

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, October 19, 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)

Track 1

4:06 p.m.

AS/BL 5-0
Item 1
approved as
submitted

Public Comment on Work Session and Closed Session Items -

1. Authorization to release a Request for Proposals (RFP) to hire a design consultant for a new Animal Control Facility (ACF) to replace the existing ACF located at the Visalia Airport.
Continued from 10/5/09

Receive public comment.

Airport Manager Mario Cifuentez reported on the needs assignment for the Animal Control Facility and stated it is imperative to move forward on this project. Public comment opened - None.

Council request that staff look at the Capital Improvement Projects for funds available to help expedite this project. Approved.

Track 2
4:23 p.m.
Adjourn to
Closed
Session

Note: If the Council completes the Work Session agenda before the time listed for Item 2 they will begin their Closed Session deliberations and return to Open Session at 5:15 p.m. for Item 2.

Track 3

2. RECOGNITION OF COUNCIL MEMBER DON LANDERS

Councilman Landers introduced family member - Don and Helen Landers (father and mother), Rachel Hill (sister), Judy Landers (spouse), Herman and Paula Landers (brother and sister-in-law). Council, city staff and several friends (Neissen Foster, Bruce McDermott) recognized Don on his hard work he has done for the community. Proclamations and/or Resolutions were presented or given from Congressman Devin Nunes Office, Assemblywoman Connie Conway Office and Tulare County Board Supervisor Phil Cox. Councilman Landers thanked everyone.

Break for Refreshments

CLOSED SESSION

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

3. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)
City of Visalia Retirees v. City of Visalia TCSC #09-232173
4. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Three potential cases
5. Conference With Real Property Negotiators (G.C.§54956.8)
Property: APN #'s 078-110-006 and 078-110-021 (14 acres on east Riverway and Highway 63)
Under Negotiations: Price, terms and conditions of purchase
Negotiating Parties for City: Steve Salomon, Vince Elizondo, Paul Shepard
Negotiating Parties for Seller: Tom and Linda Stasio and Valerie Derouin
6. Conference with Labor Negotiators (G.C. Section 54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Janice Avila
Employee Organization: All groups
7. Conference With Real Property Negotiators (G.C.§54956.8)
Property: East side of McAuliff Street at Mill Creek Parkway/Race Street (Portion of APN 103-320-11)
Under Negotiation: Purchase and sale agreement
Negotiating Parties for City: Steve Salomon, Mike Olmos, Chris Tavarez
Negotiating Parties for Seller: Phil Mirwald, Mike Markarian & Steve Johnson with California Water Service Co.

Track 4

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Jason Neese, Grace Community Church

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 street name and city.

Jeff Nunes, Cornucopia St., Exeter, discussed update on medical marijuana field

ITEMS OF INTEREST

Councilmember Shuklian thanked the Parks and Recreation Department and Vince Elizondo, Director, for the successful Corporate Games; and thanked Fire Chief Nelson, Police Chief Mestas, and Public Works Director Benelli for their extra work during last week's heavy rainfall.

8. INFORMATION ITEMS - (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of October 12, 2009.

Track 5

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Collins pulled items 9d and 9i for further discussion.

BL/AS 5-0
Balance of
Consent
Calendar
approved as
submitted

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) Authorization for City Manager to approve minor right-of-way purchases \$25,000 and under from a willing seller and approve the Minor Right-of-Way Acquisition Policy.
- c) Authorization to participate in the Proposition 1A Securitization Program and adopt a Proposition 1A Sale Resolution and Purchase and Sale Agreement to fully repay the City for its Proposition 1A property tax loss which will be repaid by the State of California.
Resolution 2009-48 required.
- d) Authorization to declare interest in participating in the CaliforniaFIRST solar and energy efficiency financing program

GC/DL 5-0
Item 9d
approved as
submitted

Councilmember Collins asked for an overview of the energy efficiency financing program. Kim Loeb, Natural Resources and Conservation Manager responded.

- e) Accept a petition by 60% of the property owners requesting an assessment district be formed to pay for underground electrical utilities at Orchard Walk, appoint professionals to form the district; and adopt a notice of intention to reimburse the cost of construction improvement and authorize the formation of the district. **Resolution 2009-49 and 2009-50 required.**
- f) Award Contract for Mowing and Aerification of City Parks to Paul Cardoza of Perfect Care Landscape Maintenance per specifications of RFB 08-09-57.
- g) Award of Landscape maintenance contract to Eric Briner and Son Inc., per specifications of RFB 08-09-51 to maintain Landscaping and Lighting Districts C, D, and E.
- h) Authorization to enter into a professional services agreement with Mendoza & Associates for construction management and resident engineer services for the construction of the Ben Maddox Way Highway 198 Overcrossing. Project Number 3011-00000-720000-0-9242.
- i) Authorization to submit a grant application for the 2009 Local Energy Assurance Planning (LEAP) Initiative in the amount of \$200,000 from U.S. Department of Energy to fund the

GC/AS 5-0
Item 9i
approved as
submitted

development of energy assurance plan.

Councilmember Collins requested an overview of the LEAP Initiative. Leslie Caviglia, Deputy City Manager, responded.

j) Authorization to implement a Wellness Program for participants in the health program in 2010.

k) Authorization to reduce the hourly Code Enforcement fee that is charged to property owners from \$174.45 to \$128.38. **Resolution 2009-53 required.**

l) Authorization to enter into a sole-source contract with George Teebay for the purpose of preparing an Airport Security Program (ASP) as required by Transportation Security Administration Regulations, and for the Air Service Sub-committee to work with any interested air service provider that may be qualified to serve Visalia as a result of the completed ASP.

Track 6/7
DL/BL 5-0
Item 10a
approved as
submitted

Convene jointly as the Redevelopment Agency and the Visalia City Council

10. RDA Consent Calendar

a) Authorize a loan to the Central Redevelopment Agency in advance of the end of the debt issuance period. **Resolutions RDA 2009-04 and COV 2009-54 required.**

Adjourn as the Redevelopment Agency and the Visalia City Council and remain seated as the Visalia City Council.

Track 8
DL/AS 5-0
Item 11
approved as
submitted

11. Consider adoption of an urgency interim ordinance imposing a moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises. **Ordinance 2009-07 required. (Requires 4/5th vote to adopt)**

Mike, Olmos, Assistant City Manager gave a summary of the staff report and staff recommendations for adopting an urgency interim ordinance. Alex Peltzer, City Attorney, reported examples of recent cases and indicated that as this area of law is continuing to develop additional time is needed to revise the current ordinance.

Councilmembers commented on their position to be consistent with federal and state laws and the need for more analysis and their desire to revise the current ordinance correctly.

The following persons spoke: Brian Ruiz, applicant for dispensary; Vincent Falcone, applicant for dispensary; Steve Geyer, regarding need for dispensaries; Unidentified woman about need for medical marijuana; Nathan (no last name given) regarding need for medical marijuana.

Track 9
GC/DL 5-0
Item 12
postponed to
11/16/09 at
the request of
applicant

12. **PUBLIC HEARING** –Appeal of the Planning Commission’s denial of Variance No. 2009-10 by Ad Art Sign Company and Visalia Properties to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue. (APN: 095-134-045 & 046). **Resolution No. 2009-51 required.**

Track 10
BL/AS 5-0
Item 13
approved as
submitted

13. **PUBLIC HEARING** - to approve the recommended expenditure of the State of California 2009 Citizens Option for Public Safety (COPS) funds of \$100,000; accept and appropriate a grant award for \$150,000 from the Office of Homeland Security; and appropriate asset forfeiture funds in the amount of \$62,000 to fund the purchase of a Bearcat Armored Rescue Vehicle. **Resolution 2009-52 required.**

Police Chief Mestas reviewed the recommendation and indicated that no general funds will be

used to purchase the Bearcat Armored Rescue Vehicle.

The public hearing was opened at 7:52 p.m. Dominic Prado, Demaree St., asked how many times the old vehicle was used and about the possibility of retrofitting and if the grant could be used for other purposes. Chief Mestas responded. The public hearing was closed at 8:00 p.m.

Track 11

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - City Attorney Alex Peltzer reported the following actions:

Lessor	Lessee	APN Number	Address	Purpose	Approval Date	Project Manager
Visalia Unified School District	City of Visalia	APN: 118-02-0033	NE corner of Road 68 and Caldwell Avenue (Packwood School)	City will seek tenants for sub-lease	10/5/09	Michael Olmos

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	GALANTE, Freddie Jr. & Anthony	1,882 sq ft portion of APN 100-030-015	Portion of 1375 E Mineral King (S/W corner Mineral King & Ben Maddox Way)	Hwy 198/Ben Maddox project	10/13/09	Manuel Molina

8:00 p.m.
Meeting
Adjourned

Upcoming Council Meetings

- 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
- Monday, December 7, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., 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