

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, October 4, 2010

Visalia Convention Center, 303 E. Acequia, Visalia CA 93291
Work Session 4:00 p.m.; Closed Session immediately following
Regular Session 7:00 p.m.

4:00 p.m. WORK SESSION AND ACTION ITEMS (as described)

[Track 1](#)

Item 1 - no action taken, information only

1. Presentation by Marilyn Barr, from Court Appointed Special Advocates (CASA), and Cheryl Lennon-Armos, from Tulare Youth Services Bureau, regarding the Lisa Project, a cooperative effort being sponsored by numerous agencies and organizations in the County to use a multimedia exhibit to raise awareness about child abuse. **Receive public comment.**

Leslie Caviglia, Deputy City Manager, introduced Marilyn Barr and Cheryl Lennon-Armos, coordinators of bringing the Lisa Project to Visalia. The Lisa Project will be in Visalia throughout the month of October

[Track 2](#)

Item 2
ML/WG 3-2
(Shuklian & Nelsen - No)
Present compromise to Council at a future meeting

2. Consideration to allow auto dealers to conduct temporary auto sales in Commercial Zones with a Temporary Conditional Use Permit (TCUP). **Receive public comment.**

Paul Scheibel and Paul Bernal, Planning Division, gave the presentation.

The following persons spoke: Derrik Gropetti of Gropetti Automotive - in opposition to allowing temporary auto sales; Eddie Perez of Serpa Automotive in favor of allowing temporary auto sales with TCUP with certain restrictions; Darlene Mata, regarding traffic and parking issues with temporary auto sales.

Councilmembers discussed their concerns and possible restrictions. Motion Lane/Gubler 3-2 (Shuklian/Nelsen - no) for auto dealers and staff to develop a compromise and present to Council at a future meeting

[Track 3](#)

Item 3
ML/SN 3-2
(Link & Shuklian = no) approved as amended.

3. Authorization for staff to submit to LAFCO an annexation application of approximately 130 acres located on the east side of Dinuba Boulevard between the Shannon Parkway alignment and the St. Johns River, or as an alternative to the current land use designation, direct a General Plan Amendment to be processed to establish a Commercial land use designation on a portion of the annexation site and then submit an annexation application. **Receive public comment.**

Paul Scheibel and Brandon Smith, Planning Division, presented the report.

The following persons spoke: Larry Simonetti, Blackstone Avenue Fresno, Civil Engineer for applicant spoke in favor of the annexation; Steven Peck, S. Visalia Street, spoke about procedural issues and no urgent need for more commercial designation at that location; Darlene Mata, N. Santa Fe, spoke in favor of annexation.

Motion ML/SN 3-2 (Link/Shuklian-no) to authorizes staff to submit an annexation application to LAFCO that is requested by principal property owner R. J. Hill; and find that the four-acre Conservation Land Use Designation located in the center of the site is inaccurately located at this spot, and that the designation shall be eliminated and changed to Low Density Residential.

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

Addendum AS/SN 5-0 new Closed Session #5 added to agenda

Mayor Link asked the council to consider adding an item to tonight’s agenda. The need for immediate action came to the attention of the Council after the agenda had already been posted and distributed. Pursuant to Government Code section 54954.2 (b) (2) the Council may determine that a need for immediate action exists by a two-thirds vote of the members present or all members if less than two-thirds are present. The agenda item to be added is as follows and will replace the item that is currently on the agenda as Item 5.

New Closed Session 5 –

Conference with Real Property Negotiators (GC 54956.8)

Properties: NE corner of Oak and Santa Fe Streets (APN 094-204-002); 300 N. Bridge Street (APN 094-283-001)

Negotiating Parties: Steve Salomon, Ricardo Noguera, Alex Peltzer, Family Health Care Network

Under negotiation: Authority to negotiate terms and conditions of potential sale

5:40 p.m.

CLOSED SESSION (immediately following Work Session)

4. Conference with Real Property Negotiators (GC 54956.8)
 Property: 139 N. Cain St.; APNs 098-142-039 and 098-142-040
 Negotiating Parties for City: Steve Salomon, Andrew Benelli, Alex Peltzer
 Negotiating Parties for Seller: Brian Hyde, Hyde Commercial Real Estate
 Under negotiation: Authority to negotiate terms and conditions of potential purchase

5. Conference with Real Property Negotiators (GC 54956.8)
 Properties: SW corner of Oak and Bridge Streets; APN 094-285-015
 Negotiating Parties for City: Steve Salomon, Ricardo Noguera, Alex Peltzer
 Negotiating Parties for Seller: Family Health Care Network
 Under negotiation: Authority to negotiate terms and conditions of potential purchase

- 6. Conference with Real Property Negotiators (GC 54956.8)
Property: 210 NW 2nd Avenue; APN: 094-031-009
Negotiating Parties: Steve Salomon, Ricardo Noguera, Alex Peltzer, Visalia Rescue Mission
Under negotiation: Price, terms and conditions of potential sale
- 7. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: Employee Groups A, B, and G
- 8. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 potential cases

7:00 p.m. CALL TO ORDER REGULAR SESSION

Track 4 **PLEDGE OF ALLEGIANCE**

INVOCATION - ~~Chaplain Kent Mishler, Kaweah-Delta Health Care District~~ Mayor Bob Link

SPECIAL PRESENTATIONS/RECOGNITION

- Introduce newly promoted Fire Captain Tom Van Grouw
- Proclaim October 18-22, 2010 National Medical Assistants Week
- Proclaim October 2010 Italian Heritage Month

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.

Chris Ortiz, representing the Firefighters Organization, promoted support of Breast Cancer Awareness.

Track 5

SN/AS 5-0
all consent
items
approved as
submitted

- 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.*
 - a) Authorization to read ordinances by title only.
 - b) Authorization to convert 2-hour parking lots to 3-hour parking in Downtown Visalia.
Resolution 2010-65 required.
 - c) Award industrial uniform and laundry services to AmeriPride and linen services to Aramark as per specifications of bid.

- d) Authorize the prepayment of the 2002 Waste Water Treatment Plant Bonds on December 1, 2010.
- e) Adoption of the required bi-annual update listing of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations. **Resolution 2010-66 required.**
- f) Introduction and first reading of **Ordinance 2010-08** to amend Chapter 15.60, Sections 15.60.010 through 15.60.070, implementing updates to the City of Visalia “Flood Damage Prevention Regulations” and renaming Chapter 15.60 to “Floodplain Management Regulations”. These ordinance changes will accomplish the following:
 - 1) Have floodplain management regulations that qualify and enhance the City’s pending application to FEMA’s Community Rating System (CRS). The City’s participation in the CRS program will lead to discounted insurance rates for property owners within the City.
 - 2) Maintain regulatory compliance with FEMA’s National Flood Insurance Program (NFIP).
 - 3) Update and clarify current practices and procedures and clarify the City’s role as floodplain administrator for the NFIP.
- g) Authorization for the City Manager to sign a contract for \$30,000 with the Arts Consortium to coordinate implementation of the City’s Cultural Plan and to assist with the promotion, processing, and distribution of the Cultural Arts Grants.
- h) *Item removed at the request of staff.*
- i) *Item removed at the request of staff.*
- j) Authorize the City Manager to execute a Memorandum of Understanding with the County regarding the Betty Drive/ Avenue 312 improvements and realignment. Per this MOU the City will contribute up to \$3.5 million toward this County led project.

Authorize filing Notice of Completion for the following:

- k) South Cameron Creek Unit No. 3, a subdivision (containing 85 single family lots), located on the south side of Cameron Avenue at Vintage Street.
- l) Shannon Ranch 2, Phase 1 & 2, a subdivision containing 203 single family lots, located east of County Center Street between Riggins Avenue and Pratt Street.

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.*

AS/SN 5-0
Item 10
continued to
10/18/10

- 10. *Request from applicant to continue item to 10/18/10. Motion required.*
PUBLIC HEARING – Appeal of the Planning Commission’s denial of Conditional Use Permit No. 2010-09 and Variance No. 2010-04 filed by Verizon Wireless for a proposal to install a new 80 ft. telecommunications tower on property located on the north side of East Caldwell between South Stover Street and South Pinkham Street.

SN/AS 5-0
Item 13
approved as
submitted.

Item 13 was moved up and heard at this time.

13. Authorize the City Manager to execute the Memorandum of Understanding for Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) for the period July 1, 2010 through June 30, 2011, if Council is presented a signed MOU from Group A.

Eric Frost, Administrative Services Director, reviewed the terms and conditions of an MOU presented for Group A which meets the Council's parameters and recommended approval.

Track 6

Item 11
SN/ML 5-0
continue
Group G to
10/18/10

11. *Continued from 9/20/10.* Consider approval of resolutions regarding terms and conditions of employment and consideration of resolutions imposing the City's Last, Best and Final Offer, pursuant to Government Code Section 3505.4, for the following groups for FY 2010/11: Group B (Police Officers); Group A (Police Managers); and Group G (Firefighters).

Resolutions 2010-62, 2010-63, and 2010-64 required.

Eric Frost, Administrative Services Director, recommended that Council continue the determination of Group G (Firefighters) to the next meeting (10/18/10) as the group has made significant progress in reaching terms close to the City's Last Best and Final offer.

Eric Frost, Administrative Services Director, recommended Council approve the Last, Best & Final offer for Group B (Police Officers). Alex Peltzer, City Attorney, commented that this is not a time to reopen negotiations.

Resolution 2010-62 adopted. Resolutions 2010-63 and 2010-64 not adopted.

ML/AS 2-3
(Link, Nelsen,
Gubler = No)
to continue
Group B to
10/18/10.
Motion failed.

WG/SN 3-2
(Shuklian,
Lane = No) to
impose LBF
for Group B
and adopt
Reso 2010-62.

12. Discuss the upcoming State mandated changes to the California Building/Fire Code that will require fire sprinklers in new residential construction and two local code amendments (not mandated by the State) requested by the City's Fire Chief.

Curtis Brown, Visalia Fire Department and Dennis Lehman, Building Division, presented the report to Council and responded to questions.

Phil Mirwald, CalWater, discussed that his company is working with the Building Division in regards to water needs for the fire sprinklers.

Council noted that Bob Keenan, Home Builders Association, presented written comments for this item regarding procedural issues.

Track 7

SN/AS 5-0
Item 12
approved as
submitted.

8:07 p.m.
Adjourned
back to closed
session to
complete
unfinished
business.
8:50 p.m.
meeting
adjourned.

CLOSED SESSION REPORT - City Attorney Alex Peltzer reported:

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Donald Joseph	077-180-011 (portion)	Riggin/Demaree	Right of Way	9/24/2010	Doug Damko

Upcoming Council Meetings

- Monday, October 18, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; Convention Center, 303 E. Acequia
- Monday, October 25, 2010, 6:00 p.m. Joint Meeting Visalia City Council, Visalia Unified School

District, College of the Sequoias Board of Trustees, Convention Center 303 E. Acequia

- Wednesday, October 27, 2010, 6:00 p.m. Town Hall Meeting, Annie Mitchell Elementary School, 2121 E. Laura St., Visalia

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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