

Visalia City Council Action Agenda

For the regular meeting of: Monday, October 3, 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

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.

Employee Introductions:

Track 1

Human Resources Manager Janice Avila introduces the Downtown Visalians & Alliance & Director Jan Minami.

Assistant Chief of Police Dennis Swiney introduces Dustin Thompson, Police Officer, Matt Doherty, Police Officer, Shane Logan, Police Officer, Krista Cline, Community Service Officer.

Community Development/Public Works Director Michael Olmos introduces Pam Shattuck, Office Assistant.

Assistant Community Development/Public Works Director Andrew Benelli introduces Steven Son, Associate Engineer.

Assistant Community Development/Public Works Director David Jacobs introduces Manuel Molina, Associate Engineer.

WORK SESSION AND ACTION ITEMS (as described)

Track 2

4:00 p.m.

JG/DL 5-0

1. Presentation by Bruce Race of Race Studios and members of the East Downtown Task Force regarding the East Downtown Strategic Plan and recommendation to accept as presented (Estimated time 1 ½ hours.)

Task Force members in attendance are introduced and provide a PowerPoint slide presentation providing an overview, strategies, actions & concepts for the plan. Questions & comments by Council. Approved.
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Track 3

2. Bruce Race, Race Studios provides an update on the Tulare County general plan and its implications for Visalia and for local businesses (Estimated time 15 minutes-time permitting.)
Written material may not be available for this item, but may be made available at or before the meeting.

Community Development Director Mike Olmos introduces item & Bruce Race of Race Studios who provides a brief PowerPoint slide presentation on Tulare County's General Plan Update. Questions & comments by Council. No action taken.

3. Item removed from agenda.

**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. Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Visalia v. Harrah, TCSC Case No. 04-210016
5. Conference with Legal Counsel – Anticipated Litigation (2)
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 G.C.
6. Conference with Real Property Negotiators
Property: 720 W. Mineral King and 438 S. Locust Street
Under Negotiation: Price, terms, conditions for development of a potential purchase and sale agreement
Negotiators: Steve Salomon, George Sandoval, Fred Brusuelas, Bob Nance, and Carl Anderson of the Presbytery of San Joaquin
7. Item removed from Agenda.
8. Conference with Real Property Negotiators
Property: acquisition of portions of nine (9) parcels on Tulare Avenue between Court Street and Locust Street; 101, 103, 105 & 211 West Tulare Avenue, 103 East Tulare Avenue, 931 & 944 South Court Street, 924 & 925 South Locust Street; APN 097-320-048, 049, 069, 072, 097-251-039, 097-016-007, 097-015-007, 097-016-008, 097-017-008; Project No. 1111-00000-720000-0-9347-2002
Under Negotiation: Price, terms, condition of purchase
Negotiators: Steve Salomon, Jim Funk, Property owners: Dunn, Williams, Dougherty, Visalia Y.M.C.A., Hatherley, Mota, Sutherland, Estrada and Perez

Track 4
Reconvene to
Regular
Session

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

Resolution of Commendation in recognition of the 25th Anniversary Putignano, Italy Sister City Committee.

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 5

Charlyn McCall - represented of PURGE submits a letter for the record regarding the Main St. Theatre Building. John Mirnid - speaks in regard to Item 16, opposing the increase in dog licensing fees. Shawn Smith - comments on the Public Bidding Process for Construction projects.
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CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Track 6

Councilmember Don Landers pulls Item 9d for discussion.

Balance of
Consent
Calendar
Approved
DL/JG 5-0

9. 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) Item removed from Agenda.
- c) Authorize City staff to work with members of the Visalia Rotary Clubs on the feasibility of an outdoor multi-purpose facility in the new civic center/central park in the northeast downtown.
- d) Award a contract for the Visalia Police Department Radio Equipment Upgrades to J's Communications in the amount of \$121,044.45.
- e) Authorization to award the design-build contract for a new compressed natural (CNG) facility in the amount of \$1,518, 179 and a ten year maintenance contract in the amount of \$686,821 to Pinnacle CNG of Midland, Texas and appropriate \$1,600,000 for the project.
- f) Authorize the Transit Division to award the purchase of the bus wash equipment in the amount of \$150,331 to NS Wash Corp utilizing their California Multiple Award Schedule (CMAS) contract, and appropriate \$150,331 for the project.
- g) Authorize the Transit Division to award the construction contract for a new bus operations and maintenance facility in the amount of \$5,659,000 to Lewis Nelson & Son of Selma and appropriate a total of \$7,517,274 for the project.
- h) Item removed from Agenda.
- i) Award competitive bid for Self-Contained Breathing Apparatus Equipment to All-Star Fire Equipment in the amount of \$304,857.29, RFB 05-06-01.

Track 7
Item 9d
DL/JG 5-0
Approved

- j) Authorize the execution of a contract for a downtown parking enhancement study with TPG Consulting Inc. of Visalia, California in the amount of \$34,200 and authorize the funding from the Parking District Fund (6111).
- k) Authorization to sell various segments of Mooney Boulevard right-of-way to California Department of Transportation (CalTrans) for the sale price of \$6,000.00 for the Mooney Boulevard (Nobel Avenue to Caldwell Avenue) widening project.
- l) 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 Avalon, located at the northwest corner of Riggan Avenue and Demaree Street (190 lots) and the Formation of Landscape and Lighting District No. 05-25, Avalon; **Resolution 2005-146 and 2005-147 required.** APN: 077-060-026.
- m) Authorization to record the final map for the following:
 - 1. Tentative Parcel Map 2005-18, located at the southeast corner of Akers and Caldwell Avenue APN 119-070-041.
- n) Request authorization to file a Notice of Completion on the following:
 - 1. The Little Ranch, containing 16 lots, located west of Dans Lane 450' south of Rialto Avenue.
 - 2. Four Creeks Estates, containing 31 lots, located on the west side of Ben Maddox at Buena Vista Avenue.
- o) Approval of Change Order No. 1 in the amount of \$157, 991.72 for the Lift Station Upgrade Project; Project No. 3011-720000-0-0-9504-2002.

Per staff's request Item 10 is to be continued to Monday, October 17, 2005 (Motion required.)

Track 8
Motion to
Continued to
10/17/05
GK/WD 5-0
Approved

10. CONTINUED PUBLIC HEARING from September 6, 2005 -
- a. Certify Mitigated Negative Declaration No. 2005-071. **Resolution 2005-125 required.** (*A separate Motion by the Council is required.*)
 - b. General Plan Amendment No. 2004-31: a request by Fred Machado (Branum Group, agent) to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34) **Resolution No. 2005-126 required.**
 - c. **Introduction of Ordinance 2005-17** for Change of Zone No. 2004-32: a request by Fred Machado (Branum Group, agent) to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size).

The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34.) Applicant: Fred Machado; Agent: Branum Group.

Track 10

11. PUBLIC HEARING -

Item 11a
JG/WD 5-0
Approved

- a. Certify Negative Declaration No. 2005-39. **Resolution 2005-143 required.** (*A separate Motion by the Council is required.*)
- b. General Plan Amendment No. 2002-13: a request by Bill Morgan to change the land use designation on approximately 11 acres from Light Industrial to seven acres of Low Density Residential and four acres of Conservation. 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.**
- c. **Introduction of Ordinance 2005-14** Change of Zone No. 2002-12: A request by Bill Morgan to change the zoning on approximately 11 acres from IL (Light Industrial) to seven acres of R-1-6 (Single Family Residential) and four acres of QP (Quasi-Public.) The site is located on the north side of the railroad tracks of K Road and east of Santa Fe Street (APN: 123-080-009, 019, 020.)

Staff presents item to and addresses questions & comments from the Council. Parks & Recreation Director Vince Elizondo offered comments concerning areas around creeks. Public Hearing Opened: Mike Lane, Lane Engineering speaks in support of item; Public Hearing Closed. Approved.

Item 11b & c
GK/WD 5-0
Approved

Track 11/12

12. PUBLIC HEARING -

Item 12a
JG/WD 5-0
Approved

- a. Certify Negative Declaration No. 2005-81, **Resolution 2005-142 required.** (*A separate motion by the Council is required.*)
- b. **Introduction of Ordinance 2005-18** Change of Zone No. 2005-17: a request by Michael Ray Sutherland to change the zoning from R-1-6 (Single-Family Residential) to R-1-4.5 (Single/Multi-Family Residential) on approximately 14.2 acres and to QP (Quasi-Public) on approximately 6.5 acres. The project site is located on the north side of Goshen Avenue, approximately 1,500 feet west of Lovers Lane. (APN: 098-050-014,020, 058, 059).

Staff presents item to and addresses questions & comments from the Council. Parks & Recreation Director Vince Elizondo addresses comments regarding park land. Public Hearing Opened; no speakers; Public Hearing Closed. Approved

Item 12b
JG/WD 5-0
Approved

Track 13
JG/GK 4-1
(DL - No)
Approved as Amended

13. REGULAR ITEM - **Introduction of Ordinance 2005-19** establishing regulations Governing Medical Marijuana Dispensaries, the Cultivation and Processing of Medical Marijuana and the Public Use/Consumption of Medical Marijuana.

Deputy City Attorney Alex Peltzer introduces item & provides background information on item. Questions & comments by Council. Jeff Nunes and Bill McPike offered comments on item. No further public comments. City Attorney to review Ordinance for a potential appeal fee and certification of scales by Weights & Measures. Approved as Amended.

Track 14
GK/DL 5-0
Approved

14. PUBLIC HEARING - to receive comments regarding the Draft 2005/2006 Disadvantaged Business Enterprise (DBE) Overall Goal and Methodology for transportation and transit projects, and adopt the Final 2005/2006 Disadvantaged Business Enterprise Overall Goal. **Resolution 2005-144 required.**

Staff introduces item & addresses comments & questions from Council. Public Hearing Opened; No comments; Public Hearing Closed. Approved.

Track 15
DL/GK 5-0
Approved

15. PUBLIC HEARING - to approve the recommended expenditure of the State of California 2005 Citizens Option for Public Safety (COPS) funds of \$155,182 to continue funding two Police Officer positions, appropriating \$155,182 in recognition of the grant and approval of **Resolution 2005-145** regarding the grant.

Public Hearing Opened; No comments; Public Hearing Closed. Approved.

16. REGULAR ITEM - City Council Authorization to process the annual increase in Dog Licensing Fees (altered dogs: increase fee from \$10 to \$15 and unaltered dogs from \$25 to \$35), Cat Licensing Fees (altered cats: increase fee from \$5 to \$7 and unaltered cats from \$10 to \$15) and the Penalty Fee for Late or No License (increase fee from \$10 to \$20) at Valley Oak SPCA.

Motion to hold Item prior to public hearing items; GK/WD 5-0 Approved. Assistant City Manager Carol Cairns presents item to and addresses comments & questions from Council. Valley Oak SPCA Director Jerry Herman addresses Council's comments & questions. Public Comments from Amy Shuklian and John Mirnid. Motion to Continue Item & Direct Staff to Return to a Work Session on Monday, October 24, 2005. Approved.

Track 8/9
GK/DL 5-0
Motion to
Cont. to
10/24
Approved

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

SUBMITTED: Roxanne Yoder, Chief Deputy City Clerk