

Visalia City Council Action Agenda

For the regular meeting of: Monday, November 7, 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

Assistant Community Development/Public Works Director Andrew Benelli introduces Patrick Barszcz, Public Works Inspector.

Public Works Support Services Manager, Earl Nielsen Rachel Smick Administrative Assistant and Susan Genova Office Assistant.

Parks and Urban Forestry Manager Don Stone introduces Robert Martinez, Park Maintenance Worker, Scott Pyle, Sr. Park Maintenance Worker, Alonzo Ramirez, Park Maintenance Worker and Joe Garcia, Senior Maintenance Electrician.

WORK SESSION AND ACTION ITEMS (as described)

Item 1

4:00 p.m.

1. Discussion of San Joaquin Valley Air Pollution Control District's (SJVAPCD) proposed Indirect Source Rules Draft Rule 9510 and Rule 3180 (Indirect Source Rules) presented by Tom Jordan, SJVAPCD and Carol Cairns, Assistant City Manager.

Assistant City Manager Carol Cairns introduces item & Tom Jordan, Special Projects Administrator (SJVAPCD) who provided a PowerPoint slide presentation outlining draft rules & how they impact new development. Comments taken by Bob Keenan (BIA) and Gary Rohman. Questions & comments by Council. Staff to return to Council for recommendation on December 5, 2005.
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Item 2

2. Update City Council on Tulare County joining the Consolidated Waste Management Authority (CWMA) presented by Assistant Community Development Director Andrew Benelli.

Assistant Community Development/Public Works Director Andrew Benelli introduces item and provides an overview of the first draft Agreement, to bring Tulare County into the CWMA. Questions & comments by Council.
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**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)

3. Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Visalia v. Harrah, TCSC Case No. 04-210016
4. Conference with Labor Negotiator
Employee Groups: Group M
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila
5. Conference with Real Property Negotiators
Property: parcels owned by the Southern California Gas Company located at 300, 320 and 414 N. Tipton Street and APN: 094-250-036
Under Negotiation: Price, terms and conditions that may be included in a purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Colby Wells and Ruth Love of the Southern California Gas Company
6. Item removed from Agenda.

Reconvene to
Regular
Session

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

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.

Amy Shuklian - offers comments & thanks regarding the election process.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Mayor Link comments on a clerical correction for the language describing Item 7d. Item 7c pulled by Councilmember Kirkpatrick for discussion; Item 7e pulled by Vice Mayor Gamboa for discussion; Item 7i(3) pulled by Mayor Link 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 **Resolution 2005-153** for the support of San Joaquin Valley’s Aquarius Aquarium Institute, its programs and its efforts to build an aquarium.

Item 7c
GK/DL 5-0
Approved as
amended

- c) **Introduction of Ordinance 2005-21** for the Authorization to sell parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school.

Don Stone addresses Council’s comments & questions. Councilmember Kirkpatrick requests the item be amended to provide a naming opportunity for the Coopman family’s generosity. Approved.

- d) ~~Acceleration of Measure T expenditures, promotion of Agents to Sergeants.~~ Acceleration of Measure T plan by using one-time General Fund resources, promoting Agents to Sergeants.

Item 7e
JG/DL 5-0
Approved

- e) Authorization to accept the City of Visalia cash and investment report for the first quarter of the 2005-2006 fiscal year.

Eric Frost addresses Vice Mayor Gamboa’s questions & concerns for removing investments from Visalia Community Bank. Discussion over item was held. Motion to approve as recommended by Vice Mayor Gamboa and seconded by Councilmember Landers. Staff to return to Council with a report for consideration of removing investments from this institution. Approved.

- f) Approval of an amendment to the contract dated September 23, 2005 for services with Mark Briggs & Associates for preparation of 3 additional EPA Environmental Cleanup applications for a total increase of \$7,500 and an amendment to the contracted dated September 22, 2004 with BSK & Associates to provide additional testing services in the amount of \$36,290.

- g) Award Contract for the Miscellaneous Sanitary Sewer Improvement Projects, Project No. 4311-00000-720000-0-9451-2005, to install sewer in various areas of the City in the amount of \$547,750.00.

- h) Authorization for the City Manager to execute an agreement with Consolidated Waste Management Authority (CWMA) to provide a Visalia employee to act as CWMA Administrator.

- 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):

- 1. Authorize the Recordation of the Final Map for Ranch Santa Fe Phase 2, located Southeast corner of Santa Fe and Monte Vista Ave (69 lots) and the Annexation of Rancho Santa Fe

Item 7i(3)
BL/JG 5-0
Approved

Phase #2 into Landscape and Lighting District No. 05-04, Rancho Santa Fe; **Resolution 2005-154 and 2005-155 required.** APN: 123-220-01, 123-130-22.

- 2. Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 1, located at the northwest corner of Ferguson Avenue and Roeben Street (61 lots) and the Formation of Landscape and Lighting District No. 05-19, Pheasant Ridge; **Resolution 2005-156 and 2005-157 required.** APN: 077-100-050 & 000-003-757)
- 3. Annexation of Tentative Parcel Map 2005-05 into Landscape and Lighting Act Assessment No. 96-03, Oak Meadow Estates located on the south side of Walnut Avenue between Shirk Street and Roeben Street; **Resolution 2005-158 and 2005-159 required.**

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

- 1. Cobblestone Estate Unit 3, containing 25 lots, located west of Linwood Street, south of Ferguson Avenue.
- 2. Turnberry Place, containing 39 lots, located northwest of the Akers Street and Caldwell Avenue intersection.

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

- 1. **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).
- 2. **Ordinance 2005-20** for Change of Zone No. 2005-13 is a request to change the zoning on approximately 9.5 acres from QP (Quasi Public) to R-1-6 (Low Density Residential), located on the west side of Linwood Avenue between Mary and Cherry Avenues; APN: 119-600-035, 119-590-58.

l) Item removed from Agenda.

At the request of applicant Item 8 to be continued indefinitely (Motion required.)

8. PUBLIC HEARING (continued from October 17, 2005) -

- 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.)**

9. PUBLIC HEARING - Appeal of Planning Commission's Denial of Variance No. 2005-12: A request by Matt Vizzolini to allow a variance from the standard five-foot side yard setback in the R-1-6 Zone. The site is located at 3101 W. Border Links Drive (APN 089-122-012) **Resolution 2005-160 required.**

Jason Pausma introduces item & addresses questions & comments posed by Council. Public Hearing Opened: Matt Vizzolini speaks in support of item: Public Hearing Closed. Approved.

Item 8
Motion to
continue
indefinitely
GK/WD 5-0
Approved

Item 9
DL/JG 4-1
(GK-No)
Approved

10. CONTINUED PUBLIC HEARING from October 3, 2005 and October 17, 2005 -

Item 10a
GK/DL 5-0
Approved

- 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).

Item 10b
GK/JG 5-0
Approved

Item 10c
WD/JG 5-0
Approved as Amended

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.

Brandon Smith presents item & addresses questions & comments posed by Council. Amended Resolutions & Ordinance are handed out for Council’s review. Public Hearing Opened: Fred Machado, applicant speaks in support of project and addresses mitigation efforts; John Guadam, Viking Ready Mix, speaks in support of project & applicant. Ordinance 2005-17 is approved as amended to include “noise mitigation implementation will be completed prior to homes being built.” Discussion of Roeben alignment to be considered as the project progresses.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

Adjourn

SUBMITTED: Roxanne Yoder, Chief Deputy City Clerk