

Regular Meeting Action Agenda

Visalia City Council



Mayor: Bob Link - present
Vice Mayor: Amy Shuklian - present
Council Member: Warren Gubler - present
Council Member: Mike Lane - present
Council Member: Steve Nelsen - present

Monday, June 7, 2010

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

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

4:00 p.m.

[Track 1](#)

RECOGNITION OF BUSINESS TAX VOLUNTEERS - Helen Headrick, Vonnie Thew, Margaret Thew

Gayle Bond, Community Development Department, introduced and thanked the business tax volunteers for their hard work and dedication.

WORK SESSION AND ACTION ITEMS (as described)

[Track 2](#)

1. Presentation regarding Rail Preservation in Tulare County by Tom Sparks of the Tulare County Association of Governments – Rail Advisory Committee. **Receive public comment.**

Tom Sparks and Allen Ishida, Tulare County, gave the presentation and responded to Council questions. Information only – no action taken.

[Track 3](#)

2. Presentation regarding Tulare County General Plan Update and Draft Environmental Impact Report. **Receive public comment.**

Phil Cox, Dave Bryant, and Jake Raper, Tulare County, gave the presentation and responded to concerns in the city's staff report as well as to council questions. Information only – no action taken.

[Track 4](#)

Item 3
approved as
submitted

3. Review of FY 2010-11 and 2011-12 Fleet and Vehicle Replacement Funds Capital Improvement Program budgets and future CIP requests. **Receive public comment.**

Melody Murch, Mike Morgantani, and Andy Benelli reviewed the CIP budgets and responded to Council questions for Fleet and Vehicle Replacement. The following actions were taken:

Fleet Maintenance Fund 5011 – SN/AS 5-0
Vehicle and Equipment Replacement Fund 5012 – AS/WG 5-0
Police Vehicle Replacement Measure T Fund 5013 – AS/SN 5-0

ITEMS OF INTEREST

Council member Nelsen commented on youth baseball at the Riverway Sports Park. Mayor Link discussed real estate signage and the need for code enforcement regulation. City Manager Steve Salomon responded.

6:00 p.m. CLOSED SESSION (immediately following Work Session)

- 4. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases
- 5. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: All employee groups
- 5a. Public Employee Performance Evaluation
Title: City Manager

7:10 p.m. CALL TO ORDER REGULAR SESSION

[Track 5](#)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Chad Stuart, Visalia Seventh Day Adventist Church

SPECIAL PRESENTATIONS/RECOGNITION

- Recognition of the Visalia Police Department K9 Unit – Chief Mestas

Police Chief Mestas and Sgt. Andrews introduced the K9 officers and dogs. The VPD took first place in the 25th annual Sierra K9 trials.

[Track 6](#)

PUBLIC COMMENTS - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (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.

Matt Hernandez, representative of Women Against Violence, spoke about AB 1844 and the need for community involvement.

Bob Pierce, Orchard Ct., spoke about the Visalia Youth Baseball Cal Ripkin tournaments to be held at Riverway Sports Park in 2011 and requested financial assistance for the national event. Mayor Link asked that this item be discussed at a future Work Session.

PUBLIC HEARINGS – Landscape and Lighting Districts

[Track 7](#)

WG/AS 4-0-1 (Nelsen abstain) allow Nelsen to vote as a resident and proceed with counting ballots

- 6. **PUBLIC HEARING** – Proposed funding changes, amendment, and assessment increases of balloted Landscape and Lighting Maintenance Assessment Districts (Westgate Estates 92-04, Rivers Edge 91-02, Spanish Oaks 89-07, Island Oaks 88-08).

Mayor Link opened the public hearing and the following person spoke: Steve Nelsen, speaking as a resident of Island Oaks District 88-08, indicated that he had not received a ballot and asked Council to postpone voting on the assessment.

Chief Deputy City Clerk Donjia Huffmon indicated that 45 ballots were received for the Island Oaks District. Jason Montgomery, Finance Division, verified that the ballots were mailed including the one in question. Alex Peltzer, City Attorney advised Council on proceeding.

- 7. **PUBLIC HEARING** – proposed annexation of Cameron Creek Ranch Unit No. 4 and 5 into Landscape & Lighting District No. 02-02 “Cameron Creek Ranch #1 and 2; if passed, authorize the annexation of Cameron Creek Ranch Unit No. 4 and 5 into Landscape and Lighting District No. 02-02, “Cameron Creek Ranch #1 & 2” and authorize the renaming of the District to “Cameron Creek Ranch”. **Resolutions 2010-20 and 2010-21 required.**

Mayor Link opened the public hearing at 7:45 p.m. There were no comments from the public and the hearing was closed.

- 8. **PUBLIC HEARING** – proposed Landscape & Lighting District for the Vineyard subdivision, located at Modoc, Wren and Akers streets; if passed, authorize the formation of Landscape and Lighting District No. 2010-01, The Vineyard. **Resolutions 2010-22 and 2010-23 required.**

Mayor Link opened the public hearing at 7:46 p.m. There were no comments from the public and the hearing was closed.

Staff was directed to open and tabulate the ballots and report the results at the end of the meeting.

- 9. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

AS/WG 5-0
all consent
calendar
items
approved as
submitted

- a) Authorization to read ordinances by title only.
- b) First reading of Ordinance requiring property owners to remove graffiti within three (3) business days when the City personally serves notice or provides notice by telephone and written notice instead of the current 15 days that is allowed per Visalia Municipal Code 9.16.070(C) and adding language to allow unpaid costs of abatement to be placed as a lien on the property. **Ordinance 2010-02 required.**
- c) Authorize City Manager to enter into 3-year non-financial agreement with the Franchise Tax Board for the reciprocal exchange tax data specific to city business tax information.
- d) Authorization to award RFP No. 09-10-25, Annual Contract to Provide Instrumentation and Electrical Services for Wastewater Treatment Systems, to Telstar, Inc. of Concord, CA.
- e) Authorization to purchase a John Deere 7630 tractor from Lawrence Tractor Co., Inc. of Visalia, CA at the contract price of \$128,743.46.
- f) Award Landscape Maintenance Contracts Option #1, Santa Fe Trail, Houston Ave. Maintenance Districts, & Goshen Bikepath to Paul Cardoza, Perfect Care Landscape. Option #2, Various Street Medians and Roadsides to Steve Manuele, Primow Landscape per specifications of RFB 09-10-39.
- g) Request authorization to file a Notice of Completion for Country Club Plaza, Conditional Use Permit 2007-10, Encroachment Permit E080348 & E080440, located at the southeast corner of Houston Avenue and Demaree Street.
- h) Reappoint Karen Cooper to the Measure R Citizens’ Oversight Committee for a second two year term July 1, 2010 to June 30, 2012.

- i) Appoint Michael Kreps, a representative of the Downtown Visalians, to the General Plan Update Review Committee.
- j) Establish the boundaries for the Targeted Employment Area for the Enterprise Zone. **Resolution 2010--24 required.**
- k) Award a contract for the 2010 Major Street Overlays to Glen Wells Construction Company, Inc., in the amount of \$534,940.45 (Project No. 1111-00000-0-720000-0-9225) and authorize the transfer of AARA funds totaling \$250,000 from the Mayor Street Overlay project to the Mooney/Walnut Avenue widening project (Project No. 1241-00000-720000-0-9270).
- l) Authorize the City Manager to enter into an agreement with Royal Dining Catering to provide food services for the Visalia Senior Center lunch program.
- m) Authorization to apply for Safe Routes to School Program grant.
- n) Authorization to file a Notice of Completion for the Traffic Signal Modification Projects at Demaree Street at Whitendale Ave. and Linwood Street at Walnut Ave, Project Nos. 1111-00000-720000-0-9717 and 1611-00000-720000-0-9757.
- o) Authorization to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.
- p) Authorization to extend the payment length on the Chamber of Commerce Parking In-lieu and Land Purchase notes by 5 years for property located at 415 E. Oak Ave.
- q) Approval of a revised Letter of Intent to lease property between the City of Visalia and Imagine U Children's Museum.
- r) Authorization to prepare an RFP for Energy Efficiency Performance Contracting Services.
- s) Receive update on the CaliforniaFIRST AB 811 Property Assessed Clean Energy financing program for energy efficiency and solar energy.

[Track 8](#)

REGULAR ITEMS AND PUBLIC HEARINGS - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

- 10. **PUBLIC HEARING-** To place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Sewer Connection, Business Incentive Zone, Curb and Gutter, Landscape and Lighting, Northeast Improvement District, Sewer, Weed & Lot Clearing, Code Enforcement, and Los Rios/Casa Blanca. **Resolution 2010-25 required.**

Jason Montgomery, Finance Division, responded to Council questions. James Doughty, spoke during the public hearing regarding sewer/refuse fees for his properties.

AS/SN 5-0 to approve as amended to exclude properties located at 8983 and 8989 Ave. 304 to allow for further staff research.

AS/SN 5-0
Item 10
approved as
amended

[Track 9](#)

Item 11
SN/ML 3-2
(Shuklian and
Gubler = No)
(1st reading)
approved as
submitted)

- 11. **PUBLIC HEARING** - Zoning Text Amendment No. 2010-05: Amending portions of Title 16 and 17 of the Visalia Municipal Code pertaining to the review of Planning Commission decisions by the City Council. **Introduction of Ordinance No. 2010-03.**

Council members Shuklian and Gubler expressed their reasons for opposing amending the ordinance and feel the Council should have the option of appealing a Planning Commission decision.

SN/WG 5-0
Item 12
continued to
6/21/10 at
the request of
the applicant

- 12. **PUBLIC HEARING:** property located at the northwest corner of Plaza Drive and Riggan Avenue, adjacent to the City of Visalia, and inside the County of Tulare. (APN: 077-120-012, 015)
 - a) Certification of Negative Declaration No. 2010-22. **Resolution 2010-26 required.**
 - b) Initiation of Proceedings for Annexation No. 2009-01 (Doe): a request by Russell Doe, applicant (Michael Porte, agent) to annex two parcels totaling approximately 156 acres into the City limits of Visalia for the purpose of facilitating future heavy industrial development on the property. **Resolutions 2010-27 and 2010-28 required.**
 - c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement.
 - d) Detachment of property from County Service Area No. 1.

[Track 10](#)

SN/WG 5-0
Item 13
approved as
submitted

- 13. As a continuation of the City’s efforts to provide economic stimulus, receive presentation of impact fee analysis and recommendations to reduce Transportation Impact Fees, reduce Park Acquisition Impact Fees, Reduce Waterways Acquisition Fees, establish a Special Downtown TIF Credit Zone, increase Infill Credit, amend Gas Station TIF fees, waive the 2009 ENRCCI increase for Fiscal Year 2010/11, and affirm other Impact Fees to remain at current levels.

Chris Young, Community Development Director, presented the staff recommendations and responded to Council questions. The following persons spoke during the public hearing in support of the recommendations: Craig Mangano, Demaree; William Martin, W. Noble; Glenn Morris, Santa Fe; Bob Keenan, HBA; Terese Lane, Fairview Lane.

[Track 11](#)

Item 6
WG/AS 4-0-1
(Nelsen
abstain)
certify results
as reported
and place
increases on
tax roll as
appropriate

- 14. Report results of balloted Landscape and Lighting Maintenance Assessment Districts and takes action on Items #6, #7, #8

Donjia Huffmon, Chief Deputy City Clerk, reported the results of the balloted Landscape and Lighting Districts:

Item #6
District 8808 Island Oaks – Assessment passes - 45 ballots received (25 Yes, 18 No, 2 unsigned ballots)
District 8907 Spanish Oaks – Assessment fails - 1 ballot received – (1 No ballot)
District 9102 Rivers Edge – Assessment fails – 12 ballots received (5 Yes, 7 No ballots)
District 9204 Westgate Estates – Assessment passes – 0 votes received (no majority protest)

Item #7
District 0202 Cameron Creek Ranch – Assessment passes – 45 ballots received (25 Yes, 20 No)

Item #8
District 1001 The Vineyard – Assessment fails – 25 ballots received (10 Yes, 15 No)

Mayor Link expressed concern about the number of returned ballots and council members asked staff to speak to the homeowner groups for a workable solution.

Item 7
WG/ML 5-0
certify results
and approve
as submitted.
Resolutions
2010-20/21
adopted

Item 8
AS/WG 5-0
not approve
formation of
district
Resolutions
not adopted

CLOSED SESSION REPORT - City Attorney Alex Peltzer reported the following:

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
California Water Service Co.	City of Visalia	APN 103-320-011	NE corner of McAuliff St. and future alignment of Race St.	Water System Facilities	5/21/10	Chris Tavaréz

Adjourned
8:45 p.m.

Upcoming Council Meetings

- ~~Monday, June 14, 2010, 5:00 p.m. Work Session/Special Meeting; Convention Center, 303 E. Acequia.~~
- Monday, June 21, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia.
- Monday, July 12, 2010, 4:00 p.m. Work Session, 7:00 p.m. Special Session; City Hall Council Chambers 707 W. Acequia.

Note: Meeting dates/times are subject to change, check posted agenda for correct details.

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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

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