

Visalia City Council Action Agenda

For the regular meeting of: Monday, December 5, 2005

Location: City Hall Council Chambers

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

Track 1

Employee Introductions:

Introduction of Sandra Cloyd, Support Services Assistant, Community Development & Public Works Department.

Gus Aiello, Finance Manager, introduces Kari Blofsky, Financial Analyst and Kortney Langley, Administrative Analyst.

Track 2

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Presentation by College of the Sequoias President Don Goodyear, "COS at a Critical Junction...balancing community needs with District resources."

COS President Don Goodyear made a presentation to the Council outlining the college's dilemma regarding available bond monies for capital improvements, such as a new science/health care training facility, an adaptive PE gym, vocational training facilities and ag training facilities. In all, there is \$57 million in state and federal monies that could be used for these facilities providing there is matching monies. The money for the science building will only be available until next year. Dr. Goodyear outlined the various options the COS Board has for coming up with the funds. All of the options include selling college property, and more of the land may be needed to fund the projects if a bond is not passed.

2. Presentation of COS Bond Measure Survey Results and recommendation to support a bond effort should the COS Board choose to place a bond on a 2006 ballot.

Following a report on the bond survey results that indicated there is community support for a COS bond measure, the Council voted to support the COS Board, should they choose to move forward with a bond. Council Member Link did express interest in getting more definitive information about how much a successful campaign could cost.

DL/GK 5-0

**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)

3. Public Employment
Title: Public Works Director
Assistant City Manager
4. Conference with Real Property Negotiators
Property: 830 E. Roosevelt Avenue
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salmon, Bob Nance or David Jacobs, William & Joann Bawks
5. Conference with Real Property Negotiators
Property: 412 E. Murray, 416 E. School Street and 1134 E. Center Avenue
Under Negotiation: Price, terms, conditions of potential purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Charles Wensley, Present and General Manager of Viking Ready Mix Co., Inc.
6. Conference with Real Property Negotiators
Property: 120 W. Center St.
Under Negotiation: Price, terms, conditions for potential inclusion in a purchase and sale agreement
Negotiators: Steve Salomon, Eric Frost, Bob Nance, Michael L. Farley of Farley Law Firm
7. Conference with Real Property Negotiators
Property: portion of a parcel located at the northeast corner of Hurley Avenue and Shirk Street; 6750 W. Hurley Avenue; APN 085-020-062
Under Negotiation: Price, terms, conditions of right-of-way acquisition for the widening of Hurley Avenue and Shirk Street associated with the Stonegate Estates subdivision
Negotiators: Steve Salomon, Doug Damko, Warren and Alisa Gubler
8. Conference with Real Property Negotiators
Property: northeast corner of Road 76 and Ferguson Avenue
Under Negotiation: Price, terms, conditions for inclusion in a potential purchase and sale agreement
Negotiators: Steve Salomon, Andrew Benelli, Larry Montgomery of the Allen Group

Track 3

REGULAR SESSION

Reconvene to
Regular
Session

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

Special Presentation to P.A.L. (Police Activities League) from Visalia Sunset Rotary of a check for \$4,761, plus to the Police Department \$1,000 for a police officer's memorial fund.

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.

Sam Sciacca - variance expiration
Amy Shuklian - sign ordinance violations

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Vice Mayor Kirkpatrick pulled Item 9b for discussion; Councilmember Landers pulled Items 9d, f, h & i for discussion; Councilmember Collins pulled Items 9k(1) and 9l(1) & (2) for discussion.

Balance of
Consent
Calendar
Approved
BL/DL
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) City Council authorization to send Letter of Concerns regarding the San Joaquin Valley Unified Air Pollution Control District Board Proposed Draft Rule 9510 and Rule 3180 (Indirect Source Rule.)

Council member Kirkpatrick asked that specific items be included in the letter. It was agreed that the letter would be reviewed by Council members who serve on the Natural Resource Committee, Link and Kirkpatrick, prior to its submission.

c) Appointment of Adam Peck to serve as a Planning Commissioner to fill the unexpired term of Doug Thompson and direct staff to begin the recruitment process for a new alternate.

d) Authorization to award the purchase of six natural gas powered refuse trucks to Central Valley Kenworth and Ruckstell California Sales for the purchase price of \$1,510,660.

Council member Landers asked questions relating to the sole sourcing of this contract, which were addressed by staff and Alex Peltzer, Assistant City Attorney.

e) Authorization to appropriate \$26,946.65 in asset forfeiture funds and authorize the purchase of 26 Taser X26 units.

f) Review and provide direction on the City's bank account with Visalia Community Bank.

Council member Landers asked for confirmation that while this account is being closed, this action does not prohibit the City from opening another account in the future should it be deemed appropriate. Administrative Services Director Eric Frost confirmed that was true.

Track 4
Item 9d
BL/GC
4-1
Landers no

Track 5
Item 9f
DL/BL
5-0

- g) Authorization to purchase seven (7) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$365,646 each for a total of \$2,559,522.
- h) Authorize the expenditure of \$1,146,695.56 to San Joaquin Valley Railroad from the Capital Improvement Program for the upgrade to the existing railroad crossings and tracks at Oak Avenue and Tipton Street, Caldwell Avenue west of Santa Fe Street and Pinkham Street north of K Avenue. Project Nos. 1111-00000-720000-0-9682-2004 (Oak Avenue), 1241-00000-720000-0-9211-2004 (Caldwell Avenue) and 1241-00000-720000-0-9723-2005 (Pinkham Street.)

Track 6
Item 9h
DL/GK
5-0

Questions were asked clarifying that the City was taking the initiative to have these repairs made by the railroad and that the City was funding these repairs. Council member Landers also asked about when the Doe Street crossing was going to be fixed. Staff confirmed that it was also a crossing that needs to be improved, but garnering the needed approvals and funding is more complex and will take more time.

- i) Request authorization to accept a portion of the “Irrevocable Offer to Dedicate Real Property” for Cameron Avenue right-of-way for public right of way purposes as offered by the Visalia Church of Christ per Document No. 92-072398 generally located on the Cameron Avenue alignment east of Court Street; **Resolution 2005-170 required.**

Track 7
Item 9i
DL/BL 5-0
Approved

Councilmember Landers questioned the crossing at Santa Fe Rail Road and if staff has been in contact with the PUC to begin the process for any future crossing need. Staff addressed questions & noted that they have been in contact with the PUC regarding a crossing at Visalia Parkway.

- j) 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 Salierno Estates, located at the southeast corner of Cameron Avenue and Court Street (76 lots) and the Formation of Landscape and Lighting District No. 05-27, Salierno Estates; **Resolution 2005-171 and 2005-172 required.** APN: 126-100-029 & 030.
 2. Authorize the Recordation of the Final Map for Sterling Oaks Unit #1, located at the Southeast corner of Demaree Street and Riggins Ave (91 lots) and the Formation of Landscape & Lighting District No. 05-23, Sterling Oaks Units 1 through 2 (208 lots); **Resolution 2005-173 and 2005-174 required.**
 3. Authorize the Recordation of the Final Map for Wild Horse Ranch #1, located Northwest corner of Demaree Street and Riverway Ave, (46 Lots) and the Formation of Landscape and Lighting District No. 05-24, Wild Horse Ranch #1 & 2 (60 Lots) **Resolution 2005-175 and 2005-176 required;** APN: 077-050-016.

Track 7
Item 9k(1)
GC/DL 5-0
Approved

- k) Authorization to record the final map for the following:

1. Pheasant Ridge Unit No. 2 Phase 1 Subdivision located East of Shirk at Delaware Court. APN: 077-100-067.

Councilmember Collins posed questions and staff addressed questions & concerns regarding roadways related to this subdivision.

2. Wild Horse Ranch #2, located Northwest corner of Demaree Street and Riverway Ave, (16 Lots), APN: 077-050-15.
3. Final map for Stonegate Estates, located on the east side of Shirk Street 300 feet north of Hurley Avenue (8 lots) APN: 085-020-029.

Track 8
Item 9l(1) &
(2)
GC/DL 5-0
Approved

l) Authorization to file Notice of Completion for the following:

1. Giddings Heights, Unit No. 5 Subdivision, containing 47 lots, located on the north side of Ferguson Ave. between Dinuba Blvd. and Giddings Street.
2. Eagle Glen Unit No. 2 Subdivision, containing 55 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.

Councilmember Collins pulled items to comment on connectivity & encourages walkable or connected neighborhoods. Staff addressed Council's comments & questions.

3. Eagle Glen Unit No. 3 Subdivision, containing 22 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.
4. Crossroads Subdivision, containing 28 lots, located on the east side of Pinkham Street at La Vida Avenue between K Road and Caldwell Avenue.

m) **Introduction of the following Ordinance(s):**

1. **Ordinance 2005-23** authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC for the purpose of constructing an Aircraft Storage Facility.
2. **Ordinance 2005-24** for Construction and Demolition Recycling Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris.

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

1. **Ordinance 2005-21** for the Authorization to sell parts of APN #'s 098-070-031; 098-070-014; 098-070-022, 321 North Lovers Lane, totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school.

10. PUBLIC HEARING -

Track 9
Item 10a
DL/GK 5-0
Approved

- a. Certification of Negative Declaration No. 2005-35, **Resolution 2005-164 required. (A separate Motion by the Council is required.)**
- b. Initiation of Annexation 2005-06, Houston Ave. Island, generally located on the south side of Houston Ave., between Lovers Lane and Simon, **Resolution 2005-165 required.**

Item 10b
DL/GK 5-0
Approved

Phyllis Coring, Special Projects Manager introduces item. Questions & comments addressed by staff. Public Hearing Opened; no comments; Public Hearing Closed.

Track 10
Item 11a
GK/DL 5-0

11. PUBLIC HEARING -

- a. Certify Negative Declaration No. 2005-103, **Resolution 2005-177 required. (A separate Motion by the Council is required.)**
- b. Consider the Appeal of the Planning Commission’s Denial of Riverbend Estates Tentative Subdivision Map 5500, a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots for single-family residence uses and six lettered lots for common areas facilities. **Resolution 2005-178 required.**

The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047.)

The Public Hearing was opened. The following people spoke: The Public Hearing was closed. The Council voted to approve the alternate resolution with the following provisions: that double frontage homes be considered for the corner lots, that prospective buyers be given right to do business notices and that agreement be reached between the Sunset Waste and Del Valle Homes prior to the end of the year, or the matter will be brought back to Council.

Track 11/12
DL/BL 4-1
(GC-no)
Approved

- 12. PUBLIC HEARING - Appeal of Planning Commission Denial of Variance No. 2005-14, a request by Sierra Designs to allow a Variance from the four-foot fence height limit within the front yard setback in the R-A zone. The site is located at 1725 Roeben Street (APN 087-442-005). **Resolution 2005-163 required.**

The Public Hearing was opened. The following people spoke in support of the appellant: Dan Venya, Louie Jacques and Aditya Verma. The Public Hearing was closed. Several of the Council members felt the variance did not meet the findings necessary for, but could be approved under the exception provision. Council member Collins felt that since it did not meet the findings, it should not be approved.

Track 13
Item 13a
BL/DL
3-1-1
(GC-abstain)
(GK-no)
Approved

13. PUBLIC HEARING -

- a. Certification of Negative Declaration No. 2005-118. **Resolution 2005-168 required. (A separate Motion by the Council is required.)**
- b. Initiation of Proceedings for Annexation No. 2005-16 (Walnut-Shirk SE): a request by Boyd R. Oakley (Forester Weber & Assoc., agent) to annex two parcels and right-of-way totaling 20.40 acres into the City limits of Visalia. The site is located on the southeast corner of Walnut Avenue and Shirk Street, City of Visalia, County of Tulare. (APN: 119-540-017, 119-620-008). **Resolution 2005-169 required.**

Council Member Collins recused himself from the item due to a potential conflict. The Public Hearing was opened. The following people spoke in support of the item: Gary Kakorian, Steve Curtis and Frank Maranelli. The Public Hearing was closed. The Council voted to adopt the alternate resolution to proceed with the annexation.

Item 13b
BL/DL
3-1-1
(GC-abstain)
(GK-no)
Approved

14. PUBLIC HEARING -

- a. Certify Negative Declaration No. 2005-111. **Resolution 2005-166 required. (A separate Motion by the Council is required.)**
- b. General Plan Amendment No. 2005-18 is a request by Vernon F. Phan to change the General Plan land use designation from Residential High Density to Convenience Commercial on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). **Resolution 2005-167 required.**

Track 14
Item 14a
DL/GK 4-1
(GC-no)
Approved

- c. **Introduction of Ordinance 2005-22** for Change of Zone No. 2005-19, a request by Vernon F. Phan to change the Zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial) on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010).

Item 14b & c
DL/GK 4-1
(GC-no)
Approved

The Public Hearing was opened. The following people spoke in support of the applicant: Jesus Gutierrez and Luis Gonzales. The Public Hearing was closed. Several Council members voiced support for the project, saying they felt it was an appropriate use in the area, and would be a good in-fill project. Council Member Collins said he felt it was too close to the high school and would be an attractive nuisance.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

Adjourn

SUBMITTED: Leslie Caviglia, Deputy City Manager/Deputy City Clerk