

# 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, November 1, 2010

Convention Center, 303 E. Acequia, Visalia CA 93291

Work Session and Joint Meeting with Planning Commission 4:00 p.m.

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

Regular Session 7:00 p.m.

### [Track 1](#)

4:00 p.m.

#### **INTRODUCTION OF NEW EMPLOYEE**

Kathy Rouse, Administrative Assistant in Administration Department

**SPECIAL PRESENTATION** - Presentation of 2010 Corporate Games by Michelle Fitzgerald, Recreation Supervisor

### [Track 2](#)

4:15 p.m.

#### **CONVENE JOINT MEETING OF THE VISALIA CITY COUNCIL AND THE VISALIA PLANNING COMMISSION**

Planning Commissioners present: Larry Segrue, Adam Peck, Terese Lane, Vincent Salinas, Roland Soltesz.

#### **WORK SESSION AND ACTION ITEMS (as described)**

SN/AS 5-0  
Item 1  
approved as  
submitted

*Public Comments related to Items that are listed on the Work Session agenda will be heard at the time that item is discussed.*

1. Discussion and acceptance of the Existing Conditions Report (ECR) to the Comprehensive General Plan Update. **Receive public comment.** (The ECR document can be viewed at [www.visaliageneralplanupdate.com](http://www.visaliageneralplanupdate.com))

Mayor Link announced the order of the presentations and recognized the members of the General Plan Review Committee who were in the audience.

Steve Brandt, Quad Knopf, reviewed the process for the Mooney Boulevard Corridor Study which will be presented to the City Council on November 15, 2010 and a public hearing will be held.

Michael Dyett, Dyett and Bhatia, gave the presentation on the General Plan update and the Existing Conditions Report. Dyett reviewed the community survey results as well as the items considered by the GPURC. Dyett reviewed the next steps for the preparation of the final plan which will include a series of meetings and public outreach. Dyett responded to Council and Planning Commissioners questions.

The following members of the public spoke:

Greg Collins commented on facilitating infill development within the 129,000 boundary and that the West Visalia area is prime agriculture land that shouldn't be developed when vacant lots are still available in the 129,000 boundary, that the focus should be on the urban core and not on West Visalia agricultural land.

Dave Harrold – spoke about the sustainability of private property owners rights and the values of entrepreneurship and freedoms.

Harvey May, N. Garden St., urged the Council to make choices that the community wants and he looks forward to the next phase of the process.

Stephen Peck, N. Demaree, commented about the issues that are yet to come in the process.

Kenneth Loy, W. Campus, commented that the High Speed Rail issue has been overlooked in the process and how to avail citizens of new transportation modes.

Council and Commissioners commented on the work done by the Committee, staff and by the consultant and encouraged citizens to engage in the next phase.

*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**

5:15 p.m.

#### **ADJOURN JOINT MEETING AND REMAIN SEATED AS THE VISALIA CITY COUNCIL**

#### **CLOSED SESSION (immediately following Work Session)**

2. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case
3. Conference with Real Property Negotiators (GC 54956.8)  
Property: Water Supply Contract Acquisition  
Negotiating Parties: Steve Salomon, Alex Peltzer, Sean Geivet  
Under negotiation: Price and terms
4. Conference with Real Property Negotiators (GC 54956.8)  
Property: Portions of APN 081-160-011 (Plaza Drive and Hurley – no site address), 081-130-013 (615 N. Plaza Drive), 081-160-007 (Plaza Drive and Hurley – no site address), 081-010-087 (700 N. Plaza Drive)  
Under Negotiation: Price, terms, and conditions of potential purchase  
Negotiating Parties for Landowners: Stanley C. Bennett and Tamra A. Bennett, for APN 081-160-011 and 081-130-013; Niniv Tamini and Mathew Bruno for 081-160-007; and Ugo Pasarelli for 081-010-087  
Negotiating Parties for City: Steve Salomon, Alex Peltzer, James Koontz, and Fred Lampe

- 5. Conference with Real Property Negotiators (GC 54956.8)  
 Property: 300 E. Oak (APN 094-283-001)  
 Negotiating Parties: Steve Salomon, Ricardo Noguera, Alex Peltzer, P&B Pence, LLC; Scott Ellis, Equity Group  
 Under negotiation: Terms and Conditions of potential purchase
  
- 6. Conference with Real Property Negotiators (GC 54956.8)  
 Property: 522 River Way (APN 078-110-021 )  
 Under Negotiation: Price, terms, and conditions of potential purchase  
 Negotiating Parties for Landowners: Sandra L. Spens  
 Negotiating Parties for City: Steve Salomon, Alex Peltzer, James Koontz, and Vince Elizondo

7:00 p.m.

**CALL TO ORDER REGULAR SESSION**

[Track 3](#)

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Pastor Paul Gendron, Workforce Chaplaincy

**SPECIAL PRESENTATIONS/RECOGNITION**

**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.*

Kenneth Loy, W. Campus, regarding a Code Enforcement complaint on a sewer/ water line leaking into his property from an easement. Mayor Link referred Mr. Loy to speak with Mike Olmos, Assistant City Manager; Andrew Benelli, Public Works Director; and Ricardo Noguera, Housing & Economic Development Director.

Mary Jo Estes, Sunset, gave a “thumbs-up” to the City’s Management Team for coming to the rescue of the Visalia Waiter’s Race on 9/9/10 when an unforeseen power outage on Main Street occurred in the middle of the race.

[Track 4](#)

AS/SN 5-0 to approve balance of consent calendar items

- 7. **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.*

Councilmembers asked to pull the following items for further discussion: Item 7b (Lane); Item 7h (Nelsen); Item 7j (Link).

- a) Authorization to read ordinances by title only.

SN/WG 4-1  
(Lane - No)  
Item 7b  
approved as  
submitted.

- b) Award Community Forest Maintenance Contract to West Coast Arborist to perform tree maintenance services.

Councilmember Lane asked for clarification of the selection criteria for the contractor. Councilmember Nelsen commented that Landscape and Lighting District standards need to be reviewed for better maintenance procedures and less usage of water.

- c) Authorization to apply for Highway Safety Improvement Program (HSIP) 2010/11 grant.
- d) Authorization to apply for CalGRIP (California Gang Reduction, Intervention & Prevention) grant funds through the State of California Emergency Management Agency.
- e) Request authorization to file a Notice of Completion for the 2010 Major Street Overlays Project for a final contract amount of \$540,352.40.
- f) Award Annual Weed and Pest Abatement Chemical Product Contract to Target Specialties Products per specifications of RFB 10-11-06.
- g) Authorization to apply for Local Government Strategic Plan grant funds offered through Southern California Edison Company to develop an Energy Action Plan.

AS/WG 4-1  
(Nelsen=No)  
Item 7h  
approved as  
submitted.

- h) Second reading of Ordinance 2010-09, amending portions of Title 17 of the Visalia Municipal Code pertaining to Real Estate signs. **Ordinance 2010-09 required.**

Councilmember Nelsen commented regarding banners on subdivisions and the need for clarification of the ordinance, in particular Section 17.48 (k), regarding the amount of time banners can be displayed.

- i) Authorize the appropriation of \$120,000 for repairs to the Fueling Island at the City's Corporation Yard with funding to come from Solid Waste, Wastewater, Gas Tax and General Fund accounts.
- j) Approval of a proposed 30 year lease for \$1/year with the Imagine U Children's Museum for property located on Douglas between Burke and Tipton and around the adjacent ponding basin for a walking trail, pursuant to the Museum receiving the California Outdoor Education grant for which they have applied.

AS/SN 5-0  
Item 7j  
approved as  
amended  
(revised  
lease)

Leslie Caviglia, Deputy City Manager, distributed a revised copy of the lease document for the Council's consideration.

- k) Authorize the City Manager to execute the Memorandum of Understanding for Firefighters (City of Visalia Employee Bargaining Unit Group G) for the period July 1, 2010 through June 30, 2012.

Track 5

AS/SN 5-0  
Deny appeal  
for Item 8  
Reso 2010-68  
amended to  
deny; Reso  
2010-69 not  
adopted

**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.*

- 8. **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. **Resolutions 2010-68 and 2010-69 required.** *Continued from 9/7/10, 10/4/10 and 10/18/10.*

Paul Bernal, Planning Division, presented staff's recommendations and indicated Verizon has withdrawn their appeal of the Variance and have amended the Conditional Use Permit for a 60' tall monopole.

Mayor Link opened the public hearing at 7:30 p.m. and indicated that he would allow 50 minutes total for public comment.

The following persons spoke in opposition of the tower: David Wind, S. Tracy; Bob Keenan, Home Builders Association; Larry McIntosh, Exeter; George Gonzales, Monte Vista Ct.; Kathleen Peek, S. Tracy; Harry Johnson, S. Vitner; Tom Chicorelli, S. Tracy; Jan Landis, E. Victor Ave.; Kenneth Loy, W. Campus. The following persons spoke in favor of the tower: Jennifer Walker, representing Verizon; James Ingram; Ian Dietrich; Jeff Musak. The public hearing was closed at 8:10 p.m.

City Attorney, Alex Peltzer, advised the Council that the issue before them is a land use issue and cell phone coverage is not an appropriate consideration for making a decision on the Conditional Use Permit.

Councilmembers discussed their concern with the residential location and the need to develop a cell phone tower ordinance.

**CLOSED SESSION REPORT (if any) - none**

**Upcoming Council Meetings**

- Monday, November 15, 4:00 p.m. Work Session, 7:00 p.m. Regular Session --~~City Hall Council Chambers~~ Convention Center, 303 E. Acequia
- Monday, December 6, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, December 20, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall 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

8:30 p.m.  
Meeting  
Adjourned