

Visalia City Council Agenda

For the regular meeting of: MONDAY, August 17, 2009

Location: City Hall Council Chambers, 707 W. 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.

WORK SESSION AND ACTION ITEMS (as described)

4:30 p.m.

Public Comment on Work Session and Closed Session Items -

Track 1
Item 1
BL/AS
4-1 (Collins
No)
Approved as
amended

1. Review Sierra Village project updates and changes – consider authorization for project proponents to move forward to prepare and process environmental documents and applications for general plan amendments and annexation applications.
Receive public comment

Brandon Smith, Planning Division and Chris Young, Engineering Division updated Council on changes to the Sierra Village project proposal and the revised concept plan. Council presented questions regarding the general plan, the scenic corridor, and the structures. Chris Young answered Council's questions and concerns. Darlene Mata spoke on behalf of the property owner. Council request that the property be cleaned up immediately. Council approved staff's recommendation and Council recommended the areas that can be cleaned up, be immediately cleaned up.

Track 2
Item 2
BL/DL
5-0 Approved
as
recommended

2. Update regarding East Tulare County Short Line Railroad – consider City's position
Continued discussion from August 3, 2009
Receive public comment

Mike Olmos, Assistant City Manager updated Council with the amended language that was requested by Council from August 3, 2009 Council meeting. Ted Smalley from TCAG clarified the project funding. Approved.

Tracks 3
Item 3
AS/BL
5-0 Approved
as
recommended

3. 2009 Public Opinion Survey Results presented by the Citizens Advisory Committee.
Receive public comment

Nyla Hallum updated Council regarding the process of accumulating information for the survey. Steve Puerner, finance intern presented a PowerPoint and highlighted several items of the survey. Council commended the committee and staff for the hard work putting the survey information together. Approved.

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

Councilmember Shuklian encouraged all to buy local and support the “buy local campaign” in Visalia.

CLOSED SESSION

Adjourn to
Close Session

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

4. Conference with Legal Counsel – Anticipated Litigation (2)
Initiation of litigation pursuant to subdivision (c) of Section 54956.9) – two potential cases
5. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of GC Section 54956.9)
Name of case: City of Visalia vs. Maksy (TCSC 08-229559)

Track 4

REGULAR SESSION

Reconvene to
Regular
Session

7:00 p.m.

PLEDGE OF ALLEGIANCE

Regular
Session and

~~INVOCATION – Pastor Robert Benefield, Sequoia Baptist Church:~~ Moment of Silence

SPECIAL PRESENTATIONS/RECOGNITION – Proclamation declaring September 2009 Energy Efficiency Month.

Councilmember Collins presented the proclamation to Brandi Clark representing United Way.

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.

Steve Nelson, Babcock Avenue, spoke about the city budget and why the city was hiring a Natural Resource Conservation Manager when the City was laying off employees. City Manager Steve Salomon answered Mr. Nelson’s question and confirmed that the Manager’s position is not funded by the general fund.

Barbara Hood, Seeger Court, representing the Downtown Visalia Foundation, commented about the Public Art Policy Task Force (item 7g). She wanted make sure that the Foundation was included on the committee.

Item 6
No Action
Required

- 6. INFORMATION ITEMS - (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of August 10, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

The following items were removed from the Consent Calendar to be acted upon separately:
Councilmember Lander - item 7b; Councilmember Shuklian item 7g.

Track 5
Item 7
DL/GC
5-0 Balance of
Consent
Calendar
Approved as
recommended

- 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) Authorization to place a lien for \$14,752.60 on real property located at 2714 S. Encina.
Resolution 2009-32 required.

Councilmember Landers acknowledged Tim Burns for his loyal and dedicated service he has provided for the City of Visalia.

Track 6
Item 7b
DL/AS
5-0 Approved
as
recommended

- c) Introduction of **Ordinance 2009-05** amending Municipal Code 10-32 transferring enforcement authority for private property vehicle abatement from Visalia Fire Department to Housing and Economic Development Department.
- d) Authorize the City Manager to execute a Consent Agreement (CON07199193) between Southern California Edison Company and the City of Visalia for the installation of storm drain pipeline facilities within the existing SCE easement located along the St. Johns Parkway extension, approximately one half mile east of McAuliff Street.
- e) Authorize the City Manager to execute a Joint Use Agreement (REL06141596) between Southern California Edison Company and the City of Visalia for the relocation of SCE facilities on the north side of Riggan Avenue from 430' east of Mooney Blvd to 1,000' west of Mooney Blvd.
- f) Authorize the City Manager to execute a Joint Use Agreement (REL06148574) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the east side of McAuliff Street, south of Walnut Avenue.

Track 7
Item 7g
GC/JG
3-2
Shuklian-No;
Landers - No;
Approved as
recommended

- g) Authorization to consider the requests from the Hispanic Roundtable and the Downtown Visalians to have a representative on the recently appointed Public Art Policy Task Force which will develop City policies for locating and approving public art.

Councilmember Shuklian requested clarification of the current Task Force composition. Deputy City Manager Leslie Caviglia updated Council and provided information to clarify the staff's recommendations.

- h) Adoption of **Resolution 2009-33** supporting the University of California, Merced's efforts to address the physician shortage in the San Joaquin Valley by establishing a medical school.
Resolution 2009-33 required.
- i) Authorize the City Manager to execute an amendment to the Professional Service Agreement with Community Services and Employment Training (CSET) to provide labor for various City grant funded projects where CSET is a partner in the grant application.
- j) Authorization to award the contract for the Rehabilitation of Taxiway Edge Lighting and

Signage at the Visalia Municipal Airport to RB Development in the amount of \$393,990. Project numbers 4011-720000-0-0-8187, corresponding to FAA AIP Project number 3-06-0271-25.

k) Authorization to purchase by direct sale from Caltrans property consisting of approximately 2759 square feet of area located West of Ben Maddox adjacent to the south side of State Route 198 adjacent to Noble Avenue through "Offer to Purchase Agreement;" Adoption of Resolution of Public Purpose re Same. **Resolution No. 2009-34 required.**

Authorization to file Notice of Completion for the following projects:

l) Luisi Acres Storm Drain Tie-in Project, (Final Cost \$ 188,300); and authorize the City Manager to execute Ferguson Avenue Project Reimbursement Agreement for the storm drain master planned facilities and the related right-of-way acquisition.

m) Public improvements only for Sequoia Crossing, containing 86 single family private street access lots, located 660 feet south of Caldwell Avenue on the East side of Akers Street.

8. **PUBLIC HEARING:** Appeal of the Planning Commission's approval of Conditional Use Permit (CUP) No. 2008-46 for the Grace Community Church campus at the southwest corner of Cherry Avenue and Lovers Lane (APN:126:110-061 by Jay and Cindy Moccio and residents of the Country Meadows Community Subdivision. **Resolution No. 2009 -35 required.**

Track 8
Item 8
DL/BL
3-2
Gamboa-No
Shuklian-No
Approved as
amended

Paul Bernal, Planning Division briefed Council with the background of the project and presented a PowerPoint of the proposed land use. Issues discussed: 1) field lighting; 2) location of the athletic fields and parking lots; 3) amphitheater noise; 4) phasing of construction; 5) increased traffic flow.
Mayor Gamboa opened public hearing:-
Representing Grace Community Church Kevin Shore -Vine Street, Jim Wood - Avenue 340, Jane Willis - Newton Avenue, and John Venema answered questions and concerns asked by Council.
Cindy Moccio, Virmargo Court, opposed constructing the athletic field and amphitheater.
Darlene Mata gave her opinion regarding the noise level and opposes such projects due to her past experiences living in similar residential areas.
Reggie Ellis, Cherry Avenue, supported the project - encourages lights due to the crime level in the area.
Dianna Fauvor, Beech Street, opposed constructing the athletic fields and amphitheater. Also, has concern with the parking.
Jane Willis, Newton Avenue, supported the project and clarified the traffic concerns and the usage of the fields. -
Close Public Hearing.

Councilmember Landers motioned to deny the appeal and approve the project with the following conditions: Phase 1 includes the construction of the administration building first before any fields are constructed - once the occupancy permit for the administration building is issued by the City the fields could be construction, with limitation on lights on the fields. After a year with no lights, the matter could be reviewed and lights considered through an amended CUP. The property must be adequately posted for complaints to a telephone number to be monitored by the church.
Vice-Mayor Bob Link seconded the motion.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None.

Adjourn

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

None.

Submitted by: Susie Alter on Behalf of Leslie Caviglia, Deputy City Clerk