

Visalia City Council Action Agenda

For the regular meeting of: Monday, June 4, 2007

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

Mayor: Jesus J. Gamboa
Vice Mayor: Greg Kirkpatrick
Council Member: Greg Collins
Council Member: Donald K. Landers
Council Member: Bob Link

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

3:30 p.m.

RIBBON CUTTING CEREMONY of the Youth Transportation System (LOOP) at the Anthony Community Center, 343 N. Jacob, Visalia

Track 1

WORK SESSION AND ACTION ITEMS at City Hall Council Chambers, 707 W. Acequia (as described)
4:15 p.m.

Public Comment on Work Session Items -

DL/GK 5-0
Approved

1. Presentation by District Attorney Phil Cline and Police Chief Bob Carden on a proposal for the District Attorney's Office to provide on-site service at Visalia Police Department and authorization for the City Manager to enter into an agreement with the Tulare County District Attorney.

District Attorney Phil Cline, Supervisor Phil Cox, and Police Chief Bob Carden present proposal to council. Council thanked both agencies for their collaboration on the project.

Counsel approved entering into an agreement with the Tulare County District Attorney to provide two on-site personnel to the Police Department to review and expedite cases for prosecution, and provide witness coordination services for the officers subpoenaed to court.

Track 2

2. Sequoia Shuttle Update

Leslie Caviglia and Monty Cox gave an update to Council of the first week of service of the Sequoia Shuttle. The project has already demonstrated great potential and customers are coming from locations within the United States as well as some visitors from other countries. The shuttle will continue to make five daily trips to the Sequoias, operating seven days per week through Labor Day.

Track 3

3. Review and discuss the Citizens Advisory Committee (CAC) recommendation for funding of nonprofits.

Cass Cook presented a preliminary review of the Citizens Advisory Committee (CAC)

recommendations for funding non-profits. The CAC received 17 applications for funding and is recommending the funding of 16 applicants. The funding is to be focused on at-risk youth and the total amount of funds available is \$167,330.

Council had questions regarding cross-county organizations and the funding staying within the City of Visalia; funding other governmental agencies; and funding sports organizations.

The following members of the public spoke regarding the funding of nonprofits: Paul Fry, Fox Theater; Lou Fernandez, Pro Youth; Allen Fisher, Pro Youth; Gaylan Quinzer, Boys/Girls Club; and Mike Mackey.

Mayor Gamboa thanked everyone who commented and said the Council is serious about helping at-risk youth in Visalia. Council will make a final determination at the June 18th meeting.

Track 4

4. Review and approve action on the 2007/08 Budget

Ruth Martinez presented Council with a Distinguished Budget Presentation Award. The City has not received this award since 1991.

Eric Frost presented the mid-cycle review of the two year budget. Department requests were reviewed; revenues and expenditures were also reviewed.

Councilman Kirkpatrick expressed disappointment that additional funding for the Visitor and Convention Bureau wasn't included and would like that item included in the budget amendment.

Councilman Landers said we don't need GPS for the SPCA. Landers also asked that the language in the staff report be made easier to understand.

Councilman Link said extra revenues will be seen with the opening of the Sports Park and the new seating at the Convention Center, his main concerns are the Transportation Impact Fees.

The following members of the public spoke regarding the budget: Amy Shucklian, Parks and Recreation Commission; Brian Keevey, Cal Ripkin Baseball; Molly Mederider regarding the Aquatic Study funding; Mike Mackey, Aquatic Facility funding; George Sheldon, Aquatic Center needs.

The Council will discuss the budget proposals at the next regular meeting.

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

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

5. Conference with Labor Negotiators (G.C. §54957.6a)

Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila
Employee organization: All bargaining units Groups B, E, G, M

6. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9 GC)
Name of Case: Linderman v. City of Visalia; TCSC Case No. 06-221372
7. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9 GC)
Name of Case: Curtis v. City of Visalia; TCSC Case No. [01-197549](#)
8. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of 54956.9 GC)
Name of Case: City of Visalia v Harrah, et. AL., TCSC No. 04-210016
9. *Item removed at the request of staff*
10. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): one potential case

Track 5

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION –Zack Smith – Church of Jesus Christ of Latter-day Saints

SPECIAL PRESENTATIONS/RECOGNITION

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker 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 address.

No public comments were received.

Track 6

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

11. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.

Councilman Kirkpatrick asked that item 11d be removed from the Consent Calendar and discussed separately. Councilman Landers asked that item 11h be removed from the Consent
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GK/DL 5-0
approve
balance of
Consent
Calendar

Calendar and discussed separately.

- a) Authorization to read ordinances by title only.
- b) Receive Planning Commission Action Agenda for the meeting of May 29, 2007.
- c) Award a contract for the Street Improvement Plans for Dinuba Boulevard/State Highway 63 Project to R.J. Berry Jr., Inc., in the amount of \$723,376.91; Project No. 1241-720000-0-0-9739-2007.
- d) Acceptance and execution of Section 108 loan documents for the West Acequia Parking Structure.

GK/DL 5-0
Item 11d
approved

Councilman Kirkpatrick asked questions of staff regarding the adjustable and fixed rates and the payback period.

- e) Accept a ten member Smart Growth Task Force and authorize the City Manager to execute a contract for professional services with RACESTUDIO (Bruce Race) to facilitate a preparation of Smart Growth Principles with the Task Force
- f) Second reading of Ordinance 2007-09 authorizing the Grant of Easement to Pacific Bell / ATT for an underground communications facility on a portion of City - owned properties, APN #'s 119-060-061 and 119-060-071 for a fee of \$10,000 and authorize the City Manager to execute the agreement related to the grant of easement.
- g) Second reading of Ordinance No. 2007-08 authorizing the City Manager to execute a new Lease Agreement with the PNK Hospitality Group for approximately 90,000 square feet of City of Visalia owned property located adjacent to the Visalia Airport, for the purpose of constructing and operating a hotel and restaurant.
- h) Establish prima facie speed zones on Akers Street between Caldwell Avenue and Riggins Avenue at 45 MPH and amend the Official Speed Zone List of the City of Visalia. **Resolution 2007-45 required.**

GK/BL 4-1
Landers - No
Approve item
11h as recom-
mended

Councilman Landers discussed making the speed limit 50 mph and made a motion to approve the item with a 50 MPH speed limit. The motion died for lack of second.

- i) Appointment of Dale Simmons, Brian Rouch and Dean Mann to the Environmental Committee.
- j) Authorization for the City Manager to execute a renewed professional services agreement with Jefferson Government Relations (Washington D.C.) in the amount of \$78,000 annually for continued Federal Legislative Advocacy services April 1, 2007 through March 31, 2008.
- k) Authorization to file a Notice of Completion for the Signal Preemption Project to AC Electric Company; Project No. 3011-00000-720000-0-9531-2006.

Tracks 7&11
BL/DL
5-0 Item 12
approved

12. **PUBLIC HEARING** to discuss recommended changes to Landscape & Lighting Maintenance Assessment Districts funding and voting results for balloted districts.

Cass Cook presented staff recommendations. A public hearing was held, there were no public comments. Staff was asked to count the ballots and return to Council with the results. All districts passed and the ballot counts were as follows:

	<u>Yes</u>	<u>No</u>	<u>Pass/Fail</u>
Sebastian	15	7	Pass
North Park	6	2	Pass
Robinwood #3	12	6	Pass
Covington Park	22	13	Pass
Woodland Park	43	13	Pass

Track 7
DL/BL 5-0
Item 13
approved

13. **PUBLIC HEARING** to authorize Miscellaneous Special Assessments on the Tulare County secured property tax roll for Sewer Connection, Business Incentive Zone, Landscape and Lighting, Northeast Improvement District, Sewer, Weed & Lot Clearing, Los Rios/Casa Blanca and Property & Business Improvement District. **Resolution 2007-44 required.**

Cass Cook presented staff recommendations to place miscellaneous special assessments on the Tulare County tax roll. A public hearing was held, there were no public comments.

Track 8
GK/DL 4-1
Gamboa – No
Item 14
approved

14. **PUBLIC HEARING** for Authorization to amend the City's Rates & Fees document effective for the Fiscal Year 2007-08. **Resolution 2007-49 required.**

Gus Aiello gave a power point presentation to Council re the City's rates and fees. Several new fees were proposed as well as increased fees for the Convention Center. A public hearing was opened, there were no public comments. Mayor Gamboa had questions regarding the Convention Center fees. Wally Roeben, Convention Center Manager said the fees are competitive with the local hotels.

Track 8 & 9
DL/GK 5-0
Item 15
approved

15. **PUBLIC HEARING** for authorization to establish a new Construction and Demolition permit fee to be implemented effective Fiscal Year 2007-08. **Resolution 2007-48 required.**

Gus Aiello reported on a proposed new permit fee for Construction and Demolition in order to comply with State mandate to divert 50% of waste from landfills. The \$60 fee will apply to new construction and remodels. A public hearing was opened, there were no public comments.

Track 9
GK/BL 5-0
Continue to
June 18, 2007

16. An appeal by Cary S. Winslow (an interested person) of the Planning Commission's denial of the Appeal of the Site Plan Review Committee's approval of SPR 2006-162, a tenant improvement for a new market & meat shop in a 5,500 sq.ft. building on a 13,285 sq.ft. site in the P-C-DT (Planned Central Business District Retail) zone. The site is located at 118 NE 3rd Street [SPR Applicant: Munoz & Associates, Oscar Ramirez (Property Owner)] APN: 094-034-013. **Resolution 2007-46 required.**

David Mathias, representative of Mr. Winslow the appellant, and Mr. Ben Owens, representing the owners, informed Council about an agreement that each party is reviewing. If both parties sign the agreement, Mr. Winslow has promised to withdraw the appeal.

Councilman Kirkpatrick asked the City Attorney to review the interpretation of the ordinance and revise it if necessary in order to give Council more flexibility in continuing appeals under certain circumstances.

Track 10
GC/DL 5-0

17. Review the Citizens Advisory Committee (CAC) recommendation to adjust the monthly compensation to City Council members.

Council discussed the Citizens Advisory Committee's recommendation to adjust the Council's monthly compensation. A salary survey was administered to 16 California charter cities. A

Track 10
GC/GK 5-0
Item 18 staff
recom-
mendation
approved

CAC subcommittee analyzed the data to determine the recommendation to increase the monthly salary from \$500 to \$800 per month and eliminate the \$60 per month stipend. Health and retirement benefits would remain unchanged.

Council asked staff to confer with the City Attorney to determine if a yearly inflator can be added.

The first reading of the ordinance will be presented at the June 18th Council meeting.

18. Authorization to initiate an applicant-requested General Plan Text Amendment (GPA 2006-09 filed by West Coast Construction) to General Plan Policy 4.1.20, pertaining to location criteria of high density residential developments. **Resolution No. 2007-47 required.**

Teresa Nickell presented the staff report and recommendation which is for the Council not to authorize initiation of a General Plan Text Amendment request.

Steve Brant, Quad Knopf, representing Bill Morgan and West Coast Development spoke in favor of the General Plan Text Amendment.

Council was not supportive because it is project driven, doesn't apply to the whole City; and because of the loss of open space.

Council supported staff recommendation not to initiate the General Plan Text Amendment.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

City Attorney Alex Peltzer reported that the City has hired Ricardo Noguera for the position of Housing and Economic Development Director. Mr. Noguera will begin work on June 27, 2007.

Upcoming Council Meetings

Monday, June 11, 2007, Joint City Council/Planning Commission – Convention Center

Monday, June 18, 2007, City Council – City Hall Council Chambers

Monday, June 25, 2007, City Council – Convention Center

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

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.

Submitted by Donjia Huffmon, Chief Deputy City Clerk