

Visalia City Council Action Agenda

For the regular meeting of: Monday, October 17, 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.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Track 1
Item 1
GK/WD 5-0
Approved

1. Authorization to execute an agreement with Consultants, Moule & Polyzoides and Crawford Multari & Clark for preparation of the Southeast Area Master Plan affecting approximately 1790 acres in the amount of \$975,477.

Community Development/Public Works Director Mike Olmos introduces item & provides a brief overview. Questions & comments by Council, staff responds. Mayor Link invites comments from those in attendance. Steve Brandt (Centex Homes), Darlene Mata (McMillan Homes), Jim Robinson (representing BIA), and Carl Kim address Council regarding this item. City Manager Steve Salomon comments on issues raised during discussion and provides options for the Council's consideration. Motion to approve the original agreement with regard to the 850 acres made by Councilmember Kirkpatrick and seconded by Councilmember Deissler. Approved. Council directs staff to return to provide a report on the remaining acreage after seeking input from the BIA and property owners within 30 days if possible.

Track 2
Item 2
GK/WD 5-0
Approved

2. Consideration to initiate Caldwell-Lovers Lane Northeast Annexation.

Councilmember Kirkpatrick comments on transportation/pedestrian circulation. Questions & comments by Council, staff responds. Staff directed to return to provide a report after seeking input from the BIA and property owners within 30 days if possible.

Track 3

3. Discussion on the proposed Construction and Demolition Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris.

Staff provides background information and a PowerPoint slide presentation on item. Questions & Comments by Council, staff responds. Staff to move forward with process. No action taken.

Track 4
Item 4
GK/JG 5-0
Motion to
Cont. to
10/24
Approved

4. Update on Scenic Airline's scheduled service to Las Vegas from the Visalia Airport.

Motion to continue to October 24, 2005, by Councilmember Kirkpatrick and seconded by Vice Mayor Gamboa. Approved.

**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 Negotiator
Property: approximately 150,000 square feet of City of Visalia owned property located adjacent to the Visalia Airport
Under Negotiation: Price, terms, conditions of potential lease
Negotiators: Steve Salomon, Mario Cifuentez, REP Commercial Hospitality Group

Reconvene to
Regular
Session

REGULAR SESSION

7:00 p.m.

Track 5

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

Proclamation presentation declaring October 17-21, 2005, "National Medical Assistants Week."

Proclamation presentation declaring October 22, 2005, "Make a Difference Day."

Proclamation presentation declaring October 23-31, 2005 "Red Ribbon Week."

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 6

Sidney Frank - on behalf of the Boys & Girls Club thanks the City for considering their Gang Prevention Program proposal.

Shawn Smith - wanted to thank Mike Olmos for the prompt follow up from his previous concerns expressed at the October 3, 2005, Council meeting.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Landers pulls Item 7g (3) for discussion; Councilmember Deissler & Kirkpatrick pull Item 7h(2) for discussion.

7. 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 5-year extension of the private golf cart privileges at the Valley Oaks Golf Course.
- c) Approval of the 2005/06 transit agreement with Tulare County to provide transit service to the unincorporated areas of the greater Visalia Urbanized Area contiguous to the City, including Goshen, for \$275,114.
- d) Item removed from agenda.
- e) Authorization to purchase 5 hybrid sedans for the Building Division.
- f) Authorization to apply for a grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) requesting \$350,000 to partially fund the purchase of seven CNG powered garbage trucks.
- g) **Second Reading of the following Ordinance(s):**
 - 1. **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.)
 - 2. **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 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).
 - 3. **Ordinance 2005-19** establishing regulations Governing Medical Marijuana Dispensaries, the Cultivation and Processing of Medical Marijuana and the Public Use/Consumption of Medical Marijuana.

Councilmember Landers pulls item for discussion and recommends that inclusion of an Ag Zone so long as the request complies with all other provisions of the Ordinance. Questions & comments by the Council were addressed by Deputy City Attorney Alex Peltzer. Approved.

h) Request authorization to file a Notice of Completion on the following:

- 1. Shannon Ranch 3 & 4, containing 52 lots, located at the N.E. corner of Demaree Street and Shannon Parkway.

Track 9
Item 7h(2)
WD/DL 5-0
Approved

2. Pinkham-Walnut Park / Pond Construction located at Pinkham Street at Cherry Avenue. Project No. 3011-72-0-0-9198-2003.

Councilmember Deissler & Kirkpatrick pull item for discussion, staff address questions & comments. Approved

3. Project No. 1231-00000-720000-0-9083-2003 the North Visalia Sanitary Sewer Trunkline Improvements (Cost \$1,921,483.23).

At the request of applicant Item 8 to be continued to Monday, November 7, 2005 (Motion required.)

Track 10
Item 8
DL/JG 5-0
Cont. to
11/7/05
Approved

8. PUBLIC HEARING -

- a. Certification of Negative Declaration No. 2005-057; **Resolution 2005-xx required (A separate Motion by the Council is required.)**
- b. Appeal of the Planning Commission's denial of Vesting Tentative Subdivision Map 5482 and Conditional Use Permit 2005-18, to create seven parcels and a remainder for a single-family residential development on 1.45 acres zone R-1, located at 4204 South Demaree Street (Garza Ranch) APN 126-020-033; **Resolution 2005-xx required (A separate Motion by the Council is required.)**

At the request of staff Item 9 to be continued to Monday, November 7, 2005 (Motion required.)

9. CONTINUED PUBLIC HEARING from October 3, 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).

Track 11
Item 9
GK/WD 5-0
Cont. to
11/7/05
Approved

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 12
Item 10
JG/DL 4-1
(GK-No)
Approved

10. PUBLIC HEARING - Appeal of Planning Commission denial of Variance No. 2005-11: A request by Tom and Betty Johnson to allow a variance from the standard 10-foot side yard setback in the R-1-20 zone. The site is located at 204 North Fairway Street (APN: 093-313-002.) **Resolution 2005-148 required.**

Planning staff presents item & address questions & comments posed by Council. Public Hearing Opened: Tom Johnson speaks in support of variance, Anthony Stetson speaks in opposition of variance, Michael Porter, project Architect for the Johnsons speaks in support of variance, Betty Johnson speaks in support of variance; Public Hearing Closed. Comments by Council in support of findings for variance approval. Councilmember Kirkpatrick expresses his concern that the findings are not there to support the request for variance. Approved.

Track 13
Item 11
Appellant
Mrs. Stetson
withdraws
appeal
No action
taken.

11. PUBLIC HEARING – Appeal of Planning Commission approval of Variance No. 2005-13, a request by Stan Canby and Tabby Lucio to allow a variance from the standard 10-foot side yard setback in the R-1-12 zone, located at 124 N. Fairway Street. APN 093-313-004.
Resolution 2005-149 required.

City Attorney Dan Dooley reads a statement that the appellant Mrs. Stetson has withdrawn her appeal.

12. PUBLIC HEARING –

- a. Certify Negative Declaration No. 2005-75. **Resolution 2005-150 required. (A separate Motion by the Council is required.)**
- b. General Plan Amendment No. 2005-14 is a request by Mangano Homes, Inc to change the general plan land use designations from Public Institutional to Low and Medium Density Residential. APN 119-600 035, 119-590-058. **Resolution 2005-151 required.**
- c. **Introduction of Ordinance 2005-20** for Change of Zone No. 2005-13 is a request by Mangano Homes, Inc to change the zoning from QP (Quasi-Public) to R-1-6 (Single-family Residential) and R-M-2 (Medium Density Residential) APN 119-600-035, 119-590-058.

Planning staff presents item & addresses Council’s comments & questions regarding zoning designations. Public Hearing Opened: Greg Souza speaks with concern over the zoning change to high density & increase in traffic, Bob Henderson speaks with concern over traffic safety on Mary Ave., Bob Dowds, Mangano Homes comments on & in support of item, Ernie Esquivel speaks with concern over traffic safety; Public Hearing Closed. Approved as amended.

Track 14
Item 12a
DL/GK 5-0
Item 12b & c
DL/JG 4-1
(GK-No)
Approved as
Amended to
reflect zoning
as R-1-6

13. PUBLIC HEARING –

- a. Certify Negative Declaration No. 2005-59, **Resolution 2005-120 required. (A separate Motion by the Council is required.)**
- b. General Plan Amendment No. 2005-11. A request by West Coast Construction (Quad Knopf, agent) to change the General Plan land use designation from RMD to RHD on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion), **Resolution 2005-121 required.**
- c. **Introduction of Ordinance 2005-16** for Change of Zone No. 2005-12. A request by West Coast Construction (Quad Knopf, agent) to change the zoning from R-M-2 to R-M-3 on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).

Planning staff addresses Council’s questions & comments. Public Hearing Opened: Bob Buhle comments on item, Kevin Fellows (applicant’s rep) comments in support of item, Steve Dillard & Jeff Salser addresses Council with concern over the increased density, Bill Morgan comments in support of item; Public Hearing Closed. Discussion by Council with regard to zoning and increased density. Approved.

Track 15
Item 13 a
GK/JG 4-1
(WD-No)
Approved
Item 13b & c
GK/JG 4-1
(WD-No)
Approved

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Adjourn

None.

SUBMITTED: Roxanne Yoder, Chief Deputy City Clerk