

# 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 - absent  
Council Member: Steve Nelsen - present

Monday, February 7, 2011

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291  
Work Session 4:30 p.m.; Closed Session immediately following  
Regular Session 7:00 p.m.

### 4:30 p.m. INTRODUCTION OF EMPLOYEES

[Track 1](#)  
[Track 2](#)

- Newly promoted Visalia Police Department: Sergeant Curtis Brown, Sergeant Osvaldo Dominguez, and Sergeant Jon Pree
- New Hire Visalia Fire Department: Melissa Gonzalez, Fire Prevention Inspector

[Track 3](#)

**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. Each speaker 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.*

Mel Ziemann, W. Hurley Ave., spoke regarding 1) extending Tulare Avenue to Shirk; 2) need for stop light at Hurley and Shirk; 3) move stockyards and Diamond Walnut to the Industrial Park; 4) leaf ordinance; 5) Animal Control fees.

City Manager Steve Salomon responded to Mr. Ziemann's concerns.

[Track 4](#)

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

AS/SN 2-2  
(Link and Gubler - No; Lane absent) to hear the presentation and vote. Motion failed

1. Receive and approve recommendations from the Council Recreation Park baseball subcommittee that revenues generated from the agreement with Top of the Third be deposited into a designated Capitol Improvement account, and that specific improvements be accomplished in the 2011 calendar year.

Mayor Bob Link asked to postpone the presentation and action on the item due to Council Member Lane's absence. The matter will be rescheduled to February 22, 2011.

SN/WG 3-1  
(Shuklian-No) postpone presentation to next meeting. Motion carries

*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

Councilmember Nelsen commented on his attendance at the Knights of Columbus Event recognizing safety members.

Mayor Link announced the League of California Cities monthly dinner hosted by Visalia will be Thursday 2/10/11.

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

**4:50 p.m.  
adjourned  
to closed  
session**

2. Public Employee Performance Evaluation (GC 54957)  
Title: City Manager
3. *Item removed at request of staff*
4. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases
5. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)  
Name of Case: McGee v. City of Visalia - TCSC 10-237119
6. 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
7. Conference with Real Property Negotiators (GC 54956.8)  
Property: Oval Park Service Building (APN 094-036-001).  
Negotiating Parties: Steve Salomon, Ricardo Noguera, Visalia Rescue Mission  
Under negotiation: terms of potential lease agreement
8. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)  
Name of Case: Citizens for Responsible Planning v. City of Visalia - TCSC 10-240450
9. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)  
Name of Case: Kevin Long and Teamsters Joint Council 7 v. City of Visalia -TCSC 10-240546

### **CALL TO ORDER REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

[Track 5](#)

**INVOCATION** – Pastor Patrick Lozano, New Hope Church

**MOMENT OF SILENCE** - In Honor of Rose Shuklian and Randy Zeeb

**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.*

- The following persons spoke:
1. Roland Soltesz, W. Damsen, regarding a new soccer league in Visalia and upcoming tournaments.
  2. Peter Salerno, S. Church, regarding the need for stop signs on S. Church Street.
  3. Bob Keenan, Beech St., regarding council members discussion after public hearings have closed.
  4. Glen Morris, Chamber of Commerce, regarding a regional award from the Western Association of Chamber Organizations awarded to Visalia Chamber of Commerce.
  5. Council Member Gubler commended Glen Morris for being recognized by Western Association of Chamber Organizations as the best new Chamber Executive.

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.*

[Track 6](#)

The following items were removed from the consent calendar for separate discussion: Item 10d (Link); Item 10k (Shuklian).

AS/WG 4-0  
(Lane absent)  
balance of  
Consent  
Calendar  
approved as  
submitted

- a) Authorization to read ordinances by title only.
- b) Appointment of Don Ajluni and Jessie Martinez as alternate members to the Disability Advocacy Committee.
- c) Approve the recommendation of the Parks and Recreation Commission, in accordance with the City’s policy on naming park facilities, to name the youth baseball fields at Riverway Sports Park the “C.R. Shannon Baseball Complex”.
- d) Authorize the City Manager to execute an agreement with Provost & Pritchard Engineering Group to provide on-going support in surface water and groundwater issues that impact the City’s water supply.

BL/SN 4-0  
(Lane Absent)  
Item 10d  
approved as  
submitted

Mayor Link remarked that the City is diligently working on water issues and commented that Kaweah Delta Water Conservation District’s report , that was given at the recent Council Workshop, be presented to service clubs to educate the public on water issues.

- e) Notice of Completion for the construction of Lion’s Park located at West Fergusson Avenue and Denton Street in northwest Visalia, Project No 1211-72-9743, at final construction cost of \$661,656.
- f) Award contract for the construction of Dan’s Lane Neighborhood Park in southwest Visalia, to the BMY Construction Group, Fresno, in the amount of \$790,000; and approve an additional \$56,000 to purchase a shade structure for the park playground.

g) Authorize the City Manager to execute an amendment to the Professional Services Agreement with Community Services and Employment Training (CSET) to provide labor for various grant funded City projects where CSET is a partner in the grant application.

h) Receive update and authorize continued enhancements to Downtown parking.

**Resolution 2011-04 required.**

i) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-39, Giddings Street Extension north of Shannon Parkway in the amount of \$412,257.79 to the low bidder, Larry Nelson Construction, AND authorize an additional appropriation of \$45,000.00 from the Traffic Impact Fund (1241) and \$68,000.00 from the Storm Drain Impact Fund (1221) for the project.

j) Award a construction contract and authorize the City Manager to execute an agreement for the Walnut Avenue Street Widening Project located at Walnut Avenue and Mooney Boulevard (between Central Street and 500' west of Mooney Boulevard) to the low bidder Witbro, Inc. (Seal Rite Paving) Widening Project, in the amount of \$958,151.

k) Authorize the City Manager to negotiate a lease of the Oval Park Service Building with Visalia Rescue Mission for a fifty four (54) month term (APN 094-036-001).

AS/SN 4-0  
(Lane absent)  
Item 10k  
approved as  
submitted

Vice-Mayor Shuklian had questions regarding the type of services that will be offered at the Oval Park Service Building. Tracy Robertshaw, Code Enforcement, responded.

**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 7](#)  
[Track 8](#)

SN/WG 3-1  
(Shuklian No;  
Lane Absent)  
Ordinance  
2011-1A  
adopted as  
submitted

11. Second reading and adoption of Ordinance No. 2011-01A & B, Zoning Text Amendment No. 2010-12: A request by the City of Visalia to amend portions of Title 17 of the Visalia Municipal Code pertaining to proposed changes to Zoning Ordinance Section 17.48 related to Subdivision and Kiosk Signs.

- 1) Adoption of **Ordinance 2011-01A** pertaining to Temporary Subdivision Signs
- 2) Adoption of **Ordinance 2011-01B** pertaining to Subdivision Kiosk Signs

AS/SN 4-0  
(Lane Absent)  
Ordinance  
2011-1B  
adopted as  
submitted

City Attorney Alex Peltzer reviewed the changes made to the ordinance since the first reading. Andrew Chamberlain, Planning Division, provided clarification and responded to Council questions.

The following persons spoke:

1. Bob Keenan, HBA, regarding 1<sup>st</sup> amendment issue, off-site directional signs, preference to language recommended by the Planning Commission.
2. Aaron Presendorf, Centex Homes, concern with restricting signage for sales offices, preference for current relaxed ordinance.
3. Jason Moyes, Shady Ct., Sme Builders, need signage during these economic times, preference for current relaxed ordinance.
4. Glen Aochi, New Directions Signs, proposed ordinance too restrictive, kiosks are critical at certain locations. Refer back to Planning Commission.
5. Roland Soltesz, W. Damsen, Planning Commission, explosion of pirate signs, lax enforcement for one group turns into lax enforcement for all. Building should change

their marketing plans to include other strategies. Council should adopt the proposed ordinance or refer the entire issue back to the Planning Commission.

**CLOSED SESSION REPORT - none**

**Upcoming Council Meetings**

Meeting  
adjourned  
8:15 p.m.

- Tuesday, February 22, 2011, 3:00 p.m. Jt. Meeting with Planning Commission; 4:00 p.m. Work Session, 7:00 p.m. Regular Session – Convention Center, 303 E. Acequia
- Monday, March 7, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, March 21, 2011, 4:00 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.

*The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to [http://www.ci.visalia.ca.us/about/inside\\_city\\_hall\\_newsletter.asp](http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp). For more information, contact Community Relations Manager Nancy Loliva at [nloliva@ci.visalia.ca.us](mailto:nloliva@ci.visalia.ca.us).*