

# Visalia City Council Agenda

For the regular meeting of: MONDAY, November 16, 2009

Location: City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

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

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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)**

**4:00 p.m.**

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

1. Annual Visalia Rawhide Baseball Club Operation & Maintenance Report for 2009. **Receive public comment.**
2. Valley Oaks Golf Course Annual Report. **Receive public comment.**
3. Review and comment on final Oval Park Caltrans Study and authorize staff to initiate a CDBG Program amendment to allocate \$90,000 for engineering and related work. **Receive public comment.**
4. Annual Graffiti Abatement Report for FY 2008-09. **Receive public comment.**

*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**

### **CLOSED SESSION**

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

5. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
One potential case

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (G.C. §54956.8)  
Property: 435 N. Burke Street (APN: 094-250-031)  
Under Negotiation: Approval of Appraisal; Purchase terms and conditions  
Negotiating Parties for City: Steve Salomon, Michael Olmos, Chris Young, Adam Ennis, Colleen Carlson  
Negotiating Parties for Seller: Charles Raibley

## **REGULAR SESSION**

**7:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Rev. Jo-Ren MacDonald, Visalia Buddhist Temple

### **SPECIAL PRESENTATIONS/RECOGNITION**

- Recognition of Mayor Jesus Gamboa and Council Member Greg Collins for their service on the Visalia City Council

**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.

### **7. INFORMATION and ACTION ITEMS**

- a) Receive Planning Commission Action Agenda for the meeting of November 9, 2009. (No Action Required)
- b) Status Report on the Sports Park Phase II.
- c) Authorize the City Manager to enter into a five (5) year agreement with Visalia Youth Baseball for the use of Riverway Sports Park Baseball Complex for the purpose of youth baseball.
- d) Authorize the City Manager to enter into a five (5) year agreement with Visalia Little League National for the use of Riverway Sports Park Baseball Complex for the purpose of youth baseball.

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

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.
  - b) Authorize the City Manager to enter into a five (5) year agreement with Visalia Youth Softball Association for the continued use of Whitendale Park for the purpose of youth softball.
  - c) Update on the intent to file by the Californians to Protect Local Taxpayers and Vital Services, seeking a signature ballot measure, the Local Taxpayer, Public Safety and Transportation Protection Act, scheduled for the November 2010 statewide ballot.
  - d) Proposal to amend the City's Pocket Park Policy, which was originally adopted by the City Council February 7, 2005, eliminating the practice of utilizing the City's general fund as the financing mechanism for constructing new pocket parks.
  - e) Authorization to enter into a Memorandum of Understanding, as contractor, with the Visalia Unified School District to extend the Neighborhood Youth Counselor Program; and to renew a Memorandum of Understanding with Proteus, Inc. as sub-contractor for the Neighborhood Youth Counselor Program for the remainder of FY 09/10 (Jan 2010-June 2010) and FY 10/11.
  - f) *Removed from agenda.*
  - g) Adoption of the 2009 Short Range Transit Plan.
  - h) Authorize the City Manager to pursue a coalition with community partners including Kaweah Delta Health Care District and Visalia Unified School District in promoting health and wellness.
  - i) Authorization to enter into agreement with the County of Tulare for the maintenance of Road 100 (Akers Road) between Modoc Ditch and Avenue 320.
  - j) Authorization to award Bid No. 09-10-13, Supply and Delivery of Chlorine Cylinders, to JCI Jones Chemicals Inc. for a bid price of \$499.00 per ton.
  - k) Authorizing the application for Grant Funds in the amount of approximately \$330,000.00 for the 2008-09 Environmental Enhancement and Mitigation (EEM) Program and designating the City Manager as the agent to negotiate, execute and submit all necessary documentation pertaining to the planting of trees, under story plants, and irrigation around various ponding basins and Modoc ditch and Mill Creek trails. **Resolution 2009-55 required.**
  - l) Authorization to file a Notice of Completion for the Village Park-Wittman Center renovation project located at Pearl Street. Project No. 3011-0-72-0-9865 for the work completed by Dale Atkins Construction at a final cost of \$236,568.13.

- m) Authorization to file Notice of Completion for Pinkham Ranch a subdivision (containing 18 single family lots), located on the west side of Pinkham Street, approximately 200 feet south of Laura Avenue
  - n) Issuance of a written report describing the measures taken to alleviate the condition which led to adoption of Ordinance 2009-07, an urgency ordinance establishing a moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises.
  - o) Appointment of Michael Kreps, Rob Cox, Cary Winslow, Brett Taylor, and Rosalinda Verde to the North Visalia Neighborhood Advisory Committee.
  - p) Authorization to submit a non-binding letter of intent to participate in the Energy Technology Assistance Program which could provide funding for energy retrofits on municipal buildings.
  - q) Authorize submittal of a collaborative application for AARA Grant funds to establish the VIEW Comprehensive Residential Building Retrofit Program.
  - r) Authorization to conduct a design contest for the plaques on the Santa Fe Bridge.
  - s) Authorization to be a Gold Sponsor (\$10,000) for the Visalia stage of Amgen Tour of California bicycle race (as requested by the local organizing committee spearheaded by the Chamber of Commerce).
  - t) Authorize the City Manager to retain the law firm of Sawyers and Holland to represent the City in water exchange negotiations with Tulare Irrigation District
9. ***Postponed until January 11, 2010 at request of applicant - 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. *Postponed from October 19, 2009 at request of applicant.*
10. **PUBLIC HEARING** - To consider extending for 10 months and 15 days the urgency interim zoning ordinance establishing a moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises. This extension is being processed pursuant to California Govern Medical Marijuana and adopt extension of urgency Ordinance 2009-09 for a moratorium on medical marijuana. ***4/5<sup>th</sup> vote required. Ordinance 2009-09 required.***
11. **HEARING** - To consider and adopt a Resolution of Necessity to acquire a portion of the following property by eminent domain: 1933 S. Mooney Blvd., Visalia, CA (APN: 095-134-024 & 030). **Resolution 2009-56 required.**
12. **PUBLIC HEARING** - First reading of **Ordinance 2009-10** for sale of City property located at the east side of McAuliff Street at Mill Creek Parkway/Race Street (Portion of APN 103-320-11). **Ordinance 2009-10 required.**
13. Update on Solid Waste diversion programs and activities. **Receive public comment.**

## REPORT ON ACTIONS TAKEN IN CLOSED SESSION

## REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

### Upcoming Council Meetings

- Monday, November 23, 2009 5:30 p.m. Special Meeting (Tentative) Council Chambers, 707 W. Acequia
- Tuesday, December 1, 2009, 6:00 p.m. Special Meeting, (Tentative) 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
- Monday, December 21, 2009, 4:00 p.m. Work Session; Regular Session 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.*