

Visalia City Council Action Agenda

For the regular meeting of: Monday, November 15, 2004

Location: City Hall Council Chambers
707 W. Acequia Ave., Visalia

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

Council Member Jesus Gamboa was not in attendance at this meeting.

Track 1

Employee Introductions:

Introduction of Executive Assistant Sandy Hughes.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Discussion regarding the process and alternatives for replacing Councilmember Phil Cox.

The Council agreed to announce their intention to appoint a Council Member to replace Phil Cox when he resigns in January. Letters of interest will be accepted until Dec. 10 at 12 noon.

2. Request review and approval of the proposed schematic design and cost estimate for the two police stations, approval of the financial plan with authorization for Finance to make the recommended budget adjustments and approval of amendments to agreements with INDIGO Architects and Canby Associates Architects.

The Council voted unanimously to approve the schematic design and the cost estimate including the budget adjustments and approval of the amendments with the two Architectural firms.

3. Report on Volunteer Program

Richard De Ocio, Recreation Coordinator, provided an update on the Volunteer Program and the large number of organizations that benefit from the thousands of hours that Visalia volunteers contribute every year.

DL/PC
4-0
Approved

ITEMS OF INTEREST

CLOSED SESSION

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

4. Conference with Real Property Negotiators
Property: 36,656 square foot, City owned property located at 535 N. Burke Street
Under Negotiation: Price, terms, conditions of a two-year lease agreement
Negotiators: Steve Salomon, Bob Nance, & Biggs, Myers & Bliss
5. Conference with Real Property Negotiators
Property: Three parcels, 505 E. Center Street, APN: 094-2331-023; 500 E. Main Street APN's: 094-2131-001 and 014 and east side of Santa Fe Street between Main and Center Streets, APN: 094-231-021.
Under Negotiations: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Bob Nance, William J and Dois L. Mouren and Hugh L. Ezell
6. Conference with Real Property Negotiators
Property: Shirk Avenue and future Ferguson Avenue, SE Corner; APN: 077-10-050
Under Negotiation: Price, terms and conditions of purchase
Negotiators: Steve Salomon, George Sandoval, Danny Wristen, Colleen Carlson, Mangano Home, McMillian Homes
7. Conference with Real Property Negotiators
Property: Portions of the walnut orchard located at Avenue 280 and Road 68.
Under Negotiation: Price, terms, conditions of lease
Negotiators: Steve Salomon, Jim Ross, David Jacobs, Mike Olmos
8. Personnel - Industrial Disability Retirement Applications for James Stamper and Duke Hettick **Resolutions 2004-227 & 2004-228 required**
9. Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Gov. Code Section 54956.9)
Name of Case: City of Visalia v. Bahlool, TCSC Case No. 04-210391
- 9a. Conference with Real Property Negotiators
Property: APN #103-100-025 & 027 & 028
Under Negotiation: Price, terms and conditions of agricultural lease
Negotiators: Steve Salomon, Don Stone, Brian Blain

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Steve Harms, Neighborhood Church

SPECIAL PRESENTATIONS/RECOGNITION

Recognition of Bill Dillberg
Presentation of EPA Grant

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.

Christie Burnett from Young at Heart asked the Council to continue waving the fees for the evening dances at the Senior Center. The matter was referred to staff.
Don Hutton, 300 W. School thanked the Council for helping establish the Samaritan Center which celebrated its 1 year anniversary over the weekend. The organization provided medical assistance to 389 people in September.

Bill Dillberg, Chair of the Parks and Recreation Commission was honored for his volunteer work for the City and especially for his assistance in locating unclaimed funds.
Vice Mayor Phil Cox announced that the City has received a Brownsfield Grant from the United States EPA to identify sites in East Downtown that could be prepared for clean up. Visalia was the only Valley city to receive this grant.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Items 10 g, i, and j were pulled for discussion by Councilmember Landers.

Balance of
Consent
Calendar
Approved
DL/GK
4-0

10. 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) Accept the City of Visalia Cash and Investment Report for the quarter ending September 30, 2004.
 - c) Authorization to adopt **Resolution 2004-229**, the required bi-annual update of the list of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations.
 - d) Item removed
 - e) Authorization to award bid No. 04-05-16, Part A for the sale of walnut burls to Halsey and Weeks, Inc. for a lump sum price of \$820,001.

f) Authorization to award bid No. 04-05-16, Part B for Walnut tree removal to Wood Industries in the amount of \$196,250 and bid No. 04-05-18 for farm management services to Blain Farming Co.

DL/PC
4-0
Approved

g) Authorization to name riparian setback at Tiffany Ranch "Steve Hartley Grove."

Item pulled by D.L. to recognize Sheriff's Deputy Steve Hartley who passed away a few years ago unexpectedly.

h) Authorization to submit application for Roberti-Z'Berg-Harris Nonurbanized Area Need-Basis Program grant funds for a universally accessible playground at Recreation Park.
Resolution No. 2004-330 required.

i) Authorization to apply for and accept, if awarded, a mini-grant for \$19,720 from the California Office of Traffic Safety for the statewide "Sobriety Checkpoint Program for Local Law Enforcement Agencies II."

Items 10i & j
DL/PC
4-0
Approved

Items 10i and j were pulled by D.L. to commend staff for pursuing these grants.

j) Authorization to apply for and accept a mini-grant for \$37,836.50 from the State of California Office of Traffic Safety for seat belt enforcement for a 3 week period, May 16 through June 5, 2005.

k) Authorization for the Formation, Annexation, or Amendment of the following Landscaping and Lighting District(s) and approval of related final map(s):

1. Formation of Landscape and Lighting District No. 04-10, Amber Crossing Unit No. 1 (Resolution Nos. 04-331 and 04-332 required), and final Map approval for Amber Crossing Unit No. 1, located east of Roeben Street and south of Riggin Avenue (41 lots).

l) Authorization to record the final map for the following:

2. Parcel Map No. 2004-05, located at the northeast corner of Linwood Street and Houston Avenue APN 077-380-034 and 37.

m) Adoption of Resolution No. 2004-333 authorizing the submission of an application for Grant Funds in the amount of approximately \$250,000.00 for the 2005-06 Environmental Enhancement and Mitigation (EEM) Program and designating the City Manager as the agent to negotiate, execute and submit all necessary documentation pertaining the landscape and trail along Mill Creek in Downtown Visalia.

11. PUBLIC HEARING -

Move to
continue
GK/BL
3-1
DL opposed
the motion
Approved

General Plan Amendment No. 2004-20: A request to reconfigure the land use designations on 40 acres, located on the northeast corner of Riggin Avenue and Dinuba Boulevard. (APN: 079-071-06, 07, 08, 09, 10, 11, 19, 21[portion]) North Visalia Development LLC and Francis Gruber, applicants; Forester Weber & Associates, agent. **Resolution 2004- 334 required.**

Initiation of proceedings for Annexation No. 2004-07 (Riggin-Dinuba NE): A request to annex 11 parcels totaling 80.31 acres into the City of Visalia, located on the northeast corner of

Riggin Avenue and Dinuba Boulevard. (APN: 079-071-06, 07, 08, 09, 10, 11, 19, 21[portion]) North Visalia Development LLC and Francis Gruber, applicants; Forester Weber & Associates, agent. **Resolution 2004-335 required.**

Certify Negative Declaration No. 2004-100.

Everett Hughes, No. Visalia Investments spoke in favor of his project, noting that with the number of houses in this area, commercial development is appropriate.
Craig Mangano, 5925 W. Elowin Dr. spoke in opposition to the Amendment. He felt that a large big-box retailer would go on the property and be detrimental to the area.
The Council asked several questions and moved to continue the item so the questions can be researched and to see if some reasonable agreements could be reached.

12. PUBLIC HEARING -

- a. Appeal of the Planning Commission's denial of Emerald Creek Tentative Subdivision Map, a request to divide 14.6 acres into 46 lots for single-family and multi-family residential use with Remainder lots. This site is located on the south side of Noble Avenue, approximately 1/3 mile east of McAuliff Street. (APN: 101-060-02). Applicants: Kevin Fistolera and Bob Ausherman; agent: Forester Weber & Associates. **Resolution No. 2004-336 required.**
- b. Appeal of the Planning Commission's denial of Conditional Use Permit No. 2004-41, a request to allow a planned residential development of single-family, duplex, triplex, and four-plex townhouses. This site is located on the south side of Noble Avenue, approximately 1/3 mile east of McAuliff Street. (APN: 101-060-02). Applicants: Kevin Fistolera and Bob Ausherman; agent: Forester Weber & Associates. **Resolution No. 2004-337 required.**

GK/DL
4-0
Approved
with the
provision that
a 3-way stop
be at Noble.

Bob Ausherman, Forester Weber & Associates, spoke in favor of the project, promising to make it a quality development that will help fill-in the area.
Randy Forrester, Forester Weber & Associates also spoke in favor of the project and addressed the Council's questions.
Chris Smith, 4137 E. Noble spoke in opposition of the project, citing the traffic problems in the area.
Michael McPhail, 1348 S. Rio Linda spoke against the project because of the additional traffic that it would bring.
Susan Salsh, 926 S. Rio Linda spoke against the project because she is concerned about traffic and safety
Robert Vitali, 846 S. Grand spoke against the project because of traffic concerns
Ed Canvasser, 724 N. Ben Maddox questioned why the Council would consider approving this project when they had turned down a similar project that his firm represented earlier this year. The Council concurred with the public comment that traffic is a problem, noting that Cal Trans will have to address the problems in that area, and due to the state's negative budget situation, road projects are behind schedule. The Council noted that the developers in this area had been given a green light to move ahead some time ago with the understanding that the state road projects would be forthcoming. The property owners have invested considerable time and money into developing projects and the Council did not feel it would be fair to delay their projects. The Council did direct staff to install a 3-way stop sign at Noble in order to alleviate some of the traffic and safety problems.

13. PUBLIC HEARING -

DL/PC
4-0
Approved

General Plan Amendment No. 2004-24. A request by the City of Visalia to change the Land Use Designation from Agricultural to Quasi Public for approximately 37 acres. The site is located on the Southeast corner of County Center Street and Cameron Avenue. APN: 126-050-001, 126-277-005 (portion). **Resolution No. 2004-338 required.**

Introduction of Ordinance 2004-33 Change of Zone No. 2004-23. A request by the City of Visalia to change the Zoning from Agricultural (A) to Quasi Public (QP) for approximately 37 acres.

The site is located on the Southeast corner of County Center Street and Cameron Avenue. APN: 126-050-001, 126-277-005 (portion).

Certify Negative Declaration No. 2004-109.

No one spoke during this public hearing.

14. PUBLIC HEARING -

GK/PC
4-0

Review and approval of an amendment to the 2004-2005 Action Plan (CDBG and HOME Budget.)

No one spoke during this item.

15. Update and appropriate action relating to the high speed rail

The Council agreed that staff should move ahead to gather data to support a station in Tulare/Kings Counties and to work with area communities to determine if there is local support for requesting the High Speed Rail Authority to consider the UP alignment.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

SUBMITTED:

Leslie Caviglia, Deputy City Manager/Deputy City Clerk