

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, April 19, 2010

Visalia 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.

4:07 p.m. WORK SESSION AND ACTION ITEMS (as described)

[Track 1](#)

Concur with
alternative #2

1. Presentation by citizens group regarding the placement and size of retail food stores throughout the City. **Receive public comment.**

Andy Chamberlain, Senior Planner, reviewed the staff report and recommendations and responded to Council questions and comments.

The following persons spoke:

1. Jim Watt, representing 8 supermarkets in Visalia, presented a proposed ordinance imposing a temporary moratorium on approvals of new major grocery stores.
2. Bill Whitlatch, W. Center St., Visalia, regarding regulations of big box stores.
3. Rick Demansky, San Ramon, spoke regarding supermarket research and on-going negotiations with Trader Joe's. Handout presented to Council
4. Mike Whitbur, Stonebridge, regarding current ordinance.
5. Irene Pena, Walnut, encouraged council to let free market decide and encourage competition.
6. Kathy Riley, Ranch Road, encourage free enterprise and competition.
7. Thomas Wright, Tulare Co. Republican party, in opposition to Big Box Ordinance.
8. Ernesto Garcia, Roosevelt, in favor of Big Box stores.
9. Pamela Lopez, Harvard Ct., regarding appropriate planning and zoning.
10. Katherine Singh, S. Cedar, in favor of regulation and moratorium on Big Box stores.
11. Betsy Cross, W. Buena Vista, regarding need for Trader Joe's.
12. Bill Patty, S. Encina St., stores need competitive prices and items that consumers want.
13. Rick George, Ave 264, in favor of new ordinance
14. George Shelton, NE Visalia, encourage investigation of other towns and what has occurred to small stores after Big Box stores came in.
15. Wayne Millies, Springville, spoke about ongoing negotiations with Trader Joe's.

Council discussed the proposal of Mr. Watt, and concurred with staff recommendation #2: Determine that the issue does not warrant review beyond that given all retail uses during the General Plan Land Use Element Update.

Track 3

SN/WG 5-0
Item 2
approved as
submitted

- 2. Update on California Water Service Company’s rate increase application process, and authorization to request Assemblymember Connie Conway to introduce legislation requiring more local involvement in the CPUC rate process. **Receive public comment.**

Leslie Caviglia, Deputy City Manager, reviewed staff’s recommendation to continue to monitor the rate increase application process and report back to Council on what information should be submitted by the City to the CPUC.

Phil Mirwald, CalWater, spoke about the proposed rate increase and holding additional meetings to engage the public.

Track 2

AS/SN 5-0
Item 3
approve all
proposals
except #5 and
#10

- 3. Authorization of economic stimulus actions for the City of Visalia. **Receive public comment**

Eric Frost, Administrative Services Director, reviewed staff’s recommendation for 10 proposals for economic stimulus.

The following persons spoke:

- 1. Stephen Peck, Mangano Co., commented about impact fees and the need to right size fees.
- 2. Donna Bailey, W. San Joaquin Dr., commented that park impact fees should not be waived or reduced.
- 3. Bob Keenan, HBA, W. Oak St., discussed on-line permitting and waiving or deferring fees.
- 4. Randall Mathias, spoke about the need for Transportation Impact Fees relief as they relate to a proposal that he is currently working on.
- 5. Nonato Elazegm, Crenshaw St., requested retroactive reduction in impact fees.
- 6. Darlene Mata, discussed needed reduction in Transportation Impact Fees.
- 7. Don Fulbright, builder, spoke about the need to reduce fees.

Council questions were addressed by Eric Frost.

- 4. Visalia Police Department overview. **Receive public comment**

Postponed to May 3, 2010.

- 5. Review of select Capital Improvement Program budgets (Parks, Storm Sewer, and Wastewater) for 2010/11 & 2011/12. **Receive public comment.**

Postponed to April 26, 2010.

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

6:45 p.m. CLOSED SESSION (immediately following Work Session)

- 6. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case
- 7. Public Employee Performance Evaluation (G.C. Section 54957)
Title: City Manager

7:30 p.m. CALL TO ORDER REGULAR SESSION

[Track 4](#)

PLEDGE OF ALLEGIANCE

INVOCATION - Mayor Bob Link

SPECIAL PRESENTATIONS/RECOGNITION

ITEMS OF INTEREST

Councilmember Nelsen commended the Police Activities League on their Easter Egg Hunt. Councilmember Shuklian commended the City's Earth Day event.

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.

David McElroy, Evergreen Court, spoke about entertainment venues in the City and ADA access to those venues. Pam Drake, Evergreen Court, spoke about entertainment venues in the City as well as access to grocery stores for disabled persons. Mayor Bob Link read into the record comments received from Mel Zieman regarding air service to Las Vegas rather than LAX.

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.*

SN/AS 5-0
Balance of
Consent
Calendar
approved as
submitted

The following consent items were pulled for further discussion by Councilmember Lane: 8d, 8f, 8g and 8h.

- a) Authorization to read ordinances by title only.
- b) Authorization to file a Notice of Completion for Pheasant Ridge 3B, a subdivision (containing 12 single family lots), located on the west side of Roeben Street, approximately ¼ mile south of Riggin Avenue.
- c) Authorization to place a lien for \$16,428.36 on real property located at 2503 E Goshen Avenue. **Resolution 2010-16 required.**
- d) Authorization for the City Manager to enter into a 3-year contract for audit services with Brown Armstrong Accountancy Corporation for \$175,500 with an option to renew for two additional years.

ML/SN 5-0
Items 8d, 8f,
8g and 8h
approved as
submitted

Councilmember Lane discussed the need for affirmative outreach to local firms regarding bidding processes. Councilmembers Lane and Gubler asked for review of a local preference ordinance to be presented to council as a work session item in May.

- e) Authorization to solicit bids for the Valley Oaks Golf Course Irrigation Project.
- f) Authorize the City manager to execute an agreement with Agee Construction, Inc. and award a construction contract in the amount of \$418,663 to complete a portion of the Packwood Creek Trail Project between County Center and near Stonebrook east of Mooney Blvd. (Project # 3011-72-9915).
- g) Authorize the City Manager to execute an agreement, in the amount of \$219,100 with Provost and Prichard Consulting Group of Visalia to prepare engineering plans, specifications, and cost estimate for the design of the "Santa Fe All Purpose Trail" between Tulare Avenue and Avenue 272 (Project No. 3011-8117).
- h) Award bid for the construction of a new universally ADA accessible playground system at Recreation Park (located at Center and Jacob St.) to DL Construction for the base amount of \$330,000 plus alternative additives 1 & 2 in the amount of \$11,800 for a total contract award of \$341,800.
- i) Authorization for the City Manager to negotiate final details and sign the Task Agreement with the National Park Service to operate the fourth season of the internal Sequoia Shuttle service.

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 5

SN/AS 4-1
(Lane=No)
Item 9 tabled for further clarification with staff and City Attorney

- 9. Consider proposed Zoning Code amendment to amend portions of Zoning Ordinance Chapter 17.48 pertaining to signage and promotional medium for subdivisions.

Paul Scheibel, Planning Division, reviewed staff's recommendations to expand signage and advertising opportunities for subdivisions.

Councilmember Nelsen discussed kiosk signs and distributed pictures that he had taken over the weekend. Councilmember Shuklian also showed pictures that she took over the weekend.

The following persons spoke in favor of relaxing current sign enforcement: Bob Keenan, HBA; Don Fulbright, Rd. 138, local builder; and Ruth Soto, Centex Homes.

Alex Peltzer, City Attorney, and Tracy Robertshaw, Code Enforcement, responded to Council questions.

Motion SN/AS 4-1 (Lane=No) item tabled for further clarification with the City Attorney and staff.

Track 6

ML/AS 5-0
Item 10 approved as submitted

- 10. Consider request by the Tulare County Association of Governments (TCAG) to execute an amended Joint Powers Agreement with Tulare County and the other seven cities in the County to modify the powers of the TCAG.

Mike Olmos, Assistant City Manager, reported that TCAG has agreed to further amend the JPA agreement to remove the two objectionable provisions. Once received, the new agreement will be brought back before the Council.

[Track 7](#)

SN/ML 5-0
Item 11
approved as
submitted

- 11. Discussion and direction regarding Hazardous Materials Team funding options; authorization to terminate existing Hazardous Materials Response contracts with Tulare County, Kings County and individual cities and renegotiate a new contract; direction to draft Visalia-only fee ordinance.

Mark Nelsen, Fire Chief, reviewed and presented staff recommendations for funding options.

The following persons spoke: Phil Cox, Tulare County Board of Supervisors and Jean Rousseau, Tulare County CEO, asked for a six month extension in order to perform outreach to the business community.

[Track 8](#)

AS/SN 5-0
Item 12
approved as
submitted

- 12. Authorization to award the contract for design of a new Animal Control Facility (ACF) to WLC Architects, Inc. for an amount not to exceed \$475,000.

Mario Cifuentez, Animal Control Contract Administrator, reviewed the RFP process and the recommendations of the Animal Control Subcommittee. Cifuentez acknowledged the VOSPCA board members in attendance. Cifuentez responded to Council questions regarding the joint facility and MOU.

[Track 9](#)

SN/WG 5-0
Item 13
approved as
submitted

- 13. **PUBLIC HEARING** - Five-Year Consolidated Plan, Strategic and Citizens Participation Plans, the Analysis of Impediments and 2010/11 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Funds administered by the City of Visalia’s Housing and Economic Development Department.

Ricardo Noguera, Housing & Economic Development Director, reviewed staff recommendations and responded to Council questions.

The public hearing was opened at 10:05 p.m. The following person spoke: Buddy Jones, Oakhurst, regarding an RFP for a multi-cultural center in the Oval. The public hearing was closed at 10:08 p.m.

CLOSED SESSION REPORT (if any) - none

Adjourned
10:15 p.m.

Motion AS/SN to adjourn the regular meeting to Monday, April 26, 2010, at 7:00 p.m. to review select Capital Improvement Program budgets (Parks, Storm Sewer, and Wastewater) for 2010/11 & 2011/12.

Upcoming Council Meetings - Note: Meeting dates/times are subject to change, check posted agenda for correct details.

- Monday, April 26, 2010, 5:00 p.m. Joint Work Session City Council/Parks and Recreation Commission, Convention Center, 303 E. Acequia
- Thursday, April 29, 2010, 6:00 p.m. Town Hall Meeting, St. Mary’s Parish Hall, 506 N. Garden
- Monday, May 3, 2010, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia

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