

Visalia City Council Action Agenda

For the regular meeting of: Monday, October 1, 2007

Location: City Hall Council Chambers

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

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.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session and Closed Session Items -

Track 1

1. Recognition of Volunteer Efforts with the 1000 Hands Playground Project at Riverway Sports Park. Overview by Vincent A. Elizondo, Director of Parks & Recreation

Vince Elizondo, Director of Parks and Recreation gave a slide show of the construction of the playground. Thora Guthrie, Parks and Recreation Foundation, recognized volunteers that helped with the build and Jason Glick, project coordinator recognized committees and groups that were involved.

Council Members discussed the collaboration of the community and thanked volunteers.

Track 2

GK/DL 5-0
Item 2
approved.

2. Presentation and authorization of proposed Memorandum of Understanding (MOU) with San Joaquin Valley Clean Energy Organization (SJVCEO) in which the non-profit organization would assist the City in developing clean energy programs.

Shawn Ogletree gave the staff presentation. Council was supportive and had questions about how the audits work. Questions were answered by Ogletree.

3. *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

Council Member Landers commented on the Great Valley Centers' recognition of the new energy efficient police substation which is made of rice and straw. Council Member Landers discussed the construction industry in Visalia and the low unemployment rate.

Council Member Link asked if the City can recognize Mr. Luhan for his service to the country.

CLOSED SESSION

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

4. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): two potential cases
5. Public Employee Appointment (§GC 54957)
Title of position: Interim Fire Chief
6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 440 N. Giddings
Under Negotiation: Price, terms, conditions of lease
Negotiators: Steve Salomon, Carol Cairns, Tom Seidler
7. *Item removed at the request of staff*
8. Public Employee Performance Evaluation (§GC 54957)
Title: City Manager
9. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Outlot A and Outlot C of Parcel Map No. 4843 for riparian setback purposes on Packwood Creek
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Don Stone, Paul Shepard, DBO Development No. 33

Track 3
Meeting
Opening

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Robert Benefield, Sequoia Baptist Church

SPECIAL PRESENTATIONS/RECOGNITION

- Issue Proclamation declaring October 15-19, 2007 Medical Assistants Week
- Receive token of appreciation from the Bürgermeister of the City of Reuterstadt-Stavenhagen, Germany, presented by Mike Grassell.

Track 4
Link's
comments

COUNCIL COMMENTS

Council Member Bob Link discussed gang problems in the City of Visalia.

Track 5
Public
Comments

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.

The following persons addressed Council in support of allowing the compassionate care facility (medical marijuana dispensary) to continue at the present location in downtown Visalia: Rick Morse, Brandon Morse, Jeff Nunes, Marsha Gearing, Jasmine Walker, Troy Fromberg, Peter Metals, Anthony Blackwell, Robin Morse, Barry Smith, Richard Tassy, Sharon Maroon, Stephan Fisk, Tammy Stanley, Janet Graham, Liz Ahumada.

Alex Peltzer, City Attorney, advises Council that the item is not on the agenda for action or discussion. There is an administrative action going forward to achieve compliance as the use was not permitted as a dispensary in this location.

Mayor Gamboa referred Mr. Nunes to meet with Planning Department, Fred Brusuelas.

Council Member Kirkpatrick stated that he is proud of the patients who spoke tonight and urged Mr. Nunes to continue to work on a suitable location.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Mayor Gamboa acknowledged the Boy Scout Trop 308 that was present to observe the Council meeting.

Council Member Landers commented on the recent Candidates Forum and clarification on a statement made by one of the candidates. Steve Salomon, City Manager answered question.

Council Member Link asked that item 10i be removed from the consent calendar and voted on separately.

Track 6
Council
Comments

Track 7
DL/GK 5-0
Approve
balance of
Consent
Calendar #10

10. 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 September 24, 2007.
 - c) Authorize the City Manager to enter into a contract, in an amount not to exceed \$23,500 (including expenses), with Gary Brown and Avery and Associates, for assistance in the recruitment and selection efforts to fill the position of Fire Chief.
 - d) Adopt the National Incident Management Systems (NIMS), for use in the City of Visalia. **Resolution 2007-82 required.**
 - e) Authorization to lien real property located at 3227 E. Houston Avenue for \$17,337.00.
 - f) Appointment of Bill Costley to the Transit Advisory Committee.
 - g) Appointment of Martin Van Enoo to the Environmental Committee.
 - h) Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride

buses from Bus West in the amount of \$100,584 each for a total of \$603,504 and appropriate additional funds of \$273,504.

i) Ratify the replacement and acquisition of the Visalia Police Department's Police Activities League (PAL) vehicle and appropriate \$20,000 from the Vehicle Replacement Fund.

Council Member Link congratulated the Police Department for buying local and thanked Gropetti Automotive for their donation.

j) Acceptance of an \$18,811 grant through the State Office of Traffic Safety (OTS) to UC Berkeley Traffic Safety for DUI checkpoint enforcement.

k) Acceptance of a \$397,561 AVOID DUI grant from the State Office of Traffic Safety (OTS).

l) Authorization to award RFP No. 06-07-34 to Pearpoint, Inc, of Thousand Palms, CA to supply one Closed Circuit Television Sewer Inspection Unit in the amount of \$114,927.

m) Authorization to solicit proposals from qualified consulting firms to prepare a nexus study to determine the impacts of agricultural land conversion to urban uses and recommend methods to mitigate said impacts.

n) Establish the prima facie speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216) at 45 Miles per Hour and amend the Official Speed Zone List of the City of Visalia. **Resolution No. 2007-86 required.**

o) Notice of Completion for Parcel Map 2004-18 located at the southwest corner of Ferguson Avenue and Cain Street.

11. **PUBLIC HEARING** - Introduction of Ordinance No. 2007-16 for First Reading of Change of Zone No. 2007-12: A request by the City of Visalia to amend the Central Business District Parking Zone A boundary to include property located at 101 N.E. Third Street in the P-C-DT (Planned Central Business District Retail) Zone (APNs: 094-033-007, 008, 009, 010).

Ricardo Noguera presented the staff report. Mayor Gamboa opened the public hearing at 8:31 p.m. Phil Cox, Tulare Co. Board of Supervisors, spoke in favor of staff recommendation. Council Member Collins had concerns about the design which were answered by Supervisor Cox. The public hearing was closed at 8:37 p.m.

12. **PUBLIC HEARING** - Authorize the formation of Revised Underground Utility District No. 16 along Dinuba Boulevard between 100 feet north of Houston Avenue and Riggin Avenue and between Shannon Parkway and Riverway Drive. **Resolution 2007-83 required.**

Andrew Benelli presented the staff report. Bill DeLain from Southern California Edison was present to answer Council questions. Mayor Gamboa opened the public hearing at 8:55 p.m. There were no public comments and the public hearing was closed.

13. **PUBLIC HEARING** - Authorize the formation of Underground Utility District No. 17 - Dinuba Boulevard between Riggin Avenue and Shannon Parkway. **Resolution 2007-84 required.**

Andrew Benelli presented the staff report and was available to answer Council questions. Mayor Gamboa opened the public hearing at 8:57 p.m. A letter was received from Pacific Union Homes as public comment. There were no additional public comments and the public hearing was closed.

BL/DL 5-0
Item 10i
approved

Track 8

DL/GK 5-0
Item #11 1st
reading
Approved
per staff
recommend-
ation

Track 9

DL/GK 5-0
Item #12
approved

Track 10

GK/DL 5-0
Item #13
approved

Track 11

DL/BL 5-0
Item # 14
approved

14. **PUBLIC HEARING** - Authorizing the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue. **Resolution 2007-85 required.**

Doug Damko presented the staff report. Mayor Gamboa opened the public hearing at 9:00 p.m. There were no public comments and the public hearing was closed.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - None

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Monday, October 15, 2007; Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia
- Monday, October 29, 2007; Work Session 4:00/Regular Session 7:00 – City Council Chambers 707 W. Acequia
- Monday, November 19, 2007; Work Session 4:00/Regular Session 7:00 – City Council Chambers 707 W. Acequia

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.

9:01 p.m.
Adjourned

Submitted by Donjia Huffmon, Chief Deputy City Clerk