

Visalia City Council Action Agenda

For the special meeting of: Monday, July 12, 2004

Location: Visalia Convention Center – San Joaquin B, C, D
303 E. Acequia

Mayor: Bob Link
Vice-Mayor: Phil Cox
Council Member: Jesus J. Gamboa
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.

CD –
Disc 1& 2

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Children’s Hospital of Central California presentation of November ballot initiative, the Children’s Hospital Bond Act of 2004, by Diana Dooley, General Counsel and Vice President. *(Informational items, if any, may be made available at the presentation.)*

Presentation regarding Prop 61 made by Children’s Hospital of California General Counsel, Diana Dooley. No action taken.

2. Review of the Regional Transportation Plan by Tulare County Association of Government (TCAG) representative Ted Smalley and David Jacobs, City of Visalia, Senior Civil Engineer. *(Public comments are encouraged.)*

(A copy of the 2004/05 Regional Transport Plan is available for public review in the City Clerk’s Office. To make arrangements for a personal copy contact David Jacobs at 713-4492.)

Engineering staff member, David Jacobs introduces item and TCAG representative who provide a review of the plan to Council. No action taken.

3. Water Acquisition Policies presentation by City Attorney Dan Dooley.

City Attorney, Dan Dooley, provides a review of the policies. Comments and questions posed by Council. Mr. Dooley to return on August 16, 2004, for further review. No action taken.

Adjourn –
Closed
Session to
take place at
the end of the
Regular
Session

ITEMS OF INTEREST

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session; or, may be held after the Regular Session)

4. Conference with Real Property Negotiators
Property: Sale of property 321 North Lovers Lane, APN# 98-07-031
Under Negotiations: Price, terms, conditions of sale

Negotiators: Steve Salomon, Don Stone, Visalia Unified School District

5. Conference with Real Property Negotiators
Property: Acquisition of Tulare Avenue right of way between Lovers Lane and Vista Street
Under Negotiations: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Jim Funk, Suzanne Kvarfordt, Bryan Gregory Souza
6. Item removed from the Agenda
7. Conference with Real Property Negotiators
Property: The approximately 17,296 square foot City owned parcel located at 220 N. Bridge Street (southwest corner of Oak & Bridge Streets)
Under Negotiations: Price, terms, conditions of sale
Negotiators: Steve Salomon, Bob Nance, Harvey May, President, Paloma Development Company of Visalia, Inc.
8. Conference with Labor Negotiator
Group: Unrepresented and confidential employees
Agency Negotiator: Carol Cairns
9. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Gov. Code Section 54956.9)
Name of Case: City of Visalia v Harrah, et. al., TCSC No. 04-210016
10. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Gov. Code Section 54956.9)
Name of Case: Restoration v City of Visalia, CIV F-04-5916
11. Conference with Legal Counsel– Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b)
12. Conference with Legal Counsel– Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b)
13. Conference with Legal Counsel regarding two potential cases -- Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b)

- Convene jointly as the Visalia City Council and the Redevelopment Agency Board for the following item(s) only:

14. Conference with Real Property Negotiators
Property: 815 W. Acequia and 222 S. Conyer
Under Negotiation: Price, terms, conditions of lease agreement
Negotiators: Steve Salomon, Eric Frost, Bob Nance

Reconvene to
Regular
Session

REGULAR SESSION
7:00 p.m.

CD -
Disc 3 & 4

PLEDGE OF ALLEGIANCE
INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

~~Presentation by Helen Stanton of Arts Visalia.~~

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.

Dan Kelley speaks in regard to the new mural policies and the submission of proposed 2004 Veteran's Mural.

Christie Smith, speak in regard to the present policies concerning animal impoundment, specifically with concern over her own dog that had been impounded by the SPCA, and escaping before she could address the situation.

- Convene jointly as the Visalia City Council and the Redevelopment Agency Board

15. CONSENT CALENDAR - REDEVELOPMENT AGENCY

GK/DL 5-0
Approved

- a. Approval and authorization to enter into a \$125,00 Loan/Grant Agreement between the Community Redevelopment Agency of the City of Visalia and Visalia Inc., (AKA Downtown Visalians) for use of Downtown Redevelopment Tax Increment Funds to study the potential expansion of the Property-Based Improvement District and loan funds to continue operations for the existing District.

- Adjourn as the Redevelopment Agency Board and remain seated as the Visalia City Council

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Landers pulled Item 16 B for discussion; Councilmember Gamboa pulled Items 16f (1) and 16g for discussion; Vice-Mayor Cox pulled Item 16d for discussion.

Balance of
Consent
Calendar
Approved
GK/DL 5-0

16. 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) Authorization for the approval of a Task Force to work on a relocation plan for the Visalia City Council Chambers.

Item pulled by Councilmember Landers for discussion. Questions and comments posed by Council, staff responds. Approved

PC/DL 5-0
Approved

c) Item removed from Agenda.

PC/DL 5-0
Approved

- d) Authorization for the City Manager to execute an FAA Entitlement Grant Agreement in the amount of \$1,375,200 to fund the final phase of construction of a Westside Parallel Taxiway at the Visalia Municipal Airport.

Item pulled by Vice-Mayor Cox for discussion. Questions and comments posed by Council, staff responds. Approved.

- e) Authorization to donate the CNG fuel facility equipment to Visalia Unified School District (VUSD).
- f) Authorization to file a Notice of Completion for the following:

Item 16f(1)
PC/DL 5-0
Approved

1. Ferguson Avenue Construction from Conyer St. to Dinuba Blvd., Project No. 1241-72-0-0-9494-2003, in the amount of \$432,196.28.

Item pulled by Councilmember Gamboa for discussion. Questions and comments posed by Council, staff responds. Approved.

2. Roeben Ranch, containing 29 lots, located on the south side of Walnut Avenue, west side of Roeben Street and north of Whitendale Avenue.
3. Caldwell Avenue Widening Improvement Project from Stonebrook Street to West Street to Lee's Paving, Inc. of Visalia, California Project 1241-72-0-0-9211-2002.
4. Ben Maddox Way Widening Improvement Project along the Ben Maddox Way alignment between Caldwell Ave. and K Ave., Project No. 1241-72-0-0-9342-2003.

- g) Authorization for the approval of Engineering Improvement Standards. **Resolution 2004-68 required.**

JG/PC 5-0
Approved

Item pulled by Councilmember Gamboa for discussion. City Engineer, John Dutton, presents a memo to council correcting a portion of the staff report and resolution. Questions and comments posed by Council, staff responds. Approved.

- h) Authorize the City Clerk to record **Resolution 2004-69** removing the City's interest in a deed restriction on Lot 37 of Fieldstone subdivision generally located at the southwest corner of Walnut Avenue and Roeben Street and authorize the City Clerk to execute a Quitclaim Deed removing the City's interest in a portion of a ditch easement on Lot 37 of Fieldstone subdivision.

17. PUBLIC HEARING -

Appeal of the Planning Commission's denial of Conditional Use Permit No. 2004-12, a request by Harold Clements (California Planning and Engineering, agent) to allow a planned residential development with narrow public streets and flag lots on cul-de-sacs. This site is located on the northwest corner of McAuliff Street and Tulare Avenue (APN: 101-050-05, 11) **Resolution 2004-72 required.**

Appeal of the Planning Commission's denial of McAuliff Meadows Vesting Tentative Subdivision Map, a request by Harold Clements (California Planning and Engineering, agent) to divide 35.4 acres into 159 lots. This site is located on the northwest corner of McAuliff Street and Tulare Avenue (APN: 101-050-05, 11) **Resolution 2004-71 required.**

PC/DL 5-0
Approved to
continue item
to the
meeting of
8/2/04

Pursuant to a request from the applicant this item was continued by motion to the meeting date of August 2, 2004.

18. PUBLIC HEARING -

Initiation of proceedings and certification of negative declaration for Annexation No. 2004-04 (Peltzer) a proposed annexation of 5 parcels covering 32.22 acres into the City of Visalia, located on the northwest corner of Demaree Street and Riggan Avenue. (APN: 077-060-11, 25, 26, 27; 077-180-16) Tom and Marsha Peltzer, applicants; Quad Knopf, agent. **Resolution 2004-70 required.**

PC/DL 5-0
Approved

Certify Negative Declaration No. 2004-65.

Staff report presented by Brandon Smith. Questions and comments posed by Council, staff responds. Public Hearing Opened: Jeff Cowarts, Quad Knopf addresses Council; Public Hearing Closed. Approved

19. REGULAR ITEM - Discussion, review, and **Introduction of Ordinance 2004-22** amending Title 6, by amending Chapter 6.16, Sections 6.16.010 through 6.16.090 and by amending Chapter 6.24, sections 6.24.030, 6.24.050, 6.24.060, 6.24.080 and 6.24.090 relating to vicious and dangerous animals.

GK/PC 5-0
Approved as
Amended

Deputy City Attorney Alex Peltzer presents item to Council. Comments and questions posed, staff responds. Public comments made by Sandra Avila. Approved as amended, second reading scheduled for July 19, 2004.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

The City of Visalia and the Redevelopment Agency Board Announcement of the execution of relocation assistance agreements of \$500/unit for those tenants residing in the City of Visalia owned apartments located at the southeast corner of Acequia Avenue and Conyer Street for an estimated combined cost of \$5,000 for the 10-units. Council authorized such agreements during Closed Session on April 5, 2004.

SUBMITTED:

Roxanne Yoder, Chief Deputy City Clerk