

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: Don Sharp - present

Monday, July 18, 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.

[Track 1](#)

SWEARING IN CEREMONY - Appointed Councilmember Don Sharp

Councilmember Don Sharp was sworn into office by Donjia Huffmon, Chief Deputy City Clerk

BADGE PINNING CEREMONY - Sergeant Kevin Kroeze

Police Chief Mestas introduced Sergeant Kevin Kroeze and his family performed the badge pinning.

[Track 2](#)

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.*

None

WORK SESSION AND ACTION ITEMS (as described)

1. Introduction of Technical Rescue Team to the City Council

Item 1 -
information
only - no
action taken

Fire Chief Mark Nelson and Battalion Chief Danny Wristen recognized the Technical Rescue Team which was formed in August of 2010 to provide a high level of expertise in the area of advanced rescue situations. The Fire Department was recognized by California Emergency Management Agency as a Type 2 Medium Rescue Department last month.

[Track 3](#)

2. Valley Oak Tree informational report

WG/DS 5-0
Item 2
approved as
submitted

Vince Elizondo and David Pendergraft, Parks and Recreation, presented the informational report and discussed the current ordinance. Council members had questions regarding whether information on the oak tree ordinance is provided to citizens when they purchase a home. Staff and the City Attorney's office will research methods that will advise the public. Authority was given to apply for a grant to assist with the inventory of valley oaks that are on private property within the city limits.

[Track 4](#)

SN/AS 5-0
Item 3
approved as
submitted

3. Status on State budget reductions and effects on the City.

Eric Frost, Administrative Services Director, presented the interim budget report and recommended deleting the Booking Fee expense from the Police budget.

[Track 5](#)

SN/DS 5-0
support
criteria that
no city be
divided into
more than 2
districts;
support Plan
C and Plan A;
not support
Plan B

4. Review, discuss and provide direction on the recommended Tulare County Board of Supervisors Redistricting Options from the County's Citizen's Advisory Committee on Redistricting.

Leslie Caviglia, Deputy City Manager, discussed the redistricting options. Council discussed their preference for Plan C as the 1st choice and Plan A for the 2nd choice. Plan B is the least preferred option.

Stephen Peck, a member of the Citizens Advisory Committee on Redistricting, spoke about the committee's processes and preference.

Update on Animal Control Facility – *Item moved to August 1 in order to include information from Sub-committee meeting with architect.*

[Track 6](#)**ITEMS OF INTEREST**

Councilmember Nelsen discussed Food Link's food fight and noted that Fire Chief Nelson won in his category.

Councilmember Nelsen discussed the Partnership for the San Joaquin Valley meeting that he attended and the discussion of Merced University's first medical class.

Councilmember Sharp discussed his endorsement of the Oak Tree Ordinance.

Mayor Link discussed the Rand McNally/USA Today Road Rally. Visalia will find out the results of the competition later this week.

Adjourn to
closed session
5:25 P.M.

CLOSED SESSION (immediately following Work Session)

5. Conference with Real Property Negotiator (G.C. 54956.8)
Property : 307 East Main Street
Under Negotiation: Authority to negotiate price, terms and conditions of lease or sale
Negotiating parties: Steve Salomon, Wally Roeben, Debbie Metzler, Donald Williams
6. Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) – 3 potential cases
7. Conference with Real Property Negotiator (G.C. 54956.8)
Properties : Portions of APNS: 103-040-005; 103-040-004; 103-030-006 and 018; 103-040-029; 103-200-005;103-040-028
Under Negotiation: Authority to negotiate price, terms and conditions of potential purchase
Negotiating parties: Richard and Patricia M. Dytp; Darren C and Haylee Dyt; Steven and Nancy O'Bosky; Leona Charlene Goldsmith, trustee of the Leona Charlene Goldsmith Trust u/d/t July 20,2009; Castlewood Partners Inc. and it's representative Don Fulbright; Crecencia C. Gray, surviving trustee of the Gray Living Trust, Steve Salomon, Adam Ennis, Rebecca Keenan, Alex Peltzer and James Koontz.

- 8. *Item removed at the request of staff*
- 9. Conference with Labor Negotiators (GC 54957.6)
Agency representatives: Steve Salomon,
Eric Frost, Diane Davis
Employee organization: Group M
- 10. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9) Pending Litigation
Name of Case: Solis v. City of Visalia -TCSC 09-232070

7:00 p.m.

CALL TO ORDER REGULAR SESSION

[Track 7](#)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Arthur Escobedo, Praise Center Church

SPECIAL PRESENTATIONS/RECOGNITION - Presentation from Visalia Firefighters to Muscular Dystrophy Association of donations received during “Fill the Boot” campaign (Chris Ortiz)

Albino Lopez and James Galaviz, Visalia Firefighters, discussed the Fill the Boot campaign. Renee Contreras, MDA Association, discussed support and benefits. Matthew Sweeden and his family were introduced and recognized for their relationship with MDA and the Visalia Firefighters. This year’s Fill the Boot campaign raised \$8,850 which will send 11 kids to camp.

[Track 8](#)

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.

Carlyn Lambert, Avenue 336, discussed the Soroptimist Organization’s mission to improve the lives of girls and women. Ms. Lambert read a resolution regarding trafficking and prostitution.

Peter Salerno, S. Church, discussed the need for stop signs or speed bumps on S. Church and that bicycles racks should be removed from Main, Court and Locust Streets

Melissa Stewart, W. Noble, discussed the number of times that cars have crashed into her yard at the Southeast corner of Conyer and Noble. Mayor Link referred this issue to Chris Young, Community Development Director.

Larry Harrington, Bennett Street, discussed the excessive park watering at Ebil Oaks Park. Mayor Link referred this issue to Vince Elizondo, Parks and Recreation Director.

[Track 9](#)

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.*

The following items were removed from the consent calendar for separate action: Item 11f (Link); Item 11h (Sharp); Item 11k (Link0; Item 11m (Nelsen); and Item 11o (Sharp).

SN/AS 5-0
balance of
consent
calendar
approved as
submitted

- a. Authorization to read ordinances by title only.
- b. Approve appointment of Russ Desch and the reappointment of Carlos Medina to the North Visalia Neighborhood Advisory Committee.
- c. Authorization to apply for federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Ass
- d. Authorization to enter into an agreement with Tulare County Association of Governments (TCAG) for administration of the countywide T-Pass program.
- e. Authorize amendment to the agreement with MV Transportation to include additional hours and miles for the Sequoia Shuttle internal park operation per the request of the funding agency, the National Park Service (NPS) and adjust the rates for a reimbursable amount not to exceed \$196,000.
- f. Authorization to amend the existing Haz-Mat agreement with Tulare County, City of Tulare, City of Porterville, and City of Dinuba, and enter into a new Haz Mat Agreement with the City of Exeter, City of Farmersville, City of Lindsay and City of Woodlake.

SN/DS 5-0
Item 11f
approved as
submitted

Fire Chief Nelson responded to council questions and comments.

- g. Approval of Memorandum of Understanding (MOU) with the City of Dinuba and the City of Visalia to provide grant management for a transit grant.
- h. Award a contract for the purchase of ten (10) new Police Patrol Vehicles to McPeeks Dodge of Anaheim in the amount of \$491,298.18.

AS/DS 5-0
Item 11h
approved as
submitted

Eric Frost, Administrative Services Director, responded to council questions regarding sales tax, and license fees.

- i. Authorize Mayor Bob Link as the voting delegate and Vice Mayor Amy Shuklian as the alternate voting member for the 2011 League of California Cities Annual Conference.
- j. Approval of the appointment of City Council Representatives to various boards and committees that were left vacant by the resignation of Councilmember Mike Lane.
- k. In accordance with City’s policy on naming park facilities, approve the recommendation by the Parks & Recreation Commission to name baseball field #1 “Clyde Soto Field” at the C.R. Shannon Baseball Complex located at Riverway Sports Park.

AS/SN 5-0
Item 11k
approved as
submitted

Bob Pierce and Robert Fletcher, Visalia Youth Baseball, discussed Mr. Soto’s dedication to youth and baseball and recommended naming the field in his honor.

- l. Authorize the City Manager to enter into an agreement with Visalia Unified School District for after school enrichment program services at Valley Oak Middle School.

AS/DS 4-1
(Nelsen-No)
Item 11m
approved as
submitted

- m. Authorization for the City Manager to negotiate a contract with the Convention and Visitors Bureau (CVB) for 2010-11 for \$254,000, to provide office and tourism information space at the CVB, and to provide up to \$21,000 in additional funding for a regional tourism program if an appropriate plan is approved by the City Council, without any additional net increase in cost to the City.

Leslie Caviglia, Deputy City Manager, responded to council questions. Councilmember Nelsen noted opposition because all other divisions have taken a budget cut and approving this contract without cuts sends a wrong message.

- n. Approval of the Memorandum of Understanding by and between the City of Visalia and Visalia Police Association (City of Visalia Employee Bargaining Unit Group B) for the period July 1, 2011 through June 30, 2012.

DS/AS 5-0
Item 11o
approved as
submitted

- o. Request authorization to sole source the Janitorial Services Contract to Tulare County Training Center dba Able Industries. This contract would be for one year with four renewable one year extensions.

Vince Elizondo, Director Parks and Recreation, responded to council questions.

- p. Request that City Council appropriate an additional \$650,000 to complete the storm drain, sewer and street repairs at the Shirk Street and Ferguson Avenue intersection. (Project No. 1611-00000-720000-0-8264).
- q. First reading of Ordinance No. 2011- authorizing the Grant of Easement of Southern California Edison Company for a non-exclusive easement in gross for the conveyance and distribution of electricity across a portion of City owned property (APN#073-160-001) and authorize the City Manager to execute the grant of easement. The easement will enable the Southern California Edison Company to provide power to the new Perfection Pet Food addition southeast of the Goshen Basin Site and provide a source of electricity to the adjacent properties, including the Goshen Basin site. **Ordinance 2011-11 Required**
- r. Request authorization to file a Notice of Completion for the Giddings Street Extension project, from Shannon Parkway extending north to Riverway Avenue in the amount of \$447,203.64 (Project No. 3011-8099).
- s. Appointment of Citizen Advisory Committee members to first and additional terms.
- t. Authorization to provide a one-time waiver of appropriate sections of the Mural Policy, as determined by the Mural Panel, due to technological changes and the type of mural being proposed, and to approve an appointing process for selecting a new Mural Panel.

[Track 10](#)

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.*

DS/SN 5-0
Item 12
approved as
submitted for
1st reading

12. **PUBLIC HEARING** - Introduction and first reading of Ordinance No. 2011-10 for Zone Text Amendment No. 2011-09: a request by the City of Visalia to revoke and repeal Chapters 5.66 and 17.64 of the Visalia Municipal Code pertaining to Medical Marijuana Business Permitting and Zoning, and amend Chapter 8.64 of the Visalia Municipal Code to establish regulations governing the cultivation and consumption of medical marijuana for personal use. **Ordinance 2011-10 required.**

Mike Olmos, Assistant City Manager, discussed recommendations which will prohibit Medical Marijuana dispensaries and businesses inside the city limits and restrict public use, consumption and cultivation.

Mayor Link opened the public hearing at 8:05 p.m. and the following persons spoke: Brian Ruiz, S. Verde Vista, advocating for safe access to medical marijuana; Sabamo Rios, advocating for safe place to receive medication; Janessa Dean, Sanders Court, concern about safety, lights, disturbances and advocated for stricter laws for medical marijuana. Ms. Dean also presented photographs taken from her backyard of a neighbor’s marijuana cultivation. The public hearing was closed at 8:11 p.m.

Council discussed their support for the ordinance.

[Track 11](#)

WG/DS 5-0
Item 13
approved as
amended to
exclude
assessments
for Larry
Harrington
and Mike
Rogers and
staff to
research and
report back

13. PUBLIC HEARING Authorization for the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured tax roll for Sewer Connection, Business Incentive Zone, Curb & Gutter, Landscape and Lighting, Northeast District, Sewer, Weed & Lot Clearing, Code Enforcement and Los Rios/ Casa Blanca. **Resolution 2011-38 required.**

Liz Ybarra, Finance Division, presented a recommendation to place assessments on the tax roll for collection.

Mayor Link opened the public hearing at 8:28 p.m. and the following individuals spoke: Larry Harrington, Bennett Circle, discussed the fines that he has received for watering on the wrong days; Mike Rogers, Fisher Dr., discussed the fine he received for property clean-up and the excessive amount charged to clean his property. The public hearing was closed at 8:40 p.m.

Council directed staff to research and report back before the final determination is made on the two above assessments.

CLOSED SESSION REPORT (if any) - none

Upcoming Council Meetings

Meeting
adjourned
8:40 p.m.

- Monday, August 1, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, August 15, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Tuesday, September 6, 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, Chief Deputy City Clerk