Visalia City Council Agenda



For the Regular Adjourned meeting of: Monday, August 21, 2006 to

Monday, August 28, 2006

Location: V	'isalia (Convention C	enter
Mayor: Vice Mayor: Council Memb Council Memb	er: er:	Jesus J. Gaı Greg Kirkp Greg Collir Donald K.	atrick ns
Council Memb	er:	Bob Link	

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

Convene the regular continued meeting of Monday, August 21, 2006, on Monday, August 28, 2006, at 4:30 p.m. for the following item(s):

REGULAR SESSION 4:30 P.M.

1. REGULAR ITEM - Request authorization to execute a change order to a previously awarded contract-control panels SCADA systems- The change order is in the amount of \$245,945 and will save the department an approximate amount of \$54,000. (No written material - Staff recommends Council table this item to a date not specific).

SPECIAL MEETING TO FOLLOW ADJOURNED MEETING (SEE SEPARATE AGENDA)

Location:

Visalia City Council Agenda

Visalia Convention Center

For the special meeting of: <u>Monday, August 28, 2006</u> SPECIAL MEETING TO FOLLOW ADJOURNED MEETING (SEE SEPARATE AGENDA)

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

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

CLOSED SESSION 4:40 p.m. (Or, immediately following Adjourned Meeting)

- Conference with Real Property Negotiators
 Property: 440 N. Giddings St. (Recreation Park Baseball Stadium)
 Under Negotiation: Price, terms, conditions of lease
 Negotiators: Steve Salomon, Carol Cairns, Alex Peltzer, Top of the Third
- Conference with Real Property Negotiators
 Property: Approximately one acre of riparian setback between Riverbend Park and the
 Santa Fe RR alignment at Riverbend Village No. 6 & 7; APN 091-010-039
 Under Negotiation: Price, terms, conditions of purchase
 Negotiators: Steve Salomon, Don Stone, Paul Shepard, Everett Hughes, Bridgecourt
 Development, LLC
- Conference with Real Property Negotiators Property: Part of APN 094-240-003, 094-240-005, 094-240-006, 094-240-027, 094-240-029, 0094-240-038, 094-240-039 for riparian setback on Mill Creek from Tipton to Burke Street Under Negotiation: Price, terms, conditions of potential purchase Negotiators: Steve Salomon, Don Stone, Paul Shepard, Square 2 Properties LLC, Jordan-Link Realty, Bill Jordan, John Wilson, John Janda, Ronald Allan Baker, Rayhill Brake and Wheel
- Conference with Real Property Negotiators
 Property: northwest corner of Freeway 99 and Caldwell Avenue
 Under Negotiation: Price, terms, conditions of the sale of an interest in real property
 Negotiators: Steve Salomon, Michael Olmos, Alex Peltzer, Bob Dowds

WORK SESSION AND ACTION ITEMS (as described) 5:00 p.m. (Or, immediately following adjourned regular meeting)

Public Comment on Work Session Items -

- 5. Review and direction on City's Housing Programs, Draft Consolidated Annual Performance and Evaluation Report (CAPER).
- 6. Review 1st Amendment to the 2006/07 Action Plan prior to the Public Hearing before City Council on September 18, 2006, reprogramming additional program income to housing programs.

*Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.

ITEMS OF INTEREST

CLOSED SESSION (continued) 6:00 p.m. (Continued discussion of items listed at the 4:40 p.m. session)

REGULAR SESSION 7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. <u>Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.</u> The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your address.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

- 7. CONSENT CALENDAR Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
- a) Authorization to read ordinances by title only.
- b) **Introduction of Ordinance 2006-13** Approving a 10 year lease plus a 5 year option, between the City of Visalia and The Top of Third, Inc. for lease of the Recreation Park Stadium.
- c) Accept the City of Visalia Cash and Investment Report for the fiscal year ending June 30, 2006.
- d) Authorization for City Manager to enter into an agreement with McMillin Homes to purchase parcels 077-550-070 and 077-540-026 totaling 1.6 acres and permit McMillin Homes to construct a mini park on the property and approve reimbursement for acquisition and development costs in the amount not to exceed \$243,533.
- e) Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-10, an interim ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Area located north of Murray/Goshen Avenue, east of Santa Fe Street.
- f) Authorization to file a Notice of Completion for Mota Estates, containing four (4) lots, located on the north side of Hurley Avenue and east of Tommy Street.
- g) Accept an Irrevocable Offer of Dedication for the westerly twenty-two feet (22') of Dinuba Boulevard between Riggin Avenue and Riverway Sports Park; Parcel 9 of Irrevocable Offer of Dedication Document No. 2003-0011275 recorded February 10, 2003. **Resolution 2006-79.**
- 8. REGULAR ITEM Authorize extension of enforcement deadline for the removal of illegal signage on private property.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, September 18, 2006 Monday, October 2, 2006 Monday, October 16, 2006

Work Session 4:00 p.m. Regular Session 7:00 p.m. City Hall Council Chambers 707 West Acequia Avenue

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.

Meeting Date: August 28, 2006

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Review of the Draft 2005-2006 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME).

Deadline for Action: September 18, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Eric Frost x4474, Rhonda Haynes x4460, Sharon Sheltzer x4414, Kari Blofsky x4298

Department Recommendation: That the City Council review the draft CAPER and provide direction as appropriate. No action is needed today. The Final CAPER will be presented on September 18, 2006.

Summary/background:

HUD Reporting Requirements. The City of Visalia must submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development as part of the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program requirements. This report is due by October 1, 2006. Essentially, the CAPER is the City's report card on how these grant monies are being used.

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 (Initials & date required)

 Finance
 City Atty

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 (Initials & date required)

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 City Mgr

 On Report (CAPER)
 City Mgr

 Evelopment as part
 City Mgr

 CDBG) and Home
 If report is being re-routed after

 revisions leave date of initials if
 no significant change has

 affected Finance or City Attorney
 Review.

 provides Council with information about where
 The provides of this discussion

For action by: City Council

VPFA

which agenda:

For placement on

Regular Session:

Est. Time (Min.):

Review:

Dept. Head

Regular Item Public Hearing

Work Session Closed Session

Consent Calendar

Redev. Agency Bd. Cap. Impr. Corp.

The DRAFT 2005-2006 Program Year CAPER provides Council with information about where funds were spent compared to the needs of the community. The purpose of this discussion is to review the City's housing programs and to receive Council direction as appropriate. A final report will be presented to the Council on September 18, 2006. The report recognizes the progress and accomplishments achieved this year in reaching the goals set in the 2005/10 Five-Year Consolidated Plan, and the 2005-2006 Annual Action Plan.

The City receives HOME and CDBG grants to further the national objectives spelled out by Congress. The national objectives are to:

- create suitable living environments including activities designed to benefit communities;
- provide decent housing; and
- create economic opportunities.

The outcomes are to make services, infrastructure, public services, public facilities, and housing to low-and moderate-income people, including persons with disabilities available, accessible, affordable and sustainable by improving communities and our neighborhoods by helping to make them livable by removing or eliminating blighted areas. In other words, the national objectives strive to make sure that all these objectives are available, affordable and sustainable as shown on <u>Chart I, Link between Objectives</u>, <u>Outcomes and Outcome Statements</u>.

Chart I



Report Format. HUD has revised the method of reporting the City's housing activities by creating a standard template that all HUD grant recipients must complete. This new format, called the Consolidated Development Plan (CDP), provides for standardized reporting, but can be redundant for some cities like Visalia. The report covers the fiscal year ending June 30, 2006. Further, to allow Council time to consider the report, this draft is being provided now with some additional reporting to come later as final numbers are gathered for last fiscal year.

Program Analysis. During the 2005-2006 Action Plan year, some programs exceeded expectations while others fell below desired results. Staff is identifying appropriate actions to improve results in areas that achieved less than satisfactory results. The City's programs could be classified as follows:

Neighborhood Rehabilitation Projects assisting low income families, programs include: the Senior Handicapped and Repair Program (SHARP), the Housing Rehabilitation Program, the Emergency Repair and Basic Needs Program; and, the Senior Home Repair Program.

Public Improvement Projects are the ADA Compliance projects, Community Campus of Visalia, Park Improvements, the Parking Structure Construction, and the East Parking Structure Debt Payment.

Community Service Projects are Code Enforcement Program, Fair Housing Hotline Program and the Continuum of Care Support.

Economic Development funds include the VF Corporation and Redevelopment Projects include the Downtown Senior Housing Project and property acquisitions.

<u>Table I, HUD Program Goal Achievement</u> is summarizes the 2005-2006 Action Year Goals and Accomplishments below:

Program	Goal	Actual	% of Goal
Senior Home Minor Repair Program (Provides minor home repairs to seniors)	600	735	123
Emergency Repair and Basic Need's (Provides home repair loans up to\$10,000 to mitigate health a safety problems.)	nd 9	2	22
Senior and Handicapped Repair Program (Provides grants of up to \$5,000 to low and extremely low income individuals to repair mobile homes.)	14	14	100
Housing Rehabilitation Program (Provides 2% loans up to \$35,000 to rehabilitate homes of low to moderate income individuals.)	6	0	0
First Time Homebuyers (Provides 2% loans up to \$75,000 to low to moderate income individuals for home ownership.)	20	9	45
Fair Housing (Provides referral information and assistance to those complaining about possible housing discrimination.)	120	149	125

Table I HUD Program Goal Achievement

Council has already taken action to improve the performance of the First Time Homebuyers program by increasing the maximum loan amounts. Staff proposes reviewing and suggesting improvements to the Emergency Repair and Basic Needs (ERBN) loan program and Housing Rehabilitation Program. Both these programs performed at levels less than desired.

In addition to improving the performance of these programs, the City also has an obligation to expend grant monies within 5 years of receipt. HUD also requires that all program income received from HUD programs be expended before grant revenues are accessed. Because the City has traditionally used HOME and CDBG monies in loan type programs, a large amount of program income has been received over the last several years. In the 1990s, HOME program income averaged approximately \$200,000 a year. For the last three years, HOME program income has exceeded \$1,000,000 a year. As a result, the City has not drawn upon its grants but only used program income. As a result, staff needs to increase the activity of its programs to assure that prior grant awards are not withdrawn.

Staff still has work to do to complete the CAPER. However, the draft document does provide an abundance of information which should promote the discussion of how these programs are operating. Staff will also be taking this report to the Citizens Advisory Commission to complete the feedback loop. Earlier, the CAC approved the City's Action Plan and the CAPER reports on how effectively the implemented the Action Plan.

Prior Council/Board Actions: Adoption of the 2005/10 Consolidated Plan and annual adoption of the respective 2005-2006 Action Plan and amendments for expenditure of Federal Community Development Block Grant and HOME Funds.

Committee/Commission Review and Actions:

Alternatives: None recommended.

Attachments: *DRAFT* 2005-2006 Program Year Consolidated Annual Performance and Evaluation Report (CAPER).

Recommended Motion (and Alternative Motions if expected): No action is necessary. The final CAPER will be brought back to Council at the September 18, 2006 meeting. Staff seeks Council direction as appropriate.

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:

Meeting Date: August 28, 2006 Agenda Item Number (Assigned by City Clerk): 6	For action by: <u>X</u> City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA
Agenda Item Wording: Review 1st Amendment to the 2006/07 Action Plan prior to the Public Hearing before City Council on September 18, 2006, reprogramming additional program income to housing programs. Deadline for Action : September 18,2006	For placement on which agenda: X Work Session Closed Session
Submitting Department: Community Development and Redevelopment Division	Regular Session: Consent Calendar Regular Item Public Hearing
Contact Name and Phone Number : Kari Blofsky, Financial Analyst 713-4298 Fred Brusuelas, Assistant Community Development Director, 713-4364	Est. Time (Min.): <u>5</u> Review:
 Department Recommendation: To receive Council direction prior to the scheduled Public Hearing before City Council on September 18, 2006. No action is necessary. Summary/background: The US Department of Housing & Urban Development (HUD) administers the Community Development Block Grant (CDBG) and HOME programs that distribute federal funds to promote affordable housing, economic development and public improvement projects and programs to benefit low-income families and persons with special needs. HUD has designated the City of Visalia as an entitlement city by virtue of having a population exceeding 50,000 residents. This designation allows Visalia to receive CDBG and 	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 <u>if</u> no significant change has <u>affected</u> Finance or City Attorney Review.

HOME Program funds without having to annually apply for the grants. <u>Table I, Fiscal</u> Resources 2006-07, details the resources available to the City.

Table IEstimated Fiscal Resources 2006-07						
		CDBG HOME Total			Total	
Grant	\$	1,217,012	\$	512,706	\$	1,729,718
Progam Income	\$	250,000	\$	600,000	\$	850,000
Total	\$	1,467,012	\$	1,112,706	\$	2,579,718

Program income is generated from loan payments and loan payoffs when a home is sold or refinanced.

On April 17, 2006, the City Council adopted the 2006-2007 Annual Action Plan for the use of Federal CDBG and HOME Program funds. The budget was based upon anticipated projects, programs and activities to be undertaken during the fiscal year. HOME program income for fiscal year 05/06 was budgeted at \$600,000 and actual program income was reported at \$1,500,000. HUD regulations state that program income must be used before grant funds are used. Due to these regulations and time limit requirements for spending program income the City may loose a portion of the grant funding if program income is not spent in a timely matter. Changes in programs and an overwhelming amount of HOME Program income have necessitated the reallocation of the CDBG and HOME Program funds and adoption of an amendment in accordance with HUD regulations.

Public meetings have been scheduled and noticed in the local newspaper. The Community Redevelopment Agency of the City of Visalia has scheduled public meetings with the North Visalia Neighborhood Advisory Committee, and the CAC committee to review and comment on the Action Plan Amendment.

Proposed Action Plan Amendment – Budget Amendment

The following summary shows the proposed amendment to the current 2006-2007 Action Plan budget, as shown in <u>Table II, Proposed 2006-2007 Action Plan Amendment</u>.

Table	1		
PROPOSED 2006-2007 ACT			
PROPOSED 2000-2007 ACT	ION PLAN AMENDMENT		
HOM	E		
			AMENDED
	BALANCE JULY	PROPOSED	PROJECT
PROJECT (Increase)	1, 2006	AMENDMENT	BALANCE
1 First Time Homebuyers Assistance Program	751,252	1,000,000	1,751,252
PROJECT (Decrease)			
2 Emergency Repairs and Basic Needs	194,665	(194,665)	-
NET CHANGE HOME	-	805,335	
	-	· · · ·	
PROPOSED 2006-2007 ACT	ON PLAN AMENDMENT		
CDB	G		
			AMENDED
	BALANCE JULY	PROPOSED	PROJECT
PROJECT (Increase)	1, 2006	AMENDMENT	BALANCE
3 Emergency Repairs and Basic Needs	-	100,000	100,000
NET CHANGE CDBG	-	100.000	

A line item discussion of the proposed amendment follows:

Proposed Increases

<u>1- First Time Homebuyers Assistance Program:</u> HOME investment Partnership funds provide Visalia Interested in Affordable Housing (VIAH) to administer the program. The funds provide a second mortgage, up to \$75,000 at an interest rate of two-percent (2%) making it possible for low-to-moderate income families to own a home within the City limits. The total amended project balance is \$1,751,252; anticipated number of loans to be completed is 23.

<u>2- Emergency Repair and Basic Needs Program (ERBN):</u> Funds are provided allowing Central Valley Christian Housing (CVC) to administer the ERBN program. The funds are provided as a

second mortgage, up to \$10,000, at an interest rate of two-percent (2%), making it possible for extremely low –to-low income homeowners to address specifically health and safety issues. Examples of assistance are: replacement of roofs, flooring, electrical, plumbing and sewer, which pose immediate threat to the family's health and well-being. Funds for this program were originally budgeted from the HOME grant. It was recently determined that HOME funds are ineligible to pay for this Program. Therefore, \$100,000 of CDBG funds need to be budgeted to cover the expenses for 2006-07. Anticipated number of units to be assisted is 9.

Proposed Decrease

<u>3- Emergency Repair and Basic Needs Program (ERBN):</u> Funds for this program were originally budgeted from the HOME grant. It was recently determined that HOME funds are ineligible to pay for this Program.

Staff will meet with committees, receive comment and report back to Council at the September 18th Council meeting.

Prior Council/Board Actions: April 17, 2006 Annual Action Plan 2006-07 adopted by Council

Committee/Commission Review and Actions:

Citizens Advisory Committee: Meeting to be held on September 6, 2006 to review amendments. North Visalia Neighborhood Advisory Committee: Meeting to be held on September 11, 2006.

Alternatives: None

Attachments: Revised CDBG and HOME project list.

Recommended Motion (and Alternative Motions if expected): At this time there is no motion needed. The Public Hearing will be held on September 18th, 2006.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

ORDINANCE NO. 2006-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF VISALIA AND TOP OF THE THIRD, INC. FOR THE LEASE OF PROPERTY AT THE RECREATION PARK STADIUM

WHEREAS, the City of Visalia owns and operates certain real property commonly referred to as the Recreation Park Stadium; and

WHEREAS, the City of Visalia desires to lease said property to a tenant for the purpose of providing professional baseball at the Recreation Park Stadium; and

WHEREAS, Top of the Third, Inc., has leased Recreation Park Stadium for the past 5 years; and

WHEREAS, the City of Visalia and Top of the Third, Inc. desire to enter into a lease agreement for said Demised Premises; for 10 years with a 5 year option.

WHEREAS, the said Demised Premises is more particularly shown on Exhibit A attached hereto;

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

<u>Section 1.</u> The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, that certain Lease Agreement by and between the City of Visalia as Lessor and Top of the Third, Inc., as Lessee, dated ______, is hereby approved and the City Manager of the City of Visalia is hereby authorized to execute the same on behalf of the City of Visalia.

<u>Section 2.</u> This ordinance shall go into effect thirty (30) days after its passage.

PASSED AND ADOPTED:

JESUS GAMBOA, MAYOR

ATTEST:

STEVEN M. SALOMON, CITY CLERK

APPROVED BY CITY ATTORNEY

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 Ordinance 2006-13 passed and adopted by the Council of the City of Visalia at a regular meeting held on August 28, 2006 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Leslie Caviglia, Deputy City Clerk

Meeting Date: August 21, 2006

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

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2006.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474, Cass Cook 713-4425

Department Recommendation: It is recommended that Council accept the City of Visalia Cash and Investment Report for the quarter ending June 30, 2006.

Economic Outlook:

After seventeen consecutive rate hikes for overnight loans between banks, a ¼ point rate hike at each of its meetings, the Federal Open Market Committee (FOMC) did not raise interest rates at its last meeting. Since June 30, 2004, the FOMC has raised the Federal Funds rate (Fed Funds) from 1.00% to 5.25%. The Fed Funds rate greatly influences short-term interest rates and over time influences long-term interest rates.

At the FOMC's last meeting, the Federal Reserve Board of Governors said that

	For action by: _X City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA
	For placement on which agenda: Work Session Closed Session
	X Consent Calendar Regular Item Public Hearing
	Est. Time (Min.):5
il	Review:
	Dept. Head (Initials & date required)
een	Finance City Atty
ts	(Initials & date required or N/A)
b	City Mgr (Initials Required)
	If report is being re-routed after revisions leave date of initials <u>if</u> <u>no significant change has</u> <u>affected</u> Finance or City Attorney Review.

"Economic growth has moderated from its quite strong pace earlier this year, partly reflecting a gradual cooling of the housing market and the lagged effects of increases in interest rates and energy prices."

(Federal Reserve http://www.federalreserve.gov/boarddocs/press/monetary/2006/20060510/)

The market expected the FOMC to pause. The latest language states that future FOMC decisions will be based on incoming information regarding inflation and economic growth. We can no longer assume a 25 basis point increase at the next FOMC meeting.

The June 30, 2006 investment report had a managed balance of \$123.7 million with a monthly portfolio earnings rate of 4.15%. The annualized rate for 2005-06 (July- June) averaged 3.56%. This document last revised: 8/25/06 12:08:00 PM Page 1 File location and name: H:\(1) AGENDAS for Council\2006\082806\tem 7c Cash and Investments Report.doc

Key benchmarks and performance statistics for the City's portfolio are shown below in Table 1, Managed Portfolio Performance Statistics.

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity
June 30, 2006	\$123.6	4.15 %	\$8.74	4.53%	5.15%	1.65 years
March 31, 2006	\$112.9	3.37%	\$4.97	4.03%	4.82%	1.34 years
December 31, 2005	\$112.9	3.29%	\$15.93	3.62%	4.40%	1.07 years
September 30,2005	\$110.5	2.74%	\$7.57	3.19%	4.17%	1.26 years
Annualized Rate to Date 2005-2006		3.56%		3.76	4.52%	

Table I: Managed Portfolio Performance Statistics (dollars in millions)

The City's cash and investments consist of the following as shown on Table II: Cash Summary at Par Value (in millions) as of 06/30/06.

Table II: Cash Summary at Par Va	alue, 06/30/06
Investment Type	Amount (in millions)
Managed Portfolio	
LAIF	\$8.74
CD's	\$0.30
Agencies	\$105.65
Medium Term Notes	\$7.00
Treasury Notes	\$2.00
Total Managed Portfolio	\$123.69
Trustee Cash and Investments	\$7.45
Banks & Depositories	\$2.72
Total Cash & Investments	\$133.86

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This information is taken from the two report attachments: 1) City of Visalia Cash and Investments Summary as of June, 2006, attachment #1; and, 2) City of Visalia Managed Portfolio as of 06/30/2006, attachment #2.

The City's investments are diversified by the various maturities, call structures, and credit types in the above categories which are allowed by the City's Investment Policy and California Government Code Section 53600 et seq. LAIF funds are highly liquid to meet the City's daily cash flow requirements while maintaining a high degree of safety and a higher rate of return over other suitable liquid investments.

Future Management:

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due interest rate changes. As a result, the City has a target WAM based upon expected interest rate environments as shown on Table III, Target Weighted Average Maturity (WAM) Based on Interest Rate Expectations.

Table III

Target Weighted Average Maturity (WAM) Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)		
Rising	1.00		
Neutral	2.00		
Declining	3.00		

Since June of 2004, the Federal Reserve has been raising short-term interest rates. As a result, management has tried to keep the portfolio's WAM closer to 1 year to reduce potential interest rate risk. However, the Federal Reserve has now paused its rate hikes. Staff now assumes that we have moved from a rising rate environment to a neutral to declining rate environment.

Thus, the City will be shifting the target WAM from 1.65 to closer to 3 years. To reach the 3 year WAM goal, the City will purchase investments that mature in 3, 4, or 5 years. Currently there are not enough immediately available resources to push the WAM to 3 years. Therefore, the city will sell securities that mature in months that are projected to have excess cash flow due to property tax payments. The City's investment policy limits investment maturity to 5 years unless authorized by Council.

Prior Council/Board Actions:

Approved March 2006 Investment Report Authority for Administrative Services Director/Treasurer or his delegate to invest funds of the City approved in June 2006.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment #1, City of Visalia Cash and Investment Summary Attachment #2, City of Visalia's Portfolio from June 30, 2006 **Recommended Motion (and Alternative Motions if expected)**: It is recommended that Council accept the City of Visalia Cash and Investment Report for the quarter ending June 30, 2006.

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:

Meeting Date: August 28, 2006

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

Agenda Item Wording: Authorization to enter into an agreement with McMillin Homes to purchase parcels 077-550-070 and 077-540-026 totaling 1.6 acres and permit McMillin Homes to construct a mini park on the property and approve reimbursement for acquisition and development costs in the amount not to exceed \$243,533.

Deadline for Action: N/A

Submitting Department: Park & Recreation and Engineering

Contact Name and Phone Number: Don Stone, 713-4397 Doug Damko, 713- 4268

Department Recommendation: Recommend that the City Manager be authorized to finalize and sign an agreement with McMillian Homes to acquire parcels 077-550-070 and 077-540-026 totaling 1.6 acres at a cost of \$73,916, construct a park on the property and reimburse McMillin for cost of improvements for an amount not to exceed \$ 169,135 for a total cost of \$243,533.

Summary/background: On February 22, 2005 Council authorized staff to purchase 1.6 acres from McMillin Homes to develop a mini park at Ferguson Street and Roeben Road. At that time McMillin Homes also indicated they were willing to cooperate to develop the

For action by: _x_ City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA For placement on which agenda: Work Session Closed Session **Regular Session:** x 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.

park in conjunction with their subdivision work. In March staff met with a landscape architect retained by McMillin to design the park. The construction drawings have been completed and reviewed by City staff and the design was approved by the Park and Recreation Commission.

The park plan includes approximately one acre of open turf area, 100 trees, 1,400 liner feet of sidewalk along Roeben, and twenty one thousand square feet of planter area. Landscape improvements at the storm basin will include a thirty foot wide area planter on each frontage with shrubs that will screen the basin from view. A large Valley Oak will be the center piece of the planter at the south end of the park and park benches have placed around the tree. The park will provide a small space to picnic, play catch, or sit and relax. In the immediate vicinity there will be a neighborhood park and elementary school that will provide additional recreation and open space for this area.

A four acre neighborhood park will be located on Ferguson Street one-quarter mile west of the mini park. It is anticipated that this park will include a playground, picnic tables, and a walking path. Development of the park is scheduled for fall 2007. Across the street from the park site is a twelve acre elementary school site.

McMillin be the contractor and agrees to construct the park for a cost not to exceed \$169,635. Costs including design, construction management, materials, labor, and a 7% contingency are included in the construction estimate. The agreement provides that McMillin will submit actual invoices to substantiate their reimbursement request but they agree that costs will not exceed the amount of the contract. Development cost, including design and construction works out to \$94,000 per acre or \$2.15 a square foot. Based on pervious park projects this is very competitive cost.

Funding for this project has been approved in the 2006-08 Capital Improvement Program. There is \$235,000 Park Acquisition and Development fund (Project #9743 and \$100,000 in the Storm Sewer Construction fund (Project # 9251). Staff requests that the \$100,000 from the Storm Sewer Construction fund be reallocated in the FY 2006-07 budget. It is anticipated that these funds will not be needed until near the end of the fiscal year and this change will not have an impact on other projects.

Prior Council/Board Actions: February 22, 2005 Council action approving acquisition; September 19, Council action approving Negative Declaration 2005-79 for the acquisition and development of park sites at the Pleasant Ridge and Foxwood Unit 5 subdivisions.

Committee/Commission Review and Actions:

August 15, 2006; Park and Recreation Commission approved park design plan .

Alternatives:

Attachments: Site map, project cost estimate, development plan

Recommended Motion (and Alternative Motions if expected): Move to authorized the City Manager to finalize and sign an agreement with McMillian Homes to acquire parcels 077-550-070 and 077-540-026 totaling 1.6 acres and allow McMillin Homes to construct park improvements and landscape the north and west frontage of the storm basin located and approve reimburse for the acquisition and development cost for an amount not to exceed \$ 243,533 and authorize \$100,000 in the Storm Water Improvement Fund (1221) be moved from FY 2007-08 to FY 2006-07.

Environmental Assessment Status

CEQA Review: September 16, 2005 Council certified Negative Declaration NO 2005-79.

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: McMillin Homes

Meeting Date: August 28, 2006 Agenda Item Number (Assigned by City Clerk): 7 e	For action by: X_ City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA
Agenda Item Wording: Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-10, an interim ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Area located north of Murray/ Goshen Avenue, east of Santa Fe Street.	For placement on which agenda: Work Session Closed Session Regular Session: Consent Calendar Regular Item Public Hearing
Deadline for Action: August 28, 2006	Est. Time (Min.):1
Submitting Department: Community Development	Review:
Contact Name and Phone Number: Michael Olmos 713-4332	Dept. Head (Initials & date required)
Department Recommendation: Staff recommends that Council accept and issue the report entitled Written Report for Ordinance 2006-10 (dated August 17, 2006) describing the measures being taken to alleviate the conditions that led to the adoption of the Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown area located north of Murray/ Goshen Avenue, east of Santa Fe Street.	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 <u>if</u> no significant change has <u>affected</u> Finance or City Attorney
Summary and Background:	Review.

On August 17, 2006, Council adopted Ordinance No. 2006-10

establishing temporary standards for a portion of the East Downtown area. This ordinance was adopted as an interim measure to extend concepts contained in the East Downtown Strategic Plan that was approved by Council in late 2005. The interim ordinance was adopted pursuant to State Government Code Section 65858 and has an initial life of 45 days from the date of adoption. As such, the interim ordinance will expire on May 21, 2006 unless extended by action of Council. After conducting a noticed public hearing, the interim ordinance can be extended for a period of 22 months and 15 days. The public hearing to extend the ordinance has been scheduled for September 18, 2006.

Council has also authorized a framework plan to be developed for an area northeast of downtown, including the area for Interim Ordinance 2006-10. This plan will develop concepts and recommendations for future land uses and development standards for the planning area.

State law requires that at least 10 days prior to the expiration or extension of an interim ordinance, the City Council must issue a written report describing the conditions that led to the adoption of the interim ordinance. The necessary written report is enclosed. The report states that the City is proceeding with development of a framework plan that will identify recommended amendments to the General Plan, ordinances and development standards to implement concepts. Consultant Bruce Race is currently preparing the framework plan.

The work to complete the framework plan, draft General Plan and code revisions, review the draft revisions with interested parties, prepare the required environmental finding, and conduct public hearings for adoption, will take approximately 18 months. As such, the interim ordinance will need to be continued for the authorized 22 months and 15 days. The public hearing for the first extension is scheduled for the May 1, 2006 Council agenda.

Prior Council/Board Actions: Council introduced Ordinance 2006-10 on July 17, 2006, and adopted said ordinance on August 7, 2006.

Committee/Commission Review and Actions: N/A

Alternatives: None recommended. Written report required by State law.

Attachments: Written report for Ordinance No. 2006-10 Interim Area Zoning Map

Recommended Motion (and Alternative Motions if expected): Move to accept and issue the written report for Ordinance 2006-10 dated August 7, 2006.

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:

Written Report for City of Visalia Ordinance 2006-10

This written report will satisfy the requirements of the State of California Government Code, Section 65868, regarding City of Visalia Ordinance No. 2006-10, an interim ordinance establishing prohibited uses and permitted uses and development standards for an area generally located north of Murray/ Goshen Avenue and east of Santa Fe Street. Ordinance No. 2006-10 was adopted on August 7, 2006 under the provisions of Government Code Section 65858 and will expire on September 21, 2006 unless extended by subsequent action of the City Council.

Ordinance No. 2006-10 establishes interim zoning provisions and development standards to extend to this area planning concepts contained in the East Downtown Strategic Plan which was approved by the Visalia City Council on December 19, 2005. The purpose of the interim ordinance is to prohibit land uses that are in conflict with the concepts of the approved strategic plan that will eventually be extended to the subject area. In addition, the interim ordinance temporarily establishes certain permitted land uses and development standards to implement the concepts of the Strategic Plan.

These interim measures are intended to be in place while the City prepares a framework plan that will recommend revisions to its General Plan, zoning ordinance, design standards, and other related codes and regulations affecting this area. The City has hired a qualified urban planning consultant, Race Studio, to prepare the framework plan. This work is now underway.

The estimated time period to prepare and process the necessary regulatory changes is 18 months. To provide sufficient time to process and adopt the implementing permanent measures, on September 18, 2006, the City Council will be requested to conduct a public hearing to consider extending the interim ordinance for a period of 22 months and 15 days as authorized by Government Code Section 65858.

Issuance Date: August 28, 2006

Meeting Date: August 28, 2006

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Mota Estates, containing 4 lots, located on the north side of Hurley Avenue and east of Tommy Street.

Deadline for Action: N/A

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli 713-4340, Patrick Barszcz 713-4241

Department Recommendation:

The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by 99 PIPELINE. The developer has submitted a cash deposit in the amount of \$ 1,765.47 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of June 20, 2005.

Committee/Commission Review and Actions: The tentative subdivision map for Mota Estates was approved by Planning Commission on December 13, 2004.

Alternatives: N/A

Attachments: Location map and vicinity map.

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	For action by: <u>X</u> City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA
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10,	Regular Session: X Consent Calendar Regular Item Public Hearing
	Est. Time (Min.): <u>1 Min.</u>
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	City Mgr (Initials Required)
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subdiv	vision man for Mota Estate

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Mota Estates, containing 4 lots, located on the north side of Hurley Avenue and east of Tommy Street.

File location and name: H:\(1) AGENDAS for Council\2006\082806\Item 7f Agenda Transmittal for Subdivision NOC.doc

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

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:

Meeting Date: August 28, 2006

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

Agenda Item Wording: Accept an Irrevocable Offer of Dedication for the westerly twenty-two feet (22') of Dinuba Boulevard between Riggin Avenue and Riverway Sports Park; Parcel 9 of Irrevocable Offer of Dedication Document No. 2003-0011275 recorded February 10, 2003. **Resolution 2006- 79.**

Deadline for Action: September 14, 2006

Submitting Department: Public Works

Contact Name and Phone Number: Jim Funk 713-4540, David Jacobs 713-4492

Department Recommendation: The Public Works Department recommends the City Council accept an Irrevocable Offer of Dedication for the westerly twenty-two feet (22') of Dinuba Boulevard between Riggin Avenue and Riverway Sports Park; Parcel 9 of Irrevocable Offer of Dedication Document No. 2003-0011275 recorded February 10, 2003.

Summary/background: Currently, the City is under contract with Glen Wells Construction Company, Inc. for the construction of Riggin Avenue east of Dinuba Boulevard. (City C.I.P. No. 1111-00000-720000-0-9476-2005) The project requires public roadway improvements including the installation of a traffic signal at the

intersection of Riggin Avenue and Dinuba Boulevard (State Route 63). As part of the approved plans the contractor is to install improvements at the northwest corner of the intersection that are outside existing right of way but that are within the limits of an existing Irrevocable Offer to Dedicate that has not been accepted. The Irrevocable Offer to Dedicate was offered to the City when the Shannon Ranch area (Dinuba Boulevard to Demaree Street and Riggin Avenue to Riverway Drive) was subdivided. The offer was presented to allow for future widening of Dinuba Boulevard and Riggin Avenue in advance of private development. The specifics of the irrevocable offer are contained in recorded document number 2003-0011275 and are noted as Parcel 9. In general, the Parcel 9 offer is for the westerly twenty-two feet (22') of Dinuba Boulevard between Riggin Avenue and the South line of the City's Riverway Sports Park complex.

Accepting the Irrevocable Offer of Dedication will allow the required improvements, including curb, gutter, pavement, traffic pull boxes, conduit and an advance flashing beacon, to be

For action by:
<u>X</u> City Council
Redev. Agency Bd. Cap. Impr. Corp.
VPFA
VI 173
For placement on
which agenda:
Work Session
Closed Session
Regular Session:
<u>X</u> Consent Calendar
Regular Item
Public Hearing
Est. Time (Min.): <u>5</u>
Review:
Dept. Head
(Initials & date required)
Finance City Atty
(Initials & date required or N/A)
City Mgr
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installed within public right of way. Caltrans has required these improvements be installed as part of approving the State Encroachment Permit for the project. Since Dinuba Boulevard is State Route 63, the City will in the near future relinquish the right of way to the State of California.

Prior Council/Board Actions: Council accepted a portion of the Irrevocable Offer of Dedication for Riggin Avenue – April 3, 2006; Council awarded the contract for the Riggin Avenue Extension Project – August 15, 2005; Council adopted the Mitigated Negative Declaration – November 2003.

Committee/Commission Review and Actions: None

Alternatives: Do not accept the Irrevocable Offer of Dedication or reject Irrevocable Offer of Dedication

Attachments: Location Map, Resolution, Irrevocable Offer of Dedication

Recommended Motion (and Alternative Motions if expected): I move to accept an Irrevocable Offer of Dedication for the westerly twenty-two feet (22') of Dinuba Boulevard between Riggin Avenue and Riverway Sports Park; Parcel 9 of Irrevocable Offer of Dedication Document No. 2003-0011275 recorded February 10, 2003. **Resolution 2006-79.**

Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration – #2003-105, November 2003

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)

Record Resolution Accepting Irrevocable Offer of Dedication

Copies of this report have been provided to:

RESOLUTION NO. 2006-79

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

WHEREAS, as offered per Document No. 2003-0011275, Dated February 10, 2003 as Parcel 9, said parcel being the westerly twenty-two feet of Dinuba Boulevard; and,

WHEREAS, the City Council of the City of Visalia finds it to be in the public interest to accept into the City's street system that certain Parcel 9 of Said recorded document more particularly and legally described as follows:

A 22.00 foot wide strip described as follows:

Commencing at the Southwest corner of Section 18, Township 18 South, Range 25 East, Mount Diablo Base and Meridian in the City of Visalia, County of Tulare, State of California;

Thence, North 89°23'27" West along the South line of the Southeast Quarter of Said Section 18 a distance of 121.07 feet to the West right of way line of Dinuba Boulevard as described in that Deed conveyed to the State of California per Document recorded October 27, 1970 in Book 2920, at Page 147 of Official Records;

Thence North 0°36'33" East along said right of way line a distance of 20.00;

Thence continuing along Said right of way line North 54°23'38" East a distance of 40.67 feet to the intersection of a line that is parallel with and 22.00 feet West of Said right of way line, Said intersection being the **True Point of Beginning**;

Thence North 0°10'30" East along said parallel line a distance of 1286.34 feet to the South line of that portion of land conveyed to the City of Visalia by Deed recorded December 1, 2000 as Document No. 2000-0078561 of Official Records;

Thence North 89°57'31" East along Said South line a distance of 22.00 feet to the West right of way of Said Dinuba Boulevard;

Thence South 00°10'30" West along said West right of way line a distance of 1270.57 feet to the;

Thence continuing along Said West right of way line of Dinuba Boulevard South 54°23'38" West a distance of 27.12 feet to the **True Point of Beginning.**

See Exhibit A for map.

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

Meeting Date: August 28, 2006

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Extension of enforcement deadline for the removal of illegal signage on private property.

Deadline for Action: September 21, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Fred Brusuelas 713-4364 Tim Burns 713-4172

Department Recommendation:

Staff recommends that the City Council extend the deadline for the removal of illegal subdivision signage on private property from September 21, 2006 until November 21, 2006.

Summary/background:

On June 12, 2006 Council directed staff to delay the enforcement action and removal of illegal signage on private property until September 21, 2006 in anticipation that a kiosk program and perhaps other sign standards may be proposed to assist the development community with directing prospective customers to new subdivision locations.

Staff was directed to bring back a proposal to a Council work

For action by: X_ City Council Redev. Agency Bd. Cap. Impr. Corp. VPFA For placement on which agenda: Work Session Closed Session **Regular Session:** Consent Calendar _ Regular Item Х Public Hearing Est. Time (Min.): **Review:** Dept. Head (Initials & date required) Finance City Atty (Initials & date required or N/A) City Mgr (Initials Required) If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

session. A preliminary proposal has been completed for Council consideration at a future Council meeting on September 18, 2006. The September 18 work session date has been chosen to enable the full Council to discuss the subdivision signage matter.

In the event that Council directs staff to proceed with the implementation of a kiosk program staff estimates that it will require 90 to 120 days to complete the ordinance process. The process will include the crafting of a draft Kiosk Program, a Zoning Ordinance Amendment and public hearings at the Planning Commission and City Council meetings. The 120 days includes the 45 day process for Council adoption of an ordinance along with implementation tasks for an enhanced sign program.

The development community has expressed a concern about marketing subdivisions during the time it takes to implement the Kiosk Program. If Council denies the request to further delay the enforcement and removal of unlawful signage, there will be no off-site signage to market

subdivisions during the time it takes to process an ordinance amendment to create the Kiosk Program.

Many months have been allowed for signage abatement without enforcement action. An additional extension of time should be sufficient for subdivision signs to be removed and new conforming signage prepared prior to a new enforcement deadline. If the City Council approves the requested extension of time staff will immediately notify the affected property owners of the new deadline.

Prior Council/Board Actions: On June 12, 2006 Council directed staff to immediately proceed with the removal of subdivision signs located in the public right-of-way and to implement a plan of action for the removal of illegal subdivision signage on private property. A date of September 21, 2006 was established as the enforcement deadline.

On August 18, 2006 the Council received comments from the Building Industry Association requesting an extension of time regarding the September 21, 2006 subdivision sign enforcement deadline and directed staff to place this item on the August 28, 2006 agenda for consideration.

Committee/Commission Review and Actions: None

Alternatives:

- Deny the extension request and proceed with the September 21, 2006 enforcement action deadline and removal of illegal signage from private property.
- Grant a lesser extension of time to October 21, 2006.
- Grant a greater extension of time to January 21, 2007.

Attachments: None

Recommended Motion (and Alternative Motions if expected): I move to extend the private property subdivision sign enforcement action until November 21, 2006.

Environmental Assessment Status

CEQA Review: None

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)