

Visalia City Council Action Agenda

For the regular meeting of: Monday, August 21, 2006

Location: City Hall Council Chambers

Mayor: Jesus J. Gamboa
Vice Mayor: Greg Kirkpatrick
Council Member: Greg Collins
Council Member: Donald K. Landers - absent
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.

Introductions -

Battalion Fire Chief Charlie Norman presents the new Visalia Fire Department 2006 Pierce Fire Engine.

Public Comment on Work Session Items -

Item 1
Track 1
No Action
Taken

1. Presentation by Vice Mayor Greg Kirkpatrick regarding Ag Easements acquired in the Yolo/Solano County Area. (*Advance written material not available for this item, but may be made available before or at the meeting.*)

Vice Mayor Greg Kirkpatrick provided an overview of the Ag Easements with a PowerPoint presentation. Questions and comments were addressed by Vice Mayor Greg Kirkpatrick. No action taken. No Action Taken.

Item 2 Track 2
No Action
Taken

2. Item removed from Agenda.

Mayor Gamboa opened this removed item up for comment. Bob Keenan expressed concern regarding deadline of enforcement of the signage. Amy Shuklian would like the Council to keep the deadline. Assistant City Manager Mike Olmos and Assistant Community Development Director Fred Brusuelas addressed questions and concerns. No Action Taken.

Item 3
Track 3
GK/BL 4-0
Approved
Landers
absent

3. Update on the City's Tentative Wastewater Discharge Permit issued by the Regional Water Quality Control Board.

Public Works Manager Jim Ross provides a PowerPoint slide presentation outlining the City's Tentative Discharge System. Council's questions and comments were addressed. Approved staff recommendation.

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

Adjourn to
Closed
Session

ITEMS OF INTEREST

CLOSED SESSION

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

4. Item removed from Agenda.
5. Conference with Legal Counsel – Existing Litigation (2)
(Subdivision (a) of Section 54956.9 GC)
Name of case: Colello v City of Visalia (TCSC No. 05-214324)
Name of case: City of Visalia v Harrah et al. (TCSC No. 04-210016)
Name of case: Pinto v City of Visalia (TCSC No. 04-102897)
6. Conference with Legal Counsel – Anticipated Litigation (2)
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
7. 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
8. Item removed from Agenda.
9. Conference with Real Property Negotiators
Property: southeast corner of Noble Avenue and Roeben Street; APN: 087-450-001 through 005
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Alex Peltzer, Andrew Benelli, Brandon Smith, Quad Knopf, Agent
10. Conference with Real Property Negotiators
Property: 5903 W. Noble; APN: 087-450-005
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, Craig Mangano for James B. & Meda M. Billys
11. Item removed from Agenda.
12. Conference with Real Property Negotiators
Property: 7821 W. Sunnyview Avenue
Under Negotiation: Price, terms conditions of abandonment of interest in real property
Negotiators: Steve Salomon, Alex Peltzer, Andrew Benelli, Pete Sherwood for Frank Golden
13. Item removed from Agenda.

Reconvene to
Regular
Session
Track 4

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Ray Dreilling, St. Mary’s Catholic Church

SPECIAL PRESENTATIONS/RECOGNITION

Recognition of the 2006 Cal Ripken 10 year-old Visalia Youth Baseball Team National

Champions.

Musical presentation by Visalia Teen Idol Winner - Desirae Olvera-Smith.

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.

Dean Mann addresses Council with concerns regarding "Global Warming".

Track 4
Balance of
Consent
Calendar
Approved
GK/BL 4-0
Landers
absent

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Greg Collins pulls Item 14i (1) and Item 14m for questions.

14. 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) Council Authorization to Send Letters Opposing AB 3026 (Lieber) Workers Compensation: Public Safety Employees to Governor Schwarzenegger and the Appropriate Legislators.
- c) Authorization for The City Manager to enter into a Memorandum of Understanding between The City of Visalia and The County of Tulare for the exchange of personnel to sit as a Hearing Officer during Code Enforcement Administrative Hearings.
- d) Adoption of **Resolution 2006-72**, declaring intent to abandon a portion of the west side of Vista St., between Meadow Avenue and Noble Avenue.
- e) Request authorization to grant utility easements to Southern California Edison for the City owned land at 222 W. Acequia, Visalia. This is the site of the West Acequia Parking Structure.
- f) Adoption of **Resolution 2006-73** in support of the Plaza Drive and Road 80 Mitigated Negative Declaration for the portion of Road 80 within the Visalia Urban Area Boundary.
- g) Authorization to execute Amendment to Agreement between the City of Visalia and Visalia Unified School District regarding collection Visalia Unified School District School Facilities fees.
- h) Authorize the Recordation of the Final Map for Silver Oaks Unit #3 (85 lots) located at the Southwest corner of Demaree Street and Ferguson Ave.(APN'S: 077-570-022, 077-590-010)
- i) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of the final map(s)* related thereto (if applicable):

Item 14i (1)
Track 6
BL/GK 3-1
Approved
Collins-No
Landers
absent

1. Authorize the Recordation of the Final Map for Sequoia Crossing, located 660' south of Caldwell Avenue along Akers Street (86 lots) and the Formation of Landscape and Lighting District No. 06-06, Sequoia Crossing; **Resolution 2006-74 and 2006-75 required.** APN: 119-070-072

Councilmember Greg Collins pulls item for questions. Public Works Director Andrew Benelli addresses Councilmember Collins' concerns. Approved 3-1 Councilmember Collins voting no and Councilmember Landers absent.

j) Authorization to file a Notice of Completion for the following:

1. Parcel Map 2003-14, located at the northwest and southwest corner of Shirk Road and Pershing Avenue.

k) **Second Reading of the following Ordinance(s):**

1. **Ordinance 2006-07** An Amendment to Zoning Ordinance Section No. 17.10.110, 17.12.110, 17.16.100, to increase the maximum building height to 35 feet in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential) zones.

l) Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for server software based on the Riverside County Enterprise Agreement 01E62044, a competitively bid, cooperative agreement at an annual cost of \$25,500 for five years. Compucom will be designated as the reseller for this agreement.

m) Ratification of Planning Commission Action Amending the Zoning Matrix - **Resolution 2006-76** for Text Amendment No. 2005-15 b; Amending the Zoning Matrix, Zoning Ordinances Section 17.18.050, to add Hardware Stores with Outdoor Lumberyards as a "Conditional" use in the CSO (Commercial Shopping Office), and CCM (Community Commercial) zones, and; to add Hardware Stores up to 50,000 square feet as a "Conditional" use in the CSO (Commercial Shopping Office), CCM (Community Commercial) and CS (Service Commercial) zones, and; to amend the language on Matrix Lines 695 through 699 to clarify the Hardware Stores categories.

Councilmember Greg Collins pulls item for questions. Assistant City Attorney Ken Richardson addresses Councilmember Collins' concerns. Approved

n) Authorize City Manager to execute Amendment of Supplemental Waiver of Fees Agreement with Cigna.

Item 14m
Track 7
BL/GK 4-0
Landers
absent
Approved

15. REGULAR ITEM - Citizen's Advisory Committee 2005 Public Opinion Survey (survey for January 1 through December 31, 2005).

Finance Manager Gus Aiello introduces Public Opinion Survey Committee Chairperson Tim Foster and Citizen Advisory Committee Chairperson Georgina Espino who updated the Council regarding the 2005 Public Opinion Survey and future plans. Questions and comments were noted and addressed by Mr. Foster. No Action Taken.

Item 15
Track 8
No Action
Taken

16. PUBLIC HEARING -

- a. Request for Certification of the Draft Environmental Impact Report, prepared for the Elliott and Vander Weerd properties. The project area for the EIR is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue. State Clearinghouse No. 2004061090.

Item 16a
Track 9 No
Action Taken
Since Project
Denied

Item 16b
Track 9
GC/GK 4-0
Approved
Landers
Absent
Item 16c
Track 10
GC/GK 4-0
Approved
Landers
absent

- b. Initiation of Proceedings for Annexation No. 2003-08 (Elliott East): A request to annex approximately 80 acres into the City of Visalia. **Resolution 2006-77 required. (A separate Motion by the Council is required.)**
- c. General Plan Amendment No. 2003-20: A request to change the General Plan land use designation from Agriculture to Low Density Residential on 80 acres. **Resolution 2006-78 required. (A separate Motion by the Council is required.)**

This project is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue in the City of Visalia (APN: 087-010-005, 006, 008) Centex Homes, applicant. Quad Knopf, agent.

Mike Knopf representing Centex Homes and Maggie Elliott comments about this item and thanks the Councilmembers for bringing back this item to Council. Leah Thomas comments regarding traffic and safety issues. David Anderson comments ask Council to hold to the Master Plan and other issues. Edward Smith comments on his concerns regarding traffic problems and other issues. Stephen Peck Quad Knopf consultant comments on EIR. Councilmember questions and concerns were noted and addressed by City staff.

This regular meeting will be adjourned to Monday, August 28, 2006, 4 p.m., at the Visalia Convention Center for the following item(s) - Motion Required:

Item 17
Track 11
Motion to
Adjourn this
item to
8/28/05
meeting.
GK/GC 4-0
Approved
Landers
absent

- 17. 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.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION:

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS:

None.

SUBMITTED: Susie Alter, Executive Assistant and Leslie Caviglia, Deputy City Clerk

Adjourn