

# 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

Monday, June 20, 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.

[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.*

Phil Mirwald introduced Scott Bailey, the new Director for CalWater for the Visalia area.

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

[Track 2](#)

1. Review the applications of the Visalians interested in filling the vacant City Council seat, and determine how to fill the position until the conclusion of the 2011 election. *(Written materials for this item will be provided after the 6/17/11 noon deadline for accepting letters of interest)*

SN/WG 4-0  
to interview 5  
candidates on  
6/27/11 @  
4:00 p.m.

Leslie Caviglia, Deputy City Manager, discussed the Council's options for processing a possible appointment to fill the current vacancy.

Councilmember Nelsen expressed concerns about some candidates being chosen based on name recognition or their ability to articulate well in a written format and he supports waiting until the general election in November. Councilmember Gubler expressed his opinion that it is necessary to fill the vacancy with an appointment to have full membership of the Council until the seat can be filled by election. Vice-Mayor Shuklian indicated she prefers to wait until the general election in November. Mayor Link discussed that if someone is appointed now they will need to run for election in November.

Councilmembers each presented their short-list of persons from the 42 that applied that they believe to be best suited to fill the interim vacancy. The combined list included 11 names. Council discussed the process to either narrow down the selection or interview each of the 11 persons and decided to interview only the 5 persons whose name appeared on more than one of the short-lists. The persons to be interviewed are: Don Sharp, Luke Feldstein, Jim Robinson, Milton Morrison, and Adam Peck.

WG/AS 4-0  
Item 2  
approved as  
submitted

2. Adoption of resolution revising and replacing Resolution 2011-18 requesting and consenting to consolidation of elections; and setting specifications of the election order. **Resolution 2011-34 required.**
3. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Community Center.

[Track 3](#)

Item 3 - No  
action taken,  
info only

John Bradley, Parks and Recreation Department introduced Jesus Gamboa, Proteus, and Juan Guerrero, Wittman Center. Mr. Gamboa and Mr. Guerrero presented the update regarding activities at the Wittman Center and responded to Council questions regarding the loop bus and other community service activities.

[Track 4](#)

4. Review and provide comments on the five proposed concept maps for the redistricting of the Tulare County Board of Supervisor Districts based on the 2010 Census.

Leslie Caviglia, Deputy City Manager, discussed comments are due regarding options for redistricting the Tulare County Board of Supervisors districts to the Citizens Advisory Committee that is appointed by the Board of Supervisors. Council discussed their preference for the City being split in two districts only. Council gave their guidance for providing comments and proceeding under general guidelines that will keep Visalia in two districts, keep urban boundaries intact and will consider connections with VUSD, transit systems, and the Wastewater Treatment Plant.

[Track 5](#)

SN/AS 4-0  
Item 5a  
approved as  
submitted

5. Approve recommended fiscal actions for FY 2011/12:
  - a) Annual Recertification of the Measure T Plan
  - b) Adoption of the Proposition 4 Spending Limit. **Resolution 2011-35 required**
  - c) Adopt budget amendments for General Fund and CIP projects

Eric Frost, Ameer Sing, and Renee Nagel, Finance Department discussed recommended fiscal actions for 2011/12 and responded to council questions. The following persons spoke: Chris Ortiz, Group G (Firefighters), regarding the need for higher level of public safety; Doyle Sewell Battalion Chief, reported that Fire Chief Nelsen is in support of the recommendations regarding Measure T; Laurie Isham, Pro-Youth Heart, discussed her concern of reduction of non-profit funding.

[Track 6](#)

SN/AS 4-0  
Item 5b  
approved as  
submitted

AS/SN 4-0  
Item 5c  
approved as  
submitted

**ITEMS OF INTEREST**

Vice Mayor Shuklian requested that the Council receive an update at their July 18 meeting regarding the status of the new animal control facility.

[Track 7](#)

SN/AS 4-0  
Item added to  
Closed  
Session  
Agenda

**ITEM ADDED TO AGENDA**

City Attorney Alex Peltzer asked the council to add an item to the closed session agenda. The need for immediate action came to the attention of the Council after the agenda had already been posted and distributed. Pursuant to Government Code section 54954.2 (b) (2) the Council may determine that a need for immediate action exists by a two-thirds vote of the members present or all members if less than two-thirds are present.

The agenda item to be added is: Closed Session item 8 - Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) - 1 potential case

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

Adjourned to  
closed session  
6:05 p.m.

- 6. Conference with Legal Conference with Real Property Negotiator (G.C. 54956.8)  
Property : APN 126-041-035 and 126-041-034  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Alex Peltzer; Ricardo Noguera
- 7. Conference with Legal Conference with Real Property Negotiator (G.C. 54956.8)  
Property : 28870 Road 68, APN: 731-100-49, 731-100-50 and 731-100-51  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Mike Olmos, Steve Salomon, Alex Peltzer, Andrew Benelli, Jim Ross, Lupe Sanchez, Ruben and Raquel Sanchez
- 8. Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) - 2 3 potential cases
- 8.5 Conference with Labor Negotiators (GC 54957.6)  
Agency representatives: Steve Salomon, Eric Frost, Diane Davis  
Employee organization: Unrepresented

**CALL TO ORDER REGULAR SESSION**

**7:00 p.m. PLEDGE OF ALLEGIANCE**

[Track 8](#) **INVOCATION** - Pastor Elvin Hayes, Visalia First Assembly

**SPECIAL PRESENTATIONS/RECOGNITION**

- Visalia Firefighters Association check presentation to Susan Koman Foundation (Chris Ortiz presented to Sharon Johnson, Director Susan G. Koman Central Valley affiliate)
- Proclaim June 20-26, 2011 as Amateur Radio Week in the City of Visalia (Jorene Downs)
- Proclaim July as Parks and Recreation Month - (Robert Mijares and Carol Hoppert Hays)

**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.*

[Track 9](#) *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.*

Peter Salerno, S. Church, discussed the need for speed bumps on S. Church, his opposition to Walmart expansion, and complaint about bicycles on Main Street. David McElray, Evergreen Court, discussed concerns regarding the difficulty for blind persons using the bus system. Pamela Drake, Evergreen Court, discussed the need for better communication and better performance with MV Transit in the evening hours for the bus system. Carol Abata, Whitney Dr. regarding an oak tree limb that fell in her neighborhood and the request to have the tree removed.

**PUBLIC HEARINGS - LANDSCAPE AND LIGHTING DISTRICTS**

Track 10

- 9. **PUBLIC HEARING** to discuss proposed funding changes, amendment and assessment increases of balloted Landscape and Lighting Maintenance Assessment Districts: Country Akers #3, Quail Creek #1, St. Charles, Stonebrook, WestWind #2, and Windemere.

Liz Ybarra, Finance Administrative Analyst, discussed the balloted six districts that have deficit cash balances. Mayor Link opened the public hearing at 7:38 p.m. There were no public comments and the hearing was closed.

The results were reported at the end of the meeting.

- 10. **PUBLIC HEARING** - for proposed Landscape & Lighting District for the Vineyard/ Tuscan subdivision, located at Modoc, Wren and Akers streets. If passed, authorize the formation of Landscape and Lighting District No. 2011-02, The Vineyard/Tuscany. **Resolutions Nos. 2011-32 and 2011-33 required.**

Liz Ybarra, Finance Administrative Analyst, discussed the proposed district which will have a initial assessment of \$84.84 per year. Mayor Link opened the public hearing at 7:40 p.m. There were no public comments and the hearing was closed.

The results were reported at the end of the meeting.

*(Upon completion of the public hearings, the City Clerk will open and tabulate the ballots. The results will be reported at the end of the meeting and Council will take appropriate action).*

Track 11

WG/ AS 4-0  
Balance of  
Consent  
Calendar  
approved as  
submitted.

- 11. **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.*

Vice Mayor Shuklian requested Item 11s be pulled from the consent calendar for separate discussion and action.

- a) Authorization to read ordinances by title only.
- b) Accept the Visalia Water Management Committee 2010 Annual Report.
- c) Authorize City Manager to execute a five-year contract with Wood Industries and Tulare County Compost and Biomass Inc. to provide green waste and composting processing services.
- d) Approve reappointment of David Wilson to the Transit Advisory Committee for another 2-year term.
- e) Approve reappointments of Lesa Mann, Robert Mijares, and Jeff Boswell to the Parks and Recreation Commission for another 2- year term.
- f) Approve reappointments of Brian Newton, Dale Simmons, and Craig Hartman to the Environmental Committee.
- g) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 5, 6 & 11 located on the south side of Pratt Avenue between Demaree Street and County Center Drive.

- h) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 7 & 10 located at the northwest and southwest corners of Shannon Parkway and County Center.
- i) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 8 & 9 located on the north side of Riggins Avenue between Leila Street and County Center.
- j) Second reading and adoption of Ordinance 2011-09 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". **Ordinance 2011-09 required.**
- k) Authorize the Transit Division to award the bus shelter cleaning contract in the amount of \$56,784 to Joe Grijalva Landscaping, a sole proprietor of Tulare.
- l) Authorization to support California Advanced Clean Cars Campaign. **Resolution 2011-30 required.**
- m) Authorize the City Manager to execute an agreement with Hobbs Construction, and award a construction contract in the amount of \$55,606.00 to complete construction of school crosswalk enhancements for the following schools: Cottonwood Elementary School (County Center Drive at Packwood Avenue), Manuel Hernandez Elementary School (Ferguson Avenue at Leila Street), and Royal Oaks Elementary School (Tulare Avenue at Clover Street).; and authorize an additional \$50,000 to be appropriated from the Measure R "Sidewalks along Various Routes to School" fund to cover the total anticipated costs of this project.
- n) Authorization to decommission the Ice House Park and amend the Creative Center's lease to include the Ice House Park section of the parcel.
- o) Authorization to provide notice of potential withdrawal from Excess Insurance Authority (EIA) Health Joint Powers Authority (JPA) as of January 1, 2012.
- p) Approval of Memorandum of Understanding (MOU) with Kings County Area Public Transit Agency (KCAPTA) and City of Visalia to provide Green Line Call Center transit information services.
- q) Second reading and adoption of Ordinance 2011-08 to amend Chapter 13.08 of the Municipal Code, Sewer Service System and; approve Resolution approving an alternative administrative penalty schedule for violations. **Ordinance 2011-08 and Resolution 2011 – 36 required.**
- r) Authorization to award RFP 10-11-45, pre-selection of equipment for the Renewable Power Generation System, to Applied Filter Technology (ATF) in the amount of \$2,355,450 and authorize a five year maintenance contract at an annual cost of \$117,645.

AS/SN 4-0  
Item 11s  
approved as  
submitted

- s) Authorize the City Manager to execute a one-year contract effective July 1, 2011 with Nielsen, Merksamer, Parrinello, Gross and Leoni, LLP, to provide legislative advocacy (lobbying) services at the State level at an amount not to exceed \$8,000 per month.

Mike Olmos, Assistant City Manager, presented the recommendation, discussed the process for selection and responded to council questions.

- t) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-70, Mooney and Ferguson Trench Settlement Repairs in the amount of \$424,352.50 to the low bidder, Bill Nelson G.E.C., Inc. Authorize an additional \$250,000 to cover Alternate Bid Item #1, if needed, and additional costs for construction support.
- u) Authorization to purchase Orchard Walk Assessment Bonds of \$675,000 at a rate of 6.75% and an ultimate maturity of 15 years.
- v) Approval of the Memorandum of Understanding by and between the City of Visalia and Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) and General Managers and Supervisors (City of Visalia bargaining Group E) for the period July 1, 2011 through June 30, 2012.

*Convene jointly as the Visalia City Council and the Redevelopment Agency Board*

**12. COV/RDA 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.*

AS/WG 4-0  
Item 12a  
approved as  
submitted

- a) Approve and adopt the Fund Balance Policy and delegate authority to the Administrative Services Director to assign fund balance as dictated by the issuance of Governmental Accounting Standards Board Statement No. 54. **RDA Resolution 2011-02 and COV Resolution 2011-31 required.**

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

**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.*

Item 13  
WG/SN 4-0  
Certify EIR  
(Res 2011-23)

- 13. 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.** *(Public Hearing is closed – action is continued from 5/16/11 and 6/6/11)*

WG/SN 3-1  
(Shuklian-  
No) Adopt  
CUP (Res  
2011-24) with  
additional  
conditions  
1,2,3 and  
modify  
condition 1 to  
prohibit

Mayor Link indicated that public testimony was taken on May 16, 2011 and the public hearing was closed.

Andrew Chamberlain, Planning Division, presented three additional recommended conditions to consider for the Conditional Use Permit, and presented four letters of late correspondence that were received after the council packet was distributed. Mr. Bert Verrips, Environmental Consultant, summarized the rebuttal memo prepared in response to concerns from MR Wolfe

loading and deliveries, from 10 pm to 6 am; adopt Variance (Res 2011-25) as submitted.

regarding the Environmental Impact Report and indicated the EIR is adequate for certification. Jason Hatwig, CEI Engineering, discussed the conditions for the CUP and responded to Council questions. Paul Scheibel, Planning Division, responded to Council questions regarding delivery hours. Tracy Robertshaw, Code Enforcement, responded to Council questions regarding landscaping and the possibility of revoking the CUP if landscaping is not maintained between the walls.

Track 12

AS/SN 3-1 (Gubler-No) Item 14 approved as submitted

14. **PUBLIC HEARING** - for proposed adjustments to the City’s Rates & Fees and authorization to amend the City’s Rates and Fees for FY 2011/12. Proposed adjustments to the Rates & Fees include, but are not limited to the following services; administrative, business tax, convention center, community development, engineering, impact fees, parks and recreation, and public works. **Resolution 2011-37 required.**

Eric Frost, Administrative Services Director, presented the recommendations for adjustment to the 2011/12 rates and fees and responded to Council questions. Mayor Link opened the public hearing at 8:45 p.m. There were no public comments and the hearing was closed.

Councilmember Gubler indicated he is supportive of the fees that are decreased or deleted but cannot support raising fees in this economy.

SN/AS 4-0 Item 9 approved as submitted with the exception of Country Akers

15. Report results of balloted Lighting Maintenance Assessment Districts and take action on Items #9 and #10.

Item 9 - After opening and tabulating the ballots, Donjia Huffmon, Chief Deputy City Clerk, reported the results:

1. West Wind – 11 Yes; 2 No; 1 unmarked - passed
2. Windemere – 4 Yes; 0 No – passed
3. Country Akers – 1 Yes; 3 No – failed with majority protest
4. Stonebrook – 39 Yes, 6 No – passed
5. Quail Creek – 14 Yes; 7 No – passed
6. St. Charles – 3 Yes; 1 No - passed

Council and staff discussed measures for reducing water service and mid-block street lights for Country Akers.

Item 10 - After opening and tabulating the ballots, Donjia Huffmon, Chief Deputy City Clerk, reported the results: The Vineyard – 21 Yes; 6 No; 1 unmarked - passed.

SN/AS 4-0 Item 10 approved as submitted and Resos 2011-32 and 2011-33 adopted

9:00 p.m. Order of Adjournment to 6/21/11

At 9:00 p.m. Mayor Link adjourned the meeting to June 21, 2011, 800 p.m. or immediately following the joint meeting with VUSD, at the Visalia Convention Center, 303 E. Acequia, in order to continue unfinished items of business on the Closed Session Agenda.

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

**Upcoming Council Meetings**

- Tuesday, June 21, 2011, 6:00 p.m. Joint Meeting with Visalia Unified School District Convention Center, 303 E. Acequia
- Monday, July 18, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session – City Hall Council Chambers 707 W. Acequia
- Monday, August 1, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. 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, CMC, Chief Deputy City Clerk