

# Visalia City Council Action Agenda

For the regular meeting of: Monday, November 19, 2007

Location: Convention Center, 303 W. Acequia, Visalia, CA 93291

Note change of  
location and  
time

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

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.

7:15 p.m.

## REGULAR SESSION

Track 1

### PLEDGE OF ALLEGIANCE

INVOCATION - Danny Little, Executive Director Visalia Rescue Mission

### SPECIAL PRESENTATIONS/RECOGNITION

GK/DL 4-0-1  
Link abstain  
To remove  
item 10 from  
the agenda

Council Member Greg Collins formally withdrew his appeal for Item #10 an appeal of the Planning Commission's decision to allow a 53,124 sq. ft. building on 3.13 acres for use as a private college classroom facility for Fresno Pacific University. Council Member Collins said he is not against the FPU institution, rather the issue of location. Council Member Collins said he has received sincere concerns of the citizens of Visalia that FPU may leave Visalia if the location is not approved and although he prefers the location be in the core of the City he formally withdrew his appeal and allow the Planning Commission decision to stand.

The following citizens spoke regarding Fresno Pacific University: Debbie Wilkerson, Bill Mays, Mylie Alconya, Merrill Ewert, Mel Zimmerman, Roger Chase, Don Hutton.

Track 2

**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.

Vince Salinas thanked Council Member Kirkpatrick for his service and said he will be greatly missed.

Dominic Prado expressed concerns about the Oval Park and asked council to begin discussions about beautification of the park. Mayor Gamboa referred Mr. Prado to speak with Ricardo Noguera, Director of Housing and Economic Development.

### CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Track 3

Tim Fosberg asked that item 8w be pulled from the consent calendar and discussed separately.

Mayor Gamboa pulled item 8j for separate discussion, Council member Collins pulled item 8u for separate discussion.

DL/GK 5-0  
approve  
balance of  
consent  
calendar

8. 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 November 13, 2007.
  - c) Authorization to purchase four (4) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$434,793 each for a total of \$1,739,172.
  - d) Authorization to purchase three (3) 29 foot compressed natural gas (CNG) replacement Trolleys from Specialty Vehicles in the amount of \$174,719 each for a total of \$524,157 and appropriate funds of \$524,157.
  - e) Accept the City of Visalia Cash and Investment Report for the first quarter ending September 30, 2007.
  - f) Second reading of Ordinance 2007-17 for Change of Zone No. 2007-01: A request by Mario Aguilera to amend Zoning Ordinance Section 17.32.161 to change the location criteria for fast food restaurants with or without drive-thru in the Light Industrial zone (IL).
  - g) Authorize the mayor to execute the Cooperative Agreement between the City of Visalia and the County of Tulare, wherein the County will acquire road right of way within the city limits of the City of Visalia for the widening of Road 80 (Plaza Drive) from Avenue 304 (Goshen Avenue) north. Project No. 1241-0000-720000-0-9669.
  - h) Authorize the acceptance of a portion of an Irrevocable Offer to Dedicate Real Property for additional street right-of-way, as offered by CRS Farming, Inc., per Shannon Ranch East Subdivision Map, including a portion of Sedona between Conyer and N. Dinuba and a portion of Conyer between Sedona and Shannon Parkway. **Resolution No. 2007-90 required.**
  - i) Authorize the acceptance of a portion of an Irrevocable Offer to Dedicate Real Property for Riggin Ave. right-of-way as offered per Document No. 2003-0011275, T.C.R., dated February 10, 2003, generally located between Dayton and Conyer Streets. **Resolution No. 2007-91 required.**

- j) Authorize the City Manager to execute a Memorandum of Understanding between the County of Tulare, the Exeter Irrigation District, the City of Lindsay, and Kaweah Delta Water Conservation District to develop an Integrated Regional Water Management Plan for the Kaweah and Tule River Basins.

Phil Mirwald, CalWater, commented that he fully support the MOU and asked for the opportunity to comment in advance on issues involving the water supply. Mirwald also clarified a comment from the Work Session and said CalWater is converting 2600 flat rate water service to water meters per year.

- k) Authorization to apply jointly with members of the Gang Intervention Task Force for CalGRIP (California Gang Reduction, Intervention, & Prevention) grant funds through the State of California Office of Emergency Services.
- l) Approve the concept to establish a new "Celebration of Life" tree planting program in partnership with the Visalia Parks and Recreation Foundation.
- m) Authorize the City Manager to partner with Community Services Employment Training (CSET) and the Urban Tree Foundation to apply for the Environmental Enhancement Mitigation grant to install landscape in various City-owned rights of ways and negotiate, execute and submit all necessary documentation related to the partnership.
- n) Approval of Property Tax Distribution Agreement with the County of Tulare for Annexation 2006-05, Tulare Avenue Island and Annexation 2006-06, Goshen Avenue Island and authorization for City Manager to execute the agreement. **Resolution No. 2007-92 required.**
- o) Adopt Resolution urging the US Postal Service to issue a stamp commemorating the achievements and legacy of the late Tom Bradley, former Mayor of Los Angeles. **Resolution No. 2007-93 required.**
- p) Authorization to extend an agreement between the City of Visalia and AmeriNational Community Services, Inc. to provide loan servicing and loan underwriting services in relation to existing and new HOME, CDBG and Redevelopment funded loans for five (5) years.
- q) Authorization to file Notice of Completion for Salierno Estates, containing 76 lots, located on the Cameron Avenue Alignment east of Court Street.
- r) Authorization to file a Notice of Completion for Silver Oaks Unit 2 containing 92 single family lots, located at the southwest corner of Demaree and Buena Vista.
- s) Authorize the City Manager to execute an Agreement with the County of Tulare to provide Juvenile Court Work Program Services and allocate \$30,000 in Solid Waste funds to pay for the services.
- t) Adoption of resolution in opposition to the proposed abandonment of a 30.37 mile segment of rail line owned by San Joaquin Valley Railroad Company and located between Strathmore CA and the South Tulare County line. **Resolution No. 2007-97 required.**

BL/DL 5-0  
Item 8u  
approved

u) Review and accept the fiscal year 2006-07 General Fund revenue and expense report.

Council Member Collins said the end of year report for 2006-07 shows an excess of \$400,000 over expenses but cautioned Council about future expenditures due to the nation's housing market downturn. Council Member Collins asked staff for the 05-06 figures for expenses and expenditures. Gus Aiello said he will report back to Council Member Collins.

v) Accept recommendations from the Citizen's Advisory Committee on changes to the non-profit grant funding application.

w) Authorization to file Notice of Completion for the police substations located at 204 NW Third Avenue and 4100 S. County Center Drive.

GK/DL 5-0  
Item 8w  
approved

Tim Fosberg commented that the police substations were not completed under budget as the staff report indicates but were grossly over budget.

Sharon Sheltzer, project manager, indicated that Mr. Fosberg's comments were false.

Eric Frost commented that Mr. Fosberg may be referring to the planning budget and not the construction budget.

Mayor Gamboa asked Mr. Fosberg to meet with Sharon Sheltzer and Eric Frost to answer his questions.

x) Retain the services of Fraser & Associates to complete a financial analysis of the Visalia Redevelopment Agency project areas taking into consideration plan amendments, bond financing, and term extensions and the impacts from redevelopment laws.

y) Authorization to record the final parcel map of Tentative Parcel Map 2006-15, located west of Simon Street between Roosevelt Avenue and Houston Avenues (SR-216). APN 103-330-048.

z) Authorization to execute an agreement between the City of Visalia and Self Help Enterprises, Inc. to administer the Housing Rehabilitation Program, Emergency Repair and Basic Needs Program and Senior Handicapped Assistance and Repair Program, utilizing both HOME Investment Partnership Funds and Community Development Block Grant for a period of three (3) years through December 31, 2010, with two (2) one-year extensions thereafter, if applicable.

Track 4

9. Review and approve building architectural design for Fresno Pacific University and "Plaza Business Park", and review of the proposed "Plaza Business Park" master development plan, located on the east and west sides of Plaza Drive one-quarter mile north of State Highway 198.

GK/GC 4-0-1  
Link=abstain  
approve  
architectural  
renderings  
for FPU

Mike Olmos and Paul Scheibel presented the staff report and recommendations:

1. Review and approve the architecture guidelines and renderings for the Fresno Pacific University and "Plaza Business Park" master planned development.
2. Review and comment on the proposed "Plaza Business Park" master-planned development.

Council Member Link stepped down for the first part of this item as he has a conflict of interest regarding Fresno Pacific University. The City Attorney confirmed that Council Member Link

has a conflict with Fresno Pacific University only and not the rest of the item.

Council discussed the definition and intended uses for the BRP zone.

GK/GC to conditionally approve the architectural standards for Plaza Drive Business Park with the condition that the master plan and policy issues identified is brought back to the Council for final approval after the Planning Commission has reviewed the plan. Motion carried 4-1, Landers = no.

GK/GC 4-1  
Landers = no

Item  
withdrawn  
(see  
comments on  
page 1)

10. **PUBLIC HEARING** - Appeal of the Planning Commission's adoption of Negative Declaration No. 2007-88, and of its approval of Conditional Use Permit No. 2007-36: a request by Westland Development, LLC to allow a 53,124 sq. ft. building on 3.13 acres for use as a private college classroom facility for Fresno Pacific University. The building will be built in two phases, with Phase 1 consisting of 35,280 square feet. The project will be located within a proposed master-planned development on 29.37 acres in the BRP (Business Research Park) zone. The project site is located on the northeast corner of Crowley Avenue and Neeley Street, approximately 700 feet west of Plaza Drive. (APN: 081-020-067). **Resolutions No. 2007- 95 and 2007-96 required.**

Track 5,6,7

DL/GC 5-0  
Item 11 -  
uphold PC  
action

11. **PUBLIC HEARING** - Appeal of the Planning Commission's denial of Conditional Use Permit No. 2007-47, a request to establish a residential care facility for limited mobility senior tenants, consisting of two buildings totaling 8,900 sq. ft. on two lots totaling 18,255 sq. ft. in the R-1-6 (Single-family Residential - 6,000 sq. ft. minimum) Zone. The site is located at 1229 and 1241 Velie Court. (APNs: 103-180-063 and -064). **Resolution No. 2007- 94 required.**

Teresa Nichol presented the staff report and recommendations.

The public hearing was opened at 9:20 p.m. Albert and Sandoval, applicant, spoke in favor of the project and addressed concerns and presented signatures of supporters to Council. Janice Avila, resident of Velie Court, spoke against the location of the project.

The public hearing was closed at 9:30 p.m.

## REPORT ON ACTIONS TAKEN IN CLOSED SESSION

## REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

### Upcoming Council Meetings

- Monday, December 3, 2007, Work Session 4:00/Regular Session 7:00 p.m. - City Council Chambers 707 W. Acequia
- Monday, December 17, 2007, Work Session 4:00/Regular Session 7:00 p.m. - City Council Chambers 707 W. Acequia
- Monday, January 7, 2008, Work Session 4:00/Regular Session 7:00 p.m. - 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