

Visalia City Council Action Agenda

For the regular meeting of: Monday, May 7, 2007

Location: City Hall Council Chambers

Mayor: Jesus J. Gamboa
Vice Mayor: Greg Kirkpatrick
Council Member: Greg Collins
Council Member: Donald K. Landers
Council Member: Bob Link (absent)

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

SPECIAL PRESENTATIONS/RECOGNITION - Proclamation declaring May 13-19, 2007 National Police Week

Track 1

Councilmember Don Landers presented Lt. Rick Haskill, Visalia Police Department, with a proclamation declaring May 13-19, 2007 as National Police Week.

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

Public Comment on Work Session Items -

Track 2

1. Update from California Water Service regarding their conservation efforts and other issues

Tom Smegal, Phil Mirwald, and Ken Jacobs, CalWater, gave a PowerPoint presentation regarding the company's conservation efforts and new regulatory initiatives affecting Visalia. The company reviewed the Water Action Plan of the CPUC and Cal Water responses and recommendations.

Council discussed notification of the public in advance of the installation of water meters. Councilman Kirkpatrick asked if the schedule for installation of water meters could be accelerated due to the fact that there are 18,000 unmetered residences in the City.

Track 3

2. Update on Neighborhood Preservation Division and Administrative Citation Procedure.

Tim Burns, Code Enforcement, updated Council on the efforts of the new Neighborhood Preservation Division whose long-term goal is to develop a comprehensive, interdepartmental, interagency approach to preserving and maintaining the older neighborhoods in the community. Burns discussed the Administrative Citation Process (a civil process) which will go into effect on June 1st, and reviewed new ordinances which are being considered for code enforcement.

Council was pleased with the efforts of the new division and expressed concern that

complaints be responded to in a timely fashion so as not to lose the confidence of the community. Council asked that a map be developed and brought back to council showing neighborhoods and indicating which residences are owner-occupied and which are rental properties.

Councilmember Gamboa asked staff to be sensitive to language (bilingual) situations.

Track 4
GK/DL 4-0
approved

3. Update on the implementation of Measure R, presentation of the Measure R policies and procedures, approval of the initial Measure R expenditure plan for Visalia including the Regional Project, Local, Transit and Bike portions of the project, and authorization for the City Manager to sign a Cooperative Agreement with the Tulare County Transportation Authority.

Andy Benelli updated Council on the implementation of Measure R, a ½ cent/ dollar sales tax measure which began on April 1st, 2007.

Ted Smalley, reviewed the implementation of regional projects; Monty Cox reviewed the transit projects including expansion of routes, and times; Paul Sheppard reviewed bike/pedestrian projects and Andy Benelli reviewed local projects to be implemented with Measure R funds.

A motion was made by Greg Kirkpatrick, seconded by Don Landers and carried by a 4-0 vote to approve the Measure R spending plans as proposed and authorizing the City Manager to sign the Cooperative Agreement with the Tulare County Transportation Authority, and any supplemental agreements for project advancement as appropriate.

4. *Item removed at the request of staff*

** 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

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

5. *Item removed at the request of staff*

6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 210-216 N. Tipton (APN:094-240-030 and 031)
Under Negotiation: Price, terms and conditions of purchase
Negotiating Parties: Sellers/Sellers' Representative: Duval and Margaret Kugler; Ken Kugler
City/Buyer: Steve Salomon, Michael Olmos, Colleen Carlson

7. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9 GC)
Name of Case: Hettick v. City; TCSC Case No. 05-214421

8. Conference with Legal Counsel – Anticipated Litigation
(Subdivision (b) of Section 54956.9 GC)
Name of Case: Sinor v. City of Visalia
9. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9 GC)
Name of Case: Linderman v. City of Visalia; TCSC Case No. 06-221372
10. Conference with Labor Negotiators (G.C. §54957.6a)
Agency Designated Representatives: Eric Frost, Janice Avila
Employee organization: unrepresented
11. *Item removed at the request of staff*
12. Public Employment (G.C. §54957)
Title: Housing and Economic Development Director

Track 5

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor David Berry, Visalia Community Church of Christ

SPECIAL PRESENTATIONS/RECOGNITION

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker 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 address.

Christine Murphy, 4125 W. Noble #377, spoke about her circumstances of identify theft, and gave copies of her information and complaints to council for the record. Councilmember Landers told Ms. Murphy that the city council is not in a position to take her complaint but her avenues of recourse are through the Police Department, Grand Jury, District Attorney, Attorney General, and FBI. Mayor Gamboa told Ms. Murphy that her complaints are noted for the record.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Greg Collins asked to pull item #14b for separate discussion.

Adjourn as City Council and Convene as the Redevelopment Agency

Track 6
DL/GK
4-0 Item #13
approved

13. RDA CONSENT CALENDAR

Appropriation of \$10,000 to participate with the Downtown Visalia Alliance (Downtown Visalians and Downtown PBID) in the preparation of a organizational Downtown Strategic Plan.

Adjourn as the Redevelopment Agency and reconvene as the City Council

DL/GK 4-0
Balance of
Consent
Calendar
Approved

14. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.

a) Authorization to read ordinances by title only.

b) Receive Planning Commission Action Agenda for the meeting of April 23, 2007.

Councilmember Collins asked staff to provide him information regarding appeal procedures as he is interested in appealing #9, CUP 2007-09 and TSM 5531, on the Planning Commission agenda.

DL/GK 4-0
Item 14b
approved

c) Approval of the configuration of the Cultural Arts Plan Steering Committee.

d) *Item removed at the request of staff*

e) *Item removed at the request of staff*

f) Second reading of Ordinance 2007-06 authorizing the lease of three parcels of property at the Visalia Municipal Airport and authorizing the City Manager to execute a new agreement with Dennis Lipson for the continued operation of the Federal Express facility.

g) Second reading of Ordinance 2007-07, establishing a public disturbance ordinance by adding chapter 9.32 to Title 9 of the Visalia Municipal Code and adopt Resolution 2007-39 establishing a public disturbance administrative fee schedule. **Resolution 2007-39 required.**

h) Authorize the City Manager to execute an agreement, in the amount of \$258,147.00 with Mark Thomas & Co. Inc. to prepare a Project Study Report for the Lovers Lane/Route 198 Interchange (Project no. 0012-00000-720000-0-9958).

i) Authorization to bid the construction of the lift station for the River Run Ranch Basin on St. Johns Parkway east of McAuliff Street without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 1221-00000-720000-0-9529-2007.

j) Appointment of Sylvia Baggs to the Citizens Advisory Committee.

k) Receive proposed mid-cycle budget review schedule.

l) Authorization to initiate a zoning change for APN 098-142-055, located at 1401 E. Goshen Ave. from CS (Commercial Service) to CSO (Commercial Service Office).

m) Amendment to a Professional Services Agreement with TPG Consulting to expand professional services for the East Downtown Strategic Plan implementation to include

properties north of Murray Avenue known as interim Zone 2.

Authorization to file Notice of Completion on the following:

n) The Country Club, Phase 1, containing 72 single-family lots, located on the south side of Houston Avenue and east of Demaree Street.

o) South Cameron Creek, Unit No. 2, containing 76 lots, located at the Southwest corner of Cameron Avenue and West Street.

Authorization to Record Final Map on the following:

p) Parcel Map 0609, located at the Southeast corner of Shirk Road and Doe Ave (9 Parcels-Office Buildings) and the formation of Landscape and Lighting District No. 07-06., Parcel Map 0609 (nine lots). **Resolutions 2007-37 and 2007-38 required.**

Track 7
DL/GC 4-0
Item #15
approved

15. **Public Hearing** of the 2007-08 Action Plan budget for the use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Grant Funds (HOME) from the Federal Government through the Department of Housing and Urban Development (HUD).

Rhonda Haynes presented information on the 2007-08 Action Plan budget for CDBG and HOME funds.

The public hearing was opened at 7:30 p.m. Terry Slinde, 444 S. Church Street, spoke as a representative for Washington Residents for a Better Community and asked Council to explore new ways to provide opportunities for low income residents in next year's plan. Mauna Ekema, 905 S. Redwood Drive, presented a letter to Council and asked for more information on the cost of the parking structure and the number of jobs created. The public hearing was closed at 7:40 p.m.

A motion was made by Councilman Landers, seconded by Councilman Collins and passed by a 4-0 vote to approve and adopt the Annual Action Plan 2007-08 for use of CDBG and HOME Program Funds as recommended by staff.

Track 8
DL/GK 2-2
Motion fails
Collins - No
Gamboa - No

16. Authorize submittal of a letter to the County of Tulare regarding the annexation of land owned by Elliot Farms, located on the southwest corner of State Highway 198 and Shirk Street.

Brandon Smith presented the item to Council and staff recommendations that the City not pursue annexation of the property subject to the following conditions: 1) the applicant paying impact fees to the City for the project's proportional impacts to City infrastructure; and 2) the development is improved to City standards; 3) the landowner irrevocably consents to future annexation of the property.

Josh McDonald, Quad Knoph, representing the property owner said the owner wants the property to remain unincorporated and wants a special use permit for the property through the County. Council had questions for Mr. McDonald.

A motion to approve the recommendations made by staff ended in a tie vote and the item will be rescheduled to a future meeting. Staff and Councilmember Kirkpatrick will meet with the applicant to discuss how to develop an agriculture enterprise and preserve the balance of the property.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, May 21, 2007 - City Hall Council Chambers

Tuesday, May 29, 2007 - Special Council Meeting 4:00 p.m. - City Hall Council Chambers

Monday, June 4, 2007 - City Hall Council Chambers

Monday, June 11, 2007 - Jt. City Council/Planning Commission

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

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.

Submitted by Donjia Huffmon, Chief Deputy City Clerk