

Visalia City Council Action Agenda

For the regular meeting of: Monday, April 2, 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.

Introduction

SWEARING IN OF NEW POLICE OFFICERS

INTRODUCTION OF NEW EMPLOYEES

Paul Bernal, Associate Planner, will be introduced by Mike Olmos, Assistant City Manager. Gamaliel Anguiano, Transit Analyst, will be introduced by Monty Cox, Transit Supervisor.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items -

Item 1
GK/DL
5 - 0
Approved

1. Tulare County General Plan Update

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| Assistant City Manager Mike Olmos presented item and provided information for Council's review and direction. Mayor Gamboa opened item for public comment; Tulare County Citizen for Responsible Growth representatives believe that the TC General Plan lack specifics and does not support it. Tulare County Chief Planner Theresa Szymanis was available for clarification of issues. Approved as recommended. |
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Item 2
BL/DL
5-0
Approved

2. Youth Transportation System

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| Police Chief Bob Carden updated the Council regarding the transit services that are proposed for the new "Youth Transportation System." Stated to begin before the end of the school year. Chief Carden will update Council the beginning of 2008. Questions and comments by Council were addressed by staff. Approved as recommended. |
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** 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

Adjourned to
Closed
Session

CLOSED SESSION

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

3. Conference with Real Property Negotiators (G.C. §54956.8)
 Property: Approximately 122 acres bounded generally by Walnut on the north, Shirk on the East, Caldwell on the South and Aviation Drive on the west: APN: 119-021-007,008,010,016, & 018
 Under Negotiation: Price, terms and conditions of potential purchase and lease
 Negotiating Parties: Steve Salomon, Mario Cifuentez, Eric Frost, Colleen Carlson, Clarence Faria

4. Conference with Real Property Negotiators (G.C. §54956.8.)
 Property: 701 E. Race (APN: 094-100-022); 700 E. Murray (APN: 094-250-020); 1401 E. Goshen (APN: 098-142-055); 1325 S. Lovers Lane (APN: 100-190-065); and 1337 S. Lovers Lane (APN: 100-190-064)
 Under Negotiation: Price, terms and conditions for potential purchase or exchange
 Negotiating Parties: Steve Salomon, Michael Olmos, Colleen Carlson, Imperial Group

5. Conference with Labor Negotiators (54957.6a)
 Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila
 Employee organization: Group A, E and unrepresented

6. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case

7. Conference with Real Property Negotiators (G.C. §54956.8.)
 Property: APN: 085-010-096 – Vacant land Parcel located on South side of Hillsdale Drive at Tommy Street
 Under Negotiation: Price, terms, and conditions of potential purchase
 Negotiating Parties: Steve Salomon, Michael Olmos, Mangano Homes, Inc.

Reconvene to
 Regular
 Session

REGULAR SESSION
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Alden Laird, Visalia Evangelical Free Church

SPECIAL PRESENTATIONS/RECOGNITION

Citizen
 Request

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.

Motion to
 add an

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| Robert Perez with UFW Foundation gave an update on the state wide efforts regarding SB524 |
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emergency
agenda item
GK/GC
5-0
Approved

and asked for Council's support with an emergency letter to be sent to the Majority Leader. Copies of signatures that support the SB524 were given to Council. Also copies of SB524 were handed out. A motion was requested to place this item on the agenda - GK/GC 5-0 motion passed. Mayor Gamboa placed this request on the agenda as an emergency agenda item. Questions and comments were answered by Mr. Perez. Approved.

Emergency
Agenda Item:
Letter of
support on
SB524.
GC/GK
4 -1
Landers - No
Approved

Amy Shuklain, Valley Oak SPCA President, invited Council to Saturday, April 14th at the 16th Annual Dog Walk-a-thon.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

- 8. 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.

Item 8e, 8f, 8i, and 8j pulled by Councilmember Landers for discussion.

Balance of
Consent
Calendar
DL/GK
5 -0
Approved

- a) Authorization to read ordinances by title only.
- b) Receive Planning Commission Action Agenda for the meeting of March 26, 2007.
- c) Approval of Resolutions relating to the regular municipal election to be held on Tuesday, November 6, 2007. **Resolution No. 2007-29** requesting and consenting to consolidation of elections and setting specifications of the election order; **Resolution No. 2007-30** requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific services to the City of Visalia.
- d) Authorization for the City Manager to sign a contract with the Harlan Hutson Productions for \$10,000 to produce a specific cultural arts event in the Fall of 2007.
- e) Action items from the 2006/07 Mid-year Financial Report presented at the Council Work Session on March 19, 2007.

Item 8e
DL/BL
5-0 Approved

Mayor Gamboa inquired about Community Relations position. Also, Mayor Gamboa would like staff to look at the fees the City charges on the next budget cycle. Councilmember Collins request that GIS would included census and demographics into the maps. Questions and comments were addressed by Gus Aiello, Finance Manager

Item 8f
DL/GK
5-0 Approved
as Amended

- f) Authorize staff to execute a State of California contract (Calnet II) for wireless services (Master Contract #1S-05-58-02) with Verizon Wireless. Authorize staff to utilize Verizon Wireless for mobile data services for those services outside of the state agreement.

Councilmember Landers asked to take out the lift stations expense and request removal of the 55 lift stations expense. Mike Allen, Information Services Manager agreed and item was approved as amended.

- g) Adopt the City's Oak Tree Mitigation Policy and Establish a Financial Assistance Program. **Resolution No, 2007-31 required.**
- h) Award a contract for the Woodland Street - Street and Signal Improvements Project to A-C Electric Corporation in the amount of \$455,177.00; Project No. 1611-9769 and 1241-9751.

Item 8i
GC/GK
3-2
Landers - No
Gamboa - No
Approved

- i) Second Reading of Ordinance No. 2007-05 relating to Towing, Storage, Poststorage Hearing, and Resolution establishing the Current Fee Schedule. **Resolution 2007-32** required.

Councilmember Landers does not support the fee regarding towing. Chief Carden and Chuck Hindenberg from PD addressed questions.

Item 8j
GK/BL
4-1
Landers - No
Approved

- j) Authorization to award the contract for the construction of the food vendor space located at the Transit Center to Gary Interrante Construction in the amount of \$93,291.48

Councilmember Landers questioned charges related to this item. Monty Cox, Transit Manager answered questions posed by Council.

- k) Authorization to award the bid purchase a replacement 10-yard dump truck for Streets division to the Fresno Truck Center for \$109,921.
- l) Authorization for grant application submittal to the California Department of Housing and Community Development (HCD), by the passage of Proposition IC, the Housing and Emergency Shelter Trust Fund Act of 2006 for funding within the CalHOME Programs (First Time Homebuyer Mortgage Assistance) in the amount of \$600,000. **Resolution No. 2007-33 required.**

Authorization to file Notice of Completion on the following:

- m) Project No. 4511-00000-720000-0-9409 for the new operations and maintenance facility and bus wash located at 525 N. Cain Street.
- n) Rancho Santa Fe Estates Phase No. 2 , containing 70 lots located southeast of Santa Fe and Monte Vista Ave
- o) The Villas at Bella Sera, containing 150 single family lots, located at the Northeast corner of Akers Street and Goshen Avenue.

Item 9
GK/DL
5-0
Approved

9. **Public Hearing** to consider reinstating the full 2001 pre-suspension building permit fees and increasing those fees by 16%, in accordance with the CPI over the past five year period (equating to a total increase of 37% over the current fees). **Resolution 2007-34 required.**

Finance Manager Gus Aiello presented item to Council. Mayor Gamboa opened the Public Hearing: Bob Keenan, President/CEO for Home Builders Association thanked staff for their assistance during the review of the fees that were presented. Public Hearing Closed.

Item 10
A & B
GK/DL
4-1
Gamboa - No
Approved as
Amended
(without
prejudice)

10. **Public Hearing:** *(continued from 3/19/07 at applicant's request)*
(Recommend motion to continue if Council chooses to approve the GPA, Change of Zone and overturn the appeal.)

a. General Plan Amendment No. 2006-11: A request by RHL Design Group to change the General Plan land use designation from RLD (Residential Low Density) to Shopping Office Center and RMD (Residential Medium Density) on 4.08 acres. The project site is located on the southwest corner of Demaree Street and Houston Avenue (APNs: 077-090-019, 077-660-019, 003);

b. Change of Zone No. 2006-10: A request by RHL Design Group to change the Zoning designation from R-1-6 (Single-family Residential - 6,000 sq. ft. minimum) to P-C-SO (Planned Shopping/Office Commercial) and R-M-2 (Multi-family Residential - 3,000 sq. ft.

Item 10 c
 GK/DL
 4-1
 Gamboa - No
 Approved as
 Amended
 (without
 prejudice)

minimum) on 4.08 acres. The project site is located on the southwest corner of Demaree Street and Houston Avenue (APNs: 077-090-019, 077-660-019, 003); **Resolution No. 2007- 25 required for a and b.**

c. Consider an Appeal of the Planning Commission’s Denial of Conditional Use Permit No. 2006-62: A request by RHL Design Group to allow a Planned Unit Development including a 17,272 sq.ft. retail building with general retail sales and drive-thru pharmacy, and a 32-unit apartment complex on 4.08 acres. The project site is located on the southwest corner of Demaree Street and Houston Avenue (APNs: 077-090-019, 077-660-019, 003) **Resolution No. 2007- 26 required.**

d. Adoption of Mitigated Negative Declaration 2006-109: For GPA 2006-11, C of Z 2006-10, and CUP 2006-62. Resolution required only if any one of the three project components are approved by the City Council.

Planner Paul Scheibel presents item and responds to Council’s questions and concerns. Open Public Hearing: Jim Halferty - Halferty Development Company (Rite Aid’s developer) opposed staff recommendation. Grace Bow - Project Manager of Halferty Development presented a PowerPoint of the project. Dirk Poeschel a planning consultant for Halferty Dev. Reviewed the traffic concerns on this project and believes it would not hinder the flow of traffic with the design presented. Public Works Director Andrew Benelli responds to Council’s questions regarding the width of the street, flow of traffic, and several miscellaneous issues. Community Development Assistant Director Fred Brusuelas request clarification and support from Council the City’s position upholding the direction of the Master Plan. Resolutions were approved as amended without prejudice.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Settled case: Colello v City of Visalia (TCSC No. 05-214324) for the amount of \$195,000.

| Buyer | Seller | APN | Address | Closing Date | Reason for purchase |
|-----------------|-------------------|---------------------------------|--|---------------------|---|
| City of Visalia | McMillan Meadows | 077-540-026 & 077-550-070 | Lot C of Foxwood Estates # 5 and Remainder 2 parcel of Eagle Creek No. 1 | 1/30/07 | Foxwood Park |
| City of Visalia | Eagle Meadows LLC | Portions of APN 098-050-063,065 | 6.6 ac at N/W corner Goshen and the future Virmargo St. | 3/24/07 | Park/Storm Basin Authorized by Council 1/8/07 |
| City of Visalia | CalTrans | 094-100-022 094-250-020 | 700 E. Race 701 E. Murray | 3/30/07 | Street improvements, housing, public parking, recreational uses |