

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, May 4, 2009

Location: Convention Center, 303 E. Acequia, Visalia CA 93291

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

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

Public Comment on Work Session and Closed Session Items -

BL/AS 4-1
Landers = No
Item 1
approved as
submitted

1. Updated discussion on the Business Research Park (BRP) zone and potential moratorium on BRP-zoned land in the vicinity of Plaza Drive, north of Hwy 198.

Paul Scheibel, Planning Services Manager, presented staff's three recommendations and a recommendation not to implement a zoning moratorium.

Council discussed staff's recommendations and consulted with Alex Peltzer, City Attorney; Steve Salomon, City Manager; and Larry Segrue, Planning Commissioner. The staff report was approved as recommended.

Track 2
BL/GC 5-0
Item 2
approved as
submitted

2. Progress Report on the Housing Element Update and Recommended Strategies for Increasing the Affordable Housing Land Inventory.

Paul Scheibel, Planning Services Manager, introduced Derek Demano from Mintier Harnish Planning Consultants. Mr. Demano reviewed the information provided in the progress report on the Housing Element Update, the process timeline and the proposed scenarios for meeting the Land Inventory requirements. The Council selected Scenario No. 2 for a moderately aggressive approach to achieve the Land Inventory requirements. The staff report was approved as recommended.

Track 3
Item 3 - no
action taken -
update only

3. Update on the Recreation Park Stadium Right Field Improvements Project, Dugout Reconstruction and Regrading of the Playing Field. (Project #0017-15152-720000-0-8037)

Adam Ennis, Engineering Services Manager, presented the update and reviewed the recent improvements to Recreation Park. Council discussed the potential for leasing office space and asked staff to check on better signage for the Park.

Track 4
AS/DL 5-0
Item 4
approved as
submitted

4. Presentation and acceptance of the Sequoia Shuttle Visitor's Center Design and authority to enter into a contract with Taylor Teter to develop working drawings.

Leslie Caviglia, Deputy City Manager and Russ Taylor from TaylorTeter reviewed the initial design for the Sequoia Shuttle Visitor's Center and requested Council's approval of the initial design and authorization to enter into a contract with Taylor Teter to develop working drawings. Staff continues to pursue funding options for construction.

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

Adjourn to
closed session
6:10 p.m.

CLOSED SESSION

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

5. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9)
LaBerge v. City of Visalia TCSC # 08-227856
6. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups
7. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9)
City of Visalia Retirees v. City of Visalia TCSC #09-232173
8. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
9. Conference with Real Property Negotiators
Property: 309 N. Santa Fe (APN 094-284-006)
Under Negotiation: Authority to negotiate terms of sale
Negotiating parties for City: Steve Salomon, Mike Olmos, Cliff Ronk
Negotiating parties for Seller: Harry Foster & Ruben Chavez with Family Healthcare Network

Track 5

REGULAR SESSION

7:10 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Arthur Escobedo, Praise Center Church

SPECIAL PRESENTATIONS/RECOGNITION Proclamation declaring May 9, 2009 - "Happy Hearts Day"

Skip Nugent was presented with a proclamation for Happy Heart's Day. This is the 7th year for Happy Hearts and last year \$94,000 was raised.

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 street name and city.

Richard Garcia, LaSalle Street, a representative from Mineral King Sierra Club thanked the City for their Earth Day event.

A representative (unidentified) from the Tulare/Kings Hispanic Chamber of Commerce thanked the Parks & Recreation Department for letting them use the Anthony Community Center for the Cinco de Mayo celebration.

10. INFORMATION ITEMS - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of April 27, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION - no items pulled

DL/AS 5-0
Item 11 - All
Consent
Calendar
items
approved as
submitted

11. 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) Adopt a new Disadvantaged Business Enterprise (DBE) Race Conscious Implementation Agreement.
- c) Second reading and adoption of Ordinance 2009-03 authorizing the execution of a grant of utility easement over a small area on the northwest corner of the Acequia Parking Structure property to Southern California Edison. **Ordinance 2009-03 required.**
- d) Second reading and adoption of Ordinance 2009-04 amending Ordinance 2007-13 to reduce Council salaries during the 2009-2010 budget year. **Ordinance 2009-04 required.**
- e) Request authorization to file a Notice of Completion for Kaweah Gardens Subdivision, containing 21 lots, located at the southeast corner of Pinkham Street and Cherry Avenue.
- f) Authorization for staff to prepare the grant application for the 2009 Assistance to Firefighter Grant (AFG) in the amount of \$840,000 from FEMA with emphasis on three categories; Equipment, Apparatus and Training.

Track 6

AS/BL 5-0
Item 12
approved as
amended.

12. Report on FEMA's revised Flood Insurance Study and Flood Insurance Rate Maps for Tulare County to be effective on June 16, 2009.

Chris Young, Assistant Community Development Director presented the staff report and a composite map showing the properties that have come out of the flood zone (7900) and the properties that are now in the flood zone (8900). Mr. Young reviewed the map process (timeline) and the timeline for protests and appeals. 22 protests were filed and 18 of those were upheld by FEMA. The period for administrative appeal and judicial review has passed. Mr. Young indicated it would be an uphill battle to challenge the methodology of FEMA.

City Attorney Alex Peltzer discussed the potential for a legal challenge and found no opportunity for the city to file an appeal or court action on its own initiative.

The following citizens commented about the FEMA Flood Maps:

1) Phillip Cronin, Beverly Drive; 2) Don Larpin, Clark Street; 3) Steve Nelson, Babcock St.; 4) Carl Fazzano, Sweet Ave.; 5) Bill Huott, N. Willis; 6) Mark Kellar, Oakwest HOA; 7) Eddie Alonso, E. Court; 8) Dick Schafer, Civil Engineer; 9) D. Coleman, Sweet Ave. 10) David Wind; Holland Ct.; 11) Richard Cochran, Beverly Drive; 12) Harold Myers, Murano Ct.; 13) Nora Pittman, E. Arlan; 14) Harold Rawlin, W. Beverly Drive; 15) Mike Javoe, N. Boise St.; 16) John Horn, Ferguson St.; 17) Tony Lawrence, Hillsdale St.

Council approved staff's recommendations and added the recommendation that the City Attorney look into FEMA's due process and proper noticing, modeling, and peer review issues.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

Adjourn 9:35
p.m.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

Upcoming Council Meetings

- Tuesday, May 5, 2009, 6:00 p.m. Joint Meeting City Council and Visalia Unified School District Board of Trustees, 5000 West Cypress Avenue
- Monday, May 18, 2009, 4:00 pm. City Council Work Session; 7:00 p.m. City Council 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