

# Visalia City Council Action Agenda

For the regular meeting of: TUESDAY, September 8, 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*

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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.

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## WORK SESSION AND ACTION ITEMS (as described)

Track 1

**4:00 p.m.**

### Public Comment on Work Session and Closed Session Items -

Item 1  
No action  
taken -  
information  
only

1. Presentation of the Visalia Economic Development Corporation (VEDC) annual report for FY 2008-09 by Phil Mirwald, Chair of the VEDC Board.

Phil Mirwald, VEDC Chairman, gave the annual report for 2008-09. Goals include recruitment, retention, public relations, data collection and advocacy of businesses in the industrial community. The VEDC focuses on business in the Industrial Park whereas the Chamber of Commerce focus is on retail business. VEDC dues are based on the number of employees of the business.

Track 2

Item 2  
No action  
taken -  
information  
only

2. Review of the draft 2008/2009 Consolidated Annual Performance Evaluation Report (CAPER); and review the 1<sup>st</sup> Amendment to the 2008/09 Action Plan and the 3<sup>rd</sup> Amendment to the 2007-08 Action Plan reprogramming CDBG funds, prior to the Public Hearing scheduled on September 21, 2009.

Ricardo Noguera, Director Housing and Economic Development, reviewed the CAPER and the primary activities and programs that were accomplished for the past year. A public hearing will be held on September 21, 2009 to adopt the Action Plan.

Mayor Gamboa and Council asked that the following agencies be notified of the public hearing in an effort to provide more public awareness: Mission Homes, Visalia Rescue Mission, North Visalia Advisory Committee, Oval Merchants, PD Hispanic Advisory Committee, Wittman Village Community Center, Washington and Jefferson School, Manuel Hernandez Center.

Dominic Prado, Demaree St. spoke regarding the need for lighting around the Oval Park inlets and that more effort is needed to get the public involved in the process.

Track 3

BL/DL 5-0

Item 3

approved as  
recommended

3. Review of Provost & Pritchard's recommendations concerning reuse of the Water Conservation Plant effluent, and authorization to begin negotiating the framework of a water exchange agreement with Tulare Irrigation District.

Jim Ross, Public Works, along with Donald Ikemiya, Richard Moss and John Dutton, Provost & Pritchard, presented the recommendation for allowing 100% of the Water Conservation Plant effluent to be recycled for direct reuse or exchanged for groundwater recharge water. The project will allow for irrigation of the golf course and Plaza Park and other irrigation projects, strengthen the regional water and groundwater partnership between the City and Tulare Irrigation District, give farmers in the service area access to year-round source of surface water; make upwards of 14,000 acre feet of water available every year to the city for groundwater recharge.

*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 Landers requested staff to follow up on the house at Hall and Main Street and to see if a permit has been applied for in moving the house.

### CLOSED SESSION

**5:50 p.m.**

4. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9) – one potential case
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)
6. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
7. 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
8. Conference With Real Property Negotiators (G.C.§54956.8)  
Property: APN #'s 094-190-005, 1134 E. Center St.  
Under Negotiations: Price, terms and conditions of purchase  
Negotiating Parties for City: Steve Salomon, Vince Elizondo, Ricardo Noguera, and Paul Shepard  
Negotiating Parties for Seller: Viking Ready Mix Company, Inc.

**REGULAR SESSION**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Pastor Ron Story, Parkside Chapel

**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.

Steve Nelson, Babcock Street, spoke about wastewater fee increases and a change in EPA regulations. Mayor Gamboa referred Mr. Nelson to Andrew Benelli, Public Works Director.

9. **INFORMATION ITEMS** - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of August 24, 2009.

**CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

Councilmember Shuklian pulled item 9f to be discussed separately. Councilmember Collins pulled items 9g and 9i to be discussed separately and Councilmember Landers pulled item 9j for further discussion.

DL/BL 5-0  
balance of the  
consent  
calendar  
approved as  
recommended

10. **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 award RFB # 08-09-53, Primary Clarifier No. 3 Coating Project, to Jeffco Painting & Coating in the amount of \$361,500
- c) Authorization to submit two grant applications in the amount of \$650,000 to the California Department of Transportation to fund the Regional Transit Call Center for two additional years. **Resolutions 2009-36 and 2009-37 required.**
- d) Second reading and adoption of Ordinance 2009-05 amending the Abandoned Vehicle Ordinance (Chapter 32 of Title 10 of the Municipal Code). **Ordinance 2009-05 required.**

e) Replacement of a representative of the Historic Preservation Advisory Committee to the General Plan Update Review Committee.

DL/BL 5-0  
Item 10f  
approved as  
submitted

f) Authorization to enter into a five year lease for priority parking in the public parking lot at the southeast corner of Giddings and Center Streets with McCormick, Kabot, Jenner & Lew Law Firm.

Councilmember Shuklian had questions regarding the amount of the monthly lease. Assistant City Manager Michael Olmos responded.

g) Authorization to file a Notice of Completion for Parcel Map 2008-03, located at the northeast corner of Neeley Street and Crowley Avenue.

GC/DL 5-0  
Item 10g  
approved as  
submitted

Councilmember Collins had questions regarding the collection of circulation impact fees. Chris Young, Community Development responded.

h) Authorize Engineering Staff to apply for Highway Safety Improvement Program (HSIP) 2009/2010 grant.

GC/DL 5-0  
Item 10i  
approved as  
submitted

i) Authorization to submit an application to the Department of Housing & Community Development (HCD) requesting an interest-free loan in an amount not to exceed \$7 million dollars to purchase, rehabilitate and manage foreclosed multi-family housing. **Resolution 2009-38 required.**

Councilmember Collins had questions regarding the ownership of the multi-family housing. Ricardo Noguera, Housing and Economic Development responded.

j) Authorize the City Manager to approve a payment request for the amount of \$765,109.27 per "Riverwood Units #1" Subdivision Reimbursement agreement for Improvements made to a City Arterial Street "McAuliff", Mill Creek Riparian Setback and Storm Drain Master plan facilities; and authorize the City Manager to establish a 20-year General Fund Loan for the amount of \$237,453 to reimburse the developer for "pocket park" improvements. The project's developer is Centex Homes.

BL/GC 4-1  
(Landers -  
No)  
Item 10j  
approved as  
submitted

Councilmember Landers had questions regarding the Pocket Park Policy adopted in 2005. Chris Young, Community Development and City Manager Steve Salomon responded to questions.

Council agreed that the policy may need to be revised and asked staff to bring it back to Council for possible modifications to the 2005 policy.

k) Request to expand the required public noticing, pursuant to VMC section 5.66.100.C (Medical Marijuana Dispensaries) for an appeal of the City Planner's denial of a Medical Marijuana Business Permit at 1101 E. Center Avenue.

11. PUBLIC HEARING :

Track 6

DL/AS 3-2  
(Gamboa and  
Collins = No)  
Item 11  
approved as  
recommended

a) Adoption of Mitigated Negative Declaration No. 2008-64 for General Plan Amendment No. 2008-02 and Change of Zone No. 2008-03. **Resolution 2009- 39 required.**

b) General Plan Amendment No. 2008-02: A request by Paul Ridenour and Greg Nunley to amend the General Plan land use designations from RLD (Low Density Residential) and RHD (High Density Residential) to CSO (Shopping / Office Commercial), PAO (Professional/ Administrative Office), and RHD (Residential High Density) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017. **Resolution 2009-40 required.**

c) Change of Zone No. 2008-03: A request by Paul Ridenour and Greg Nunley to change the zoning designations from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) and R-M-3 (Multi-family Residential; 1,500 sq. ft. minimum site area per unit) to P-C-SO (Planned Shopping/ Office Commercial), P-PA (Planned Professional/ Administrative Office), and R-M-3 (Multi-family residential zone, 1,500 sq. ft. minimum site area per unit) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017. **Introduction of Ordinance 2009- 06 required.**

Paul Scheibel, Planning Division, reviewed the project and indicated the Planning Commission recommends approval. Council questions regarding improvements to Chinowth Street were responded to by Chris Young, Community Development.

The public hearing was opened at 7:45 p.m.

The following persons spoke against the project: Ed Bernarchek, W. Buena Vista; Dale Bruner, Security Self-Storage; Monica Garcia, Glen’s Mini Storage; Luce Santiano, Airport Mini-Storage; Ted Caldwell, Security Self-Storage; Doug Guillo, Demaree St.; Margaret Lapersio, Glen’s Mini-Storage; Robert Fishback, Demaree Square; Hugo Santiano, Airport Mini-Storage.

The following persons spoke in favor of the project: Lyle and Patsy Christensen, Mendonca St.; Mike Vierra, S. Locust; Paul Ridenour, Derrels Mini-Storage; Greg Nunley, Kirk Ct.

The public hearing was closed at 8:50 p.m.

Councilmember Shuklian had questions of the applicant regarding signage, graffiti removal, trash, pest control, on-line payment options, RV parking and trailer storage.

Councilmember Collins discussed the land use decision and his desire for the property to remain in residential use.

9:05 - 917  
p.m. break

Track 7

DL/BL 5-0  
Item 12  
approved as  
recommended

12. Authorization to award the Operations & Maintenance contract for Visalia Transit to MV Transportation, Inc. of Fairfield, CA for the term from October 1, 2009 to September 30, 2012 for \$14,261,523 with two three-year options, and authorize the City Manager to execute the necessary documents.

*Convene jointly as the Redevelopment Agency and the Visalia City Council*

Track 8

GC/DL 5-0  
Item 13a  
approved as  
amended

### 13. RDA CONSENT CALENDAR

- a. Authorize the Executive Director of the Redevelopment Agency Board to approve a loan to Kaweah Management Company in an amount not to exceed \$480,000 for the acquisition, rehabilitation and rental of six (6) units (3 units in each in of two buildings) located at 632, 634, 636, 640, 642 and 644 Kaweah Avenue.

Councilmember Collins had questions about the rehabilitation cost per unit. Ricardo Noguera, Housing and Economic Development, responded to questions. Council directed that the loan to Kaweah Management Company should not exceed the amount of the bid for the project.

### 14. Budget Update and appropriate actions for FY 2009/10.

Track 9

GC/DL 5-0  
Item 14  
approved as  
recommended

Eric Frost, Administrative Services Director, presented the budget update and acknowledged \$3 million in on-going budget savings in the General Fund has been achieved. Frost presented recommendations to pay for the State take of Redevelopment Agency monies, to postpone Gas Tax projects, to defer Storm Sewer and Measure R local projects, to reallocate Gas Tax, Transportation, Sewer Construction and Sewer Deficiency Fund, and work with the Community Development department to reduce expenses.

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

### REPORT ON ACTIONS TAKEN IN CLOSED SESSION

None to report

### REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

#### Upcoming Council Meetings

Adjourn 9:45  
p.m.

- Monday, September 21, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Tuesday, September 29, 2009; 4:00 p.m. Joint Meeting Visalia City Council and Visalia Planning Commission, Convention Center, 303 E. Acequia.
- Monday, October 5, 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