

Visalia City Council Action Agenda

For the regular meeting of: Monday, August 2, 2004

Location: El Diamante High School
5100 W. Whitendale

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.

Digital
Recording
Track 1

WORK SESSION AND ACTION ITEMS (as described)

5:00 p.m.

1. Discussion of development policy issues and standards and formation of a task force to review development standards.

Community Development Director Michael Olmos and Planning Manager Steven Brandt introduce item and provide an overview and background information regarding development policy issues & standards. Comments & questions are posed by Council, staff responds. Staff is directed to return to Council on August 16, 2004, to request approval of Task Force members.

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

2. 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
3. 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
4. Public Employee Performance Evaluations
Title: City Attorney

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.

Bill Whitlatch - expresses concern that plans are being processed too slowly in the planning/engineering department.
Bob Keenan, BIA - requests Council to pull Item 5j from the Consent Calendar for discussion.
Galen Quinzer - comments in opposition of the proposed mural downtown.
Bernice Tugmon - asks to speak regarding Item 9 - Mayor Link notes that she will have an opportunity to speak at the public hearing for the item.
Jack Benigno - voices concern that the Akers widening project he is involved in is not being handled correctly (City Attorney asked to place matter on the Agenda for Closed Session on 8/16/04.)
Leslie Caviglia, Deputy City Manager - Invites public in attendance to sign-up for the City's Email Newsletter.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Kirkpatrick pulls Item 5b for discussion; Councilmember Gamboa pulls Item 5f for discussion; Vice-Mayor Phil Cox pulls Items 5g & 5K for discussion; Mayor Link pulls Item 5j as requested by the BIA.

Balance of
Consent
Calendar
Approved

GK/DL 5-0

5. 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.

GK/DL 5-0
Approved

b) Authorization for the City Manager to execute an agreement with the College of Sequoias that provides for participation in the Federal Work Study Program.

Questions and comments posed by Council. Human Resources Manager Janice Avila responds. Approved.

c) Authorization for the approval of the 2004/05 transit agreement with Tulare County.

d) **Introduction of Ordinance 2004-24** authorizing the approval of an amendment to the Dr. Stephen J. McAuliff Lease at 1549 W. Main, Mayor's Park.

- e) Authorization to accept a grant award for \$60,000 from the Office of Homeland Security, Homeland Security Grant Program; and to approve the expenditure of the Homeland Security Grant Program funds for the purchase of a robot for the Visalia Police Department Bomb Squad; and appropriate \$60,000 in recognition of the grant.

JG/GK 5-0
Approved

- f) Authorization to appropriate in asset forfeiture funds \$50,417.96 and authorize the purchase of 51 Taser X26 units in the amount of \$50,417.96.

Questions and comments posed by Council, staff respond. Approved.

- g) Authorization for the approval of the Visalia Veterans Day Committee 2004 World War II Mural to be located on the west wall of the Buckman Mitchell Insurance Building, 309 W. Main Street.

PC/DL 4-1
(JG-no)

Questions and comments posed by Council, staff respond. Comments presented by the Public: Galen Quinzer, Thora Guthrie, Amy Shuklian, Mark Wahl, Burt McNutt speak in opposition of this mural and express that a more contemplative or appropriate show of support for WWII Veterans be considered; Maurice Wilson, Alan George, George Maness, Bob McNabb, Mike Chamberlain, & Ken Olephant speak in support of the mural presented. Council requests that Mural Committee & the Veterans Committee work together to resolve issues related to this project and to return in September for Council's consideration. Approved.

- h) Authorization for the Mayor to sign a one-year contract extension with City Manager Steve Salomon through June 30, 2005.

- i) Authorize the City Manager to apply for an alternative fuel vehicle grant in the amount of \$373,900 for 7 CNG Solid Waste trucks and 6 CNG transit buses from The San Joaquin Valley Air Pollution Control District's (SJVAPCD) Heavy-Duty Engine Emission Reduction Incentive Program.

GK/DL 5-0
Approved

- j) Authorization for City Staff to request a minor amendment of the LAFCO Sphere of Influence to the Tulare County LAFCO. The amendment would redraw the current Sphere to include the subject sites for Annexation No. 2004-06 (Wild Horse Ranch), located on the northwest corner of Demaree Street and Avenue 316. (APN: 077-050-15,16) **Resolution 2004-80 required.**

Questions & Comments by Council, staff responds. Approved. Note: Councilmember Kirkpatrick requested staff to return at a future work session to discuss the sphere of influence further.

JG/GK 4-1
(PC-no)
Approved

- k) Authorization for the temporary suspension of an additional 25% of building permit fees to be effective August 9, 2004; and continuing through August 31, 2005, after which the full building permit fee schedule adopted in March 2001 will automatically go into effect.

Questions & Comments by Council, staff responds. Public comments made by Bob Keenan, BIA and Basil Perch. Councilmember Kirkpatrick motions to direct staff to reopen & revise fee schedule, Councilmember Landers seconds, Motion fails 3-2 (DL & GK yes; JG, BL, PC no.) Motion to approve staff recommendation and to return in 90 days for further evaluation made by Councilmember Gamboa, Councilmember Kirkpatrick seconds, Motion carries 4-1 (PC no.) Approved.

- l) Authorization for the Formation or Annexation of the following Landscape and Lighting District:
 - 1. The Ranch #4 into Landscape and Lighting Act Assessment No. 03-23, The Ranch No.'s 1, 2 & 3, and rename the district "The Ranch No.'s 1-4" **Resolution 2004-78 and 2004-79 required.**
- m) Authorization to record the final map for the following:
 - 1. The Ranch Unit No. 4 Subdivision, located on the southwest corner of the Houston Avenue and Chinowth Street intersection. APN. 077-090-030
- n) Request authorization to file a Notice of Completion for the following:
 - 1. Parcel Map 2002-11, located West of Mooney Blvd. between Packwood Creek and Visalia Parkway.
 - 2. Parcel Map 2002-02, located East of Mooney Blvd. between Packwood Creek and Visalia Parkway.
 - 3. Parcel Map 2002-06, located at the southeast corner of Demaree Street and Packwood Avenue.

Digital
Recording
Track 3

Pursuant to the request of applicant Item 6 will be continued to the meeting date of August 16, 2004 - Motion Required.

GK/JG 5-0
Approved
Item 6
Continued to
August 16, 2004

6. CONTINUED 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.**

7. REGULAR ITEM - Presentations by the Community Development Department and Police Department regarding public infrastructure improvements, development projects, and public safety programs in Visalia.

Verbal update of on going city projects & development in Visalia presented by Community Development Director Michael Olmos. Public Safety update provided by Lieutenant Glen Newsom. No Action Taken.

8. PUBLIC HEARING - to approve the recommended expenditure of the 2004 Federal Local Law Enforcement Block Grant (LLEBG) funds of \$61,140 to continue funding two Police Officer positions and appropriating \$61,140 in recognition of the grant.

Questions & comments by Council, staff responds. Public Hearing Opened; no speakers; Public Hearing Closed. Approved.

DL/PC 5-0
Approved

9. PUBLIC HEARING - Appeal of the Planning Commission's denial of Conditional Use Permit No. 2004-22, a request to allow a 20-unit apartment complex. The property is located at 213 N. Hall Street (APN: 093-261-01, 08). *Staff recommends that the Council approve applicant's request to refer item back to the Planning Commission.*

GK/JG 5-0
Approved
Item referred
back to the
Planning
Commission

Questions & comments by Council, staff responds. Public Hearing Opened; Fred Machado, applicant speaks in favor of staff's recommendation to return item to the Planning Commission. Bernice Tugmon, Betty Johnson, Jennifer Ahlstrand, Michael Shuklian, and Debbie Eisenhower speak in opposition and concern regarding project. Council requests that Planning staff notify those who spoke during the public hearing of the date & time that this item will return to the Planning Commission. Approved.

10. PUBLIC HEARING -

General Plan Amendment No. 2004-14: a request to change the land use designation on .7 acres from Low Density Residential to Commercial Shopping Office. **Resolution No. 2004-77 required.**

Change of Zone No. 2004-15: a request to change the zoning on .7 acres from R-1-6 (Single-family Residential to CSO (Commercial Shopping Office). **Introduction of Ordinance No. 2004-23 required.**

Certify Negative Declaration No. 2003-49

DL/PC 5-0
Approved

The project site is located on the northwest corner of Vine Avenue and Summers Street (APN: 091-184-13). Melecio Partida Owner, Jesus Gutierrez.

Correction to Agenda item language due to clerical error noted for the record. Questions & comments by Council, staff responds. Public Hearing Opened; Jesus Gutierrez speaks in support of the project; Public Hearing Closed. Approved.

11. PUBLIC HEARING -

Consideration of Phase I of increases in the Transportation Impact Fees collected at time of building permits to cover increased land costs & other construction increases and changes to be considered later in 2004 after discussions with interested parties. After hearing testimony, consider approval of proposed Transportation Impact Fee Schedule **Resolution 2004-76 required.**

DL/GK 5-0
Approved

Questions & comments by Council, staff responds. Public Hearing Opened; no speakers; Public Hearing Closed. Approved.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

ITEMS OF INTEREST

Councilmember Landers comments on the Mayor/Councilmember Forum in Monterey as being a beneficial conference.

Adjourn

SUBMITTED:

Roxanne Yoder, Chief Deputy City Clerk