

# Regular Meeting Action Agenda

## Visalia City Council



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

Monday, December 20, 2010

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291  
Work Session 5:00 p.m.; Closed Session immediately following  
Regular Session 7:00 p.m.

5:00 p.m.

### INTRODUCTION OF NEW EMPLOYEE

Stephanie Phipps, Office Assistant, Fire Administration

[Track 1](#)

### INTRODUCTION AND BADGE PINNING OF NEWLY PROMOTED POLICE CAPTAINS - Captain Perry Phipps and Captain Jason Salazar

[Track 2](#)

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

1. Valley Oaks Golf Course Operation and Maintenance Annual Report. **Receive public comment.**

AS/SN 5-0  
Item 1  
approved as  
submitted

Jeannie Greenwood, Parks & Recreation Department, presented the annual report for the Valley Oaks Golf Course which is a contract management course managed by CourseCo, Inc. Greenwood reviewed fiscal analysis, course conditions and improvements, maintenance and goals for 2011. Council members had questions and comments about the Dinuba course impacts, marketing for the restaurant, increase in rates, improvements, on site full-time management, and golf clinics.

[Track 3](#)

2. Overview of recent cost reduction measures implemented in the Landscape & Lighting Districts and of maintenance reductions to be implemented in six of the districts if an increase in fees is not approved to cover a deficit; and request for CIP funding for the installation of twelve water management controllers for FY 2010-11. **Receive public comment.**

AS/SN 5-0  
Item 2  
approved as  
submitted

Jim Bean and Dave Pendergraft, Parks Department, discussed cost reduction measures and responded to Council questions and comments.

WG/AS 5-0  
to add  
urgency item  
to agenda

- 3.

ADD ITEMS TO AGENDA - Mayor Link requested to add an item to the 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:

SN/WG 5-0  
to approve  
Reso 2010-88  
declaring  
local  
emergency

Ratification of a declaration of a local emergency issued by the Director of Civil Defense and Disasters and adoption of Resolution 2010-88 confirming existence of a local emergency.

AS/WG 5-0  
to add 2 items  
to closed  
session  
agenda

City Attorney Alex Peltzer requested to add two items 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 as follows:

- a) Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case
- b) Conference with Legal Counsel – Existing Litigation (G.C. 54956.9) Case: Citizens for Responsible Planning v. City of Visalia

*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.*

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

Adjourned at  
6:10 p.m. to  
Closed  
Session

- 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. Public Employee Performance Evaluation (GC 54957)  
Title: City Manager
- 6. Conference with Real Property Negotiators (G.C. 54956.8)  
Property: Portion of APN: 081-020-073 and 081-020-079 (No site address available); and  
Under Negotiation: Price, terms, and conditions of potential purchase.  
Negotiating Parties: Steve Salomon, Chris Young, Alex Peltzer, and James Koontz, Mathew and Barbara Bruno and their agent, Niniv, Tamimi.
- 7. Conference with Real Property Negotiators (G.C. 54956.8)  
Property: Portion of APN: 081-020-042, 043, 044, 060, 082 and 083 (No site address available); and 08-020-076 (No site address available).  
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms, and conditions of potential purchase.  
Negotiating Parties for Landowners: Alice I. Roye and her representative Thomas Hornburg; Old Towne Condominiums and its representatives Lisa Mochizuki, and Harvey May.  
Negotiating Parties for City: Steve Salomon, Adam Ennis, Alex M. Peltzer, James Koontz;
- 8. *Item removed at the request of staff*
- 9. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)  
Name of Case: City of Visalia v. John A. Barbis et al. TCSC #10-235792

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

Track 4

**PLEDGE OF ALLEGIANCE**

**INVOCATION - Mayor Bob Link**

**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.*

The following persons spoke:

- Doug Bloch, E. 7<sup>th</sup> Street, Oakland, CA, Teamsters Union, regarding concerns on the VWR project and need for CEQA compliance. City Attorney Jim Koontz responded.
- Kevin Long, N. Linda Vista Ct., Visalia, regarding concerns with the VWR project.
- John Becker, Teamsters 853, Milbrae, CA, regarding concerns with VWR operations.
- Daryl Prat, Local 431 Teamsters, regarding impact to environment with VWR.
- Abigail Trevino, W. Monte Vista, regarding damages to her home from the Police Department and Code Enforcement. (referred to Captain Haskill, Lt. Figeroa, and Charlotte Dunn, Risk)
- Peter Salerno, S. Church, regarding speeding on S. Church Street.
- Mike Porter, S. Giddings, Provost & Pritchard, regarding Item 10h on consent calendar. City Attorney Alex Peltzer gave clarification.

Track 5

**ITEMS OF INTEREST**

Councilmember Shuklian requested a Hazardous Materials update, and commended city staff for their work during the ongoing local emergency due to recent rainstorm. Councilmember Nelsen reported on the PAL event at Fairview Elementary and commended city staff for their handling of the Emergency Operations Center during the recent storm and local emergency. Councilmembers Lane and Gubler also commented on city staff efforts during the emergency situation.

Track 6

**10. 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.*

Item 10l was pulled from the consent calendar (Nelsen) for further discussion.

ML/AS 5-0  
Approve  
balance of  
consent  
calendar

- a) Authorization to read ordinances by title only.
- b) Authorize the City Manager to approve a one-year extension of the Professional Services Agreement with Van Scoyoc Associates in the amount of \$89,000 for federal legislative advocacy services, effective Jan. 1, 2011.
- c) Authorization to bid the construction of the Giddings Street Extension between Shannon Parkway and Riverway Avenue without the requirement for the payment of prevailing

wages, pursuant to Resolution No. 83-02.

d) *Item removed at the request of staff.*

e) Adopt the annually updated Investment Policy and Delegating authority to invest funds for the City to the Administrative Services Director/Treasurer. **Resolution 2010-84 required.**

f) Second reading and adoption 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. **Ordinance 2010-19 required.**

g) First reading of Ordinance authorizing the Grant of Easement to California Water Service Company for a non-exclusive easement in gross for the conveyance, distribution and/or storage of water on a portion of City owned properties (APN #'s 103-020-021 and 103-020-059) and authorization for the City Manager to execute the grant of easement. **Ordinance 2010-21 required.**

h) Authorization to record the final parcel map of Tentative Parcel Map 2009-03, located at the northeast corner of Riggin Avenue and Plaza Drive (Vargas/MSJ Development, LLC) - APN 077-120-016.

i) *Item removed at the request of staff*

j) Authorize the City Manager to submit an application for an Environmental Enhancement and Mitigation Grant and allocate funds to landscape Packwood Creek Ponding Basin, and areas along Modoc Ditch and Mill Creek and allocate \$25,648 from Measure R Trailway Funds and \$12,823 from Storm Sewer Construction funds to pay the City's match. **Resolution 2010-87 required.**

k) Adopt Resolution of Intention to amend the contract between the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS), and Introduction of Ordinance authorizing the contract amendment for Police and Fire sworn/safety personnel. **Resolution 2010-86 and 1<sup>st</sup> reading of Ordinance 2010-22 required.**

l) Accept Fiscal Year 2009-10 Measure T Independent Accountant's Report, as recommended by the Citizens Advisory Committee (CAC).

Eric Frost, Administrative Services Director, responded to Council Member Nelsen's questions regarding funding.
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SN/AS 5-0  
Item 10l  
approved as  
submitted

m) Authorize a contract with Tulare County Association of Governments to implement a transit pass program for College of the Sequoias students.

n) Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$133,191 each for a total of \$799,146 and appropriate additional funds of \$150,000 to the \$654,000 previously budgeted.

o) Authorization to endorse the 2010 Central California Children's Agenda.

p) Update on Federal legislation pertaining to Federal Emergency Management Agency (FEMA) – National Flood Insurance Program.

[Track 7](#)

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

AS/WG 5-0  
RDA Consent  
Calendar  
approved as  
submitted

## 11. RDA CONSENT CALENDAR

- a) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Redevelopment Agency of the City of Visalia. RDA Resolution 2010-04 required.
- b) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the City of Visalia. Resolution 2010-83 required.
- c) Second reading and adoption of ordinances pertaining to the Mooney Boulevard Corridor Zoning Study Amendments, consisting of:
  - **Change of Zone 2010-09A:** A request by the City of Visalia to change the zoning designation 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)*
  - **Change of Zone 2010-09B:** A request by the City of Visalia to change the zoning designation 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)*
  - **Change of Zone 2010-09C:** A request by the City of Visalia to change the zoning designation 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)*
  - **Change of Zone 2010-09D:** A request by the City of Visalia to change the zoning designation 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)*
  - **Zoning Text Amendment 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. *(Ordinance 2010-16 required)*
  - **Zoning Text Amendment 2010-10C:** A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) 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)*
  - **Zoning Text Amendment 2010-10D:** A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) 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**)

- d) Authorization to initiate a General Plan and Zoning Map Amendment to change the General Plan Land Use and Zoning designations from CS (Service Commercial) to P-C-DT (Planned Central Business District Retail) zone, on 20 parcels totaling 12.47 acres, located generally along Santa Fe St. and Tipton St., between Center Ave. and Race Ave. (APNs 094-100-011, -038, -039, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-002, -038, -039, -040,-041, 094-264-012, -015, -017, -018)

*Adjourn as Visalia City Council and Visalia Redevelopment Agency Board and convene as the Visalia Public Finance Authority.*

[Track 8](#)

AS/SN 5-0  
VPFA  
Consent  
Calendar  
approved as  
submitted

**12. VPFA CONSENT CALENDAR**

- a) Annual status report for the Visalia Public Finance Authority (VPFA).
- b) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Visalia Public Financing Authority of the City of Visalia. **VPFA Resolution 2010-01 required.**

*Adjourn as the Visalia Public Finance Authority and re-convene as the Visalia City Council.*

**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.*

[Track 9](#)

SN/AS 5-0  
Item 13  
approved as  
submitted

- 13. **PUBLIC HEARING** – Second reading and adoption 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.**

Mayor Link opened the public hearing at 7:40 p.m. There were no public comments.

[Track 10](#)

SN/AS 5-0  
Item 14  
approved as  
submitted

- 14. **PUBLIC HEARING** to consider a temporary \$3 increase in Parking Fines to cover the additional \$3 surcharge being imposed by the State of California through Senate Bill 857 (SB 857) and adoption of Resolution approving the amendment to the City’s Rates and Fees for the temporary \$3 increase in Parking Fines. The fee is recommended to sunset July 1, 2013. **Resolution 2010-85 required.**

Eric Frost, Administrative Services Director, reported that the increase in fees is due to State surcharge which will sunset on July 1, 2013. The public hearing was opened at 7:45 p.m. There were no public comments.

**CLOSED SESSION REPORT - City Attorney Alex Peltzer reported the following:**7:45 p.m.  
meeting  
adjourned

<b>Buyer</b>	<b>Seller</b>	<b>APN Number</b>	<b>Address</b>	<b>Purpose</b>	<b>Closing Date</b>	<b>Project Manager</b>
City of Visalia	Anthony & Monique Da Costa	081-010-051 (portion)	Plaza/Rd 80	Right of Way	12/10/10	Fred Lampe

**Upcoming Council Meetings**

- 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.
- Friday-Saturday, February 4-5, 2011, City Council Annual Workshop; location and times TBD
- Monday, February 7, 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.*

*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.*

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