

Visalia City Council Agenda

For the special meeting of: MONDAY, February 11, 2008

Location: City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

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

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.

4:00 p.m.

PUBLIC COMMENTS - This is the time for members of the public to comment on matters listed on tonight's agenda. 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. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. 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 street name and city.

WORK SESSION AND ACTION ITEMS (as described)

4:00 - 5:30
pm

1. Parks and Infrastructure Master Plan for East Downtown

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

2. 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) Design and Engineering contract with Provost & Pritchard Engineering Group for the design and working drawings for street improvements on Oak, School, Liberty, Tipton and Burke Streets.
 - b) Resolution to initiate general vacation proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street, and to direct City Clerk to set March 17, 2008 as the date of the public hearing on the petition to vacate.

ITEMS OF INTEREST

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Mission Linen	2,194.88 sf portion of APN: 094-221-006 located at Santa Fe & Mineral King Ave.	516 E. Mineral King	SR 198/Santa Fe Overcrossing Project 3011-0-72-0-9236	1/22/08	Andy Benelli
City of Visalia	McMillin Homes	3 ac. Parcel APN: 077-640-002 (purchased) & 1 ac. portion of APN: 077-640-012 (McMillan donated)	Property in Pheasant Ridge Subdivision. North side of Ferguson Avenue	Babcock Park 3011-0-72-0-8017	1/22/08	Don Stone
City of Visalia	Centex Homes	4.63 ac. Located at Caldwell & Pinkham APN: 126-790-055	Park Place Unit 1	Park Place Basin 1221-0-72-0-9097	1/23/08	Peter Spiro
City of Visalia	McMillin South Cameron Creek	Portion of APN 126-070-047 .090 acres	The East 42' of Stonebrook Street between Cameron Avenue and Visalia Parkway	Right of Way	1/31/08	Greg Dais

CLOSED SESSION

5:30 p.m. (Or, immediately following Work Session)

3. Conference with Legal Counsel - Anticipated Litigation (Subdivision (b) of 54956.9 GC) One potential case

Upcoming Council Meetings

- Tuesday, February 19, 2008, Work Session 4:00/Regular Session 7:00 p.m. - City Council Chambers, 707 W. Acequia
- Monday, March 3, 2008, Work Session 4:00/Regular Session 7:00 p.m. - City Council Chambers, 707 W. Acequia
- Monday, March 17, 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.

Any written materials pertaining to items on this agenda that are distributed to the Council are available for public review at the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291

City of Visalia Agenda Item Transmittal

Meeting Date: February 11, 2008

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Parks & Infrastructure Master Plan for East Downtown

Geographic Boundaries: The Parks & Infrastructure Master Plan boundaries run east-west from Ben Maddox Way to Santa Fe Street and from Main Street northward to Goshen Avenue.

Deadline for Action: None

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director; 713-4190

Department Recommendation: Accept the draft Master Plan and provide input and direct staff to hold one community workshop and to return with a final plan based on input from the Council, Task Force and results from the community workshop.

Summary/background:

On September 18, 2006, the City Council authorized staff to negotiate a contract with EDAW, Inc. (a San Francisco-based design firm) to complete master planning exercises as part of the East Downtown Strategic Planning Area. The City sought a consultant to complete landscape/park design and civil engineering plans for the future Civic Center and East Downtown linear park system. The infrastructure portion of the Plan included an analysis of existing infrastructure systems (sewer, water, storm drain, gas, phone, electric, communications, streets, and transportation); identification of system deficiencies and recommend upgrades and standards to facilitate the designs for the Civic Center linear park and the central park in the residential/mixed-use neighborhood to the north, including creek restoration, as well as designs for the streetscapes, including streets and parking, signage, lighting and public art. The Master Plan Summary Report will also include an implementation and phasing plan.

On December 18, 2006, the City Council authorized staff to execute the contract with EDAW, Inc. to complete the Infrastructure and Parks Master Plan. The total budget for this plan is \$484,435 (plus reimbursable expenses and possibly additional survey work).

The purpose of the Infrastructure & Parks Master Plan is to lay the ground work for the eventual development of both a Public Safety Complex and Civic Center as well as the attraction of

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):5__

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

private investment to the area. Prior to construction of any physical buildings, the City must complete infrastructure upgrades along Oak and School avenues as well as Burke Street. Additionally, road extensions will be necessary potentially requiring the acquisition of parcels to build out the roadways. The City will also have to coordinate efforts with the utility companies, Union Pacific Railroad, the California State Public Utilities Commission (PUC) and the San Joaquin Valley Railway Company to address the installation of their utilities.

Since January 2007, the consultant team has worked with city staff in the design of the master plan. A series of community workshops and focus group meetings were conducted. Two development options resulted from the series of workshops focusing on development of a Civic Center (master plan in process); urban park and a new mixed-use community including a combination of residential, retail and office development. The urban park would have as its focal point a trail meandering along the Mill Creek. Studies are ongoing as it relates to whether the creek is relocated and if it contains water year round and its' quality.

The City also initiated an Interim Ordinance in order to set the stage for new land use and zoning to be attracted to the East Downtown area. The intent of the Interim Ordinance would be to discourage heavy commercial and industrial activities from establishing in the East Downtown while encouraging the relocation of such uses to the City's industrial district in the western section of town and attraction of private investment to support a mix of residential, retail and office uses. While the Interim Ordinance was in affect, the City retained the services of TPJ Consulting to prepare the Form-Based Code which will establish guidelines and regulations as it relates to land use, zoning, new development and design standards in the East Downtown.

The completion of the Park & Infrastructure Master Plan and Civic Center Master Plan represent key components of the East Downtown Strategic Plan.

Community Input

City staff in cooperation with EDAW Consultants have hosted a series of community workshops, focus group meetings and sessions with city staff. These meetings have all occurred over course of 2007 following Council's authorization of the contract with EDAW in December 2006. The Council also authorized the formation of the East Downtown Task Force which is comprised of a diverse group of property and business owners, council members and city staff. The Task Force has served as a sounding board during the preparation of the Parks & Infrastructure Master Plan.

Next Steps

Following the adoption of both the Civic Center and Infrastructure & Parks Master plans, the City will commence the implementation of the strategies defined in the plan. Much of this will be based on available financial resources, market conditions and priority setting by the City. Key activities either planned or underway include:

A. Design/Engineering & Construction of Utilities and Roadways in the Civic Center Block.

The City will soon engage the services of Provost & Pritchard to complete the design work and the construction period should commence in early 2009 and be completed in 2010.

B. Development of a new Public Safety Complex.

The City will soon release an Request For Qualifications (RFQ) for the selection of an architectural firm to complete design of the new complex. The design firm should be selected by Summer 2008 and complete design work by Spring 2009 and construction of the new public safety complex should be completed by Fall 2011 or early 2012.

C. Form-Based Code, General Plan Amendment & Master EIR.

Staff will bring forward the Form-Based Code to Council for consideration and adoption on February 19th. Staff will also pursue the release of an RFQ in Summer 2008 to complete the Master EIR. It is expected that the plan amendment process and preparation of the EIR will take 12-15 months to complete.

D. Grey Water Study & Reclamation Element for Mill Creek.

Moffit & Nichols, subconsultant to EDAW, Inc., is studying ways in which Mill Creek and Jennings Ditch can be relocated; water to be recirculated within the creek year round; and consideration of its' quality. Coordination with state and federal officials will be required due to the federal listing of Mill Creek as a waterway. This process will take a longer period to complete based on the City's desires and funding available.

E. Park Development.

While the boundaries of the central park are defined in the Parks & Infrastructure Master Plan, the specifics related to trails, amphitheater and other amenities will require studies for a more detailed park plan.

Prior Council/Board Actions:

- On September 18, 2006, the Council authorized staff to commence negotiations with EDAW, Inc. to complete the Master Plan.
- On December 18, 2006, council authorized the execution of the contract with EDAW, Inc. for the preparation of the Infrastructure & Parks Master Plan.
- On May 7, 2007, the City allocated funds from Measure R to support the design, engineering and construction work related to the Civic Center Block.

Committee/Commission Review and Actions: This draft plan will be presented to both the East Downtown Task Force and East Downtown Coordination Group (city staff) for input prior to finalizing the plan.

Alternatives: None.

Attachments:

- Preferred Alternative (Work Session 3)

Recommended Motion (and Alternative Motions if expected): Accept the draft Master Plan and provide input and direct staff to hold one community workshop and to return with a final plan based on input from the Council, Task Force and results from the community workshop.

Environmental Assessment Status

CEQA Review: Not necessary at this time. A Master EIR will be completed to address all proposed development projects within the East Downtown area.

NEPA Review: Not applicable.

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 11, 2008

Agenda Item Number (Assigned by City Clerk): 2a

Agenda Item Wording: Design & Engineering Contract with Provost & Pritchard Engineering Group for the Design and Working Drawings for street improvements on Oak, School, Liberty, Tipton and Burke Streets.

Deadline for Action: February 28, 2008

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director; 713-4190

Department Recommendation: Authorize the approval of a contract with Provost & Pritchard Engineering Group to complete design and engineering work for the right-of-way areas encompassing Tipton to Burke streets along Oak and School avenues; Liberty Street between Oak and School avenues and from Millcreek to Goshen/E. Murray Street along both sides of Burke Street in an amount not to exceed \$168,000.

Summary/background:

The purpose of the Infrastructure & Parks Master Plan is to lay the ground work for the eventual development of a Public Safety Complex, Civic Center, new city park and private development. The Public Safety Building will be the first project in the Civic Center block and is targeted to be completed in approximately three years. Prior to construction of the Public Safety Building, the City must complete infrastructure upgrades along Oak and School avenues as well as Burke Street. The City will also have to coordinate efforts with the utility companies, Union Pacific Railroad, the California State Public Utilities Commission (PUC) and the San Joaquin Valley Railway Company to address the installation of their utilities.

Next Steps

This work proposed for completion as part of the contract with Provost & Pritchard will include design and preparation of construction drawings for roadways, sanitary sewers and storm improvement plans. The Scope of Work is attached as Exhibit A. There are several activities planned for the next several months including:

- Design & Engineering Plans to be completed within three to five months

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

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Est. Time (Min.):5__

Review:

Dept. Head _____
(Initials & date required)

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(Initials & date required or N/A)

City Mgr _____
(Initials Required)

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- Environmental document will be completed simultaneously as it relates to the infrastructure improvements (within the same time period)
- Release of an RFQ for Architectural Services for the Public Safety Complex (within two months)
- Implementation of Infrastructure Improvements (commencing in Fall 2008 with a projected completion date of Summer 2010)

Prior Council/Board Actions:

- On December 18, 2006, council authorized the execution of the contract with EDAW, Inc. for the preparation of the Infrastructure & Parks Master Plan.
- On May 7, 2007, the City allocated funds to support the design, engineering and construction work related to the Civic Center Block.

Committee/Commission Review and Actions: None

Alternatives: The City can consider retaining a design and engineering firm as part of the RFQ process for architectural services for the Public Safety Complex.

Attachments:

- Cover letter and Professional Services Agreement with Provost & Pritchard Engineering Group
- Exhibit A: Scope of Work
- Exhibit B: Project Fee
- Exhibit C: Provost & Pritchard Engineering Group, Inc. 2008 Fee Schedule
- Aerial of area to be designed

Recommended Motion (and Alternative Motions if expected): Authorize the approval of a contract with Provost & Pritchard Engineering Group to complete design and engineering work for the right-of-way areas encompassing Tipton to Burke streets along Oak and School avenues; Liberty Street between Oak and School avenues and from Millcreek to Goshen/E. Murray Street along both sides of Burke Street in an amount not to exceed \$168,000.

Environmental Assessment Status

CEQA Review: Staff will complete the required environmental review as part of the design and engineering phase.

NEPA Review: Not applicable.

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 11, 2008

Agenda Item Number (Assigned by City Clerk): 2b

Agenda Item Wording: Resolution to initiate general vacation proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street, and to direct City Clerk to set March 17, 2008 as the date of the public hearing on the petition to vacate.

(Resolution No. 2008- 07 required)

Deadline for Action: N/A

Submitting Department: Public Works /Engineering

Contact Name and Phone Number:

Andrew Benelli (559) 713-4340
Adrian Rubalcaba (559) 713-4271

Department Recommendation:

Staff recommends that City Council adopt Resolution No. 2008-____, declaring its desire to initiate general vacation proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street, and set the date of public hearing on the petition to vacate for March 17, 2008.

This action will generally vacate an existing vehicular, pedestrian, and public utility easement and the land will revert back to the current property owner.

Summary/background:

The City acquired the easement for Princeton Drive as part of a condition of Parcel Map No. 3804. The intent of the easement was to allow direct vehicular and pedestrian access to Lovers Lane from the Stonebridge Subdivision. Through the years the property sat idle with no proposed development on the site.

Recently this property has been acquired by Thomason Development Company, located in Fresno. Thomason Development Company is proposing to develop this site into a neighborhood shopping center with a major grocery store as a primary anchor store, several smaller stores, fast food restaurant, and a gas station. To accommodate the developer's proposed layout, the developer has submitted a petition to the City of Visalia to consider the vacation of the existing vehicular, pedestrian, and public utility easement identified on Parcel Map No. 3804.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

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Est. Time (Min.): 1

Review:

Dept. Head _____
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City Mgr _____
(Initials Required)

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To vacate the vehicular, pedestrian, and public utility easement, the provisions of Streets & Highways Code § 8320-8325 apply. Pursuant to § 8320(a)(2), an interested party may petition the City Council to set date where the Council can consider the petitioners request to vacate a public right-of-way or easement for same. The City Council may, at its discretion, direct the City Clerk to set the date for the hearing and provide the public with the required notice of hearing. The City Council exercises this discretion through adoption of a resolution to initiate general vacation proceedings. Alternatively, the City Council may, in its discretion, decline to entertain the petitioner's request to initiate general vacation proceedings.

Following adoption of the resolution to initiate general vacation proceedings, § 8313 and Government Code § 65402 require that this request go to the Planning Commission for a recommendation on the issue of whether or not the petition for vacation is consistent with the general plan. If the Council adopts the resolution to initiate general vacation proceedings, then it is proposed that this matter will go to the Planning Commission on February 25, 2008. In the intervening period, staff will also provide the public with notices, as required by statute, by posting notice along the area to be considered for vacation and within the local newspaper. Staff recommends that Council direct the City Clerk to set the public hearing where the general vacation will be heard by the City Council for March 17, 2008. Following the public hearing and after considering all evidence submitted from all interested parties, if the City Council finds, from all evidence submitted, that the City's easement is unnecessary for present or prospective public use, the City Council may adopt a resolution vacating the street, highway, and/or public service easement. Streets & Highways Code § 8324(b) stipulates the resolution of vacation may provide that the vacation occurs only after conditions required by the City Council have been satisfied, and may instruct the City Clerk that the resolution of vacation not record until such conditions have been satisfied.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Decline petitioner's request to initiate general vacation proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street.

Attachments: Location Map, Parcel Map No. 3804, Request Letter, Resolution, and Exhibits A & B.

Recommended Motion (and Alternative Motions if expected):

"I move to adopt Resolution No. 2008-07, initiating general vacation proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street, and set the date for public hearing for March 17, 2008."

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:



Monday, November 26, 2007

VIA OVERNIGHT MAIL

Attn: Mr. Andrew Benelli
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

**RE: REQUEST TO ABANDON VEHICULAR EASEMENT
PARCEL MAP 3804; WALNUT & LOVER'S LANE**

Dear Mr. Benelli,

Please accept this letter as our formal request to abandon the Vehicular, Pedestrian and Utility Easement referenced in Parcel Map 3804 and as further described on the attached Exhibit "A".

About 20 years ago this site was planned and approved for development. As part of that approval, the property owner at that time dedicated an easement to the City via Parcel Map 3804. This easement was consistent with a future local street that was intended to be built with the project. That street was intended to cross Packwood Creek and connect to Cedar Street in the Stonebrook neighborhood. After the easement was granted, the developers decided against building the project and their approvals lapsed. However, the easement remains in place.

Since that time the site has had different zoning placed on it and a number of different projects have been proposed on the site at various times with commercial, office, and/or multi-family uses. None of these projects materialized. Currently, the entire site is designated and zoned for a neighborhood commercial center. During those previous public hearings on other projects, it has become clear that the residents of the Stonebrook neighborhood view the connection of a public street shown in the easement not as a benefit, but as a detriment to their neighborhood.

Also since that time, the market has required that the size of neighborhood centers increase, to the point that it is no longer feasible from a marketing standpoint to accommodate a public street through the middle of this property. While it may be possible to design a center with such a street, my internal research has shown that the current marketplace will not accept such a design in this location, thereby perpetuating the site's undeveloped status.

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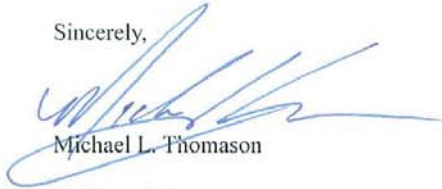
7090 North Marks, Suite #102 • Fresno, California 93711
(559) 432-1600 (559) 432-2714 FAX

November 26, 2007

It is for these two reasons that I request that the easement be abandoned. I recognize the desire for connectivity to the Stonebrook neighborhood and have been diligently working with City Staff to ensure that an inviting pedestrian connection be incorporated into the future neighborhood commercial center site plan. I hope to continue to work with City Staff and to soon bring to the City a commercial center plan that will incorporate good design and architecture, as well as internal and external pedestrian connectivity.

If you should have any questions, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael L. Thomason", is written over the typed name.

Michael L. Thomason

Enclosure(s)

cc: Steve Brandt – Quad Knopf

RESOLUTION NO. 2008-07

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
INITIATING PROCEEDINGS TO VACATE A PORTION OF PRINCETON DRIVE BETWEEN
LOVERS LANE AND CEDAR STREET**

WHEREAS, the property owner, Thomason Development Company, has submitted an application requesting a portion of Princeton Drive be vacated within the City of Visalia; and

WHEREAS, the City Council of the City of Visalia may vacate all or part of a street, highway, or public service easement pursuant to the Public Street, Highways, and Service Easements Vacation Law (State of California Streets & Highways Code, § 8300 et seq.); and

WHEREAS, the vacation proceedings are to be conducted pursuant to the provisions in § 8320 et seq., Chapter 3 of Part 3, Division 9, entitled "General Vacation Procedures," of the State of California Streets & Highways Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. That the City Council of the City of Visalia initiates proceedings to vacate a portion of Princeton Drive, between Lovers Lane and Cedar Street, as described in Exhibits A & B, and attached hereto; and
2. Pursuant to Streets & Highways Code § 8320 et seq., that the Clerk of the City of Visalia set a public hearing at which time all persons interested in the proposed vacation will be heard on March 17, 2008 at 7:00 PM at the Council Chambers, 707 W. Acequia Ave., Visalia, CA; and
3. The Clerk of the City of Visalia shall publish notice of said hearing, in accordance with the requirements of the Streets & Highways Code § 8322 (a) et seq., and the Public Works/Engineering Department shall cause notices to be posted pursuant to the Streets & Highways Code § 8323 et seq.

Passed and Adopted

**EXHIBIT A
LEGAL DESCRIPTION**

A strip of land 56.00 feet in width equally lying 28.00 feet on each side of Parcel 1 and Parcel 2 as shown in Parcel Map No. 3804, recorded May 23, 1990 in Book 39, at Page 7 in the office of the Tulare County Recorder and being a portion of the southeast quarter of the southeast quarter of Section 33, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California; more particularly described as follows:

Beginning at the Northeast corner of Parcel 2 of Parcel Map No. 3804 and being the True Point of Beginning;

Thence, North 00°22'41" East, 48.00 feet;

Thence, Westerly 31.42 feet, along a curve concave to the northwest, having a radius of 20.00 feet and a central angle of 89°59'59";

Thence, North 89°37'19" West, 156.61 feet;

Thence, Westerly 193.43 feet, along a curve concave to the southeast, having a radius of 278.00 feet and a central angle of 39°51'59";

Thence, Westerly 185.15 feet, along a reverse curve concave to the north, having a radius of 222.00 feet and a central angle of 47°47'03";

Thence, South 08°17'45" West, 56.00 feet;

Thence, Easterly 231.85 feet, along a curve concave to the north, having a radius of 278.00 feet and a central angle of 47°47'03";

Thence, Easterly 154.57 feet, along a reverse curve concave to the southeast, having a radius of 222.00 feet and a central angle of 39°51'59";

Thence, South 89°37'19" East, 156.61 feet;

Thence, Southerly 31.42 feet, along a curve concave to the southwest, having a radius of 20.00 feet and a central angle of 90°00'00";

Thence, North 00°22'41" East, 48.00 feet to the True Point of Beginning.

See Exhibit B for plat.

