

# Visalia City Council Action Agenda

(Corrected as to Item 11j (item has not been removed from agenda as noted; and Item 11c should read Ordinance 2005-10, not 2005-19)

For the regular meeting of: Monday, July 18, 2005

Location: City Hall Council Chambers

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

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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.

Track 1

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## Employee Introductions:

Community Development/Public Works Director Michael Olmos introduces ~~Peter Spiro, Assistant Engineer and~~ Rebecca Mustin, Support Services Assistant.

## WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Track 2

1. Presentation by Bill DeLain of Southern California Edison.
2. PUBLIC HEARING (continued from 6/13/05) – **Introduction of Ordinance 2005-09** Adoption of Chapter 16.54 of the Municipal Code regarding Groundwater Overdraft Mitigation. The proposed ordinance establishes fees on new development and exiting pumping for municipal water supplies to implement programs to mitigate groundwater overdraft.

Track 3  
GK/JG 5-0  
Approved

Presentation made by City Attorney Dan Dooley. Public Hearing Opened; Rob Gazetta, California Water Services comments on proposed groundwater ordinance; Public Hearing Closed. Questions & comments by Council. Approved.
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3. Review and appropriate action on the remaining 2005/06 Budget items:
  - a) Review of Non-profit operations for continued funding
  - b) Seven Oaks Bark Park
  - c) Fox Theater Request
  - d) Review of Valley Oaks Golf Course Operations

Track 4

Discussion was held on Item 3a Council approved 4% COLA for all groups JG/DL 5-0. Discussion was held on Item 3b Council directed Park & Recreation Foundation & FIDO to determine funding for lighting. Discussion was held on Item 3c Council approved funding with a caveat that the clock takes priority in repairs JG/GK 5-0. Discussion was held on Item 3d Council approved as recommended DL/GK 4-1 (BL-no.)
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Track 5  
GK/DL 5-0  
Approved.

4. Progress Report and Discussion regarding Tulare County General Plan Update.

Community Development/Public Works Director Michael Olmos provides a summary of the item to Council and address their questions and comments.

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

**ITEMS OF INTEREST**

Adjourn to  
Closed  
Session

**CLOSED SESSION**

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

- 5. Conference with Labor Negotiator  
Employee Groups: Group M  
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila
- 6. Conference with Real Property Negotiators  
Property: located north of Goshen Avenue and west of Roeben Street, portion of APNs 077-100-034 and 077-100-019  
Under Negotiation: price, terms, conditions of purchase for storm drain acquisition  
Negotiators: Steve Salomon, Michael Olmos, David Jacobs, Fred Machado  
Pursuant to subdivision (b) of Section 54956.9 G.C.
- 7. Conference with Legal Counsel - Anticipated Litigation (2)  
(Subdivision (b) of Gov. Code Section 54956.9)
- 8. Conference with Legal Counsel - Existing Litigation (2)  
(Subdivision (a) of Gov. Code Section 54956.9)  
Name of Case: City of Visalia v Harrah, et. al., TCSC No. 04-210016  
Name of Case: Derouin v. City of Visalia, TCSC Case No. 04-211650
- 9. Public Employee Performance Evaluations  
Title: City Manager
- 10. Public Employment  
Title: Chief of Police

Item 6  
Continued to  
the Special  
Meeting Date  
of July 25,  
2005, at the  
Visalia  
Convention  
Center

Track 6 & 7

**REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - Brian Malison, Christ Lutheran Church

Reconvene to  
Regular  
Session

**SPECIAL PRESENTATIONS/RECOGNITION**

Resolution of Commendation to Fire Inspector Vorisia Henderson.

Presentation Donation to the Visalia Parks and Recreation Foundation for Visalia Riverway Sports Park from American Youth Soccer Organization (AYSO).

**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 8

Mike Highland – Visalia Youth Softball Association addresses Council regarding support for team to Nationals.

Track 9  
Balance of  
Consent  
Calendar  
Approved  
DL/WD 5-0

**CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

Items 11d(1) & 11j pulled by Councilmember Kirkpatrick. Item 11f(1) pulled by Mayor Link.

11. 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) Approval of a contract for \$279,000 with the Visalia Chamber of Commerce to manage the City’s Visitor and Convention Bureau through June 30, 2006.
- c) **Introduction of the following Ordinance(s):**
  - 1. **Ordinance 2005-10** granting an access easement over property located along the south fork of Mill Creek east of Shirk Street. APN 085-600-043.
- d) **Second Reading of the following Ordinance(s):**
  - 1. **Ordinance 2005-08** Change of Zone No. 2005-06 is a request by Mangano Homes to change the zoning from QP (Quasi Public) to R-1-6 (Single-family Residential) on 19 acres, located on the southeast corner of Demaree Street and Ferguson Avenue (APN: 089-020-020, 022).
- e) 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):
  - 1. Authorize the Recordation of the Final Map for West Park, Unit No. 1, located at the northeast corner of Akers Street and Visalia Parkway (153 lots) and the Formation of Landscape and Lighting District No. 05-15, West Park No. 1 & 2; **Resolution 2005-94 and 2005-95 required.**
  - 2. Authorize the Recordation of the Final Map for Ashley Grove No. 10, located at the southwest corner of Riggin Avenue and Mooney Blvd. (64 lots) and the Formation of Landscape and Lighting District No. 05-17, Ashley Grove No. 10-12; **Resolution 2005-96 and 2005-97 required.**

Track 10  
Item 11d(1)  
pulled by GK  
to change  
from his  
previous vote  
DL/WD 4-1  
Approved  
(GK-no)

Track 11  
Item 11f  
pulled by BL  
noted for the  
recorded  
Silver Oaks  
Unit #3  
removed  
from this  
approval  
GK/DL 5-0  
Approved

- f) Authorize the Recordation of the final map for the following:
1. Authorize the Recordation of the Final Maps for Silver Oaks Unit #2, (92 lots) and Silver Oaks Unit #3(85 lots) located Southwest corner of Demaree Street and Ferguson Ave.
  - g) Intention to Form Open Space District No. 89, Riverwood Subdivision (257 lots), located at the northeast corner of Mineral King Ave and McAuliff Street, APN: 103-130-039, setting August 1, 2005, as the date of protest hearing. **Resolution No. 2005-98 required.**
  - h) Authorization to enter into a contract with BJ Perch Construction, Inc. for Construction Manager at Risk services for the Northwest Fire Station and Training Facility.
  - i) Approve **Resolution Number 2005-99** authorizing MBIA to receive sales tax data from the State Board of Equalization in order to audit the City of Visalia District Tax (Measure T).
  - j) Request for sewer service to proposed residential subdivision to be located on the site now occupied by Sierra View Golf Course on the east side of Road 124 at Avenue 264 (Liberty Avenues.)
  - k) Selection of the urban design firm Moule & Polyzoides as the most qualified consultant for the preparation of a Southeast Area Master Plan, and authorize negotiation of a contract for services.

Track 12  
Item 11j  
pulled to  
included  
reimburse-  
ment of staff  
costs  
DL/WD 4-1  
(JG-No)  
Approved as  
Amended

12. Item removed from Agenda.

13. PUBLIC HEARING - on the proposed second amendment to the Community Development Block Grant and HOME Program FY 2004-05 Action Plan.

Item presented by Cass Cook, Finance. Public Hearing Opened; no speakers; Public Hearing Closed. Approved.

Track 13  
JG/DL 5-0  
Approved

14. PUBLIC HEARING -

- a) **General Plan Amendment No. 2005-04** is a request by the Visalia Cemetery District to change the general plan land use designations on approximately 2 acres from Low Density Residential, Medium Density Residential, High Density Residential and Shopping Office Commercial to Public Institutional. **Resolution 2005-100 required.**
- b) **Change of Zone No. 2005-03** is a request by the Visalia Cemetery District to change the zoning on approximately 2 acres from R-1-6 (single Family Residential), R-M-2 (Medium Density Residential), R-M-3 High Density Residential) and C-SO (Commercial Shopping Office) to QP (Quasi Public). **Introduction of Ordinance 2005-11 required.**
- c) Certify Negative Declaration No. 2005-08.

The Visalia Public Cemetery is located at 1300 West Goshen Avenue, with the proposed actions on these adjacent properties (APN 093-062-009, 093-073-006, 093-073-008, 093-073-009, 093-073-011, 093-073-012, 093-083-001, 093-083-002, 093-083-003, 093-083-003, 093-083-027, 093-083-031, 093-091-023, 093-091-024, 093-091-023, 093-091-002, 093-091-004, 093-091-006, 093-091-007, 093-102-020), Visalia Public Cemetery, applicant.

Questions & comments by Council addressed by Staff, Andy Chamberlain. Public Hearing Opened; Helen Guzman, Donna Shores address the Council; Public Hearing Closed. Approved.

Track 14  
GK/WD 5-0  
Approved

15. PUBLIC HEARING -

- a) **General Plan Amendment No. 2005-01** is a request by Mangano Homes to change the general plan land use designations on approximately 18.2 acres from Public Institutional to Low Density Residential; **Resolution No. 2005-101 required.**
- b) **Change of Zone No. 2005-02** is a request by Mangano Homes to change the zoning on approximately 18.2 acres from QP to R-1-6; **Introduction of Ordinance 2005-12 required.**
- c) Certify Negative Declaration No. 2005-24.

Track 15  
JG/GK 5-0  
Approved

The site is located on the southeast corner of Akers Street and Caldwell Avenue.

Questions & comments by Council addressed by Staff, Andy Chamberlain. Public Hearing Opened; Robert Dowds, addresses the Council; Public Hearing Closed. Approved.

16. PUBLIC HEARING - for the initiation of proceedings of Annexation No. 2004-17 (Linwood-Ferguson): a request by American, Inc. to annex 15 parcels and right-of-way totaling 57.90 acres into the City of Visalia. The project is located on the east side of Linwood Street between Riggin Avenue and Ferguson Avenue in the County of Tulare. (APN: 077-180-001 through 008; 077-190-001 through 004, 006, 009, 010). **Resolution 2005-102 required.**

Track 16

Questions & comments by Council addressed by Staff, Brandon Smith. Public Hearing Opened; Stewart Sorensen, Tony Peters, John Walter address the Council; Public Hearing NOT Closed and continued to Monday, July 25, 2005, for further input from staff & public comment.

17. PUBLIC HEARING - **Change of Zone No. 2005-07** is a request by Bill Morgan to change the zoning on 14 acres from R-1-6 (Low Density Residential) to R-1-4.5 (Low Density Residential), **Introduction of Ordinance 2005-13 required.**

Certify Negative Declaration No. 2005-08.

Track 17  
DL/JG 5-0  
Approved

The site is located on the east side of McAuliff Street approximately 200 feet south of Noble Avenue APN No. 101-060-008.

Questions & comments by Council addressed by Staff, Andy Chamberlain. Public Hearing Opened; Mike Lane addresses the Council; Public Hearing Closed. Approved.

18. PUBLIC HEARING -

- a) General Plan Amendment No. 2002-13 is a request by Bill Morgan to change the land use designation on approximately 11 acres from Light Industrial to Low Density Residential. The site is located on the north side of the railroad tracks north of K Road and east of Santa Fe Street (APN 123-080-009, 019 and 020). **Resolution 2005-103 required.**
- b) **Introduction of Ordinance 2005-14** for Change of Zone No. 2002-12 A request by Bill Morgan to change the zoning on approximately 11 acres from IL (Light Industrial) to R-1-6 (Single-Family Residential). The site is located on the north side of the railroad tracks north of K Road and east of Santa Fe Street (APN: 123-080-009, 019, 020)
- c) Certify Negative Declaration No. 2005-39.

Track 18  
Motion to  
Cont. to a  
date  
uncertain  
JG/GK 5-0  
Approved

The project site is located on the north side of the railroad tracks north of K road and east of Santa Fe Street (APN 123-080-019 and 020). Bill Morgan, applicant.

Questions & comments by Council addressed by Staff, Jason Pausma. Public Hearing Opened; Mike Lane addresses the Council; Public Hearing Closed. Motion to continue to a date uncertain. Approved.

19. PUBLIC HEARING -

- a) Certification of the Final 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. **Resolution No. 2005-104 required.**
- b) Initiation of Proceedings for Annexation No. 2003-08 (Elliott East): A request to annex approximately 80 acres into the City of Visalia. **Resolution No. 2005-105 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 2005-106 required.**

The projects are 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.

Track 18

Mayor Link at the beginning of the Agenda noted for the record that this Item would be continued to Monday, July 25, 2005, at 7 p.m.
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**NOTE: This meeting is continued for the following Items Only: Closed Session Item Number 6, and Public Hearing Item Number 16 and Number 19.**

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

None.
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**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

None.
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SUBMITTED: Roxanne Yoder, Chief Deputy City Clerk