

# 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, May 16, 2011

**VISALIA CONVENTION CENTER – 303 E. Acequia, Visalia, CA 93291**

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)  
Regular Session 7:00 p.m.

**4:00 p.m.** **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.*

[Track 1](#)  
[Track 2](#)

There were no public comments at this time.

### **WORK SESSION AND ACTION ITEMS (as described)**

AS/ML 5-0  
Item 1  
approved as  
amended – no  
income limit  
for actively at  
work retirees,  
but they must  
take  
insurance if  
offered by  
their current  
employer.

1. **Adoption of Retiree Health Care Funding Policy. Resolution 2011-17 required.**

Eric Frost, Administrative Services Director, presented staff's most recent recommendation on how to phase out retiree health care and answered questions regarding the Federal Health Care Reform.

The following persons spoke: Phyliss Coring presented two alternative approaches that meet the council's criteria; 2) Dave Wheeler discussed the disadvantage of the recommendation for actively at-work retirees; Greg Dowds, spoke about the value of employees; Mike Stow, discussed the impacts to public safety.

Council discussed the current proposal and the comments received.

[Track 3](#)

2. **Presentation by Tulare County Association of Government (TCAG) representatives regarding the Santa Fe Trail connection from Visalia to Tulare.**

Chris Tavarez, Management Analyst, Ted Smalley, TCAG Director and Mike Sherrod from RRM Design presented the update and responded to Council questions. No action taken, information only.

AS/SN 5-0  
Item added to  
closed session  
agenda.

3. *Item removed at request of staff*

City Attorney Alex Peltzer asked the Council to add an urgency item to the Closed Session agenda. The item is for Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) – 1 potential case

**ITEMS OF INTEREST- none**

**5:20 p.m.  
adjourn  
to closed  
session**

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

- 4. Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) - **3** potential cases
- 5. *Item removed at request of staff*

**7:00 p.m.**

**CALL TO ORDER REGULAR SESSION**

[Track 4](#)

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - Pastor Mark DiGirolamo, 1<sup>st</sup> Assembly of God

**PRESENTATIONS/RECOGNITION** - Proclaim week of May 16, 2011 National Small Business Week

Councilmember Lane presented the Proclamation to Gil Jaramillo.

**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.*

The following persons spoke: Bill Callahan, N. Central, regarding on-going construction problems at Ferguson and N. Mooney; Peter Salerno, S. Church, regarding speeding on public streets and the need for speed bumps on S. Church.

AS/SN 5-0 all consent calendar items approved as submitted

- 6. **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.*
  - a) Authorization to read ordinances by title only.
  - b) Authorization to submit a grant application in the amount of \$119,264 to the California Emergency Management (Cal EMA) for the purchase and installation of shelters, solar lighting equipment, and upgrade the Automated Vehicle Locator (AVL) equipment for the Visalia Transit system and approve funds to be appropriated when grant is awarded. **Resolution 2011-21 required.**
  - c) Authorization to apply for a Public Transportation Modernization, Improvement, and Service Enhancement (Prop 1B) grant in the amount of \$2,467,387 to reimburse the Transit Division for Transit Operations and Maintenance Facility expansion. **Resolution 2011-22 required.**

- d) Authorization to award and enter a contract with Burns & McDonnell in the amount of \$99,000 or Energy Assurance Planning Services to be funded by the Local Energy Assurance Planning (LEAP) Grant.
- e) Award Energy Efficient Lighting Retrofit to Kertel Communications, Inc., dba Sebastian, (RFP #10-11-52) with change order to be funded by the City's EECBG grant.
- f) Award Energy Efficient HVAC Retrofit to ACCO Engineered Systems, Inc., (RFB 10-11-53) with change order to be funded by the City's EECBG grant.
- g) Approve the recommendation of the Parks and Recreation Commission to name the new neighborhood park located at Visalia Parkway and County Center Road (adjacent to Packwood Creek) the "Perry Family Park".
- h) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-62, Downtown One-way Street Conversions, in the amount of \$579,000 to the low bidder, R. J. Berry Jr., Inc., and authorize an additional appropriation of \$375,000 from Measure R Local to complete the construction phase of the Project. The project is bounded by Garden Street, Santa Fe Street, Center Avenue and Main Street.

**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.*

AS/WG 5-0 to postpone action to 6/6/11 in order to analyze late correspondence

- 7. **PUBLIC HEARING** - Appeal of the Planning Commission actions taken on April 25, 2011, certifying the Final Environmental Impact report (FEIR), approving Conditional Use Permit 2007-17 and Variance 2007-06, for expansion of an existing 133,206 square foot Wal-Mart store located at 1819 East Noble Avenue to up to 190,000 square feet. Appeal filed by Mark R Wolfe on behalf of the Visalia Smart Growth Coalition. **Resolutions 2011-23, 2011-24, and 2011-25 required.**

The Wal-Mart EIR is located on-line at:

[http://www.ci.visalia.ca.us/depts/community\\_development/planning/walmart\\_eir.asp](http://www.ci.visalia.ca.us/depts/community_development/planning/walmart_eir.asp) )

The Planning Commission staff report and supporting documents can be found on-line at:

[http://www.ci.visalia.ca.us/government/committees/planning\\_commission/agenda\\_with\\_staff\\_reports/default.asp](http://www.ci.visalia.ca.us/government/committees/planning_commission/agenda_with_staff_reports/default.asp)

Track 5

Andrew Chamberlain, Senior Planner, presented staff's recommendation to approve the Planning Commission actions taken on 4/25/11. Late correspondence received from 1) Abbot and Kindermann; 2) Sam Brown; 3) Edith Vitale; 4) Hatamiya Group; 5) MR Wolfe and Associates was entered into the record.

The public hearing was opened at 7:26 p.m.

Track 6

The following persons spoke in opposition to the Wal-Mart expansion: 1) Jim Watt, Contra Costa County, in opposition to a regional retailer expanding in a CS Zone. Mr. Watt presented additional late correspondence for the record. 2) David Rady, NE 3<sup>rd</sup>, in opposition due to destruction of small businesses. 3) Chuck Bush, Tracy St., opposed due to pollution, noise and light impacts, and declining property values. 4) Nai (inaudible last name), College Ave., opposed due to noise impacts and presented a letter to Council signed by seven neighborhood residents in opposition to the expansion; 5) Ann Campbell, in opposition due to neighborhood

impacts. 6) Pat Sullivan, attorney representing Mary's Vineyard, opposed due to effects on grocery stores and jobs. 7) Mary Eckert, Tracy St., opposed due to effects of light and noise in neighborhood. 8) Leonard Reese, W. Whitendale, member of Smart Growth Coalition, opposed due to impacts on other stores. 9) Dwayne Halls, W. Whitendale, Manager of Save Mart at Mary's Vineyard discussed employee wages/benefits at Save Mart vs. Wal-Mart.

[Track 7](#)

Council discussed the comments received and asked the EIR consultants to respond regarding noise mitigation, unloading and delivery issues, and urban decay. 1) Mr. Bert Verrips, Environmental Consulting Services discussed CEQA requirements. 2) Michael Thill, Illingworth & Rodkin, Noise Consultants, discussed the noise levels standards. 3) Roger Dale, the Natelson Dale Group, Economic Consultants, discussed the urban decay study. 4) Jim West, Kimley-Horn and Associates, Transportation Consultants responded to questions regarding traffic mitigation at Lover's Lane and Hwy 198.

Break 8:07 p.m. to 8:15 p.m.

[Track 8](#)

The public hearing continued with the Wal-Mart project team: 1) Amelia Nuefeld, Senior Manager of Public Affairs, discussed the public support that Wal-Mart has and the increase in taxable sales to the City of Dinuba one year after their store opened; 2) Jason Hatwick, CEI Engineering, discussed the loading dock and noise mitigation measures and construction jobs that will be created; 3) Carl Starmer, W. Iris, Wal-Mart Manager, discussed truck schedules and delivery schedules; 4) Elizabeth Stalstrom, discussed CEQA issues.

[Track 9](#)

The following persons spoke in favor of the Wal-Mart expansion: 1) Rueben Quintanilla, General Manager Wal-Mart; 2) Gilbert Fernandez, Church St.; 3) Brandy (inaudible last name), Cedar; 4) Irene (no last name given), E. Ash, Farmersville; 5) Paul Saldana, TCEDC; 6) Sandra Ramos, Vassar Dr.; 7) Danny Ramos, Vassar Dr.; 8) Bill Patty, S. Encina; 9) Lorenzia Garcia, Ivanhoe; 10) Adella Garcia, W. Noble; 11) Esmelda Martinez, W. Noble; 12) Leticia Garcia, E. Ford; 13) Bob Keenan, Home Builders Association; 14) Jennifer Pritchard, W. Heritage; 15) Jim Tadlock, Delaware Ct.; 16) Carl Stramer, Wal-Mart; 17) Glenn Morris, Chamber of Commerce; 18) Javier Leon, Hispanic Roundtable; 19) Ernesto Garcia, W. Prospect; 20) (inaudible first name) Torres, Lincoln Ct.; 21) George Havens, Cambridge; 22) Cynthia Montano, Exeter; 23) Clara Williams, Edmonson St., Ivanhoe; 24) Larry Williams, Edmonson St., Ivanhoe.

The public hearing was closed at 9:16 p.m.

[Track 10](#)

City Attorney Alex Peltzer advised the council to continue action on the matter to June 6, 2011 in order to analyze late correspondence that was received from Jim Watt and MR Wolfe.

Meeting  
Adjourned  
9:18 p.m.

**CLOSED SESSION REPORT** - City Attorney Alex Peltzer reported the following action was taken in closed session and has been finalized.

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Roye, Alice	081-020-042, 043, 083 (portion)	Plaza/Rd 80	Right of Way	4/29/2011	Fred Lampe

**Upcoming Council Meetings**

- Monday, June 6, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers

707 W. Acequia

- Monday, June 20, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers  
707 W. Acequia
- Tuesday, June 21, 2011, 6:00 p.m., Joint Meeting City Council and VUSD Board of Trustees -  
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.*

*Submitted by Donjia Huffmon, Chief Deputy City Clerk*