

Visalia City Council Action Agenda

For the regular meeting of: Monday, June 18, 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)

4:00 p.m.

Public Comment on Work Session Items -

Track 1

1. Presentation of the Economic Development Report by Paul Saldana, Tulare County Economic Development Department.

Paul Saldana gave presentation and answered questions from Council regarding unemployment data and marketing efforts for tourism. Councilmember Kirkpatrick asked that the Council be kept informed regarding efforts to expand tourism as the Council works to beef-up tourism markets through the Visitors and Convention Bureau.

Convene jointly as City Council and Visalia Parks and Recreation Commission

Track 2
GK/GC 5-0
Approved - include additional design work for additional park facility

2. Review of proposed Schematic Plan and estimated costs for Phase II of the Visalia Riverway Sports Park.

Council convened with the Visalia Parks and Recreation Commission. Commissioners Bill Dillberg, Amy Shuklian, Tom Link, Lesa Mann, and alternate Russ Desch were present at the meeting. Steve Canada and Keith Wilson from the HLA Group presented revisions to the Master Plan for the Visalia Riverway Sports Park. Council had questions regarding signage, seating, BMX and soccer lighting.

Adjourn as Joint City Council and Visalia Parks and Recreation Commission and remain seated as Visalia City Council

Track 3
DL/GK 5-0
Approved as recommended

3. Authorize the Citizens Advisory Committee recommendation for funding of nonprofits. Pension Obligation Bonds

Cass Cook asked Council to authorize the funding of nonprofits as recommended by the CAC. Phil Mirwald and Donna Orosco from the CAC subcommittee were present. The following persons spoke to Council regarding the funding: Arturo Alafa, Northside Boxing Club; Buddy Jones, Boys/Girls Cub; Leslie Gardner, Happy Trails Riding Academy; Bob Ludekens, Boy Scouts; Randy Foster, Miracle League; John Aguirre, Arts Visalia; Angele Reyna, Imagine U; Tim Foster, YMCA; Brad Maaske, Boys/Girls Club; Jill Maze, Family Services Tulare

Children's Counseling Center; Lori Isham, Pro Youth and the Heart.

Mayor Gamboa thanked the non-profits for applying and said the City's investment to fund at-risk youth has grown from \$50,000 to \$167,000 with an additional \$100,000 in funding for the LOOP youth transportation system.

4. *Item removed at the request of staff*
5. *Item removed at the request of staff*

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 and order of the agenda may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.

ITEMS OF INTEREST

CLOSED SESSION

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

6. Conference with Labor Negotiators (G.C. §54957.6a)
Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila
Employee organization: Bargaining units Groups B, G, M
7. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): one potential case

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Michael Sheltzer, Congregation B'nai David

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. 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.

None

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Collins asked that item #8h and #8k be pulled from consent calendar and considered separately. Council Member Landers asked to remove item #8f from the consent calendar and consider separately.

GK/DL 5-0
Balance of
Consent
Calendar

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.

- a) Authorization to read ordinances by title only.
- b) Receive Planning Commission Action Agenda for the meeting of June 11, 2007.
- c) Execution of EIA Joint Powers Agreement and EIA Health Program Memorandum of Understanding.
- d) Approval of amended Construction and Demolition Permit Fee **Resolution 2007-48**.
- e) Introduction of Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.

Item #8f
Approved
GK/BL 4-0-1
Landers -
Abstain

f) Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.

g) *Item removed at the request of staff*

Item #8h
Approved
DL/BL 5-0

h) Notice of Completion for Fieldstone Oaks, containing 347 single family lots, located at the Northwest corner of Houston Avenue and County Center Street.

Council Member Collins had questions regarding street improvements and the opportunity to integrate a pocket park. Andy Benelli answered questions regarding street improvements to be completed this summer

i) Notice of Completion for the 28,316 square foot 1631 N. Encina St, a development with four residential lots (1627, 1629, 1633 Hicks Street and 1636 Harold Avenue) and access Parcel A, that was developed for purchase by Habitat for Humanity, for affordable housing for very low-income families.

j) Authorization to oppose Senate Bill 240 (Florez) and SB 719 (Machado).

Item #8k
Approved
a) BL/DL 5-0
b) BL/DL 5-0
c) BL/DL 4-1
Collins No

k) Authorization for the City Manager to enter into professional service agreements with the following firms for the Recreation Park Stadium Expansion and Reconstruction Project: a) Fehlman LaBarre, for architectural services, in the amount of \$568,613; b) Provost & Pritchard, for civil engineering services, in the amount of \$79,600; c) B.J. Perch, for construction management services, in the amount of \$541,400.

Council Member Collins questioned the need for a construction management service to oversee the project and felt that the architect and staff could be responsible for these services. Carol Cairns responded to concerns.

Convene jointly as Visalia City Council and Redevelopment Agency Board

Track 6
Item #9
Approved
GK/BL 5-0

Consent Calendar

- 9. Resolution authorizing the site lease and lease back of the police precincts properties between the City of Visalia and the Redevelopment Agency (RDA) for the purpose of collateral for the new Mooney RDA bank loan. **Resolution 2007-54 and RDA Resolution 2007-02 required.**

Adjourn as Joint City Council and Redevelopment Agency Board and remain seated as Visalia City Council.

Track 7
Item #10
DL/BL 5-0
Uphold
Planning
Commission
decision -
Appeal
denied

- 10. *Continued from 6/4/07* **PUBLIC HEARING** An appeal by Cary S. Winslow (an interested person) of the Planning Commission's denial of the Appeal of the Site Plan Review Committee's approval of SPR 2006-162, a tenant improvement for a new market & meat shop in a 5,500 sq.ft. building on a 13,285 sq.ft. site in the P-C-DT (Planned Central Business District Retail) zone. The site is located at 118 NE 3rd Street [SPR Applicant: Munoz & Associates, Oscar Ramirez (Property Owner)] APN: 094-034-013. **Resolution 2007-46 required.**

Paul Scheibel informed Council that the property owners have not come to a mutual agreement. The public hearing was opened at 7:40 p.m. The following persons spoke in regards to the appeal: David Mathias, 225 W. Oak, attorney for Mr. Winslow (appellant); Ben Owens representing the applicant Mr. Ramirez; Cary Winslow appellant; Christina Perez, applicant. The public hearing was closed at 8:10 p.m.

Track 8
Item #11A
DL/BL 5-0
as originally
submitted

- 11. A) Adoption of Mitigated Negative Declaration No. 2007-034. **Resolution No. 2007-51 required.**

B) **PUBLIC HEARING** for adoption of Specific Plan No. 2007-02: A request to adopt the Orchard Walk Specific Plan. The specific plan considers on and off-site improvements associated with the development of a 56-acre mixed-use Community Center development in compliance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan. This is a request by Donahue Schriber, property owner. The site is located generally on the north side of Riggin Avenue between Conyer and Santa Fe Streets in the City of Visalia, County of Tulare. APNs: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, and 019[portion]. **Resolution No. 2007-52 required.**

DL/BL 5-0
Item #11B
Approve
Specific Plan
2007-02

Brandon Smith presented the item and distributed two late correspondences in relation to the project: #1) revised resolutions pertaining to the adoption of the Orchard Walk Specific Plan and the mitigated negative declaration; #2) requesting substitution of noise-related mitigation measures for the Home Depot building.

The public hearing was opened at 8:37 p.m. The following persons spoke in regards to the project: Mike Leberman, representing Donahue Schriber; Steve Peck, Quad Knopf, Scott Mommer, Mommer Consulting. Scott Mommer distributed graphics for a revised "Home Depot" building sign and a revised noise study to the Council. The public hearing was closed at 9:00 p.m.

Council Member Kirkpatrick had concerns regarding transit related issues and said the project needs to serve pedestrians and have transit stops to integrate it with the Sports Park. Council discussed noise from fork lifts during sleeping hours and the design of streetscape along Riggin and Dinuba.

Motion DL/BL 5-0 to certify the Mitigated Negative Declaration No. 2007-34 with mitigation

as originally submitted by adoption of revised Resolution No. 2007-51.

Motion DL/BL 5-0 to adopt Specific Plan 2007-02 by adoption of revised Resolution No. 2007-52, incorporating the revisions as recommended by the Planning Commission and to include approval with regard to the monument signs proposed by Donahue Schriber and building signs proposed by Scott Mommer.

Motion GK to amend the above motion to include that the applicant work with staff to develop a transit plan for delivery of people to/from the Sports Park. Motion died for lack of second."

Track 9
Item #12
GC/DL 5-0
Approved
Resolution as
amended

12. **PUBLIC HEARING** An Appeal of the Planning Commission's approval of Tentative Parcel Map No. 2006-01, a request by Neil Zerlang (Engineer) and Wayne Scott (property owner) to divide a 0.55 acre parcel into three new multiple family residential lots. The site is located at 523 E. Cypress Ave. APN: 097-101-001. **(Resolution No. 2007-55 required)**

Paul Bernal presented the appeal and staff recommendations to Council. The public hearing was opened at 10:20. The following persons spoke regarding the appeal: Wayne Scott, 1903 N. Madera Court; Steve Duery, 219 N. Ranch.

Council Member Collins spoke about the improvements that need to be made to the property and the City's Good Neighbor Policy.

GC/DL 5-0 to deny the appeal and uphold the Planning Commission's approval of Tentative Parcel Map No, 2006-01 and adopt amended Resolution 2007-55 to include a provision that the owner(s) shall comply with the Good Neighbor Policies and shall upgrade the site which includes repairing all fencing, painting all buildings and structures and install landscaping and irrigation prior to the recordation of the final parcel map.

Track 10
Item #13
Approved
BL/GK 4-1
Landers-No

13. **PUBLIC HEARING** An Appeal of the Planning Commission's approval of Tentative Parcel Map No. 2007-04, a request by Visalia Development Holdings Ltd. (property owner) to divide 17.4 acres into four parcels in the P-C-N (Planned Neighborhood Commercial) zone. The site is located the east side of N. Demaree St. between W. Goshen and W. Houston Avenues. APN: 089-030-035

Paul Bernal presented the appeal. The public hearing was opened at 10:50. The following persons spoke in regards to the appeal: John Vitivich, and Fred Scott, 1009 N. Demaree. The public hearing was closed at 11:00 p.m.

Council Member expressed his views that this property presents a unique opportunity to develop something special, but it needs to be pedestrian friendly. Council discussed points of ingress/egress. Council Member Landers said he cannot support the project due to the break at Demaree because of traffic concerns.

Track 11
Item #14
Approved
GK/DL 5-0

14. **A) PUBLIC HEARING** General Plan Amendment No. 2007-06. A request by the City of Visalia to change the Land Use Designation from Service Commercial to Shopping / Office Commercial for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. **Resolution 2007-53 required.**

B) Change of Zone No. 2007-05 . A request by the City of Visalia to change the zoning from C-S (Service Commercial) to C-SO (Shopping / Office Commercial) for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. First reading of **Ordinance No. 2007-11.**

Paul Bernal presented the staff report. The public hearing was opened at 11:20. There were no public comments and the public hearing was closed at 11:21.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, June 25, 2007, Convention Center

Tuesday, June 26 2007, Convention Center - Strategic Planning - 4:00 p.m.

Wednesday, June 27, 2007 - Convention Center - Strategic Planning - 4:00 p.m.

Monday, July 16, 2007 - City Council Chambers, 707 W. Acequia

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.

Submitted by Donjia Huffmon, Chief Deputy City Clerk