

Visalia City Council Action Agenda

For the regular meeting of: Monday, September 17, 2007

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

Mayor: Jesus J. Gamboa - present
Vice Mayor: Greg Kirkpatrick - present
Council Member: Greg Collins - present
Council Member: Donald K. Landers -present
Council Member: Bob Link - present

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

WORK SESSION AND ACTION ITEMS (as described) 4:30 p.m.

EMPLOYEE INTRODUCTIONS

Introduction of new Convention Center employees by Wally Roeben, Convention Center Manager; Heriberto Rodriguez – Convention Center Crew Leader; Greg Morentin – Convention Center Crew Leader; David Villalobos – Convention Center Service Worker; Tommy Contreras – Convention Center Service Worker

Public Comment on Work Session and Closed Session Items –

Convene joint meeting with Visalia City Council, Parks and Recreation Commission, Bicycle, Pedestrian & Waterway Trail Committee

Track 2

1. Presentation by Richard Moss of Provost and Pritchard on Mill Creek Daylighting Study.

Parks and Recreation Commission members present: Bill Dillberg, Robert Majors, Amy Shuklian, Lesa Mann, Tom Link. Bicycle, Pedestrian & Waterway Trail Committee members present: Richard Garcia, Vicki Stasch, Carla Calhoun, Brian Kempf, Ben Filiponi, Russ Dahler, Bob Brown.

Richard Moss of Provost and Pritchard presents and answers Council's questions regarding an update on the Mill Creek Reconnaissance Study, a water feature in downtown Visalia daylighting the Mill Creek. The study should be complete in 2-3 months

Adjourn joint meeting and remain seated as the Visalia City Council

2. Item removed at the request of staff

The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.

ITEMS OF INTEREST

Track 3

Councilman Landers remarks regarding the grand opening of the new Sports Park. Council's remarks about the new Sports Park. Mr. Dillburg's comments regarding the 1000 Hands Playground

CLOSED SESSION

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

3. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): four potential cases
4. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Approximately 50 acres located north of Riggin and approximately one quarter mile west of Demaree. APN 077-060-005.
Under Negotiation: Price, terms, conditions of acquisition and/or disposition
Negotiating Parties: Steve Salomon, Dan Dooley, Larry Ritchie, John Vidovich
5. Public Employee Appointment (§GC 54957)
Title of position: Interim Fire Chief
6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Outlot A of Parcel Map No. 4618 for riparian setback on Packwood Creek at Woodland Street and Outlot C of Parcel Map No. 4843 for riparian setback purposes on Packwood Creek
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Don Stone, Paul Shepard, Sheila Plane, DBO Development No. 29 LLC
7. Item removed at the request of staff
8. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 440 N. Giddings
Under Negotiation: Price, terms, conditions of lease
Negotiators: Steve Salomon, Carol Cairns, Tom Seidler

Track 5

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Ron Story, Parkside Chapel

SPECIAL PRESENTATIONS/RECOGNITION – Issue Proclamation declaring September 21, 2007- International Day of Peace in the City of Visalia

Council Member Bob Link presented the proclamation to Graciela Martinez

Track 6

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.

Comments:

Brian Morse addressed the Council regarding the need for a new fire house in his neighborhood. Council directed Eric Frost, Administrative Services Director to meet with Mr. Morse in an attempt to answer his questions.

Kenneth Loy addressed Council regarding Cal Water service issues. Council directed Leslie Caviglia to arrange Phil Mirwald of Cal Water to discuss the issues with Mr. Loy.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Collins asked that items 9c and 9i be removed from the consent calendar and discussed separately. Mayor Gamboa asked that item 9h be removed from the consent calendar and discussed separately.

Track 7
DL/GK 5-0
approve
balance of
consent
calendar

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) Receive Planning Commission Action Agenda for the meeting of September 10, 2007.
- c) Authorize partial closure of the alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street. **Resolution No. 2007-78 required.**

DL/GK 5-0
Item 9c
approved

Council Member Collins remarked regarding the number of calls for police services to this area and asked Tim Burns to review the staff report for Council.

- d) Authorization to purchase six (6) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$437,791 each for a total of \$2,626,746.
- e) Award Bid # 07-08-09 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$443,602.
- f) Item removed at the request of staff
- g) Request authorization to file a Notice of Completion for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project with the final contract amount of \$286,461.00.
- h) Authorize the application for a grant from the State of California Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path along Modoc Ditch between the St. John's River Trail and Court St. in the northeast part of the City. **Resolution 2007-79 required.**

GK/DL 5-0
Item 9h
approved

Mayor Gamboa asks staff to investigate other types of materials (water permeable), beside asphalt, for the path.

DL/GC 5-0
Item 9i
approved

- i) Award contracts for the purchase of sixteen (16) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$578,899.20; and appropriate \$36,181.20 from the Vehicle/Equipment Fund to provide funding for one (1) replacement vehicle.

Council Member Collins asks Police Chief Carden about fuel efficiency of the vehicles and Council Member Link congratulates the Police Department for purchasing the vehicles locally.

Track 8

10. PUBLIC HEARING - Final 2006-07 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBD & HOME funds). Resolution 2007-81 required.

GK/DL 5-0
Item 10
approved

Ricardo Noguera, Director of Housing and Economic Development and Rhonda Haynes give a brief Powerpoint presentation of the final 2006-07 CAPER and reviewed responses to council's comments from the September 4th meeting. The final CAPER must be submitted to HUD by October 1st.

The public hearing was opened at 7:50 p.m. Bill Huott, spoke about revitalization of the Oval. At 7:52 p.m. the public hearing was closed.

Track 9

11. PUBLIC HEARING *Continued from August 20, 2007*

GK/BL 5-0
Item 11a
approved

- a) Certification of Negative Declaration No. 2007-047 which evaluates environmental impacts associated with Annexation No. 2007-01 (Vargas). The property is located on the west and east sides of Plaza Drive (Road 80) between Riggins Avenue and Road 320 in the County of Tulare. (APN 077-120-008,010, 014). **Resolution 2007-72 required.**

- b) Initiation of Proceedings for Annexation No. 2007-01 (Vargas): A request by David and Ana Vargas, applicant (MSJ Partners, agents) to annex three parcels and right-of-way totaling 482.6 acres into the City limits of Visalia and to expand the Local Agency Formation Commission (LAFCO) Sphere of Influence for the City of Visalia to include the annexation site. The property is located on the west and east sides of Plaza Drive (Road 80) between Riggins Avenue and Road 320 in the County of Tulare. (APN: 077-120-008, 010, 014) **Resolution 2007-73 and 2007-80 required.**

GK/DL 5-0
Item 11b and
11c approved

- c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement between the City of Visalia and Property Owners associated with Annexation No. 2007-01 (Vargas).

Brandon Smith reviewed the project and recommended approval and forwarding to LAFCO for final approval. Alex Peltzer, City Attorney, addressed questions regarding water rights.

The public hearing was opened at 7:59 p.m. There were no comments from the public and the public hearing was closed.

Track 10

12. PUBLIC HEARING to consider Transportation Impact Fees - *Continued from August 20, 2007*

BL/GC 5-0
Item 12
approved as
per staff
recommendat
ion

Eric Frost presented the staff report and recommendations to hire a consultant to assist in reviewing and developing alternatives to the current impact fee structure.

The public hearing was opened at 8:10 p.m.

Harvey May, Paloma Development, spoke in support of staff recommendations and indicated he will work with staff to make it fair and easy to implement.

Bob Keenan, HBIA, spoke in support of staff recommendations and the need to make a feasible and fair system.

Marcus Espanata, Diversified Development Group of Fresno, asked that the fee be fair for everybody. He went through the process in Fresno as a stakeholder and it is important to get the fee schedule right the first time.

Mike Lane, Lane Engineers of Tulare, gave his point of view from an engineer's standpoint.

Glen Morris, Chamber of Commerce, Economic Development Commission, spoke in support of staff recommendation and wants to help find a solution and methodology that is fair and clear to everyone.

Council Comments: Council Member Landers supports staff recommendations #1-6. Council Member Kirkpatrick is concerned about the amount of direction from developers and offered a suggestion that a member of the Citizen's Advisory Committee be included on the committee to watch out for city interests. Council Member Link congratulated the development community for their attitude and supports hiring a consultant. Mayor Gamboa supports staff recommendation, but bring the issue to finality and be fair.

The public hearing was closed at 8:28 p.m.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - None

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Council returned to closed session to discuss item #6 on the closed session agenda.

Upcoming Council Meetings

- Tuesday, September 18, 2007, 6:00 p.m. Joint City Council/Visalia Unified School District – Convention Center, 303 E. Acequia
- Monday, September 24, 2007, 5:00 p.m. Joint Meeting of Visalia City Council/Tulare City Council/ Tulare County Board of Supervisors/ Tulare Irrigation District/ Kaweah Delta Water Conservation District – Visalia Convention Center, 303 E. Acequia
- Monday, October 1, 2007, Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia
- Monday, October 15, 2007, Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

Submitted by Donjia Huffmon, Chief Deputy City Clerk