

# Visalia City Council Action Agenda

For the regular meeting of: Monday, July 16, 2007

Location: Convention Center, 303 E. Acequia, Visalia, CA

*Note: meeting location has been changed due to temporary equipment technical difficulties in the Council Chambers*

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

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.

3:45 p.m.  
Track 1

**SWEARING IN CEREMONY** – Police Chief Swiney will swear in three new police officers - Juan Saenz, Jacob Aguilar, and Richard Badilla

4:00 p.m.

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

**Public Comment on Work Session Items -**

1. *Item removed at the request of staff*
2. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Center in Village Park.

4:05 p.m.  
Track 2

Vice Elizondo introduced Juan Guerrero, Mike McGann and Jane Garcia-Dicken who gave an annual report to Council regarding the program, budget, and fundraising plans for managing the Wittman Center by Proteus, Inc. Elementary students from the Wittman Center gave a puppet show reinforcing behavior about cheating.

4:25 p.m.  
Track 3

3. Update on the East Downtown development process and request approval of delivery strategy for office “liner” building on block bounded by East Oak Avenue, North Tipton, East Oak Avenue and Liberty, located in the Civic Center area of the East Downtown Strategic Plan.

Item #3  
GK/DL 5-0  
Approved

Mike Olmos, Ricardo Noguera, and Sharon Sheltzer gave the presentation regarding the property referred to as the “liner” building in East Downtown and asked Council to approve an RFP to select a developer to build an office building. Council questions were answered by Mike Olmos and Sharon Sheltzer.

Council Member Collins said this is an opportunity to go nationwide in a search to get a design team and recruit a development team to relocate to Visalia and bring economic development and job creation.

*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)**

4. Conference with Legal Counsel – Existing Litigation (Subdivision (1) of Section 54956.9 GC)  
Name of Case: County of Tulare v. City; TCSC Case No. 07-224225
5. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: Severance settlement, no acquisition anticipated APN: 098-070-017  
Under Negotiation: Terms and conditions of settlement  
Negotiating Parties: Steve Salomon, Andrew Benelli, Ken Richardson, Maria Martinez
6. Conference with Labor Negotiators (G.C. §54957.6a)  
Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila  
Employee organization units Groups E and M

### **REGULAR SESSION**

Track #4

**7:00 p.m.**

#### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Kyle Bleeker, Youth Pastor, First Christian Reformed Church

#### **SPECIAL PRESENTATIONS -**

ImagineU presentation of preliminary plans for the new building for the Children’s Museum and introduction of members of the capital campaign committee.

Bill Whitlach thanked Council for their contribution of land and introduced Nick Anthony, president of the Board. Mr. Anthony reviewed the preliminary plans and introduced members of the capital campaign committee: Bob Aguilar, Phil Cox, Dick Toriggino, and announced Co-chair of the Education component is Jim Vidak. Mr. Anthony reviewed upcoming fundraising events to be held to benefit ImagineU’s quest to raise \$2million for the construction of the new museum. To date the committee has raised about \$250,000.
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**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.

Mike Lane introduced Tomatlán, Jalisco President, Soledad Meléndez, who spoke and exchanged tokens of friendship with Mayor Gamboa and the City of Visalia.

Bob Link reported that he received the first Measure R check for the City of Visalia from Tulare County. The check was in the amount of \$1,053,125.

#### **CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

Council Member Landers asked that items 7g, 7h, and 7q be removed from the Consent Calendar and discussed separately.

Council Member Collins requested items 7n, 7o, 7p be removed from Consent Calendar and discussed separately.

Track #5

GK/BL 5-0 to approve the balance of consent calendar items

7. **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 July 9, 2007
- c) **Second Reading of Ordinance 2007-10** authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.
- d) **Second Reading of Ordinance 2007-11** a request by the City of Visalia to change the zoning designation on 1.65 acres from C-S (Service Commercial) to C-SO (Shopping/Office Commercial). The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue. APN: 098-142-055.
- e) **Second Reading of Ordinance 2007-12** describing the Redevelopment Agency's Eminent Domain Program for the East, Central, and Mooney Boulevard Redevelopment Project Areas.
- f) **Second Reading of Ordinance 2007-13** approving the Citizen Advisory Committee recommendation to adjust the monthly compensation to City Council members to \$800, eliminating the stipend, and implementing an automatic inflation factor that compounds annually for future compensation increases.
- g) Authorize the City Manager to execute the Memorandum of Understanding for Visalia Police Officers Association (City of Visalia Employee Bargaining Unit Group B) for the period April 28, 2007 through June 30, 2010.
- h) Authorize the City Manager to execute the Memorandum of Understanding for Visalia Firefighters Association (City of Visalia Employee Bargaining Unit Group G) for the period April 28, 2007 through June 30, 2010.
- i) Approve the recommendation by the Parks and Recreation Commission to establish the name of "Soroptimist Park" for the new neighborhood park site at Linwood Ave. and Monte Vista Streets in northwest Visalia

GK/BL 4-1 Landers - No Item 7g approved

GK/BL 4-1 Landers No Item 7h approved

- j) Approve the Garden St. Plaza electrical improvements project and approve the appropriation of funds for the project.
- k) Approve the recommendation to name certain park amenities in the new Riverway Sports Park in accordance with the City's policy on naming park facilities.
- l) Approve the concept to establish a resident Park Host program in the new Visalia Riverway Sports Park.
- m) Recommendation to approve a five (5) year agreement between the city of Visalia and AYSO for use of the Visalia Riverway Sports Park for games and practices during specified days and times.
- n) Review and approve action on the 2007/08 budget.

Item #7n  
DL/BL 5-0  
approve staff  
recommendations with the  
exception of  
item 1a  
DL/GK 4-1  
Collins -no  
Approve staff  
recommendation 1a

Council Member Collins voiced his concern on staff recommendation 1a regarding transferring \$6.0 million from the PERS Reserve plus accumulated interest to the Oaks Stadium Fund.

DL/BL 5-0 to approve staff recommendations with the exception of recommendation 1a.

DL/GK 4-1; Collins - No; to approve staff recommendation 1a.

- o) Adopt Resolution 2007-64 authorizing execution of Section 108 Loan Documents.  
**Resolution 2007-64 required.**

Item #7o  
DL/GK 5-0  
approved

Council Member Collins asked about the length of the loan period. It is a 10 year note.

- p) Authorize staff to purchase eight Solid Waste refuse trucks cab and chassis and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as a sole source.

Item #7p  
DL/BL 5-0  
approved

Council Member Collins had questions about natural gas vehicles and diesel fuel vehicles. Staff member Jim Bean responded.

- q) Authorize the City Manager to negotiate with Waste Management (Tulare County Recycling) for a one-year contract to accept non-recyclable solid waste from the City of Visalia.

Item #7q  
GK/BL 4-1  
Landers - No  
Approved

Council Member Landers asked a staff presentation, Jim Bean gave a report.

- r) Authorize the City Manager to enter in an amendment to the agreement with MV Transportation, for the purpose of operating the youth transportation system called the Local Organization Outreach Program (LOOP).

- s) *Item removed at the request of staff*

*Authorization to file Notice of Completion on the following:*

- t) Notice of Completion for Manuel Hernandez Playground Project # 3011-0000-720000-0-9870, for the construction of the playground renovation project at the Manuel Hernandez Community Center.

- u) Notice of Completion for Avalon, located at the northwest corner of Riggin Avenue and Demaree Street containing 182 single family lots and 8 multi-family lots.

v) Notice of Completion for Eagle Glen Unit No. 4 containing 73 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.

w) Notice of Completion for Eagle Glen Unit No. 5 containing 57 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.

x) Notice of Completion for the Visalia Sports Park Off-site Improvements with the final contract amount of \$1,248,845.05; and appropriate \$230,000 from the Transportation Impact Fund (1241) as supplemental funding for the project. Project No. 1241-720000-0-0-9739-2005.

Track #6

Item #8  
GK/DL 5-0  
approved

8. Authorization to execute a final Certificate of Cancellation of Land Conservation No. 10263 located on property owned by North Visalia Investments, LLC (Thomas C. Brodersen, agent). The site is located on the north side of the Riggan Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) **Resolution No. 2007-65 required.**

Brandon Smith gave the staff presentation and noted that conditions directed by Council on October 16, 2006 have been fulfilled.

Mayor Gamboa asked about the timeframe for construction. Tom Brodersen, agent, responded that escrow is ready to close this week and after recording the resolution, construction will begin shortly.

Track #7

Item #9  
DL/BL 5-0  
approved

9. **Public Hearing** for Disestablishment of Agricultural Preserve No. 3470: a request by North Visalia Investments, LLC, property owner (Thomas C. Brodersen, agent) to cancel Agricultural Preserve No. 3470 covering approximately 30 acres. The site is located on the north side of the Riggan Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare (APN: 079-071-011). **Resolution No. 2007-66 required.**

Brandon Smith presented staff recommendations. The public hearing was opened at 7:50. There were no public comments and the public hearing was closed.

Track #8

Item #10  
GK/DL 5-0  
Approved

10. Authorization to bid the construction of the Recreation Park Stadium Expansion and Renovation Project in two primary phases and without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. Project No. 0011-15152-72-0-8037.

Phyllis Coring presented staff recommendations.

Council Member Landers stated that the timeframe (2 phases) for the project is disappointing and takes too long to complete adding to the cost of the project.

Council Member Collins asked about the cost savings using stucco vs. brick. Ms. Coring responded that the difference was in the 6 figures and using brick veneer is comparable in price to full brick.

Track #9

Item #11  
GK/DL 5-0  
continue to  
8/6/07

11. Introduction of Ordinance No. 2007-14, rescinding Ordinance No. 2006-13 and authorizing the City Manager to execute a ten (10) year, with five (5) year renewal option, lease of Recreation Park Stadium, for professional baseball, with Top of the Third, Inc.

Council discussed continuing the item to August 6, 2007 in order to review lease information from other teams.

Mayor Gamboa appointed Council Member Collins and Council Member Kirkpatrick to a committee to review leases from other teams in order to make a recommendation to Council on August 6, 2007.

Council Member Collins expressed concerns about ticket prices and revenue streams.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

Track #10

**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Centex Homes	By legal desc.	Lots E & F of Shannon Ranch 1 & 2 and Lot I of Avalon	Riparian setback	6/25/07	Don Stone
City of Visalia	Bridgecourt Development	By legal desc.	Area along Modoc Ditch in Riverbend 6 and 7	Riparian setback	6/25/07	Don Stone
City of Visalia	Kugler, Duvall & Margaret	210-216 N. Tipton St.	094-240-030 & 031	Riparian setback, park, construction of Oak St.	6/28/07	Mike Olmos

8:00 p.m.  
Meeting  
adjourned

**Upcoming Council Meetings**

Monday, July 23, 2007, Joint City Council/Planning Commission - Convention Center

Monday, August 6, 2007 - City Hall Council Chambers

Monday, August 20, 2007 - City Hall Council Chambers

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