

Visalia City Council Action Agenda

For the regular meeting of: Monday, October 15, 2007

Location: City Hall Council Chambers – 707 W. Acequia, Visalia, CA 93291

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.

Track 1

EMPLOYEE INTRODUCTION

Introduction of Gregory Glass, Interim Fire Chief, by Steve Salomon, City Manager

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items -

Track 2
Item #1
GK?GC 5-0

1. Selection of a recommended Light Rail Transit (LRT) route and authorize staff to communicate recommendation to Tulare County Association of Governments (TCAG) for further study.

Monty Cox presented the staff report and consultant Justin Fox from Wilbur Smith and Associates participated via teleconference. Ted Smalley from TCAG was also available to answer Council questions.

Motion GK/GC to select Mooney Blvd as the recommended Light Rail Transit route and continue analysis of Santa Fe for further development as a bike trail and communicate the recommendation to TCAG for further study. Motion carried 5-0.

Track 3
Item #2
GK/GC 5-0

2. Update regarding the Sequoia Shuttle project, authorization to negotiate with NPS regarding City operation of the internal park shuttle; and, authorization to increase the gateway shuttle fee to \$15.

Monty Cox presented the staff report. A total of 141,724 riders used the Sequoia Shuttle from Memorial Day to Labor Day. Marketing will begin earlier this year.

Motion GK/GC to authorize staff to negotiate with NPS for the internal park shuttle and authorize an increase in the gateway shuttle fee to \$15. Motion carried 5-0.

Track 4
Item #3
No action
Info only

3. Review of initial work program for the Natural Resource Conservation Division.

Shawn Ogletree presented the specific work program for the Division. Council agreed that this was a good starting list and added several items that they would like to see accomplished.

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 5:52 p.m.

4. Conference with Real Property Negotiators (G.C. §54956.8)
Property: APN:121-090-041, 063; 122-011-008, 019, 020;
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms and conditions of potential purchase
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson, Sequoia Plaza Shopping Center, Donald P. Celillo, Keith and Peggy Wilson, Joe and Nancy Berry, John and Betty Lauffenburger
5. Conference with Real Property Negotiators (G.C. §54956.8)
Property: APN: 079-071-018, 020
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms and conditions of potential purchase
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson, Mary Bianco, Colegio de la Tierra/Beatriz Hernandez, Visalia Shannon Land Development Company, Inc./Chris Tyler
6. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): two potential cases
7. 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
8. *Item removed at the request of staff*

Track 5

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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.

A member of the public asked that Item 9e be pulled from the consent calendar and be made a regular agenda item for discussion.

Patricia Sparks, representing Americans for Safe Access, spoke regarding zoning issues for medical marijuana.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Collins requested Item 9d be pulled from the consent calendar for discussion.
Council Member Link requested item 9e be pulled from the consent calendar for discussion.

Track 6
GK/DL 5-0
approve
balance of
consent
calendar

9. 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 October 8, 2007.

c) Second Reading of Ordinance No. 2007-16 for 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).

d) Authorization to award the Demolition and Over-Excavation contract for the Right-Field Improvements phase of the Recreation Park Stadium Expansion Project to Hobbs Construction of Fresno in the amount of \$144,808 and authorization for City Manager to execute the agreement. Project #0011-15152-72-0-8037.

Council Member Collins had questions of staff and Phyllis Coring responded.

Item 9d
BL/DL 5-0
Approved

e) Authorization to set the 2008 health benefit contribution rate for City employees and participating retirees; and, payment of the increase from interest earning for the first two months of the new plan year.

Item 9e
GK/BL 5-0
Approved

Eric Frost presented staff report and answered questions posed by Council.

Jim Thompson, spoke on behalf of retirees.

Motion GK/BL to suspend fee increases for January and February in order to give the Health Benefit Committee time to conclude the process of finalizing plan alteration recommendations and to meet with retirees to establish an equitable program. Motion carried 5-0.

- f) Award bid for a dump truck and trailer to Kenworth of Central California for \$170,706.42.
- g) Award bid for two (2) dump trucks and a water truck for the Streets Division to Kenworth of Central California for \$273,699.00.
- h) Purchase two (2) solar-powered compactor waste receptacles to be used downtown.
- i) Request authorization to file a Notice of Completion for the Dinuba Boulevard / State Highway 63 Improvement Project with the final contract amount of \$796,592.40. Project No. 1241-720000-0-0-9739-2007.
- j) Award a contract for the 2008 Major Street Overlays – County Center Drive and Court Street to Lee’s Paving Inc., in the amount of \$999,377.50. Project No. 1111-00000-0-720000-0-9225-2008.

Track 7
GK/DL 5-0
Item 10
1st Reading
Approved

10. Introduction of Ordinance No. 2007-14 Rescinding Ordinance No. 2006-13, and Authorizing the City Manager to Execute a nine (9) year, with a six (6) year renewal option, Lease of Recreation Park Stadium, for professional baseball, with Top of the Third, Inc.

Carol Cairns presented the subcommittee’s recommendations, the staff report and reviewed the lease.

Motion GK/DL to approve the first reading of the Ordinance. Motion carried.

Track 8
DL/BL 5-0
Item 11
1st reading
Approved

11. **PUBLIC HEARING** – Introduction of Ordinance 2007-17 for Change of Zone No. 2007-01: A request by Mario Aguilera to amend Zoning Ordinance Section 17.32.161 to change the location criteria for fast food restaurants with or without drive-thru in the Light Industrial zone (IL).

Andy Chamberlain presented the staff report. Mayor Gamboa opened the public hearing at 7:40 p.m. Darlene Mata, representing the applicant, spoke to council and concurred with staff recommendation. Council had questions about the exit locations and Mike Olmos, Assistant City Manager clarified. The public hearing was closed at 7:44 p.m.

Motion DL/BL to approve the first reading of the Ordinance. Motion carried.

Track 9
DL/GK 5-0
Item 12
approved

12. **PUBLIC HEARING** – Approve the recommended expenditure of and appropriate the State of California 2007 Citizens Option Public Safety (COPS) Program funds of \$226,411.
Resolution 2007-87 required.

Dennis Swiney, Assistant Police Chief, presented the staff report. The public hearing was opened at 7:55 p.m., there were no public comments and the public hearing was closed.

Motion DL/GK to approve the recommended expenditures, appropriate the program funds, and adopt Resolution 2007-87 regarding the grant. Motion carried.

Track 10
JG/GK 4-1
Landers = No
Item 13
approved

13. Consider request by the County of Tulare to participate in the planning process for the proposed Mooney Grove Park Master Plan.

Vince Elizondo presented the staff report and recommendations.

Motion DL to table the item. Motion died for lack of second.

Motion JG/GK to allocate up to \$25,000 depending on the shares of the other entities. Motion carried 4-1 (Landers = No).

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Track 11

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Appointment of Interim Fire Chief, Gregory Glass, effective 10/8/07

Buyer	Seller	APN #	Address	Purpose	Closing Date	Project Manager
City of Visalia	DBO Development No. 29	126-050-018 (2.97 acres)	Generally located on Cameron Ave btw. Woodland St. and Mooney Blvd. (Property runs along Packwood Creek)	Riparian Setback Area	10/5/07	D. Stone

Track 12
GK/DL 5-0

14. Adjourn regular meeting to October 29, 2007, 4:00 p.m., at the City Hall Council Chambers for the following item: Second Reading of Ordinance 2007-14 Rescinding Ordinance No. 2006-13, and Authorizing the City Manager to Execute a nine (9) year, with a six (6) year renewal option, Lease of Recreation Park Stadium, for professional baseball, with Top of the Third, Inc.

Meeting adjourned 8:10 p.m.

Upcoming Council Meetings

- Monday, October 29, 2007; 4:00 p.m. - Regular Adjourned Meeting - City Council Chambers 707 W. Acequia
- Monday, October 29, 2007 Special Meeting - 4:05 p.m. (Or, immediately following Regular Adjourned Meeting) - City Council Chambers 707 W. Acequia
- Monday, November 19, 2007; Work Session 4:00/Regular Session 7:00 p.m. - City Council Chambers 707 W. Acequia
- Monday, December 3, 2007, Work Session 4:00/Regular Session 7:00 p.m. - 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.

Submitted by Donjia Huffmon, Chief Deputy City Clerk