

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, October 5, 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 - *absent*
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

INTRODUCTION OF NEW EMPLOYEE

Introduction of new Financial Analyst in the Finance division by Eric Frost, Administrative Services Director.

WORK SESSION AND ACTION ITEMS (as described)

4:30 p.m.

Track 2

Public Comment on Work Session and Closed Session Items -

1. Update on funding options and authorization for the City Manager to release a Request for Proposals (RFP) to hire a design consultant for a new Animal Control Facility (ACF) to replace the existing ACF.

BL/AS 3-1
(Gamboa-No)
to continue
Item 1 to
10/19/09

Paul Scheibel, Planning Division, presented an overview of the ACF subcommittee and staff activities and recommended the Council authorize an RFP for a design consultant. Scheibel reviewed funding recommendations for the project.

Tammy Crawford, Visalia Oaks SPCA addressed Council regarding the need for a new animal shelter.

Councilmembers discussed the recommended funding sources. Mayor Gamboa expressed his concerns about redirecting \$50,000 from the Community Signage project to the ACF project.

1st motion: AS/BL to approve the staff recommendation as submitted. Motion failed 2/2
(Gamboa and Collins - no)

Track 3

2. Receive Joint Communications Project update and authorization for consultant to explore a standalone 9-1-1- Consolidated Dispatch Center.

GC/AS 4-0
Item 2
approved as
submitted

Veronica McDermott, Police Department, and Lt. Dave Singleton, the Sheriff's Department, reviewed the progress of the Dispatch Consolidated Selection Committee to hire a consultant through the RFP process. McDermott addressed that grant funding may be easier to access with a stand-alone center and recommended the consultant explore additional sites for a standalone center.

Council discussed potential sites for a standalone 9-1-1- consolidated Dispatch Center and the possibility of using a portion of the future Public Safety Building as a standalone center.

Track 4

AS/BL 4-0
Item 3
approved as
submitted

3. Authorization to enter into contract negotiations with the consultant team of Dyett & Bhatia for preparation of the General Plan Update and Program EIR (ref.: RFP-08-09-21)

Paul Scheibel, Planning Division, reviewed the General Plan Update Review Committee's recommendation to enter into negotiations with Dyett & Bhatia to prepare the General Plan Update and Program EIR. 13 proposals were received and the top 5 were interviewed.

Council Member Collins reviewed his concerns about undergoing the General Plan Update at this time.

Darlene Mata, a member of the committee and interview team responded to Council Member Collins' comments.

4. *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 Shuklian reported that the City is currently in 2nd place in the Corporate Games and that on Wednesday she will be arrested as part of a fundraiser for Muscular Dystrophy Association.

CLOSED SESSION

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

5. *Item removed at the request of staff*
6. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Two potential cases
7. Conference With Real Property Negotiators (G.C.§54956.8)
Property: 3.43 acres located at the NE corner of Road 68 and Caldwell Ave; APN: 118-02-0033
Under Negotiation: Lease agreement
Negotiating Parties for City: Steve Salomon, Mike Olmos, Chris Tavarez
Negotiating Parties for Property Owner: Stan Carrizosa and Randy Groom for VUSD

Track 5

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Donn Shelton, Grace Community Church

SPECIAL PRESENTATIONS/RECOGNITION -

Track 6

- Acknowledgement of Donjia Huffmon receiving the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks
- Proclamation declaring October 19-23 , 2009 National Medical Assistant's Week
- Proclamation declaring October 11-17, 2009 National Case Management Week

Track 7

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.

- 1) Irene Lapin, Feemster St., spoke about dangerous bike lanes in Southwest Visalia.
- 2) Houston Wells, W. Whitendale, spoke about the bidding process for asphalt contractors and the cost effectiveness of using a contractor rather than city crews.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Track 8

Councilmember Collins pulled items 8b and 8f; Mayor Gamboa pulled item 8j for further discussion and comment.

BL/GC 4-0
approve
balance of
consent
calendar

8. 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.

GC/AS 4-0
approve Item
8b as
submitted

b) Authorization for the City Manager to enter into an Exclusive Negotiations Agreement (ENA) with Mill Creek Professional Center, LLC. for completion of pre-development due diligence and planning activities necessary for the negotiation of a Development Agreement for phased sale and development of city-owned land situated between Acequia, Mineral King, Stevenson and Conyer Streets. **Resolution 2009-43 required.**

Councilmember Collins asked Harvey May, Paloma Development, to update the Council on the proposed development.

c) Notification of approval of a DUI grant application to the Sobriety Checkpoint Program, UC Berkeley - Traffic Safety Center, through the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

d) Notification of approval of a grant application to the Click It or Ticket Mini-Grant program, UC Berkeley - Traffic Study Center, through the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

e) Approval of the 2009/10 transit agreement with Tulare County.

GC/BL 4-0
Item 8f
approved as
submitted

- f) Authorization to place a lien for \$20,467.87 on real property located at 123 Arkle Street.
Resolution 2009-44 required.

Councilmember Collins complimented staff for their efforts dealing with neighborhood blight.

- g) Authorization to place a lien for \$4,805.25 on real property located at 717 N Santa Fe Street. **Resolution 2009-45 required.**

- h) Authorization to place a lien for 6,473.23 on real property located at 616 N Garden Street.
Resolution 2009-46 required.

- i) Authorization to place a lien for \$4,327.93 on real property located at 1009 W Goshen.
Resolution 2009-47 required.

JG/AS 4-0
Item 8j
approved as
submitted

- j) Authorize the City Manager to provide matching funds not to exceed \$5,000 to the Visalia Chamber of Commerce for marketing efforts on the Mooney Boulevard Corridor.

Mayor Gamboa commented on the Council's opportunity to work for merchants on Mooney Blvd.

Track 9

9. **PUBLIC HEARING** - Appeal of City Planner decision denying a Medical Marijuana Business Permit Application for Central Cali Caregivers to be located at 1101 E. Center Avenue.

GC/JG 3-1
(Shuklian-no)
approved as
amended

Fred Brusuelas, City Planner, reviewed the steps taken to process the application for a Medical Marijuana Business Permit. The Municipal Code allows the City Planner to approve or deny a Medical Marijuana Business Permit, and the application was denied due to non-compliance with provisions of the Municipal Code.

The public hearing was opened at 7:35 p.m. The following persons spoke in favor of approving the application: William Logan, attorney for applicant; Bryan Ruiz, applicant; Robert Shaw, W. Howard St.; Carolyn Ruiz, applicant's mother; Guadalupe Arazola; Felipe Arazola; Ray Ruiz. The following persons spoke against the location of the proposed business: Gabriel Hawkiss, Center St.; Vincent Falcony. The public hearing was closed at 8:17 p.m.

Lt. Jason Salazar responded to Council's questions regarding the Police Department's role in the application process is to perform background checks on employees. Alex Peltzer, City Attorney, discussed the location of where the marijuana was being grown in a residential area is not in compliance with the Municipal Code.

1st motion: AS/BL to uphold the decision of the City Planner as submitted. Motion failed 2/2 (Gamboa and Collins - no).

2nd motion: (GC/JG 3-1 Shuklian -no) Uphold the City Planner's decision and deny the appeal without prejudice to re-file the application sooner than the one year as provided in the statue and to waive a new application fee.

Additional motion: (GC/JG motion carried 3-1 Shuklian-no) Uphold the City Planner's decision and deny the appeal without prejudice to re-file the application sooner than the one year as provided in the statue and to waive a new application fee and that once the application is accepted and approved or denied it will come back to the City Council for final consideration.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

8:45 pm.
Adjourned

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

Upcoming Council Meetings

- Monday, October 19, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, November 16, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, November 23, 2009, (tentative) 5:30 p.m. Special Meeting, 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, CMC, Chief Deputy City Clerk