

Visalia City Council Action 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 - 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.

Track 1

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Item #1
Received
report - No
action taken

Receive Public Comment on Work Session and Closed Session Items -

1. Annual Visalia Rawhide Baseball Club Operation & Maintenance Report for 2009. **Receive public comment.**

Vince Elizondo, Parks and Recreation Director; Tom Siedler and Elizabeth Martin from the Rawhide Baseball team presented the year in review including recent renovations as well as future priorities. Recreation Park will receive the National Best Ball Park Renovation Award for 2009 later this month. Siedler reported attendance up 60% and estimated revenues for 2010 to the City will be \$132,250.

Council discussed methods for increasing revenue, conserving utilities, and naming rights.

Track 2

Item #2
GC/AS 5-0
approved as
submitted

2. Valley Oaks Golf Course Annual Report. **Receive public comment.**

Jeannie Greenwood, Parks and Recreation Department, and representatives from the Golf Course Advisory Committee and CourseCo. presented the annual report.

Council discussed the 9% decrease in rounds, future renovations, the irrigation project, food and beverage, long-term debt, and the condition of the course.

Council accepted the report and acknowledged CourseCo's request to exercise their option for an additional five year contract.

Track 3

Item #3
BL/AS 5 -0
approved as
submitted

3. Presentation of Final Oval Park CalTrans Study. **Receive public comment.**

Ricardo Noguera, Housing and Economic Development, Chris Young, Engineering, and Mary Beatie from TPG Consulting presented the final Oval Park Study and recommended reallocation of \$90,000 in CDBG funds to complete engineering drawings and environmental studies for completion of traffic improvements.

The following Oval Park business owners spoke regarding the study: Carrie Winslow regarding his concern for fire and large trucks to service local businesses and parking concerns; 2) Alvin Rocha, regarding parking issues; 3) Pat Finger, regarding parking issues in front of businesses and removal of trees.

Track 4

Item #4
AS/DL 5-0
approved

4. Annual Graffiti Abatement Report for FY 2008-09. **Receive public comment.**

Jim Bean, Nancy Cunha, Ray Palomino from Parks & Recreation and Brent Abbot, Police Department gave the annual report and responded to Council questions.

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 - NONE

CLOSED SESSION

Adj. to closed
session 6:30
p.m.

- 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.

Track 5

PLEDGE OF ALLEGIANCE

INVOCATION – Vice Mayor Bob Link

SPECIAL PRESENTATIONS/RECOGNITION

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

Vice-Mayor Bob Link recognized Councilmembers Jesus Gamboa, Greg Collins, and Don Landers for their years of service to the City of Visalia and indicated that trees will be planted in their honor in the Celebration of Life. The Council Members introduced their families and thanked the citizens of Visalia and City staff and commented on their tenure as Council Members.

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.

The following persons spoke during public comments:
Annie Graves, Raymond St., regarding upcoming layoffs in the Department of Corrections
Dave Huckle, S. Woodland, regarding upcoming layoffs in the Department of Corrections
Vincent Salinas, Sunnyview St., thanking Councilmembers Jesus Gamboa, Don Landers and Greg Collins for their service to the community
Debra O'Donnell, Iris Ave., regarding upcoming layoffs in the Department of Corrections
Harold Pope, regarding upcoming layoffs in the Department of Corrections
Ray Macareno, Tulare County Hispanic Chamber of Commerce, thanking Councilmembers Jesus Gamboa, Don Landers and Greg Collins for their service to the community
Carolyn Del Maro, regarding property she has for sale

Track 6

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.

Vince Elizondo, Parks and Recreation Director updated the Council on the anticipated second phase of the Sports Park. The project should be complete by December 1, 2009 with a grand opening slated for sometime in the Spring of 2010.

Brian Keevley, representing Cal Ripkin Youth Baseball, and Chris Fontes, representing National Little League, thanked the Council and the Parks and Recreation staff for their hard work and dedication.

- 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.

BL/AS 5-0
Item 7c
approved as
submitted

BL/AS 5-0
Item 7d
approved as
submitted

Track 7

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Items 8b, 8d, 8h 8q, 8s and 8t were pulled for further discussion.

GC/DL 5-0
approved
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.

BL/DL 5-0
Item 8b
approved as
submitted

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.

Jeannie Greenwood, Recreation Manager, responded to Vice-Mayor Link's questions.

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.

GC/DL 5-0
Item 8d
approved as
submitted

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.

Michael Olmos, Assistant City Manager, responded to Councilmember Collins' questions.

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.

Track 8

Councilmember Collins commented on the community approach to health and wellness.

BL/DL 5-0
Item 8h
approved as
submitted

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.

Kim Loeb, Natural Resources Manager, responded to Councilmember Collins' questions.

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).

Leslie Caviglia, Deputy City Manager, and Glen Morris, Chamber of Commerce, responded to Councilmember Shuklian's questions.

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

Andrew Benelli, Public Works Director, responded to Councilmember Collins' questions.

GC/DL 5-0
Item 8q
approved as
submitted

BL/DL 4-1
Shuklian=No
Item 8s
approved as
submitted

BL/DL 5-0
Item 8t
approved as
submitted

Track 9

Item 9
postponed to
1/11/2010

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.*

Track 10

AS/DL 5-0
Item 10
approved as
submitted.

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. *4/5th vote required.* **Ordinance 2009-09 required.**

Mike Olmos, Assistant City Manager, reported to Council and recommended extending the moratorium on medical marijuana dispensaries.

The public hearing was opened at 9:00 p.m. and the following persons spoke in opposition to the extension of the moratorium: Rick Morris, Americans for Safe Access; Brandon Morris, Americans for Safe Access; Byan Ruiz, Central Cali Caregivers; Carolyn Ruiz, Central Cali Caregivers; Vincent Falconi, RN.

Council had questions for Mr. Falconi and discussed with City Attorney, Alex Peltzer, the regulations of SB 420. The public hearing was closed at 9:40 p.m.

Track 11
GC/AS 4-1
Landers=No
Item 11
approved as
submitted

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.**

Adam Ennis, Engineering Division, presented the staff report. The public hearing was opened at 9:45 p.m.

Mr. Glen Stanton, representing the owner of the properties, indicated he felt proper notice was not given to all of the property owners regarding the matter and requested a continuance. City Attorney, Alex Peltzer, responded that proper notice was given per a copy of the Assessors Role and advised the Council to proceed. Mr. Stanton presented his opposition to the taking of the property by eminent domain and offered his objection that the offer presented is inadequate and below appraisal. Mr. Stanton presented a handout of information to the Council to support his opposition. The public hearing was closed at 10:15 p.m.

City Attorney, Alex Peltzer, gave his rebuttal to Mr. Stanton's arguments and advised Council of their role to determine what constitutes the most public good for the least private harm.

Track 12

AS/GC 5-0
Item 12
approved as
submitted

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.**

Mike Olmos, Assistant City Manager, presented the report and indicated that the intent of the sale is to provide CalWater a site to drill a well for East Visalia.

The public hearing was opened at 10:38 p.m. Phil Mirwald, CalWater, spoke regarding the cooperative nature of the negotiations and was available to answer any questions. The public hearing was closed at 10:40 p.m.

Track 13

AS/BL 5-0
Item 13
approved as
submitted

13. Update on Solid Waste diversion programs and activities. Receive public comment.

Earl Nielsen, Public Works Department, presented the report and responded to Council questions.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

10:45 p.m.
Meeting
Adjourned

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Tuesday, December 1, 2009, 6:00 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
- 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.