

Visalia City Council Action Agenda

For the regular meeting of: Monday, April 3, 2006

Location: Visalia Convention Center

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.

JOINT VISALIA CITY COUNCIL/VISALIA PLANNING COMMISSION WORK SESSION AND ACTION ITEMS (as described) 4:00 p.m.

Track 1
Item 1

1. Review of proposed Lowery Ranch Master Plan.

Assistant Community Development Director Fred Brusuelas provides a review of the item to the Joint Members for discussion. Councilmember Bob Link asked for clarification of the differences between a Master Plan versus Specific Plan process, staff responds. Developer representative Bob Dowds addresses the members and provides an overview of the proposed project & their preference to remain as a Master Plan process, with possibly an overlay of certain aspects from a Specific Plan process. Further comments & questions were posed by the members and addressed by staff. Direction provided to staff, no formal action taken.

Track 2
Item 2

2. Southeast Area Master Plan – Project update, located on the south side of Caldwell Avenue, between Santa Fe Street and Lovers Lane, to Avenue 272, Moule and Polyzoides Architects and Urbanists are the consultants, David Thurman consultant Project Manager, Andrew Chamberlain City Staff Project Manager.

Assistant City Manager Michael Olmos advises the Joint Members that the item was for informational purposes and that a staff report is not necessary unless the members have specific issues to address. A question regarding the schedule for the upcoming charrette was posed and Planning Staff Member Andrew Chamberlain commented that a tentative schedule was being distributed now and that a final schedule would be made available this week. No action taken.

Track 2
Item 3

3. Discussion of proposed policy relating to review of Commission actions by the City Council. (Discussion item only, written material will not be available.)

Assistant City Attorney Alex Peltzer and Assistant City Manager provide a brief overview of the item. The Joint Members indicated their desire to have this item brought back to a future joint meeting a date yet to be determined. No action taken.

WORK SESSION AND ACTION ITEMS (as described)

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

Track 3
Item 4
GK/DL 4-1
(BL-No)

4. Review the status of the Northwest Fire Station and Training Facility project, including a presentation of the current design, and authorize the Construction Manager of the project to begin soliciting bids.

Finance Manager Gus Aiello, Battalion Fire Chief Doyle Sewell, and Construction Manager BJ Perch Construction provided an overview of the project for Council's consideration & request to send the project out to bid. Comments & questions concerning fire impact fees, design floor plan & the costs of the project were made by Council, staff responded. Council requested that the item be continued for further review at the April 17, 2006, Council Meeting.

**Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

Track 4

ITEMS OF INTEREST

CLOSED SESSION

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

Adjourn to
Closed
Session

5. Conference with Legal Counsel – Anticipated Litigation (1)
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
6. Conference with Legal Counsel – Existing Litigation
(Subdivision (1) of Section 54956.9 GC)
 - a. Name of Case: Laidlaw v. City of Visalia; Case #1:05-CV-00199
 - b. Name of Case: City of Visalia v. Harrah et al.; TCSC Case No. 04-210016
7. Conference with Real Property Negotiators
Property: 52-acre Modoc Basin located north of Riggin Avenue and west of Demaree St.
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Alex Peltzer, Andrew Benelli, Modoc Ditch Company
8. Item removed from Agenda.
9. Conference with Real Property Negotiators
Property: corner of Burke and Center; APN 094-190-010
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Mike Olmos, Marty Zeeb, Chris Beck, Kyle Rhinebeck

Reconvene To
Regular
Session

REGULAR SESSION

7:00 p.m.

Track 5

PLEDGE OF ALLEGIANCE

INVOCATION – Harry Wood

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 address.

Amy Shuklian – comments on solid waste service.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Item 10c & 10f pulled by Councilmember Collins for discussion; Item 10g(1) pulled by Councilmember Landers for discussion/clarification of interested parties.

10. 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) Approval of \$5,000 sponsorship for the upcoming Visalia Biztalk Conference.
- c) Authorization to bid the Construction of Visalia Parkway from Dans Street to Demaree Street without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 1241-00000-720000-0-9810-2005.
- d) Request authorization to accept an “Irrevocable Offer to Dedicate Real Property” for a portion of Riggins Avenue right-of-way for roadway purposes as offered per Document No. 2003-0011275, dated February 10, 2003, Document No. 2005-0032400, dated March 29, 2005 and Shannon Ranch East Subdivision said right of way generally located between Modoc Ditch and Dayton Street; **Resolution 2006-29 required.**
- e) Approve amended and restated Joint Powers Agreement from the Consolidated Waste Management Authority.
- f) Grant a six unity density bonus for the Conditional Use Permit No. 2006-04, to allow 44 multiple family units for the development located at 4219 W. Walnut Avenue, for the West Star company (APN 119-040-005, 006.)
- g) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation* of the final map(s) related thereto (if applicable):
 - 1. Authorize the Recordation of the Final Map for Hall Estates, located at the northeast corner of Cherry Avenue and Lovers Lane (30 lots) and the Formation of Landscape and Lighting District No. 06-05, Hall Estates; **Resolution 2006-34 and 2006-35 required.** APN: 127-030-014

Track 5
Balance of
Consent
Calendar
Approved
DL/GK 5-0

Item 10c
BL/DL 5-0
Approved

Item 10f
GK/DL 5-0
Approved

Item 10g(1)
Cont. to 4/17
for
information
as to
interested
parties
DL/BL 5-0
Approved

- h) Authorization to file a Notice of Completion for the West Side Taxiway Construction and related projects at the Visalia Municipal Airport; project numbers 4011-00000-720000-0-9568-2008 & 4011-00000-720000-0-9736-2005 corresponding to FAA AIP project numbers 3-06-0271-17, 19, 20, 21, & 22.
- i) Authorization to execute a final Certificate of Cancellation of Land Conservation Contract No. 10080 located on property owned by Frank Luisi (Quad Knopf, agent). The site is located at the northwest corner of Mooney Boulevard and Ferguson Avenue in the City of Visalia, County of Tulare. (APN: 089-010-034) **Resolution 2006-36 required.**
- j) **Second Reading of the following Ordinance(s):**

- 1. **Ordinance 2006-05** authorizing the lease of certain portions of real property located at the Visalia Municipal Airport to the Federal Aviation Administration for the purpose of maintaining and operating Navigational Equipment.

- 11. PUBLIC HEARING - Appeal of Planning Commission approval of Conditional Use Permit 2006-14: a request by Visalia Adventure Park amending Conditional Use Permit 2003-39, to allow on-site sales of beer and wine at a commercial recreation facility in the CSO (Planned Shopping/Office) Zone. The site is located at 5600 W. Cypress Avenue; APN: 087-450-019; Resolution **2006-32 required.**

Track 6
Item 11
DL/BL 5-0
Approved

Planning staff member Paul Scheibel introduces item and addresses Council's comments & questions. Comments were made by Interim Chief of Police Bob Williams as to the Police Department's role in reviewing alcohol permits. Public Hearing Opened: Roger Hurrick, Phillip Jones, Mike Robinson, Mark Wilson, David Robinson, Maria Hernandez, Susan Hill, Veronica Hill, Russell Steiver, Gabriel Cervados, Jeff Encito, Annette Recendez, Roman Swivallo, Katherine Gregorian, Gary Wells, Elena Wendell, Gary Vanett, Esther Mann, Sarah Sarkian, & Barbara Robison speak in support of the CUP & denial of the appeal; Anita Owen, Alan Costa, Darlene Mata, Amy Shuklian, Linn Goodwin, Ernie Florez, Briana Florez, Amy Brown, Susan Thornton, Adam Valencia, Frank Careno, Carrie Wilson, Rick Brown, Marilyn Watson, Bev Anderson, Dr. Jim Kooler, Rick Mangini, Jonathan Dobbs, & Louie Thomas speak in opposition of the CUP & in support of the appeal. Comments made by Council. Motion to Uphold Appeal & deny CUP 2006-14 approved.

Track 7

- 12. PUBLIC HEARING -

Item 12a
BL/GC 5-0
Approved

- a. **Resolution 2006-30** Adopting Negative Declaration No. 2006-11 for General Plan Amendment No. 2005-22 and Change of Zone No. 2005-23; (*A separate Motion by the Council is required.*)
- b. **Resolution 2006-31** approving General Plan Amendment No. 2005-22, a request by Dan Baker (Neil Zerlang, agent) to change the General Plan land use designation from Rural Residential to Low Density Residential on approximately three acres, located on the north side of Caldwell Avenue, between Aspen Street (private) and Peppertree Court (APNs: 119-690-43/44); (*A separate Motion by the Council is required.*)
- c. **Introduction of Ordinance 2006-06**, approving Change of Zone No. 2005-23, a request by Dan Baker (Neil Zerlang, agent) to change the zoning designation from RA (Rural Residential) to R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) on approximately three acres, located on the north side of Caldwell Avenue, between Aspen Street (private) and Peppertree Court (APNs: 119-690-43/44).

Item 12b
DL/BL 5-0
Approved

Item 12c
DL/BL 5-0
Approved

Planning staff member Paul Scheibel introduces item & addresses Council's comments & questions. Public Hearing Opened: Neil Zerlang, agent speaks in support of item; Public Hearing Closed. Approved.

Track 8
Item 13
BL/DL 5-0
Approved

13. PUBLIC HEARING – for Disestablishment of Agricultural Preserve No. 3430: a request by Frank Luisi, property owner (Quad Knopf, agent) to cancel 30 acres of Agricultural Preserve No. 3430. The site is located at the northwest corner of Mooney Boulevard and Ferguson Avenue in the City of Visalia, County of Tulare. (APN: 089-010-034) **Resolution 2006-33 required.**

Planning staff member Brandon Smith introduces item to Council. Public Hearing Opened; no comments; Public Hearing Closed. Approved.

-Convene jointly as the Redevelopment Agency Board and the Visalia City Council for the following item:

Track 9
Item 14
DL/BL 5-0
Approved

14. PUBLIC HEARING – Extension of the Redevelopment Agency Project Area: **Introduction of RDA Ordinance 2006-01** extending the duration of the Downtown Redevelopment project area, time limit for the receipt of tax increment and debt repayment period by two years pursuant to Cal. Health & Safety Code Section 33333.6(e)(2)(D) (S.B. 1097).

Public Hearing Opened; no comments; Public Hearing Closed. Approved.

-Adjourn as the Redevelopment Agency Board and remain seated as the Visalia City Council

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Assistant City Attorney Alex Peltzer provided a report on the selection of Robert Carden as Chief of Police for the City of Visalia.

Adjourn

SUBMITTED: Roxanne Yoder, Chief Deputy City Clerk