Planning Commission Review and Correspondence

The Planning Commission held a public hearing on the project on June 14, 2010. No one addressed the Commission during the public hearing. The Commission asked questions regarding the Williamson Act and how long the City has owned the property. The Commission voted 4-0 (Soltesz, absent) to recommend that City Council approve the General Plan Amendment and found the annexation to be consistent with the General Plan.

Correspondence was received from the Tulare County Resource Management Planning Branch and Visalia Community Forum. The letter from the County indicated that rather than finding the project to be Categorical Exempt from CEQA, "the proposal must have an initial study and discussion regarding the intended physical development proposed for the property and an assessment of the associated impacts. " Further, that the project may be premature if there are no plans to develop the land.

There is no intended physical development proposed for the property because to do so would be contrary to the intent of the Airport Runway Protection Zone. Annexation is timely because the City now owns the property and the entire airport facility can be incorporated into one governmental jurisdiction.

Visalia Community Forum indicated it supported the project. However, concern was expressed regarding the finding that the project is Categorically Exempt from CEQA and that the City may be applying a different set of regulations to a City project than to other projects as an Environmental Impact Report has been required of other boundary changes.

The project is Categorically Exempt from CEQA under Section 15319 (Class 19) because it is an annexation existing public land fully developed to the extent it can under zoning and the Airport Master Plan. The subject property is situated within the Runway Protection Zone. There are no intentions for any future development on this property. The city has entered in to a lease of the property for farming purposes for a 40 year period in order that the land use is

consistent with the provisions of the Runway Protection Zone and so that no future development will occur. The City project to bring the property to be within the Urban Boundaries will bring the planning boundaries into consistency with the rest of the city owned airport property. This project is unique in that it is not intended for any change in actual land use and therefore not comparable with other projects for boundary amendments which are intended for urban development.

Prior Council/Board Actions:

Committee/Commission Review and Actions: On June 14, 2010, the Planning Commission found Annexation No. 2010-04 (Airport South) to be consistent with the General Plan, and recommended that the City Council approve General Plan Amendment No. 2010-04. (4-0, Soltesz absent)

Alternatives: City Council may choose not to initiate the annexation.

Attachments:

- o Resolution Approving GPA No. 2010-04
- o Resolution Initiating Annexation No. 2010-04 (Airport South)
- o Correspondence
- o Planning Commission Staff Report

Recommended Motion (and Alternative Motions if expected):

I move to

- a) adopt Resolution No . 2010 - ____ approving General Plan Amendment No. 2010-04, and
- b) adopt Resolution No. 2010 - _____ initiating Annexation No. 2010-04 (Airport South)

Environmental Assessment Status

CEQA Review: General Plan Amendment No. 2010-04 and Annexation No. 2010-04 (Airport South) are categorically exempt from the provisions of CEQA under Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

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)*

Signed resolution for Annexation to Tulare Co. LAFCO:

Deliver to contact person by Wednesday, July 14

RESOLUTION NO. 2010-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING GENERAL PLAN AMENDMENT NO. 2010-04: A REQUEST BY THE CITY OF VISALIA TO AMEND THE 129,000 & 165,000 POPULATION URBAN DEVELOPMENT BOUNDARY TO INCLUDE THE PROJECT SITE, TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION ON 99 ACRES FROM AGRICULTURE TO PUBLIC INSTITUTIONAL, LOCATED SOUTH OF THE AIRPORT, NORTH OF CALDWELL AVENUE, BETWEEN HIGHWAY 99 AND SHIRK ROAD
(APNS: 119-021-29, 030, 31 & 32)

WHEREAS, General Plan Amendment No. 2010-04 is a request by the City of Visalia to amend the 129,000 & 165,000 Population Urban Development Boundary to include the project site, and to change the General Plan land use designation on 99 acres from Agriculture to Public Institutional, located south of the airport, north of Caldwell Avenue, between Highway 99 and Shirk Road (APNs: 119-021-29, 030, 31 & 32); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 14, 2010; and

WHEREAS, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission found the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on July 12, 2010 for the Projects; and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF VISALIA, as follows:

The City Council of the City of Visalia hereby makes the following findings with regard to the project:

1. Categorical Exemption No. 2010-23 was prepared finding the project to be exempt under CEQA Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).
2. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed General Plan Amendment will assist the City of Visalia in positioning land to accommodate future airport uses.
4. That the proposed Public Institutional land use designation would be compatible with the adjacent land uses.

5. That the expansion of the Urban Development boundary to include the project site is consistent with Policy 6.2.6 of the General Plan Land Use Element based on the following:
 - a. the proposal is required for orderly and efficient land use planning with Visalia's planning area, and
 - b. the land is designated consistent with the City's Land Use Element Map.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby approves General Plan Amendment No. 2010-04, described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings and evidence in the record.

RESOLUTION NO. 2010-

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2010-04 (AIRPORT SOUTH)

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for Annexation No. 2010-04 (Airport South) to said city, of territory described on the attached legal description, Exhibit A and map, Exhibit B; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate the orderly maintenance and development of infrastructure and facilities necessary to support urban development in the City; will situate a City owned facility within the jurisdiction of the City; and will provide and facilitate proper overall planning and zoning of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the City of Visalia is the owner of the property and consents to the annexation, and

WHEREAS, the territory proposed to be annexed is uninhabited; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on June 14, 2010, and found it to be consistent with the General Plan; and

WHEREAS, the Visalia City Council, after duly published notice, held a public hearing on July 12, 2010, to consider adopting a resolution initiating Annexation No. 2010-04 (Airport South); and

WHEREAS, pursuant to Government Code Section 56654, mailed notice was provided to each interested and subject agency of the date of public hearing and the City's intent to adopt this resolution initiating annexation and to the Tulare County Department of Education and the Superintendent of Visalia Unified School District, as provided in Government Code Section 56658; and

WHEREAS, pursuant to Government Code Section 56157, mailed notice was provided of the date of public hearing and the City's intent to adopt this resolution initiating annexation and to all registered voters and owners of property within 300 feet of the proposal; and

WHEREAS, a portion of the land within the subject territory is situated in Williamson Act Agricultural Preseve Nos. 2736 and 2737 and Contract Nos. 253 and 254.

WHEREAS, the Council of the City of Visalia finds that the proposed action is exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15319;

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

1. The City Council hereby makes the following findings with regard to the project:
 - A. The annexation is consistent with the policies and intent of the General Plan.
 - B. Categorical Exemption No. 2010-23 was prepared finding the project to be exempt under CEQA Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).
2. The City of Visalia shall succeed to Williamson Act Contracts No. 253 and 254 pursuant to Government Code Section 51243.
3. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the proposal questionnaire entitled Annexation No. 2010-04 (Airport South).
4. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Tulare County Local Agency Formation Commission for the detachment of the subject property from County Service Area No. 1.
5. The Council of the City of Visalia requests that the Local Agency Formation Commission order the territory annexed without notice and hearing in accordance with Government Code Section 56663 as the City, as sole property owner within the subject territory, consents to the annexation.
6. Proceedings are to be taken for the annexation proposed herein.
7. Upon annexation, the territory shall be zoned "AP – Airport", consistent with the General Plan Land Use Element and pursuant to Visalia Municipal Code Section 17.06.050.
8. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording:

PUBLIC HEARING:

A.) Certification of Negative Declaration No. 2010-13, which evaluates environmental impacts associated with General Plan Amendment No. 2010-01 and Annexation No. 2010-05 (Riverway). The site is located on the north side of West Riverway Drive, west of N. Dinuba Blvd. (APN 078-011-012) **Resolution No. 2010-40 required.**

B.) General Plan Amendment No. 2010- 01: A request by the City of Visalia to change the General Plan land use designation from RLD (Residential Low Density) to P (Park) for a portion of an approximate 7.2 acre parcel owned by the City of Visalia. The portion of the site that is subject to the General Plan Amendment lies south of the 100-foot riparian habitat development setback required from the bottom outside toe of the levee of the St. John's River. The subject site is located on the north side of West Riverway Drive, west of N. Dinuba Blvd. (APN: 078-110-012). **Resolution No. 2010-41 required.**

C.) Initiation of Proceedings for Annexation No. 2010- 05 (Riverway) and Detachment from County Service Area No. 1, a proposal by the City of Visalia to annex a 7.2 acre parcel, located on the north side of Riverway Avenue, west of N. Dinuba Blvd. (APN 078-011-012) and detachment of the parcel from County Service Area No. 1 **Resolution No. 2010-42 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Paul Scheibel, AICP, Principal Planner, 713-4369
Paul Bernal, Senior Planner, 713-4025
Phyllis Coring, Project Planner, 713-4348

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Department Recommendation and Summary:

Planning Commission and staff recommends that City Council:

1. Certify Negative Declaration No. 2010-13
2. Approve General Plan Amendment (GPA) No. 2010-01, and
3. Initiate Annexation 2010-05 (Riverway) with the Tulare County Local Agency Formation Commission (LAFCO) and authorize detachment of the property from County Service Area No. 1.

The purpose of these actions is to bring city owned property into the City Limits and detach it from County Service Area No. 1, provide a General Plan designation of "Park" on a portion of the property and to approve the environmental document that is required to take these actions.

Description of Site:

The 7.2 acre subject site is located along Riverway, west of North Dinuba Blvd. City of Visalia Riverway Sports Park is to the south of the site. The south levee of the St. Johns River and a portion of the river bed runs across the north portion of the site. The portion of the site adjacent to Riverway Drive is generally flat. There is a deteriorated walnut orchard on the site which is not maintained. The City Park and Recreation Department intends to remove in a 1-2 year time period. The site slopes steeply at the earthen levee berm, which runs in an east/west direction through the north portion of the property. The site consists of a single property, which was purchased by the City in 2005. The site is has approximately 1013 feet of frontage along Riverway Drive and has a depth of approximately 308 feet. The Conservation, Open Space, Recreation and Parks Element provides for a 100 foot riparian habitat development setback from the bottom outside toe of the levee. Riverway Drive right-of-way was previously annexed into the City.

Annexation No. 2010- 05 (Riverway):

The city has purchased the subject site for park/open space use. Most of the property is within the St. John's riverbed, levee and 100 foot riparian habitat development setback. The City's interest in enhancing waterways reaches back to the 1970's, with the goal of establishing a multi-purpose trail along the St. John's River. While it has been necessary to work toward that goal on an incremental basis, much has been accomplished along the river east of Santa Fe. The proposed annexation is one additional step toward enhancing the St. John's River riparian corridor through the community and providing additional park/open space amenities to the community.

The design for the site's eventual development has not been specifically determined. Annexation of the land will allow for the planning and design work to occur while the land is within the jurisdiction of the city and under city ordinances and regulations. The city is prepared to provide services to the site. Annexation will provide the ability to begin the riparian restoration as opportunities become available. The right-of way of West Riverway Drive was included in the annexation of land for the Sports Park and is already inside the City Limits. Therefore, this annexation consists only of the 7.2 acre parcel.

General Plan Amendment No. 2010-01

The City's General Plan Land Use Element (LUE) currently designates the site as Residential Low Density and Conservation. The project is proposing to re-designate the Residential Low Density portion of the subject site to Park while retaining the Conservation land use designation on the remainder of the subject site. The re-designation will allow for future park operations such as pathways, walking trails, etc. to provide both passive and active recreational opportunities. The specific design of the space would be subject to future decisions. The site is within the current Urban Development Boundary as indicated by the City's LUE. Upon annexation into the City of Visalia the subject site will be zoned Quasi-Public (Q-P) allowing for the intended park-like uses.

The subject site is approximately 7.2 acres, however only about two acres is located outside of the 100-foot riparian habitat development setback required from the bottom outside toe of the levee of the St. John's River. The proposed "Park" land use designation shares similar goals with the "Conservation" land use and its intention adjacent to the St. John's River making it a more appropriate land use designation for the subject site.

Visalia's Conservation, Open Space, Recreation and Parks General Plan Element Policy 3.4.2, calls, in part, for the development of recreational open space corridors along the St. John's River and other waterways throughout the community. This project implements that goal.

Environmental Finding – Negative Declaration No. – 2010-13:

City Council is required to make an environmental finding in accordance with the California Environmental Quality Act (CEQA) prior to initiating an annexation and approving this General Plan Amendment.

An Initial Study was prepared for this project which disclosed that environmental impacts were determined to be not significant and therefore no project mitigation measures are required for the project. Staff recommends that Council certify Negative Declaration No. 2010-13, which was prepared for the Annexation and General Plan Amendment. The Negative Declaration document is attached.

Planning Commission Review and Correspondence

The Planning Commission held a public hearing on the project on June 14, 2010. Darlene Mata, Visalia Community Forum, addressed the Commission during the public hearing. She indicated the Visalia Community Forum supported the annexation and that it was appropriate for city owned property to be within the city limits where it would have jurisdictional control of property it owned. She indicated that more information should have been provided in the staff report and environmental document regarding specifically how the park would be developed.

Staff explained that the project before the Commission was the General Plan designation of the site and that development of precise design plans was a matter for future consideration. It was discussed that the annexations of city property for public facilities are unique and not

comparable to annexations for the purpose of urban development and it is not likely that a similar type annexation or project would be filed by a private party.

Correspondence was received from the Tulare County Resource Management Planning Branch and Visalia Community Forum. The letter from the County indicated the annexation may be premature until the final use of the property is determined. Also, concern was expressed regarding the peninsula of city property that would extend into County territory as the result of the annexation.

The City acquired the land for park purposes and the restoration of riparian habitat in 2005. The parcel has a depth of approximately 300 feet and therefore the "peninsula" into County territory does not appear significant.

The Commission voted 3-1 (Lane-No, Soltesz absent) to recommend that City Council approve the General Plan Amendment and found the annexation to be consistent with the General Plan.

Prior Council/Board Actions:

Committee/Commission Review and Actions: On June 14, 2010, the Planning Commission (3-1, Lane-No, Soltesz absent) found Annexation No. 2010-05 (Riverway) to be consistent with the General Plan, and recommended that the City Council approve General Plan Amendment No. 2010-01 and certify Negative Declaration No. 2010-13.

Alternatives: City Council may choose not to initiate the annexation.

Attachments:

- o Resolution Certifying Negative Declaration No.2010-13
- o Resolution Approving GPA No. 2010-01
- o Resolution Initiating Annexation No. 2010-05 (Riverway)
- o Correspondence
- o Attachment A -Planning Commission Staff Report and Negative Declaration No. 2010-13

Recommended Motion (and Alternative Motions if expected):

I move to

- a) adopt Resolution No. 2010 -40 certifying Negative Declaration No. 2010-13
- b) adopt Resolution No . 2010 -41 approving General Plan Amendment No. 2010-01, and
- c) adopt Resolution No. 2010 -42 initiating Annexation No. 2010-05 (Riverway)

Environmental Assessment Status

CEQA Review: Negative Declaration No. 2010-13 must be certified prior to initiation of the annexation and approval of the GPA.

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)*

Signed resolution for Annexation to Tulare Co. LAFCO:
Deliver to contact person by Wednesday, July 14

RESOLUTION NO. 2010- 40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2010-13, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2010- 01 AND
ANNEXATION NO. 2010-05 (RIVERWAY)

WHEREAS, General Plan Amendment No. 2010-01 is a City initiated action to change the land use designation from Residential Low Density to Park on a portion of a 7.14 acre parcel located on the north side of W. Riverway Drive, west of N. Dinuba Blvd. and Annexation No. 2010-05 (W. Riverway Drive) is a proposed annexation of the entire 7.14 acre parcel into the city limits (APN 078-011-012); and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on July 12, 2010 for the Projects; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Projects, and that no mitigation measures would be required for the Projects; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared and noticed for review and comment for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia finds that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2010-13 which evaluates environmental impacts for General Plan Amendment No. 2010-01 and Annexation No. 2010-05 (Riverway). The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2010 -41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
APPROVING GENERAL PLAN AMENDMENT NO. 2010-01: A REQUEST
BY THE CITY OF VISALIA TO CHANGE THE GENERAL PLAN LAND USE
DESIGNATION FROM RLD (RESIDENTIAL LOW DENSITY) TO P (PARK)
FOR THE PORTION OF A 7.14 ACRE PARCEL LYING SOUTH OF THE
100-FOOT RIPARIAN HABITAT DEVELOPMENT SETBACK REQUIRED
FROM THE BOTTOM OUTSIDE TOE OF THE LEVEE OF THE ST. JOHN'S
RIVER. OWNED BY THE CITY OF VISALIA. THE SUBJECT SITE IS
LOCATED ON THE NORTH SIDE OF WEST RIVERWAY DRIVE BETWEEN
NORTH GIDDINGS STREET AND NORTH DINUBA BOULEVARD
APN: 078-110-012

WHEREAS, General Plan Amendment No. 2010-01 is a City initiated action to change the land use designation from Residential Low Density to Park on a portion of a 7.14 acre parcel which lies south of the 100-foot riparian habitat development setback as measured from the outside toe of the south levee of the St. John's River, (portion of APN: 078-110-012)

WHEREAS, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on June 14, 2010; and

WHEREAS, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing and recommended approval of the general plan amendment; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice held a public hearing before said Council on July 12, 2010; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Projects, and that no mitigation measures would be required for the Projects.

NOW THEREFORE BE IT RESOLVED BY, the City Council of the City of Visalia as follows:

The City Council hereby makes the following findings with regard to the project:

1. No significant environmental impacts would result from this project, that no mitigation measures would be required and Negative Declaration No. 2010-13 was certified pursuant to City of Visalia Resolution No. 2010 - 40
2. The City of Visalia considered the General Plan Amendment to be in accordance with Section 17.54.080 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.

3. That the proposed General Plan Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed General Plan Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
5. That the proposed General Plan Amendment will provide for orderly and efficient land use planning to assist the City of Visalia in positioning land to accommodate future park resources.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby approves General Plan Amendment No. 2010-01, in accordance with the terms of this resolution and under the provision of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings.

RESOLUTION NO. 2010-42

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2010-05 (W. RIVERWAY DRIVE)
AND DETACHMENT FROM COUNTY SERVICE AREA NO. 1

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for Annexation No. 2010-05 (W. Riverway Drive) to said city, of territory described on the attached legal description, Exhibit A and map, Exhibit B; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, as well as City facilities and amenities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the City of Visalia is the owner of the property and consents to the annexation, and

WHEREAS, the territory proposed to be annexed is considered uninhabited, as defined by Government Code Section 56046; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on June 14, 2010 and found it to be consistent with the General Plan; and

WHEREAS, an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant.

WHEREAS, pursuant to Government Code Section 56654, mailed notice was provided to each interested and subject agency of the date of public hearing and the City's intent to adopt this resolution initiating annexation; and

WHEREAS, pursuant to Government Code Section 56157, mailed notice was provided of the date of public hearing and the City's intent to adopt this resolution initiating annexation and to all registered voters and owners of property within 300 feet of the proposal; and

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

The City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan. Specifically, the site is located within the Local Agency Formation Sphere of Influence.
2. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2010-013 was adopted by the Council pursuant to City Resolution No. 2010- 40.

NOW, BE IT FURTHER RESOLVED by the City Council of the City of Visalia as follows:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire entitled Annexation No. 2010-05 (W. Riverway Drive) and as described on the attached legal description, Exhibit A and Exhibit B; and
2. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Tulare County Local Agency Formation Commission for the detachment of subject properties from County Service Area No. 1.
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. The Council of the City of Visalia requests that the Local Agency Formation Commission approve the annexation and detachment without notice and hearing in accordance with Government Code Section 56663 as the City, as sole property owner within the subject territory, consents to the annexation and detachment from County Service Area No. 1.
5. Upon annexation, the territory shall be zoned QP (Quasi-Public), consistent with the General Plan Land Use Element and pursuant to Visalia Municipal Code Section 17.06.050.
6. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 12, 2010

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording:

PUBLIC HEARING:

A.) Certification of Negative Declaration No. 2010-16, which evaluates environmental impacts associated with Pre-Zone No. 2010-02 and Annexation No. 2010-06 (Avenue 296-Road 152). The site is bounded by Road 152, Mill Creek, Highway 198 and the existing city limits. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009) **Resolution No. 2010-43 required.**

B.) Introduction of Ordinance for Pre-Zone No. 2010-02, a City initiated action to pre-zone 12 parcels totaling approximately 162 acres under County jurisdiction to "A-Agriculture" for land bounded by Road 152, Mill Creek, Highway 198 and the existing city limits. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009) **Ordinance No. 2010-05 required.**

C.) Initiation of Proceedings for Annexation No. 2010-06 (Avenue 296-Road 152) and Detachment from County Service Area No. 1, a proposal by the City of Visalia to annex to the city 12 parcels totaling approximately 162 acres of 12 parcels consisting of approximately 162 acres along with approximately 12.5 acres of adjacent right of way for a total of approximately 174.5 acres of land. The site is bounded by Road 152, Mill Creek, Noble Ave. and the existing city limits. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009) and detachment of the parcels from County Service Area No. 1. **Resolution No. 2010-44 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Contact Name and Phone Number:

Paul Scheibel, AICP, Principal Planner, 713-4369

Paul Bernal, Senior Planner, 713-4025

Phyllis Coring, Project Planner, 713-4348

Department Recommendation and Summary:

The Planning Commission and staff recommend that the City Council:

1. Certify Negative Declaration No. 2010-16
2. Introduce Ordinance No. 2010-05, approving Pre-Zone No. 2010-02, and
3. Initiate proceedings on Annexation 2010-06 with Tulare County Local Agency Formation Commission and authorize the detachment of the property from County Service Area No. 1

The purpose of these actions is to bring city owned property into the City Limits, along with several privately owned parcels necessary to create a logical city limit boundary, provide a zone classification on the property of "A – Agriculture" upon annexation and approve the environmental document that is required to take these actions.

Description of Site:

The site consists of 12 parcels generally bounded by Road 152, Mill Creek, Highway 198 and the existing city limits. Six of the parcels are owned by the City. Six parcels are privately owned. Three waterways, Mill Creek, Oakes Ditch and Packwood Creek, traverse the site. Road 152 is the eastern boundary of the proposed annexation, the SCE transmission lines run along the west boundary and Mill Creek forms the northern boundary. The portions of Mineral King Avenue (Avenue 296) and Highway 198 that are adjacent to the parcels and the Road 152 right of way are included within the boundaries of the annexation. The total site included the parcels and the right of way consists of approximately 174.5 acres.

There are three homes within the annexation, two water holding basins, nut orchards, electrical transmission lines and a parking lot for a sales yard within the proposed annexation.

The City purchased property for the regional park site in 2002. Additional land that fronts onto Mineral King (Avenue 296) and land along the west boundary of the proposed annexation was purchased in 2006.

Annexation No. 2010- 06 (Avenue 296-Road 152):

The city has purchased land within the site for a future park, major roadway and a freeway interchange. Considerable planning of these facilities is necessary for the projects to be accomplished. Annexation of the land will allow for the planning and design work to occur while the land is within the jurisdiction of the city and under city ordinances and regulations.

Privately owned parcels are included within the boundaries of the annexation. One of the privately owned parcels, which includes three homes, was included only because it is completely surrounded by City owned land and a county island would be created if it were excluded. State Law precludes the Local Agency Formation Commission (LAFCO), which is the agency that approves annexations, from creating county islands, unless certain findings can be made. Those findings cannot be made in this case. Privately owned parcels at the northwest corner of Road 152 and Mineral King (Avenue 263) were included in order to create a logical city limit boundary and to avoid creating an area, which LAFCO policy considers to be substantially surrounded by the City. Further, annexation of these parcels will bring the land immediately adjacent to the future City facilities within the land use controls of City policy.

Annexation of property to the city necessitates that the land be detached from County Service Area No. 1. That action is included in the resolution initiating annexation.

Pre-Zone No. 2010-02:

Pre-Zone No. 2010-02 would provide a zone classification of "A - Agriculture" to the property upon annexation. The Visalia General Plan currently designates the site as Urban Reserve and Conservation. The proposed annexation is situated within the Urban Growth Boundary, which was adopted in 1991, and east of the current Urban Development Boundary.

The site is currently zoned AE-20, which is an agricultural zone classification, under the County's jurisdiction. Pre-zoning the land to the zoning designation "A – Agriculture" will keep the zoning consistent for the privately owned parcels and will permit the continuance of the existing agricultural operations while allowing the orderly coordination and development of a future highway interchange and regional park at a time that is beneficial to the area and to the community. It will take considerable time to work through all the aspects involved with major roadway developments, including involvement with Caltrans. Annexation will allow the design work for both the roadway and regional park to take place within the jurisdiction of the city and subject to the ordinances and policies of the City.

The "A – Agricultural" zone district is consistent with the Urban Reserve land use designation as designated by the General Plan. The Zoning Ordinance states that the "A – Agriculture" Zone is intended in part to ... "to preserve in agricultural use, land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed to ensure the orderly and beneficial conversion of these lands to non-agricultural use." It is therefore appropriate that the "A – Agriculture" Zone be applied to the territory within the proposed annexation. The entire area will be re-evaluated during the overall General Plan Update, which is currently underway, and changes can be made at the conclusion of that process if warranted.

Environmental Finding – Negative Declaration No. – 2010-16:

City Council is required to make an environmental finding in accordance with the California Environmental Quality Act (CEQA) prior to initiating an annexation and approving a Pre-Zone action.

An Initial Study was prepared for this project which disclosed that environmental impacts were determined to be not significant and therefore no project mitigation measures are required for

the project. Staff recommends that Council certify Negative Declaration No. 2010-16, which was prepared for the Annexation and Pre-Zone. The Negative Declaration document is attached.

Planning Commission Review and Correspondence

The Planning Commission held a public hearing on the project on June 14, 2010. Three persons addressed the Commission during the public hearing. Ron Clevenger indicated he lives east of the proposed project. He expressed concern about the loss of what is considered to be the finest of agricultural land, impacts to pristine habitat, and growth toward Kaweah Oaks Preserve, which will be impacted even though it is of some distance away. In addition, he expressed concern for current city budget problems and the impact to the City public safety services that would be required to respond to calls for service in the area. He indicated he is not in favor of the City growing east of the power lines.

Darlene Mata, Visalia Community Forum, stated that the City does not allow others to annex beyond the Urban Development Boundary. She indicated she felt the appropriate process would be to expand the boundaries and designate the area intended for a park to the "Park" designation.

Alex Garcia addressed the Commission and indicated his property was within the proposed annexation and that the City owned properties that surround his, including the ponds. He indicated that when the ponds are dry, there have been issues of dust control. He requested information be provided to him regarding water and sewer and continued use of his well and septic tank system. Staff indicated the information would be provided to him.

Correspondence was received from the Tulare County Resource Management Planning Branch and Visalia Community Forum. The letter from the County indicated the annexation may be premature if there are not immediate plans to develop the property and that further environmental analysis to evaluate potential impacts at such time the property is developed.

Staff responded that considerable design work and negotiation with Caltrans would need to occur before precise plans for the roadways and park were determined. Pre-zoning the property for Agriculture would keep the zoning classification consistent with existing zoning and existing land uses and would act as a holding zone until precise plans were developed. Future public hearings would need to take place before physical changes were made. Annexation would bring the city owned property within the jurisdiction of the city while the planning process and negotiations take place. It was also explained that the private properties were included to create a logical city limit boundary to be consistent with State statutes and LAFCO policy.

The Commission discussed the appropriateness of the City having jurisdictional control over the property, and that while the property is outside the current Urban Development Boundary, any development of the territory would require future approvals.

The Commission voted 3-1 (Lane-No, Soltesz, absent) to recommend that City Council approve the General Plan Amendment and found the annexation to be consistent with the General Plan.

Prior Council/Board Actions:

Committee/Commission Review and Actions: On June 14, 2010, the Planning Commission found Annexation No. 2010-06 (Avenue 296-Road 152) to be consistent with the General Plan, and recommended that the City Council approve Pre-Zone No. 2010-02 and certify Negative Declaration No. 2010-16. (Lane-No, Soltesz, absent)

Alternatives: Council may choose to amend the boundaries or choose not to initiate the annexation.

Attachments:

- o Resolution Certifying Negative Declaration No.2010-16
- o Ordinance Approving Pre-Zone No. 2010-02
- o Resolution Initiating Annexation No. 2010-06 (Avenue 296-Road 152) and detaching the properties from County Service Area No. 1
- o Correspondence
- o Attachment A - Planning Commission Staff Report and Negative Declaration No. 2010-16

Recommended Motion (and Alternative Motions if expected):

I move to:

- a) adopt Resolution No. 2010 -43 certifying Negative Declaration No. 2010-16
- b) introduce Ordinance 2010 -05 approving Pre-Zone No. 2010-02, and
- c) adopt Resolution No. 2010 – 44 initiating Annexation No. 2010-06 (Avenue 296-Road 152) and detachment of property from County Service Area No. 1

Environmental Assessment Status

CEQA Review: Negative Declaration No. 2010-16 must be certified prior to initiation of the annexation and approval of the Pre-Zone action.

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)*

Signed resolution for Annexation to Tulare Co. LAFCO:
Deliver to contact person by Wednesday, July 14
Second Reading of Ordinance on August 2 Council Agenda

RESOLUTION NO. 2010- 43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2010-16, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR PRE-ZONE NO. 2010- 02 AND
ANNEXATION NO. 2010-06 (AVENUE 296-ROAD 152)

WHEREAS, Pre-Zone No. 2010-02 is a City initiated action to pre-zone 12 parcels and adjacent road right-of-way totaling approximately 162 acres under County jurisdiction to “A-Agriculture” for land bounded by Road 152, Mill Creek, Highway 198 and Annexation No. 2010-06 (Avenue 296-Road 152) is a proposed annexation of said property into the city limits (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009), and

WHEREAS, Annexation No. 2010-06 is a proposal by the City of Visalia to annex the pre-zone area into the Visalia City Limits; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on July 12, 2010 for the Projects; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Projects, and that no mitigation measures would be required for the Projects; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared and noticed for review and comment for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia finds that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2010-16 which evaluates environmental impacts for Pre-Zone No. 2010-02 and Annexation No. 2010-06 (Avenue 296-Road 152). The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

ORDINANCE NO. 2010 -05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
VISALIA APPROVING PRE-ZONE NO. 2010-02, INITIATED THE CITY OF VISALIA TO PRE-
ZONE 12 PARCELS TOTALING APPROXIMATELY 162 ACRES TO THE "A"
(AGRICULTURAL) ZONE DISTRICT

APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007,
008, 009

WHEREAS, Pre-Zone No. 2010-02 is a City initiated action to pre-zone 12 parcels totaling approximately 162 acres under County jurisdiction to the A (Agricultural) zone district, in preparation for submission of Annexation No. 2010-06 (Avenue 296-Road152) to the Local Agency Formation Commission. The subject territory is generally located between the eastern boundary of the City limits and Road 152, from East Mineral King Avenue (Avenue 296) north to Mill Creek, and specifically includes the following parcels: APN: 103-500-001, 002, 003, 103-501-001, 002, 003, 004, 005, 006, 007, 008, 009, 10, 011, 012); and

WHEREAS, the City Council of the City of Visalia finds as follows:

1. No significant environmental impacts would result from this project, that no mitigation measures would be required and certified Negative Declaration No. 2010-16 by Resolution No. 2010 -43
2. The City of Visalia considered the Pre-Zoning in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Pre-Zoning is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed Pre-Zoning is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
5. That the proposed Pre-Zoning will provide for orderly and efficient land use planning to assist the City of Visalia in positioning land to accommodate future circulation improvements to Highway 198 and regional park uses.
6. That the proposed A (Agricultural) zone district would preserve, in agricultural use, land suited to eventual development.

WHEREAS, the City Council City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on July 12, 2010; and

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

SECTION 1: The Planning Commission recommended that the City Council of the City of Visalia approve Pre-Zone No. 2010-02 on June 14, 2010.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show properties bounded by Mill Creek, Road 152, Mineral King (Avenue 296) and the existing City Limits to be zoned "A - Agriculture" upon the effective date of annexation of the parcels to the City. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009)

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

RESOLUTION NO. 2010-44

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2010-06 (AVENUE 296-ROAD 152)

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for Annexation No. 2010-06 (Avenue 296-Road 152) to said city, of territory described on the attached legal description, Exhibit A and map, Exhibit B; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, as well as City facilities and amenities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the territory proposed to be annexed is considered uninhabited, as defined by Government Code Section 56046; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on June 14, 2010 and found it to be consistent with the General Plan; and

WHEREAS, an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant.

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

The City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan. Specifically, the site is located within the Local Agency Formation Sphere of Influence.
2. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2010-016 was adopted by the Council pursuant to City Resolution No. 2010- 43.

BE IT FURTHER RESOLVED, as follows:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire entitled “ Annexation No. 2010-06 (Avenue 296-Road 152)”, and as described on the attached legal description, Exhibit A and Exhibit B; and
2. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Tulare County Local Agency Formation Commission for the detachment of subject properties from County Service Area No. 1.
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. Upon the effective date of the annexation, the territory shall be zoned A - Agriculture, consistent with Pre-Zone No. 2010-02.
5. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.