

Lindsay City Council

Regular Meeting
Council Chambers at City Hall
251 East Honolulu, Lindsay, California
Tuesday, October 25, 2011
6:00 P.M.

1. a) CALL TO ORDER: 6:00 p.m.
b) ROLL CALL: Council members PADILLA, SALINAS, KIMBALL, Mayor Pro Tem VELASQUEZ, Mayor MURRAY.
c) FLAG SALUTE: Led by Mayor MURRAY.

 2. PUBLIC COMMENT: The public is invited to comment on any subject under the jurisdiction of the Council, including agenda items, other than noticed public hearings. Comments shall be limited to three minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Mayor.

 3. CONSENT CALENDAR: These items are considered routine and will be enacted by one motion unless separate discussion is requested by Council or the public.

Request for approval of the following:
a) Meeting Minutes of Oct. 11, 2011 (page 1-15)
b) 10-02 to 10-14, 2011 Check Register.
c) Philip LoBue appointment to Measure "R" Committee.
d) Allow Frances Brower of Spirit & the Bride Kingdom Coalition to host Halloween Candy Give-Away at Sweet Brier Plaza on Monday, Oct. 31st 5-9pm.

 4. QUARTERLY FINANCIAL UPDATE FY 2011 /12 by Finance Director Tamara Laken (page 15a)

 - 4a. PUBLIC HEARING ON THE FOLLOWING CONDITIONAL USE PERMITS: (page 16-32)
a) Requesting Variance to maximum Building Height for Steeple @429 E. Honolulu, Res. 11-71
b) Requesting Permit to Sell Beer & Wine @125 W.Hermosa, (Bob's Frosty King) Res. 11-72
c) Requesting Permit to Establish a Night Club and Sell Beer & Wine @142 W. Honolulu, Res. 11-73
Presented by Bill Zigler, City Planner.

 5. PUBLIC HEARING: FIRST READING & INTRODUCTION OF ORD. #533 AMENDING THE LINDSAY MUNICIPAL CODE TO INCLUDE DAY SPAS & MASSAGE THERAPY, AS PERMITTED USES, WITHIN THE CENTRAL COMMERCIAL DISTRICT. (page 33-39)
Presented by Bill Zigler, City Planner.

 6. REQUEST FOR APPROVAL OF TEMPORARY USE PERMIT ALLOWING MEIHU XO TO OPEN & OPERATE "LINDSAY MASSAGE" @228 N. HIWAY 65, PENDING ADOPTION AND EFFECTIVE DATE OF ORDINANCE #533. (page 40-41)
Presented by Bill Zigler, City Planner.

 7. SECOND READING & ADOPTION OF ORD.#532 AMENDING CHAPTER 5.04 OF THE LINDSAY MUNICIPAL CODE, PERTAINING TO BUSINESS LICENSE VIOLATIONS. (page 42-48)
Presented by Bill Zigler, City Planner.

 8. CONSIDERATION OF RESOLUTION 11-75 EXTENDING THE SUNSET OF THE ABANDONED VEHICLE ABATEMENT PROGRAM. (page 49-53)
Presented by Neyba Amezcua, Associate Engineer.

 9. REQUEST TO MOVE FORWARD ON SOLE SOURCE PROVIDER FOR GRANT ADMINISTRATION OF THE CITY OF LINDSAY'S HOUSING PROGRAMS. (page 54)
Presented by Diane Bucaroff, Community Development Director.

 10. UPDATE ON WATER RATES AND WATER FEASIBILITY STUDY. (page 55-57)
Presented by Mike Camarena, City Services Director.

 11. REQUEST FOR APPROVAL OF TEMPORARY USE PERMIT FOR RIB COOKOFF FUND RAISER NOV. 5, 2011. (page 58-61)
Presented by Bill Zigler, City Planner.

 12. REQUEST BY MICHAEL ESTRADA TO OPERATE A BEER GARDEN BEHIND THE ORANGE BAR IN CONJUNCTION WITH THE RIB COOKOFF ON NOV. 5, 2011. (page 62-64)
Presented by Bill Zigler, City Planner.
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13. PUBLIC MEETING TO DISCLOSE COSTS FOR PERS ADDT'L 2-YEARS SERVICE CREDIT. (page 65-74)
Presented by Tamara Laken, Finance Director.
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14. STUDENT REPORT.
Presented by Valerie Esparza, Student Representative.
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15. COUNCIL REPORTS.
Presented by Council members.
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16. STAFF REPORTS.
Presented by Rich Wilkinson, City Manager.
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17. EXECUTIVE SESSION:
- 1) With regard to every item of business to be discussed in closed session held pursuant to GC§54957.6
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: APN 201-080-036 and APN 201-070-025
Negotiating Parties Bill Zigler for City of Lindsay & James Hunter
Under Negotiation: instruction to negotiator will concern price, terms and method of lease/purchase.
 - 2) With regard to every item of business to be discussed in closed session held pursuant to GC§54957.6
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: APN 205-030-036
Negotiating Parties Bill Zigler for City of Lindsay & Clayton Lucas
Under Negotiation: instruction to negotiator will concern price, terms and method of lease/purchase.
 - 3) Conference with Legal Counsel – Anticipated Litigation -Government Code Section 54956.9(b) 2 cases
Significant Exposure to Litigation:
 - a) Facts not known to potential plaintiffs
 - b) Issues related to TCAG/Measure R
 - 4) Conference with legal counsel regarding pending litigation per Government Code Section 54956.9(a) 4 cases
 - a) Donald Sipple v. City of Alameda, et al., Los Angeles Sup. Court No. BC462270
 - b) Gary Babcock v. City of Lindsay, Tulare County Sup. Court No. 11-243877
 - c) SQM North America Corp. v. City of Lindsay, Tulare County Superior Court No. 11-242343
 - d) City of Lindsay v. SQM North America Corp., U.S. District Ct. Eastern Dist. (Fresno) No. 1:11-CV-00046-LJO-SMS
 - e) Mecum v. City of Lindsay, Tulare Co. Superior Court Case No. 111-243461
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18. ADJOURN. The next Regular meeting is scheduled for **TUESDAY, November 8, 2011 at 6:00 PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.
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Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection at the office of the City Clerk during normal business hours.