

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, August 4, 2008

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

Mayor: Jesus J. Gamboa - present
Vice Mayor: Bob Link - present
Council Member: Greg Collins - arrived during Item 2
Council Member: Donald K. Landers - present
Council Member: Amy Shuklian - 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

4:00 p.m.

NEW EMPLOYEE INTRODUCTIONS

Michael Allen introduced new employees to the IS Division - Bob Craine and John Howison, Office Systems Analysts

WORK SESSION AND ACTION ITEMS (as described)

Public Comment on Work Session and Closed Session Items

Track 2

1. Youth presentation on teen pregnancy and teen violence (Jason Lefaive, 1st Assembly of God Church).

Sarah, a recent Mt. Whitney High School graduate, reviewed a plan that she and a group of recent high school graduates researched which will enhance the services of non-profit agency Care Pregnancy in an effort to lower teen pregnancy rates in Tulare County. The City Council commended Sarah and the group for their efforts.

Track 3

2. Presentation from students who have returned from Miki City Sister City.

Council Member Bob Link presented a slide show of his recent trip to Miki City with the students that were selected to represent the City of Visalia. Several students were in attendance for the presentation and spoke about their trip. Pam Link commended the students on their behavior and for representing Visalia in a positive light.

Track 4

3. Presentation by the San Joaquin Valley Air Pollution Control District regarding proposed green waste regulations and a general update on District activities.

Leslie Caviglia, Deputy City Manager introduced Rick McVeigh from the San Joaquin Valley Air Pollution Control District. Mr. McVeigh updated the Council on the progress for proposed green waste regulations on composting.

The following persons spoke regarding the proposed regulations: John Jones, Tulare County Compost and BioMass; Bill Scroggins, environmental chemist; Rock Yort, Wood Industries.

Council directed staff to work with the San Joaquin Valley Air Pollution Control District and the composting companies regarding the proposed regulations and asked Mr. McVeigh to update the Council again in November or December.

5:10 pm -
5 minute
break

Track 5

DL/AS 5-0
Approve staff
recom-
mendation

4. Presentation and discussion of Alternate Sites for the new SPCA Facility and referral to Committee to make recommendations on the preferred location.

Paul Scheibel, Mario Cifuentez, Rebecca Keenan and Adam Ennis reviewed nine identified potential sites for the new SPCA. Council expressed their opinions on the sites.

DL/AS 5-0 to refer back to the SPCA Committee, including members of the staff in order to pursue site selection.

5. Status report on Civic Center area planning

Mayor Gamboa stated that Item 5 is for information only and will not receive a presentation.

Convene as Visalia City Council and Redevelopment Agency

6. RDA CONSENT CALENDAR -

Authorization to amend agreement with AmeriNational Community Services, Inc. to include loan servicing and loan underwriting services in relation to the new Redevelopment funded Lincoln Oval Washington School Neighborhood Program loans for five (5) years.

Track 6

DL/BL 5-0
Item 6
approved

Adjourn as City Council and Redevelopment Agency and remain seated as Visalia City Council

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 - none

CLOSED SESSION

5:50 p.m.
adjourn to
closed session

7. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 313-315 Giddings (APN: 093-263-006; 093-263-005)
Under Negotiation: Status of negotiations; terms and conditions of purchase
Negotiating Parties for City: Steve Salomon, Michael Olmos, Ricardo Noguera, Colleen Carlson
Negotiating Parties for Seller: Jim Phillips, Mike Bishop
8. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 500 S. Santa Fe (APN:097-121-019)
Under Negotiation: Price, terms and conditions of potential purchase, update re previously authorized negotiations
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson; Magdy Maksy and Nagwa Maksy Co-Trustees
9. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 220 N. Santa Fe (APN: 094-204-040)
Under Negotiation: terms and conditions
Negotiating Parties for City: Steve Salomon, Michael Olmos, Leslie Caviglia
Negotiating Parties for Owner: Connie Kautz

10. Conference with Real Property Negotiators (G.C. §54956.8)
 Property: 320 N. Tipton (APN: 094-240-026)
 Under Negotiation: Price, terms and conditions of potential purchase
 Negotiating Parties for Seller: Southern California Gas Company
 Negotiating Parties for Buyer: Steve Salomon, Michael Olmos, Colleen Carlson

11. Conference with Real Property Negotiators (G.C. §54956.8)
 Property: 139 N. Cain Street
 Under Negotiation: Authority to negotiate price, terms and conditions of purchase or lease
 Negotiating Parties: Steve Salomon, Andrew Benelli; Johnny and Debra McElree (Trs) and Robert and Barbara McElree (Trs)

Track 7

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Tim Ramage, Merge Visalia

SPECIAL PRESENTATIONS/RECOGNITION

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 street name and city.

Johnny Medeiros, Glen Pierce, and Jacob LaBogan, players from the 12 year old all-star team of Visalia Youth Baseball, informed the Council that they will be going to the Cal Ripkin World Series in Tennessee and asked for financial support.

12. INFORMATION ONLY - Receive Planning Commission Action Agenda of July 28, 2008.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Collins requested that items “f, i, j, k, and l” be removed from the consent calendar to discuss separately.

Council Member Landers requested that item “n” be removed from the consent calendar to discuss separately.

13. 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.

DL/BL 5-0
 approve
 balance of
 consent
 calendar

b) Second reading and adoption of Ordinance for Change of Zone No. 2007-10: A request by Jeff Manquen (Jesus Gutierrez, agent) to change the zoning designation on 0.21 acres from R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot size) to PA (Professional Administrative/Office) and add 0.21 acres to Design District C. The site is located at 501 South Court Street, on the southwest corner of Court Street and Olive Avenue. (APN: 097-033-002) **Ordinance 2008-05 required.**

c) Second reading and adoption of Ordinance amending Section 17.30.045 A and B regarding the Parking In-lieu Fee Program which would replace the existing five (5) year payment program with a ten (10) year payment program for Parking In-lieu Fees in the Central Business District. **Ordinance 2008-06 required.**

d) Second reading and adoption of Ordinances extending the duration of the East Visalia and Mooney Boulevard Redevelopment Project Areas. **Ordinances 2008-07, 08, 09, and 10 required.**

e) Appointment of Karen Cooper to serve as the City of Visalia's representative on Measure R Citizen's Oversight Committee

f) 1. Withdrawal of Change of Zone No. 2004-14 by the Plaza Land Company LLC, the action was to change the zone from Business Research Park to Professional Administrative Office; and

2. Initiation of General Plan Amendment to change the land use designation from Professional Administrative Office to Business Research Park for property located on the northeast corner of Highway 198 and Plaza Drive. APN 081-020-036.

Council Member Collins had questions regarding the zone change which were answered by staff.
--

g) Initiation of an Amendment to the General Plan Circulation Element pertaining to the addition of Burke Street from Houston Avenue continuing south to Tulare Avenue as a collector status street.

h) Authorization to apply for a \$32,000 grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) REMOVE II program for the painting of bike lanes on Woodland St. between W. Main St. and the Evans Ditch and authorize the City Manager to execute the necessary agreement. (Project No. 3011-00000-720000-0-9923)

i) Authorize the release of Request for Qualifications (RFQs) for architectural and construction management services for the new public safety facility.

Council Member Collins discussed the use of a construction manager and had concerns about costs. Staff responded to questions.
--

j) Notice of Completion for Oakwood Ranch subdivision located at the southeast corner of Chinowth Street and Houston Avenue containing 11 Multi-family lots (42 Units)

Council Member Collins had questions of staff regarding the maintenance of individual lots.

k) Notice of Completion for Walnut Village, containing 11 lots and one common lot, located on the south side of Walnut Avenue between Chinowth Street and Linwood Street.

Council Member Collins questioned staff regarding property maintenance.

BL/DL 5-0
Item 13f
approved.

DL/BL 5-0
Item 13i
approved

DL/GC 5-0
Item 13j
approved

GC/DL 5-0
Item 13k
approved

GC/DL 5-0
Item 13l
approved

- l) Partial Notice of Completion for Luisi Acres Phase 1, containing 37 lots, located at the northwest corner of the Giddings Street and Ferguson Avenue intersection

Council Member Collins had questions regarding circulation. Staff responded to questions.

- m) *Item removed at the request of staff*

DL/BL 5-0
Item 13n
approved as
amended

- n) Authorization for the City Manager to continue a consulting contract with Bruce McDermott for \$2,000 a month, and authorization to waive the standard consultant insurance requirements.

Council Member Landers requested the contract be approved and apply the same increase beginning July 1, 2008, as was given to city employees (4%).

- o) Support for Assembly Bills 31, 2176, 2262, 2594, 1033, 2151 and Senate Bill 1357; and opposition to Assembly Bills 983 and 2716.

- p) Adoption of Resolution expressing opposition to state budget decisions which would "borrow" local government, redevelopment, and transportation funds. **Resolution 2008-42 required.**

Track 8

DL/AS 5-0
Item 14
approved

14. Hearing to Consider Adoption of Resolution of Necessity to Acquire Real Property by Eminent Domain for property located at 500 Santa Fe Avenue APN 096-121-019 owned by Magdy Maksy and Nagwa Maksy Revocable Trust. **Resolution 2008-43 required.**

Andrew Benelli, Public Works Director, presented the staff report and indicated that the property is necessary for the construction of the Santa Fe Bridge over Highway 198. Colleen Carlson, attorney, reviewed the offers made to the property owners and the issues of the owners that have been addressed by the City.

At 7:45 p.m. Mayor Gamboa opened the hearing. Magdy Maksy and Nagwa Maksy, property owners, addressed the Council and said the project is not in the best public interest of the elderly and disabled patients that visit their office.

Ken Richardson, City Attorney, indicated that the issue before the Council is to focus on whether or not the property is necessary for the project and whether or not the taking of the property will do the least amount of private harm and the most amount of public good. At 8:07 p.m. the hearing was closed.

DL/AS 5-0 to adopt the Resolution of Necessity on the Maksy property at 500 S. Santa Fe Avenue.

Track 10
GC/AS 5-0
Item 15
approved as
recommended

15. Consider supplemental annexation policies for the City of Visalia; consider a policy pertaining to increasing densities for approved residential subdivision maps.

Paul Scheibel, Principal Planner and Brandon Smith, Senior Planner reviewed the draft policies contained in the staff report. Mike Olmos, Assistant City Manager, reported the draft policies are the outgrowth of discussions to pursue higher density that the Council has had in joint meetings with the Planning Commission as well as discussed as retreat issues.

GC/AS 5-0 to direct staff to refer the draft policies to interested organizations for review and comment and direct staff to schedule the policies for final review and adoption.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION- none

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

9:10 p.m.
Meeting
adjourned

Upcoming Council Meetings

- Monday, August 18, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Tuesday, September 2, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Monday, September 15, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – 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 relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.

Submitted by Donjia Huffmon, Chief Deputy City Clerk