

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, December 6, 2010

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

Work Session 4:30 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

Track 1

4:30 p.m.

INTRODUCTION OF NEW EMPLOYEES

Bernardo Villegas, Police Officer; Michael Bischel, Police Officer; Thomas Higgins, Police Officer; Leah Hidingner, Police Officer; Michael Morgantini, Reserve Police Officer

WORK SESSION AND ACTION ITEMS (as described)

Convene jointly as the Visalia City Council and the Redevelopment Agency Board

Track 2

ML/WG 4-1
(Nelsen-No)
Item 1
approved as
submitted

1. First reading of **Ordinance 2010-16** for Zoning Text Amendment No. 2010-10B: A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) 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 (*continued from 11/15/2010*). **Receive public comment.**

Paul Scheibel and Brandon Smith, Planning Division and Steve Brandt, Quad Knopf presented the recommendations and responded to Council questions.

Councilmember Nelsen expressed concerns about the possible proliferation of gas stations and convenience stores on Mooney and his concern about allowing grocery stores.

The following persons spoke: Laura Walheim, Zeeb Real Estate, supporting recommendations; Michele Green, regarding gas stations on Mooney.

Council also heard from Ricardo Noguera, Director Housing and Economic Development regarding the challenges for attracting businesses on Mooney Blvd. due to current zoning regulations.

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

Track 3

SN/AS 5-0
Item 2
approved as
submitted

2. First reading of **Ordinance 2010-19** revising Chapter 8.24, Fireworks, of the Visalia Municipal Code, amending the ordinance to allow for streamlining of the fireworks permit process (*continued from 11/15/2010*). **Receive public comment.**

Fire Chief Mark Nelson presented the recommendations to revise the Municipal Code regarding

eliminating storage of fireworks in residential areas; revising the ratio to 1 firework stand per every 5,000 population; requirement for storage security; and processing revisions. Chief Nelsen indicated that he met with the non-profit groups and the changes were well-received.

The following person spoke: Dave Baxter, S. Julianne Ct., representing Breakfast Lions Club, non-profits are supportive of the revisions.

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.

[Track 4](#)

ITEMS OF INTEREST

- Update on High Speed Rail – Mayor Link *(oral update - no written materials)*

Mayor Link discussed recent updates on High Speed Rail and the decision of the High Speed Rail Authority to go with Option #3 which includes stations in Fresno and Hanford. Mayor Link thanked Assistant City Manager Michael Olmos and Airport Manager Mario Cifuentez for their work on the project.

Councilmember Mike Lane discussed his recent trip to Washington DC and his visit with the city’s lobbyist and legislators regarding FEMA legislation.

CLOSED SESSION (immediately following Work Session)

5:50 p.m.
adjourned
to closed
session

3. Conference with Real Property Negotiators (GC 54956.8)
Properties: Cal Water Easement on a portion of APN #'s 103-020-021 and 103-020-059
Negotiating Parties: Steve Salomon, Chris Young, Alex Peltzer, Phil Mirwald
Under negotiation: Terms and Conditions
4. Conference with Legal Counsel – Existing Litigation. (Subdivision (a) of G.C. §54956.9)
Name of Case: Church Mutual Insurance Co. vs. City of Visalia TCSC #09-235713
5. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case
6. Public Employee Performance Evaluation (GC 54957)
Title: City Manager

CALL TO ORDER REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

[Track 5](#)

INVOCATION – Danny Little, Visalia Rescue Mission Executive Director

SPECIAL PRESENTATIONS/RECOGNITION

- Resolution of Commendation for Ed Juarez in recognition of his retirement after 45 years of dedicated service to the City of Visalia Engineering Division.

Council congratulated Ed Juarez on his upcoming retirement and thanked him for his years of

service. Norm Goldstrom, Engineering Division, presented token gifts of appreciation.

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.*

[Track 6](#)

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.

1. Peter Salerno, S. Church, asked the City to put stop signs on S. Church Street.
2. Bill Callahan, N. Central, updated Council on construction issues on N. Central and requested copies of all documents that relate to the project. (Referred to Chief Mestas, Michael Olmos, and Chris Young.
3. Jovita Harrah, W. Burrel, regarding a claim for damages for her vehicle. (Referred to City Attorney Peltzer and Charlotte Dunn, Risk Manager)
4. James Smith, Water Avenue, regarding lights on softball fields. (Referred to Vince Elizondo, Parks and Recreation Director)
5. Sam Sciacca, W. Main St., regarding events in Downtown Visalia and thanking the city for their support.

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.*

[Track 7](#)

The following items were pulled from the Consent Calendar for further discussion: Item 7c (Gubler; Item 7g (Shuklian); Item 7n (Nelsen).

ML/AS 5-0
approve
balance of
consent
calendar
items

- a) Authorization to read ordinances by title only.
- b) Authorize staff to purchase approximately 520 copies of Microsoft Office and Office Pro 2010 through CompuCom for \$147,510 or better if Microsoft offers better year-end pricing.
- c) Authorize purchase of approximately 495 personal computers through the standardized PC replacement process and award the purchase to Dell piggybacking the Western States Contracting Alliance (WSCA) competitively bid agreement for \$575,000 or better if Dell offers better year-end pricing.

AS/WG 5-0
item 7c
approved as
submitted

Mike Allen, Information Services Manager, responded to Councilmember Gubler's questions regarding pricing.

- d) Authorization to award and amend various RFPs associated with equipment pre-selection for the Water Conservation Plant upgrade project.
- e) Replacement of a representative from the Environmental Committee to the General Plan Update Review Committee.
- f) Review and approval of Visalia Water Management Committee 2011 Annual Plan.

SN/ML 4-0-1
(Shuklian
Abstain) Item
7g approved
as submitted

g) Second reading and adoption 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)*

Councilmember Shuklian announced that due to a conflict of interest she would abstain from the vote and if discussion was needed by the Council she would remove herself from the dais. There was no discussion.

h) Second reading and adoption 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)*

i) Notification of A DUI Grant application to the Sobriety Checkpoint Program, UC Berkeley – Traffic Safety Center, through the Governor’s Office of Traffic Safety (OTS), and authorization for the City Manager to execute the grant agreement.

j) Authorization to file a Notice of Completion for Ashley Grove No. 12, a subdivision containing 28 multi -family lots (118 units) with one common area, located on the southwest corner of Mooney Blvd. and Riggin Avenue.

k) Accept the City of Visalia Cash and Investment Report for the first quarter ending September 30, 2010.

l) Authorization to express interest in providing short-term financing to the Measure R authority of up to \$10 million, repayable in 3 years or until sufficient debt is accumulated to justify a bond financing, whichever is shorter.

m) Authorize the City Manager to execute a contract amendment with Mark Thomas & Company, Inc. to perform work to consider three additional alternatives for the improvement of the interchange at Lovers Lane and State Route 198 - Contract Amendment Cost: \$61, 582.

n) Authorization to appropriate an additional \$112,000 for the Recreation Park Playground Project, approximately \$69,000 will come from Park Impact Fees and \$43,000 will come from General Fund reserves; and approve a change order for \$118,376 for additional project work.

Vince Elizondo, Director Parks & Recreation responded to Councilmember Nelsen’s questions regarding funding.

AS/SN 5-0
Item 7n
approved as
submitted

o) First Reading of Ordinance No. 2010-20 to adopt the 2010 California Fire Code, 2010 California Administrative Code, 2010 California Referenced Standard Code, 2010 California Building Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electric Code, 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Residential Code, 2010 California Green Building Standards Code, and 2010 California Energy Code. *Ordinance 2010-20 required.*

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** - for property located on the east side of Dinuba Boulevard between Shannon Parkway and the St. John’s River. (APN: 079-071-001, 016, 018, 020, 023, 024 [portion],

Track 8

Item 8 approved as submitted: SN/ML 4-1 (Shuklian-No) Reso 2010-79 approved

- 028; 079-080-045, 049, 052 through 057)
- a) Certification of Negative Declaration No. 2010-82. **(Resolution 2010-79 required)**
 - b) Initiation of Proceedings for Annexation No. 2005-07 (River Island): A request by R&L Investment Group, LLC, to annex parcels and right-of-way totaling approximately 137 acres into the City limits of Visalia. **(Resolution 2010-80 required)**
 - c) Authorize the City Manager to sign and enter into a pre-annexation agreement.
 - d) Detachment of property from County Service Area No. 1.

SN/WG 4-1 (Shuklian-No) Reso 2010-80 approved

Brandon Smith and Paul Scheibel, Planning Division, presented the report and recommendation and responded to questions from the Council.

The public hearing was opened at 7:58 p.m. Chris Crawford, Westbrook Avenue, Civil Engineer, spoke regarding the ag. mitigation condition in the annexation agreement and the request of one of the property owners for 83 acres to be zoned R-1-4.5.

City staff and City Attorney Alex Peltzer responded to comments.

SN/WG 4-1 (Shuklian-No) agreement authorized

- 9. Request by the Tulare County Association of Governments (TCAG) to execute an amended Joint Powers Agreement for Tulare County and the eight Cities in the County to modify the powers of the TCAG. **Resolution 2010-82 required.**

Track 9

Item 9 AS/SN 5-0 to deny request and not adopt Reso 2010-82

Chris Tavarez, Engineering Division, reviewed the request by TCAG to amend the agreement and responded to Council comments and questions.

Councilmembers discussed TCAG’s request to make real property transactions and enter into joint powers agreements.

Action: Request denied – Resolution 2010-82 not adopted.

- 10. **PUBLIC HEARING** - to approve the recommended expenditure of and appropriate the State of California FY 2010/2011 Citizens Option for Public Safety (COPS) Program funds of \$100,000. **Resolution 2010-81 required.**

Track 10

Item 10 approved as submitted SN/AS 5-0

Police Chief Mestas reviewed the recommended expenditures. The public hearing was opened at 8:33 p.m. There were no public comments.

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

8:40 p.m. Meeting adjourned

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	P & B Pence, LLC	094-283-001	300 E. Oak Ave.	Affordable housing, and transit related activities	11/15/2010	Ricardo Noguera

Upcoming Council Meetings

- 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
- Monday, January 31, 2011, 6:00 p.m. Town Hall Meeting, Crestwood School, 3001 W. Whitendale Ave.

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

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