

Visalia City Council Action Agenda

For the regular meeting of: Monday, October 4, 2004

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

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

EMPLOYEE INTRODUCTIONS:

Michael Olmos, Community Development Director introduces Adam Ennis, Associate Engineer.

WORK SESSION AND ACTION ITEMS (as described) 4:00 p.m.

Track 2

Approved
DL/PC 4-1
(JG-No)

1. Discussion of policies and statutes related to the Compassionate Use Act.

City Attorney Dan Dooley provides an overview of polices and statutes related to the Compassionate Use Act. Questions & comments posed by Council, staff responds. Members of the audience allowed an opportunity to speak briefly on the subject. Jeff Nunez and Bill Pike provide comments in support of the Act. Motion to table item until a decision is made in the Federal Court regarding this subject made by Councilmember Landers and seconded by Vice Mayor Phil Cox. Approved 4-1 (Councilmember Gamboa voting No.)

Track 3

2. Report regarding the Friant Dam Federal Court Decision and request to file an Amicus Brief provided by City Attorney Dan Dooley. (*Written material, if available, will be distributed at the meeting.*)

City Attorney Dan Dooley provides background information related to the Friant Dam Federal Court Decision. Comments & questions posed by Council. No Action Taken.
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Track 4

ITEMS OF INTEREST

Adjourn to
Closed
Session

CLOSED SESSION

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

3. Conference with Legal Council – Anticipated Litigation
(Subdivision (b) of Section 54956.9)

4. Conference with Real Property Negotiators:
Property: 105 NW 5th – Collectible Biz Inc.
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Bob Nance, Stan McDowell

5. Conference with Real Property Negotiators:
Property: Russell Property
Under Negotiation: Price, terms, conditions of sale
Negotiators: Steve Salomon, Steve Brandt

- 5a. Conference with Real Property Negotiator
Property: 805 W. Acequia
Under Negotiation: Potential amendment to Purchase & Sale Agreement
Negotiators: Steve Salomon, Bob Nance, Colleen Carlson, John & Maria Barbis

- 5b. Conference with Real Property Negotiator
Property: Five parcels between Ben Maddox Way & Tipton & Center Street & Murray/Goshen Avenue, APN's: 094-180-05, 094-190-12 and 13, 094-201-25 and 094-240-36
Under Negotiation: to provide direction regarding terms and conditions
Negotiators: Steve Salomon, Dan Dooley, Bob Nance, Robert Doty, Cox, Castle & Nicholson LLP, Dan Leis, Union Pacific Real Estate Division

Reconvene to
Regular
Session

REGULAR SESSION
7:00 p.m.

Digital
Recording
Track 5

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Brian Malison, Christ Lutheran Church

SPECIAL PRESENTATIONS/RECOGNITION

Proclamation presentation to Stacey Nuveman, Olympic Gold Medallist, Catcher, Women's Softball.

Proclamation presentation declaring October Disability Awareness Month.

Proclamation presentation declaring National 4-H Week.

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.

Albert Curtis - comments regarding the abuse of handicap parking in the City of Visalia.
Ronald Carroll - comments regarding traffic concerns at the corner of Whitendale and Demaree.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Gamboa pulls Item 6d for discussion.

Track 6

Balance of
Consent
Calendar
Approved
DL/PC 5-0

6. 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 to adopt **Resolution No. 2004-96** authorizing payment of salary difference and continuance of employment benefits for regular City employees who have been called to active military duty by "Presidential Recall" in support of the "National Emergency Declared under Presidential Proclamation 7463 of September 14, 2001" for a period of six months. (Current employee on military leave: Mark Moreno, Lead Convention Center Crew Coordinator)
 - c) Authorization to award bid No. 04-05-10, transportation and disposal of wastewater treatment plant biosolids, to Solid Solutions at the bid price of \$17.87 per ton.
 - d) Authorization to award Contract for Construction of the Tree Planting on Major Travel Corridors Project to Sierra Range Construction for the amount of \$217,347.88. Project # 1611-72-0-0-9618-2003.

Track 7
Approved
JG/PC 5-0

Councilmember Gamboa pulls item for discussion. Engineering staff Michael Carr addresses Council's comments & questions regarding project. Approved

- e) Authorization to Adopt the 2004 Short Range Transit Plan.
(A copy of the 2004 Short Range Transit Plan is available for public review in the City Clerk's Office. To make arrangements for a personal copy contact Monty Cox, at 713-4591.)
- f) Authorization to set the date of the Public Hearing for November 1, 2004, to approve **Resolution No. 2004-97** declaring an intention to abandon a storm drainage easement at the northeast corner of Burke Street and Caldwell Avenue.
- g) Authorization for the Formation, Annexation, or Amendment of the following Landscaping and Lighting District(s):
 1. Formation of Landscape and Lighting District No. 04-04, Park Place/Crossroads, **Resolution Nos. 2004-98 and 2004-99 required.**
- h) Authorization to record the final map for the following:
 1. Park Place, Unit No. 1 Subdivision, located at the northeast corner of Pinkham Street and Caldwell Avenue. APN: 126-120-014, 015, 017 & 027.
- i) Request authorization to file a Notice of Completion for the following:

1. Cameron Creek No. 4 & 5, containing 57 lots, located south of Caldwell Avenue and either side of Oak View Street.
2. Parcel Map 2002-15, located at the northwest corner of Linwood Street and Ferguson Avenue.
3. Quail Cove Subdivision, containing 10 lots, located on the east side of Tommy Street, west side of Akers Street and north of Hurley Ave.
4. Project No. 3011-72-0-0-9466-2003 for the Houston Avenue Storm Drain.

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

1. **Ordinance 2004-26** approving a Reciprocal Access License and Purchase Option between the City of Visalia, for a portion of its property located at 120 W. Center Street, and Gratius Group, a California limited partnership, and its property located at 126 W. Center Street and approval and authorization to execute a Reimbursement Agreement with Paloma Development for planned improvements to the City owned parking lot located at 120 W. Center Street.

7. PUBLIC HEARING -

An appeal by Ricardo Vasquez of the Planning Commission's approval of Conditional Use Permit No. 2004-27 and Parcel Map 2004-14. A request by Visalians Interested in Affordable Housing to allow a planned unit development of 4 single-family units and to divide 0.7 acres into 4 lots and a common area. The site is located at 1631 North Encina Street (APN 091-161-38) **Resolution 2004-93 and 2004-94 required.** *(Continued from September 20, 2004.)*

Track 8

Approved as Amended as per Exhibit Cc PC/GK 5-0

Steve Brandt, Planning Manager, reviews item and responds to Council's comments & questions. Public Hearing Opened: Bill Decker speaks in support of project; Public Hearing Closed. Approved as Amended as per Exhibit C

8. PUBLIC HEARING -

Authorization to initiate applications for Annexation No. 2004-11 (Caldwell-Ben Maddox SW) and Visalia Sphere of Influence Amendment: A request to annex approximately 130 acres into the City of Visalia, and to redraw the City of Visalia Sphere of Influence to include the subject sites for Annexation No. 2004-11. The project is located on the south side of Caldwell Avenue between Santa Fe Street and Ben Maddox Way. (APN: 126-100-10, 11, 12, 42) Kevin Fistolera and Gerald Blankenship Jr., applicants; Lane Engineers, agent. Negative Declaration No. 2004-86. **Resolution No. 2004-89 and 2004-104 required.** *(Continued from September 7, 2004.)*

Track 9 (blank)

Track 10

Approved Alternative Motion DL/JG 4-1 (GK-No)

Planning staff Brandon Smith provides an overview of the item & addresses Council's comments & questions. City Attorney Dan Dooley responds to questions concerning indemnification. Public Hearing Opened: Steve Kabot, Attorney on behalf of Gerald Blankenship addresses Council; Mike Lane speaks in support of project and on behalf of Kevin Fistolera; Public Hearing Closed. Alternative Motion Approved for Fistolera property only; refund of Mr. Blankenship fees will be made upon his withdrawal from the project.

9. PUBLIC HEARING -

General Plan Amendment No. 2004-20: A request to reconfigure the land use designations on 40 acres, located on the northeast corner of Riggan 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 2004-100 required.**

Authorization to initiate applications 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 2004-101 required.**

Track 11

Certify Negative Declaration No. 2004-100.

Motion to Continue 45-60 days to review EIR Approved PC/JG 5-0

Planning staff Brandon Smith review item & addresses Council's questions & comments. Public Hearing Opened: Everett Hughes comments in support of project; Public Hearing Closed. Council requests staff to review EIR in an effort to expand the commercial use of the project area. Motion to continue 45-60 to review EIR approved.

10. PUBLIC HEARING -

General Plan Amendment No. 2004-21: A request to change the land use designation from Public Institutional and Park to Low Density Residential. **Resolution No. 2004-102 required.**

Change of Zone No. 2004-22: A request to change the zoning from QP (Quasi Public) to R-16 (Single-Family Residential). **Introduction of Ordinance No. 2004-27 required.**

Certify Negative Declaration No. 2004-84: The project site is located on the west side of County Center Drive, between Houston Avenue and Ferguson Avenue APN: 089-020-02. Visalia Cemetery District, applicant (Forester, Weber, & Branum, agent).

Track 12

Approved DL/JG 5-0

Planning staff Jason Pausma reviews item & addresses Council's questions & comments. Public Hearing Opened: Bob Dowds comments in support of project; Public Hearing Closed. Approved.

11. PUBLIC HEARING -

Introduction of Ordinance 2004-28 for Text Amendment No. 2004-18 to amendment to Chapter 17.18 of the Visalia Zoning Ordinance to change the zoning matrix to allow Enclosed Solid Waste Transfer Stations as a "Conditional" use in the Service Commercial and Light Industrial (IL) Zones, and as a "Permitted" use in the Heavy Industrial (IH) Zone, and Unenclosed Solid Waste Transfer Stations as a "Conditional" use in the Heavy Industrial (IH) Zone. The Planning Commission recommends approval of the Text Amendment for the Light (IL) and Heavy Industrial (IH) zones, and recommends that solid waste transfer stations not be allowed in the Service Commercial (CS) zone.

Track 13/14

Approved DL/PC 3-2 (JG & GK-No)

Planning staff Andrew Chamberlain presents item and addresses Council's comments & questions. Public Hearing Opened: Mike Lane, John Mohof, Robert Gerbare, Don Tarr, Dawn Reynoso, and Bonnie Searcy speak in support of project; Renee Garcia, Michael Tharpe, Marilyn Meeks, and Albert Curtis speak in opposition of project; Public Hearing Closed. Approved.

12. PUBLIC HEARING - Review and adoption of the required evaluation and performance report for the use of the FY 2003-2004 Federal grant funds (CDBG & HOME). **Resolution No. 2004-103 required.**

Track 15

Approved PC/GK 5-0

Redevelopment staff Bob Nance presents item to Council. 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.

SUBMITTED:

Roxanne Yoder, Chief Deputy City Clerk