

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 15, 2010

CONVENTION CENTER, 303 E. 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.

[Track 1](#)

AS/SN 5-0 to
add item 4a
to the closed
session
agenda

ADD ITEM TO AGENDA

Mayor Link asked the council to consider adding an item to the closed session 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 Closed Session Item 4a: Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case

Item 1 –
information
only, no
action taken

WORK SESSION AND ACTION ITEMS (as described)

1. Annual Let's Make a Difference Day Power Point Presentation.

Jim Bean, Parks and Recreation, reviewed this year's event and recognized that 372 volunteers (1277 project hours) helped make the event a success.

[Track 2](#)

Item 2 –
information
only, no
action taken

2. Fiscal Year 09/10 Report On City's Graffiti Abatement Program.

Jim Bean, Ray Palomino, Nancy Cunha, Parks and Recreation Department, delivered a presentation on the Graffiti Abatement program and responded to Council questions. Sgt. Russ Gauger, Visalia Police Department discussed efforts regarding the gang suppression unit and restitution process.

[Track 3](#)

Item 3

3. Adopt 2011 Retiree Health Care benefit contribution rates for 2011. **Receive public comment.**

Administrative Services Director Eric Frost, presented recommendations and options to address the increased health plan costs for retirees and responded to Council comments and questions.

The following persons spoke: Phyliss Coring, W. Myrtle, regarding the discrepancy in premium rates for retirees and dependents. Mario Cifuentez, W. Whitendale, representing Group E, regarding a cost savings measure of discontinuing providing access to health insurance for new hires. There were no other public comments.

The following motions were made for Item 3:

- 1) ML/AS (5-0) to adopt 2011 retiree health care contribution rates sufficient to cover this year's \$108.80 increase per participant without any additional cost to the city.
- 2) ML/AS (4-1, Gubler-No) to allocate this year's increase to retirees (25%) and dependents (75%).
- 3) WG/AS (4-1, Lane-No) Offer a lesser increase for retirees with household income less than the social security full retirement age earnings limit for 2011, restricting this increase to 50% of the retiree contribution increase; and make available to retirees a high deductible PPO which qualifies for a Health Savings Account for retirees not yet eligible for Medicare.
- 4) SN/AS (5-0) to work through the bargaining unit review process to develop a policy for future increases.

ITEMS OF INTEREST

Council Member Nelsen commented on the Lions Park Dedication.

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

4. Conference with Real Property Negotiators (GC 54956.8)
 Property: Portions of APN 081-160-011 (Plaza Drive and Hurley – no site address) and 081-130-013 (615 N. Plaza Drive)
 Under Negotiation: Price, terms, and conditions of potential purchase
 Negotiating Parties for Landowners: Stanley C. Bennett and Tamra A. Bennett
 Negotiating Parties for City: Steve Salomon, Alex Peltzer, Adam Ennis, James Koontz, and Fred Lampe
5. Conference with Legal Counsel – Existing Litigation. (Subdivision (a) of G.C. §54956.9)
 Name of Case:
 Visalia Police Officers' Association vs. City of Visalia; City Council, City of Visalia
 TCSC #10-239882
6. Public Employee Performance Evaluation (GC 54957)
 Title: City Manager

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

[Track 4](#)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Michael Lopes, Grace Community Church

SPECIAL PRESENTATIONS/RECOGNITION

PUBLIC COMMENTS

Kenneth Loy, Campus Ave., spoke about leakage of sewage from a private sewer line. Andrew Benelli, Public Works Director, responded to Council questions and reported no evidence of a leak exists. Alex Peltzer, City Attorney, commented that this is a private dispute between neighbors and not a city issue.

Peter Salerno, discussed the need for stop signs on South Church St.

Bill Callahan, N. Central, discussed a road repair safety issue at N. Mooney between Ferguson and Riggins. Chris Young, Community Development Director, responded to Council questions and was directed to work with the contractor to increase safety.

7. Report from Continuum of Care on the recent Project Homeless Connect events

Betsy McGovern, Kings Tulare Continuum of Care, a non-profit organization, discussed the agency's purpose and discussed the 10 year plan to end homelessness.

SN/WG 5-0 to approve the balance of the consent calendar items as submitted

8. **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.*

The following consent calendar items were removed from the consent calendar for separate discussion: 8d (Shuklian); 8i (Shuklian); 8j (Nelsen); 8k (Lane).

- a) Authorization to read ordinances by title only.
- b) Reappointment of Evan Long to serve on the Delta Vector Control District Board of Directors.
- c) Authorization for the City Manager to enter into a Memorandum of Understanding between The City of Visalia and The City of Tulare for the exchange of personnel to serve as a Hearing Officer during Code Enforcement Administrative Hearings.

ML/SN 4-0-1 (Shuklian abstain) Item 8d approved as submitted

- d) Introduction of **Ordinance No. 2010-10** authorizing the lease of approximately 233 acres of land on 11 parcels at the Visalia Municipal Airport to Eric Shuklian for continued use for agricultural purposes. **(Ordinance 2010-10 required)**

Council Member Shuklian requested a separate vote on this item and announced she would abstain due to a conflict of interest. Alex Peltzer, City Attorney, advised that she should leave the dais if there was to be any Council discussion on the item. There was no discussion.

- e) Introduction of **Ordinance No. 2010-11** authorizing the lease of facilities at the Visalia Municipal Airport to D. Lancy Allyn for an Aircraft Storage Hangar. **(Ordinance 2010-11 required)**
- f) Authorization to proceed with a Request for Proposal (RFP) for the development of a solar energy generating facility.
- g) Authorization to amend the Water Conservation Plant design services contract with Parsons to reflect the change in focus and scope of the project. This amendment will be an increase of \$1,331,640 over the original contract amount of \$7,161,495. The new contract amount will be \$8,493,135. Funds are set aside in the Wastewater Enterprise.
- h) Authorize City Manager to execute a Restated Memorandum of Understanding between the County of Tulare, the Exeter Irrigations District, Lakeside Irrigation district, and Tulare Irrigation District to develop an Integrated Regional Water Management Plan for the Kaweah River Basin. Authorize the City Manager to submit a grant proposal as part of the Kaweah Basin IRWMP application to help fund a pipeline to deliver recycled wastewater to nearby users.
- i) Receive recommendation from the Parks and Recreation Commission regarding items related to the proposed future softball complex at Riverway Sports Park until the project becomes closer to reality.

Council Member Shuklian requested a separate vote on this item and stated her objections.

ML/SN 4-1 (Shuklian-No) Item 8i approved as submitted

AS/ML 5-0

Item 8j
approved as
submitted

- j) Authorization to allocate Federal Department of Housing & Urban Development - Community Development Block Grant (CDBG) funds in increments of \$15,000 per year over a five (5) year period to support Family Services and the Tulare Housing First Program in providing housing services for chronically homeless persons.

Ricardo Noguera, Housing and Economic Development Director, responded to Council Member Nelsen's questions regarding commitment to the program and future extensions.

SN/ML 4-1
(Shuklian-
No) continue
Item 8k to
12/6/2010

- k) First reading of **Ordinance 2010-19** amending Chapter 8.24, Fireworks, of the Visalia Municipal Code, updating the ordinance and allowing for the streamlining of the fireworks permit process and increasing the population ratio. (**Ordinance 2010-19 required**)

Battalion Chief Charlie Norman responded to Council questions. City Manager Steve Salomon recommended continuing the first reading of the Ordinance to 12/6/2010 to allow opportunity to work with concerned non-profit agencies.

- l) Approve **Resolution 2010-76** authorizing the positions of Administrative Services Director and Benefit and Insurance Manager to represent the City of Visalia in the Excess Insurance Authority Joint Powers Authority. (**Resolution 2010-76 required**)

- m) Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 3C, located east of Preston Street at Modoc Avenue (15 lots) and the Annexation of Pheasant Ridge 3C into Landscape and Lighting District No. 05-19, Pheasant Ridge (**Resolutions 2010-77 and 2010-78 required**)

Track 5

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.*

Convene Jointly as the Visalia City Council and Visalia Redevelopment Agency Board to consider the following:

Item 9
AS/ML 5-0
Resolution
2010-70
adopted

9. **PUBLIC HEARING - Mooney Blvd. Corridor Zoning Study Amendments**

The project pertains to certain properties in the City of Visalia located along or within ¼ mile of both sides of Mooney Boulevard between Noble Avenue and Visalia Parkway, and the south side of Caldwell Avenue between Sallee Street and Packwood Creek and consists of:

Certification of Negative Declaration 2010-73. (Resolution 2010-70 required)

AS/ML 5-0
Resolution
2010-71
adopted

General Plan Amendment No. 2010-08: A request by the City of Visalia to change the General Plan land use designation:

A: from Regional Retail Commercial to Shopping/Office Commercial, for all properties designated Regional Retail Commercial located on both sides of Mooney Boulevard between Beverly Drive and Walnut Avenue. (**Resolution 2010-71 required**)

AS/ML 5-0
Resolution
2010-72
adopted

B: from Professional/ Administrative Office to Shopping/Office Commercial, for all properties designated Professional/ Administrative Office located on the east side of Mooney Boulevard between Noble Avenue and Beverly Drive. (**Resolution 2010-72 required**)

AS/ML 5-0
Resolution
2010-73
adopted

C: from Regional Retail Commercial to Professional/ Administrative Office on property totaling approximately 2.8 acres, for all properties designated Regional Retail Commercial located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard. (*Resolution 2010-73 required*)

AS/ML 5-0
Resolution
2010-74
adopted

D: from Regional Retail Commercial to Professional/ Administrative Office on property totaling approximately 9.2 acres, for all properties designated Regional Retail Commercial located south of Beech Avenue and north of Whitendale Avenue approximately 550 feet west of Mooney Boulevard. (*Resolution 2010-74 required*)

AS/ML 5-0
1st reading of
Ordinance
2010-12
approved

Change of Zone No. 2010-09: A request by the City of Visalia to change the zoning designation:

A: from C-R (Regional Retail Commercial) to C-SO (Shopping/Office Commercial), for all properties zoned C-R located on both sides of Mooney Boulevard between Beverly Drive and Walnut Avenue. (*Ordinance 2010-12 required*)

AS/ML 5-0
1st reading of
Ordinance
2010-13
approved

B: from PA (Professional/ Administrative Office) to C-SO (Shopping/Office Commercial), for all properties zoned PA located on the east side of Mooney Boulevard between Noble Avenue and Beverly Drive. (*Ordinance 2010-13 required*)

AS/ML 5-0
1st reading of
Ordinance
2010-14
approved

C: from C-R (Regional Retail Commercial) to PA (Professional/ Administrative Office), for property totaling approximately 2.8 acres located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard. (*Ordinance 2010-14 required*)

AS/ML 5-0
1st reading of
Ordinance
2010-15
approved

D: from C-R (Regional Retail Commercial) to PA (Professional/ Administrative Office), for property totaling approximately 9.2 acres located south of Beech Avenue and north of Whitendale Avenue approximately 550 feet west of Mooney Boulevard. (*Ordinance 2010-15 required*)

AS/ML 5-0
Resolution
2010-75
adopted

Zoning Text Amendment No. 2010-10: A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance):

A: to add definitions of certain retail uses that include convenience store, drug store / pharmacy, and supermarket / grocery store. (*Resolution 2010-75 required to deny; OR amendment Ordinance 2010-16 if approved*)

SN/AS 4-1
(Lane=No)
1st reading of
Ordinance
2010-16
continued to
12/6/2010

B: to add certain permitted and conditionally-allowed uses (including supermarkets 30,000 sq. ft. or smaller, car washes, and convenience stores) in the Regional Retail Commercial (C-R) zone and to add new categories (including dollar / variety stores and supercenters) to the list of allowed land uses. (*Ordinance 2010-16 required*)

AS/SN 5-0
1st reading of
Ordinance
2010-17
approved

C: to reduce the front and street-side setback standards to 20 feet for buildings and to require 25 feet for front and street-side landscaping for properties in the portion of Design District "A" that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway. (*Ordinance 2010-17 required*)

AS/SN 5-0
1st reading of
Ordinance
2010-18
approved

D: to add procedures for granting up to a twenty (20) percent administrative reduction of the parking requirements for properties in the portion of Design District "A" that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway. (*Ordinance 2010-18 required*)

Paul Scheibel and Brandon Smith, Planning Division; Steve Btandt and Josh McDonnell, Quad Knopf, discussed the Mooney Blvd. Corridor Zoning Study and the components necessary to make it easier to open a business on Mooney Blvd. and responded to Council questions and comments.

The public hearing was opened at 8:30 p.m. The following persons spoke: Pamela Lopez, Harvard Ct.; Katherine Singh, S. Cedar; Mike Woodbury, S. Cedar; Jim Watt, Contra Costa County; Darlene Mata; Glen Morris, Chamber of Commerce; Larry Segreue, Planning Commission; Ricardo Noguera, Housing & Economic Development. Written materials were submitted by the following persons: Erica Requejo, S. Woodland; Joanna Nugent, S. Pinnacle; Michelle Pimentel, E. Princeton; Skip Nugent, Best Buy Market; Tom Brohard, Tom Brohard & Associates, LaQuinta, CA; Barry Vernon, SMIT Consulting, Salt Lake City, Utah; Pamela Lopez, E. Harvard Ct.; Katherine Singh, S. Cedar; John & Janis Lehmann, E. Princeton.

The public hearing was closed at 8:46 p.m.

Adjourn as Visalia City Council and Visalia Redevelopment Agency Board and remain seated as the Visalia City Council.

CLOSED SESSION REPORT - none

Upcoming Council Meetings

Adjourn 9:15
p.m.

- 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
- Tuesday, January 18, 2011, 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.

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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