

# Regular Meeting Action Agenda

## Visalia City Council



Mayor: Bob Link - present  
Vice Mayor: Amy Shuklian - present  
Council Member: Warren Gubler - present  
Council Member: Mike Lane - present  
Council Member: Steve Nelsen - present

Monday, March 21, 2011

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291  
Work Session 4:00 p.m.; Closed Session immediately following  
Regular Session 7:00 p.m.

### 4:00 p.m. WORK SESSION AND ACTION ITEMS (as described)

#### [Track 1](#)

SN/WG 5-0  
Closed  
Session Item  
7b added to  
agenda

Assistant City Manager Michael Olmos requested the Council add an item to the Closed Session Agenda pursuant to GC 54954.2(b) (2). The need for immediate action came to the attention of the Council after the agenda had already been posted and distributed. The need for immediate action requires a two-thirds vote of the members present. The agenda item to be added will be item 7b in closed session which will add one additional potential case to the Conference with Legal Counsel – Anticipated Litigation.

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council. Each speaker will be allowed three minutes (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.*

There were no public comments.

AS/SN 5-0  
Item 1 –  
report  
accepted and  
1<sup>st</sup> reading of  
ordinance  
approved as  
submitted

1. Semi-annual update on comprehensive SMART TEAM (Specific Measurable Achievable Relevant Time-bound) efforts and accomplishments from July 1, 2010 through December 31, 2010 and first reading of an Ordinance which clarifies the required number of calls for service (except medical emergencies) before a property can be inspected for violating the management quality standards described in Visalia Municipal Code Section 15.44.160C and 8.40.060C. **1<sup>st</sup> reading of Ordinance 2011-03 required.**

Tracy Robertshaw, Code Enforcement presented the 5<sup>th</sup> semi-annual report of the SMART Team. The report highlighted the efforts of the team as they relate to foreclosed properties, substantial housing, un-maintained swimming pools, vehicle abatement, weed abatement, graffiti abatement, and illegal marijuana grows.

Council discussed the report and Robertshaw responded to Council questions. Vice Mayor Shuklian asked if illegal signage could also be looked into and added to the duties of the SMART Team.

[Track 2](#)

WG/AS 5-0  
Item 2  
approved as  
submitted

2. Receive update on the status of work projects as a result of the December 2010 storms; approve the relocation of the primary Emergency Operations Center to Fire Station 55, and purchase an additional generator and other miscellaneous improvements and appropriate \$65,000 from the City’s Emergency Reserves for this cost.

Fire Chief Mark Nelson reported on the recent weekend rain storms and minor flooding that occurred.

Danny Wristen, Battalion Chief, presented the status report on work projects as a result of the December 2010 storms and responded to Council questions

[Track 3](#)

AS/WG 5-0  
Item 3  
approved as  
submitted.

3. Receive FY 2010/11 mid year financial report on the General Fund, Measure T, Transportation Funds and Enterprise Funds; and preliminary projections for FY 2011/12 General Fund with recommended actions.

Renee Nagel, Assistant Finance Director and Administrative Services Director Eric Frost presented the Mid Year Financial Report and staff recommendations to Council.

Council discussed the need to continue to monitor sales and property tax as the assumptions for these revenues may be too high. Councilmember Nelsen expressed the need for the Enterprise Funds to begin to cover their costs of operation and to lessen the City’s contribution.

*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**

Councilmember Nelsen reported he recently attended the Coalition Partnership for the San Joaquin Valley meeting in Stockton and that the partnership is a good conduit to the Capitol.

**Adjourned  
to Closed  
Session  
5:15 p.m.**

**CLOSED SESSION (immediately following Work Session)**

4. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)  
Name of Case: Ramos v. City of Visalia - TCSC 09-231511
5. Conference with Legal Counsel – Existing Litigation - Subdivision (a) of Section 54956.9  
Solis v. City of Visalia – TCSC 09-232070
6. Conference with Legal Counsel – Existing Litigation - Subdivision (a) of Section 54956.9  
Stinebaugh v. City of Visalia – TCSC 10-238330
7. Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (b) of Section 54956.9: One potential case

**7:00 p.m.**

**CALL TO ORDER REGULAR SESSION**

[Track 4](#)

**PLEDGE OF ALLEGIANCE**

**INVOCATION – Councilmember Steve Nelsen**

**SPECIAL PRESENTATIONS/RECOGNITION**

- Proclaim April 2011 National Child Abuse Prevention Awareness Month

Councilmember Warren Gubler presented the Proclamation to Billie Shawl. Ms. Shawl distributed pledge pins and asked interested persons to sign the pledge and wear the pins during the month of April.

[Track 5](#)

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

*This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (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.*

Michael Tellian, Mangini and Associates, ask the Council to reconsider approving bike lanes on Mineral King Avenue; Leah King, Pipkin Detective Agency, discussed the need for continued parking on Mineral King and the damage to businesses if the parking is taken away for bike lanes; Ed Evans, Re-Max Real Estate, discussed the loss of commerce in losing parking due to bike lanes; Rocky Pipkin, Pipkin Detective Agency, discussed his concern for the addition of bike lanes and loss of parking on Mineral King; Dr. Barry Smith, W. Noble, asked the Council to reconsider bike lanes on Noble as there is very limited parking in this area; Herb Simmons, Mountain Street, member of Waterways and Trails Committee, spoke in support of bike lanes on Noble and Mineral King and the goal of roads is for transportation not for private parking; Peter Salerno, S. Church, discussed the need for more police officers and the need for stop signs on S. Church; Debbie Bowen, W. Seeger, thanked the Council for bike lanes; Doreen Caetano-Jungk, Road 68, discussed the Betty Drive re-alignment and the effect of vehicle emissions to the town of Goshen. Mayor Link informed Mrs. Jungk that the Betty Drive realignment project is a county driven project and not within the jurisdiction of the City of Visalia. Ed Lynn, representing Group A, requested item 8e be pulled from the consent calendar for discussion.

[Track 6](#)

8. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

The following items were removed from the consent calendar for separate action: 8e (Lynn); 8i (Shuklian).

- a) Authorization to read ordinances by title only.
- b) Authorize a Notice of Completion for the construction of Mill Creek Garden Park Playground located at North Lover’s Lane Avenue and Mill Creek Parkway in northeast Visalia, Project No. 3011-0-72-0-9336, at a final construction cost of \$155,389.41.
- c) Authorization staff to apply for “Let’s Move City” status as recommended by the Healthy Visalia Committee.

SN/ML 5-0  
approve  
balance of  
consent  
calendar as  
submitted

d) Acceptance of City owned property into the public street system along the north side of the alley located between Center Street and Main Street in the block between Church Street and Court Street. **Resolution 2011-10 required.**

e) Authorize the City Manager to enter into a contract for professional services for labor relations, negotiations and/or other mediation services with Liebert Cassidy Whitmore, a Professional Law Corporation.

AS/WG 4-1  
(Lane - No)  
Item 8e  
approved as  
amended to  
not use the  
firm unless  
necessary and  
to negotiate  
using city  
staff if  
possible.

Ed Lynn, President of Group A, discussed that Group A feels that they can save the City the cost of professional services and will be able to come to an agreement with the city staff negotiating team. Mario Cifuentez, President Group E, indicated Group E is also willing to use city staff for negotiation purposes. Steve Lampe, Group B, indicated the item is on the table for Group B. City Manager Steve Salomon reminded the Council there are five bargaining groups and the firm works on an hourly basis and will only be used as necessary.

f) Approve sale of 210 NW 2nd Avenue (APN: 094-031-009) to the Visalia Rescue Mission. **1<sup>st</sup> reading of Ordinance 2011-04 required.** (requires 4/5<sup>th</sup> vote to approve)

g) Approve appointments of Laura Florez as a regular member and Tom Gordon as a first alternate to the Citizens Advisory Committee.

h) Authorize the City Manager to execute a 2<sup>nd</sup> Amendment to the loan agreement with Central Valley Christian Housing Development Corporation in the use of CalHFA-HELP Funds (California Housing Finance Authority - Housing Enabled by Local Partnership).

Track 7

i) Receive response from owner Tom Seidler, Top of the Third Inc., regarding the city's offer to sell the Recreation Park Baseball Stadium.

SN/WG 3-2  
(Shuklian and  
Lane - No)  
Item 8i  
accepted as  
submitted.

Councilmember Shuklian asked if a price for the stadium has been determined and if other parties were interested. City Manager Steve Salomon responded that the Council would need to authorize staff to get an appraisal with a real estate expert to pursue selling the stadium. Councilmember Nelsen said this is not a good time to pursue and perhaps the City could help market the stadium and install signage to direct people to the ballpark. Councilmember Lane indicated the need to protect our initial investment and opportunities for events to be held at the stadium to help with revenues.

**REGULAR ITEMS AND PUBLIC HEARINGS** - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

Track 8

AS/SN 5-0  
Item 9  
approved as  
submitted.

**9. PUBLIC HEARING -**

a) Certification of Negative Declaration 2011-11. **Resolution 2011-11 required.**

b) **General Plan Amendment No. 2011-01:** A request by the City of Visalia to change the General Plan Land Use designation from Service Commercial to Central Business District on 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. **Resolution 2011-12 required.**

c) **Change of Zone No. 2011-02:** A request by the City of Visalia to change the Zoning designation from Service Commercial (CS) to Central Business District (CDT) on 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. **1<sup>st</sup> reading of Ordinance 2011-05 required.**

Paul Bernal, Planning Division, presented the staff report and indicated the Planning

Commission held a public hearing on February 28, 2011 and the item was unanimously approved. Mayor Link opened the public hearing at 7:50 p.m. There were no comments from the public and the hearing was closed.

[Track 9](#)

*Convene as Visalia Redevelopment Agency Board:*

SN/AS 5-0  
Item 10a  
approved as  
amended to  
prepay the  
loan  
contingent on  
monitoring  
actions in  
Sacramento

**10. REDEVELOPMENT AGENCY CONSENT CALENDAR:**

- a) Authorize the RDA Executive Director to prepay the remaining balance of the Central Redevelopment Area loan from the General Fund.

Eric Frost, Administrative Services Director, presented the recommendation and responded to Council questions.

*Adjourn the Visalia Redevelopment Agency Board and reconvene as the Visalia City Council:*

7:55 p.m.  
Meeting  
Adjourned

**CLOSED SESSION REPORT (if any) - none**

**Upcoming Council Meetings**

- Monday, April 4, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, April 18, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, April 25, 2011, 5:00 p.m. Joint Meeting with Parks and Recreation Commission, Convention Center, 303 E. Acequia.

*Note: Meeting dates/times are subject to change, check posted agenda for correct details.*

*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.*

Prepared by Donjia Huffmon, Chief Deputy City Clerk

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