

# Regular Meeting Action Agenda

## Visalia City Council



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

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Monday, June 6, 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.**

[Track 1](#)

**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.*

Jorene Davis, Gordon Dr., Exeter, announced Amateur Radio Relay League Field Day and asked the Council for a proclamation declaring the week of June 20-26 Amateur Radio Week.

[Track 2](#)

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

Item 1 –  
information  
only, no  
action taken

1. Review City of Visalia participation in the 2011 Golden Guardian Statewide Disaster exercise.

Fire Chief Mark Nelson and Karl Kassner, Administrative Officer reviewed the city's participation in the statewide exercise that took place on May 19.

Councilmember Nelsen asked for training opportunities to apprise Councilmembers of their roles.

[Track 3](#)

Item 2 –  
information  
and  
discussion  
only, no  
action taken

2. Status of the Historic Preservation Advisory Committee to add the Visalia's Home Builders Addition, which is located on the south side of Noble Avenue between West and Conyer Streets to the north side of Mt. Whitney High School, comprised of 105 properties, to the Historic District.

Andrew Chamberlain, Senior Planner; Nancy Loliva, Community Relations Manager; Virginia Strawser Chair of HPAC Committee; and Jay Hohlbauch, HPAC Committee discussed the Committees recommendation to add the Home Builders Addition neighborhood to the Historic District.

The following members of the public spoke: Irene Lapin, W. Feemster, in opposition to the recommendation; Steven Cullen, HPAC Committee member, in support of the recommendation.

Andrew Chamberlain responded to Council questions regarding what types of items will be subject to review by the HPAC if the neighborhood is included in the Historic District. Council discussed their initial support and the need for more citizen input and that staff should make every effort to contact the actual property owners instead of renters.

[Track 4](#)

SN/AS 2-2  
Motion failed  
(Gubler/Link  
No) to fill the  
vacancy by  
election

- 3. Consider options for filling the City Council position vacated by Mike Lane and direct staff to proceed with either the appointment or the election process.

Leslie Caviglia, Deputy City Manager and City Attorney Alex Peltzer presented options for filling the vacancy on the City Council.

WG/BL 2-2  
Motion failed  
(Nelsen/  
Shuklian No)  
to fill the  
vacancy by  
appointment

The following members of the public spoke: Adam Rutia, W. Victor Ct., in support of holding a special election; Irene Lapin, W. Feemster, in support of a special election.

Council discussed the options and decided to table action on this item to Monday, June 13, 2011.

SN/AS 4-0  
to table  
discussion on  
Item 3 to  
6/13/11.

*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**

**5:15 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) – 1 potential case
- 5. Conference with Labor Negotiators (GC 54957.6)  
Agency representatives: Steve Salomon, Mark Nelson, Eric Frost, Diane Davis  
Employee organizations: All groups
- 6. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : 3.43 acres located at the northeast corner of Road 68 and Caldwell Avenue; 11 acres southeast corner of Lovers Lane and Mill Creek Parkway, approximately 27 acres northwest corner of Golden West High School parcel north of St. John’s River, and 6.61 acres at Goshen Avenue and Virmargo St.  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Mike Olmos, Leslie Caviglia, Chris Tavarez, Craig Wheaton, Robert Groeber
- 7. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : 1.7 acres on the northwest corner of Roeben/Tulare  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Mark Nelson, Lois Murray, Director Sierra Village; Alex Peltzer

7:00 p.m. CALL TO ORDER REGULAR SESSION

[Track 5](#)

PLEDGE OF ALLEGIANCE

INVOCATION - ~~Pastor Ken Squires, 1<sup>st</sup> Assembly of God~~ Mayor Bob Link

SPECIAL PRESENTATIONS/RECOGNITION - Recognition of Wally Roeben and Burke Mulligan for life saving efforts they performed at the Convention Center

Fire Chief Mark Nelson recognized Convention Center staff Wally Roeben and Burke Mulligan for their actions on the 4/29/11 incident at the Convention Center when a patron went into cardiac arrest.

Marvin Hansen and Dr. David Cislowski gave an overview of the Visalia Breakfast Rotary Automated External Defibrillator (AED) program

**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 members of the public spoke: Sonny Oxford, MillCreek, in support of Wal-Mart; Peter Salerno, S. Church, regarding speeding on residential streets and speed bumps needed on the 600 block of S. Church.

[Track 6](#)

SN/AS 4-0 to approve Reso 2011-29 as submitted.

AS/SN 4-0 to authorize filing the Assessment Diagram Map with the County Recorder

- 8. **PUBLIC HEARING** for the Special Assessment Ballot of Assessment District 2011-1 “Orchard Walk East/West Utility Undergrounding Assessment District” and direct the purchase of public assets if the assessment district is approved. **Resolution 2011-29 required.**

Eric Frost, Administrative Services Director, presented the recommendations. Donjia Huffmon, Chief Deputy City Clerk reported that notices of the hearing and assessment were mailed out more than 45 days in advance of the hearing. Mayor Link opened the public hearing at 7:30 p.m. There were no public comments or any protest communications and the hearing was closed.

Donjia Huffmon, Chief Deputy City Clerk reported results of balloting: 12 possible ballots representing assessments of \$675,000 were mailed; 10 “yes” ballots representing \$438,635.77 were returned; 0 “no” ballots were returned. The ballots cast and returned do not constitute a majority protest.

Track 7

SN/AS 4-0  
All consent  
calendar  
items  
approved as  
submitted

9. **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) Authorize the application of \$2.5 million for “Proposition 84” Park Bond Act Monies to develop Civic Center Park (2.8 ac.) along Mill Creek between Tipton St. and Burke St. **Resolution 2011-26 required.**
  - c) Authorize amendment to the Tulare County Association of Governments Joint Powers Agreement to modify powers of the TCAG. **Resolution 2011-27 required.**
  - d) Authorize the Mayor to send letters to appropriate state legislators expressing support for California Assembly Bills 890 and 1121 and letters of opposition for Assembly Bills 506, 1220 and Senate Bills 474 and 931.
  - e) Authorize filing Notice of Completion for Whitendale Avenue Widening Project in the amount of \$1,139,049.44 (Project No. 1241-9252).
  - f) Consideration of changes to the appointment list of the General Plan Update Review Committee (GPURC).
  - g) Accept the City of Visalia Cash and Investment Report for the third quarter ending March 31, 2011.
  - h) Approve reappointment of committee members for Disability Advocacy Committee, Historic Preservation Committee and Waterways & Trails Committee due to vacancies and/or end of terms.
  - i) Award annual janitorial supplies contract to Clean Source per specifications of RFB 10-11-36.

**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.*

10. *Request from staff to continue this item to July 18, 2011 - **PUBLIC HEARING** and First Reading of an ordinance pertaining to: revocation and repeal of Chapters 5.66 and 17.64 of the Visalia Municipal Code pertaining to medical marijuana business permitting and zoning; amendment of Chapter 17.02 of the Visalia Municipal Code to prohibit medical marijuana dispensaries in all zones; and amendment of Chapter 8.64 of the Visalia Municipal Code to establish regulations governing the cultivation and consumption of medical marijuana for personal use.*
11. *Request from staff and consultant to continue this item to June 20, 2011 (Public Hearing is closed - action is continued from 5/16/11) - 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*

WG/AS 4-0  
Item 10 tabled  
to 7/18/11

AS/WG 4-0  
Item 11 tabled  
to 6/20/11

by Mark R Wolfe on behalf of the Visalia Smart Growth Coalition. **Resolutions 2011-23, 2011-24, and 2011-25 required.**

[Track 8](#)

WG/SN 4-0  
1<sup>st</sup> reading of ordinance approved.  
Reso 2011-28 adopted.

12. **PUBLIC HEARING** - Introduction of Ordinance 2011-09; for Zoning Text Amendment No. 2011-08: A request by the City of Visalia to amend Sections 17.02 (Article 2 Administrative Adjustment [17.02.150, through 17.02.180] of the Visalia Municipal Code (Zoning Ordinance), to increase the maximum available adjustment from ten (10) percent to twenty (20) percent for development standards related to building and landscaping setbacks, site area, lot width, building height and parking requirements, and rescind portions of Sections 17.34.120 and 17.30.160 of Zoning Ordinance pertaining to a twenty (20) percent administrative reduction to parking requirements for properties within portions of Design District "A". **Resolution 2011-28 required**

Paul Bernal, Senior Planner, presented staff's recommendations. Mayor Link opened the public hearing at 7:38 p.m. There were no public comments and the hearing was closed.

13. Report results of Special Assessment Ballot of Assessment District 2011-1 "Orchard Walk East/West Utility Undergrounding Assessment District" and take action on Item #8.

See action reported on Item 8 above.

[Track 9](#)

**ITEMS OF INTEREST**

Councilmember Nelsen commended Fire Dept. staff for their Fill the Boot event.

**CLOSED SESSION REPORT (if any)**

7:40 p.m.  
Meeting  
Adjourned

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	CDEC 53526,LLC	081-010-087 (portion)	700 N Plaza Dr Plaza/Rd80 project area	Right of Way for Plaza/Rd 80 widening project	5/23/11	Fred Lampe
City of Visalia	Stasio, Tom & Linda	078-110-021	522 Riverway Drive (Riverway/ Dinuba Blvd)	Riverway Trail Project	5/24/11	Vince Elizondo
City of Visalia	Broderick, John & Stacy	081-010-056, (portion)	1010 N Plaza Dr Plaza/Rd 80 project area	Right of Way for Plaza/Rd 80 widening project	5/25/11	Fred Lampe

**Upcoming Council Meetings**

- Monday, June 13, 2011, 4:00 p.m. Special Meeting – 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 with Visalia Unified School District at Anthony Community Center, 345 N. Jacob St.

*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