

Visalia City Council Agenda

For the regular meeting of: Tuesday, January 16, 2007

Location: City Hall Council Chambers

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.

WORK SESSION AND ACTION ITEMS (as described)

5:30 p.m.

Public Comment on Work Session Items -

1. Council acceptance of the fiscal year 2005-06 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

Gus Aiello, City Finance Department, reviewed the 2005-06 Measure T Audit Report as prepared by M. Green and Company. Reviewed were the plan milestones, revenues, plan implementation process, plan adjustments, ballot accountability measures, additional accountability measures, audit process and audit results. The audit reported that Measure T is being implemented according to plan. Two accounting errors have been noted and adjusted.

Track 1
GK/DL 5-0 Item 1
Approved

ITEMS OF INTEREST

CLOSED SESSION

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

2. *Item removed at the request of staff*
3. Conference with Real Property Negotiators (GC54956.8)
Property: Park/basin acquisition from a portion of a parcel located at the North West corner of Goshen Ave and future Virmargo Street ; APN 098-050-059; For regional master planned recreational and storm drainage purposes
Under Negotiation: Price, terms, conditions of purchase

Negotiators: Steve Salomon, Andrew Benelli, Eagle Meadows of Visalia 44 LLC.

4. *Item removed at the request of staff*

5. Conference with Real Property Negotiators (GC54956.8)

Property: Approximately 50 acres located north of Riggin and approximately one quarter mile west of Demaree. APN 077-060-005.

Under Negotiation: Price, terms, conditions of acquisition and/or disposition

Negotiators: Steve Salomon, Andrew Benelli, Modoc Ditch Company

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE - Bob Link

INVOCATION - Floyd E. Westbrook, Visalia Christian Ministries

MOMENT OF SILENCE - Former Mayor "Gig" Ruddell

SPECIAL PRESENTATIONS/RECOGNITION - None

Add Emergency Item to the agenda -

Track 2
GK/BL 5-0
Approved to add
Emergency Item
#12 to agenda

Mayor Gamboa stated that he would like to ask the council to consider adding an emergency item to tonight's agenda. The need for immediate action came to the attention of the Council after the agenda had already been posted and distributed. Pursuant to Government Code section 54954.2 (b) (2) the Council may determine that a need for immediate action exists by a two-thirds vote of the members present.

The agenda item to be added is as follows: Item 12 "Authorization to implement emergency work program to assist individuals affected by the freeze."

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

your address.

Track 3
Citizens
Requests

George Neves commented about barking dogs in his neighborhood and asked Council to recognize that this is a big problem in the City. Alex Peltzer responded that the SPCA is the appropriate department to enforce the code. The code is currently under revision. Police Chief Carden met with Mr. Neves outside Council chambers to help find a immediate solution.

Bill Alsobrook, began to comment on the Ordinance regarding Valley Oak Trees. Mayor Gamboa asked him to wait until the item is discussed in #9.

Brandi Clark, Red Cross, invited Council to the March 28 Hero's Breakfast, and stated that nominations are currently being sought to honor individuals from Tulare and Kings counties for their selflessness and courage in saving another person's life during the past year. Ms. Clark left packets to be distributed to departments.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Track 4
Approve
balance of
Consent Items
DL/GC 5-0

- 6. 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.

Councilman Link asked that Item "f" be discussed separately. Councilman Kirkpatrick requested that Item "c" be discussed separately.

- a) Authorization to read ordinances by title only.
- b) Authorize the Mayor to sign a letter of support for the Sequoia Natural History Association's grant application to Tourism Cares.
- c) Adopt Resolution No. 2007-06 supporting the San Joaquin River Settlement and requesting the U.S. Congress to incorporate into federal authorizing legislation mitigation measures to offset possible groundwater impacts generated by reduced water flows in the Friant-Kern Canal system and authorizing the Mayor to send the attached letter.

Track 4
GK/DL 5-0
Approve Item
6c as amended.

Councilman Kirkpatrick stated that the staff report and resolution for item 6c was revised to correct grammatical errors. Kirkpatrick motioned that the last paragraph of the resolution be changed that the City Council ~~consider~~ adopt appropriate measures to mitigate the water supply impacts associated with the Settlement.

- d) Authorization for the City Manager to sign a professional services agreement with James H. Harbottle for Labor Negotiation Services for \$5,000 a month through August of 2007.

e) Continue Appointment of City of Visalia's representative to the Measure R Citizen's Oversight Committee to Monday, February 5, 2007. (Continued from January 8, 2007)

f) First reading of Ordinance 2007-01 Authorizing Sale of APN: 094-285-15 located at the southwest corner of Oak and Bridge consisting of approximately 17,308 square feet to Paloma Development.

Track 4
GK/GC 4-1
Landers – No
Item 6f
approved

Councilman Landers states he has parking issues with the project. Councilman Collins requested architectural renderings be provided for the next reading.

g) Authorization for the Transit Division to accept the new regional bus pass as full fare on any of our fixed route buses, amend the annual fund transfer agreement with Tulare County to include the distribution of the revenue generated by the sale of the passes, and authorize the City Manager to sign a letter acknowledging our participation.

Authorization to record the following final maps:

h) Shannon Ranch 2 Units No. 3 & 5, located at the northwest corner of Mooney Boulevard and Riggin Avenue (175 lots - APN: 0781-140-020 & 023).

i) Riverbend Village Unit 6 & 7, located just north of Modoc Ditch, west of the future Santa Fe Street (17 lots and 18 lots respectively) and the formation of Landscape and Lighting District No. 07-03, Riverbend Village Unit 6-11 (Resolution Nos. 2007-07 and 2007-08 required)

7. **Continued PUBLIC HEARING** (Continued from December 18, 2006)
(separate motions required)

a. Adoption of Negative Declaration No. 2006-099. **Resolution No. 2007-09 required.**

b. **Public Hearing** for General Plan Amendment No. 2006-05: A request by Visalia Land Company, Inc. and the City of Visalia to change the General Plan land use designation from RLD (Low Density Residential) to RMD (Medium Density Residential) on 17.5 acres. The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009, and 010, City of Visalia - 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033.

Resolution No. 2007-10 required.

Public Hearing opened 7:30 p.m. Lawrence Henderson commented about the

Track 5
GC/DL 5-0
Adopt Negative
Declaration - Item
7a

Track 5
GC/DL 5-0
Item 7 b
Approved

subdivision and asked questions regarding a wall being built behind his property. No other public comments, Public Hearing closed 7:32 p.m.

Track 5
GK/DL 5-0
Item 7c approved .

- c. **Public Hearing** for First Reading of Change of Zone No. 2006- 04: A request by Visalia Land Company, Inc. and the City of Visalia to change the zoning from R-1-6 (Single-Family Residence, 6,000 sq.ft. minimum lot size) to R-M-2 (Multi-Family Residential) on 17.5 acres. The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009,and 010, City of Visalia - 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033.
Ordinance No. 2007-03.

Public Hearing opened at 7:35 p.m. No comments were received. Public Hearing closed 7:36 p.m.

Track 5
GK/DL 5-0
Continue Public Hearing to 2/5/07

- 8. **Continued PUBLIC HEARING** (Continued from December 18, 2006) Consider increasing the Transportation Impact Fees. After hearing testimony, consider approval of proposed Transportation Impact Fee Schedule per Resolution. **Resolution No. 2006-111 required.** *Recommend to be continued to February 5, 2007- motion required*
- 9. Introduction of Ordinance 2007-02 amending the City’s Oak Tree Ordinance (Chapter 24 of Title 12 of the Municipal Code)

Vince Elizondo gave a PowerPoint presentation.

Public Comments – Bill Alsobrook asked Council to consider giving rights back to property owners to be able to remove trees that they have planted themselves. Randy George spoke on the affect the ordinance will have on commercial property owners. Brian Newton asked for clarification on planting trees within the drip line.

Councilman Landers asked for clarification on areas of the ordinance and asked that the 5 day appeal process be consistent with the rest of the Municipal Code.

Brian Kempf, city arborist, responded to questions from the Council.

Councilman Link asked that the ordinance be sensitive to needs of individual property owners.

Mayor Gamboa asked that staff address the concerns that were brought up at the next meeting on 2/5/07.

Tracks 6 & 7
GC/DL 5-0

- 10. Public Hearing and Final Adoption of Ordinance 2006-18: Amending Portions of Titles 16 and 17 of the Visalia Municipal Code Pertaining to the

Review of Planning Commission Decisions by the City Council.

Track 8
GK/GC 3-2
Link/Landers
vote No
Item 10 –
approved

Public Hearing opened 8:55 p.m. Public Hearing comments: Bob Keenan and Mary Baety asked for clarification on the Ordinance. Sam Shaka and Vincent Salinas spoke in opposition to the Ordinance and Amy Shucklian spoke in favor of the Ordinance. Public Hearing closed 9:07 p.m.

Council had questions regarding the Ordinance which were addressed by staff. Council gave their reasons for either support or opposition to the Ordinance.

Convene jointly as the Redevelopment Agency and the Visalia City Council

Track 9
GC/DL 5-0
Item 11 -
approved

- 11. Adopt a Resolution authorizing the sale of 1631 N. Encina to Habitat for Humanity for \$200,000 and hold a Public Hearing in compliance with Health and Safety Code 33433. **RDA Resolution 2007-01 required.**

Public Hearing – no comments received.

- Adjourn as the Redevelopment Agency and remain seated as the Visalia City Council

- 12. **Authorization to implement emergency work program to assist individuals affected by the Freeze**

Track 10
DL/GK 5-0
Item 12 Approved

Mayor Gamboa proposed a work program to employ approximately 25 people for three months at \$8.00 per hour at a cost of approximately \$90,000.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - None

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - None

Upcoming Council Meetings

Monday, February 5, 2007 - City Hall Council Chambers
Monday, February 12, 2007 – Tentative Joint Council/Planning Commission (TBD)
Tuesday, February 20, 2007 – City Hall Council Chambers
Saturday, February 24, 2007- Joint City Council/Planning Commission
(Convention Center)

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

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scheduled meeting time to request signing services.