

Regular Meeting Action Agenda

Visalia City Council



Mayor: Bob Link
Vice Mayor: Amy Shuklian
Council Member: Warren Gubler
Council Member: Mike Lane (absent at the beginning of meeting but arrived during the closed session.)
Council Member: Steve Nelsen

Monday, April 4, 2011

City Hall Council Chambers, 707 W. 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.

Track 1

4:00 p.m.

WORK SESSION AND ACTION ITEMS (as described)

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.*

There were no public comments.

4:00 p.m.

1. Receive Visalia Environmental Committee information regarding 2011 Earth Day activities and a presentation by El Diamante High School Green Club on current recycling activities in the community.

Dale Simmons, Chair of the Environmental Committee talked about the upcoming Earth Day activities and invited the Council to participate. The El Diamante Green Club, which is helping to promote the day, presented a video about their recent activities.

Track 2

4:15 p.m.

2. Oral presentation from Seyed Sadredin Director of the San Joaquin Valley Air Pollution Control District regarding current air quality challenges. *No written materials.*

Seyed Sadredin, Director of the San Joaquin Valley Air Pollution Control District provided a video presentation and handouts regarding Valley air quality and the need to take steps to improve air quality.

Track 3

4:30 p.m.

3. Presentation of the 2010 Visalia Convention and Visitors Bureau annual report.

Anil Chagan, Chair, Robert Lee, Vice Chair, Aaryn Skaggs, Sales and Marketing Director and Danika Heatherly, Convention and Visitors Bureau Manager gave a presentation on the CVB's 2010 accomplishments.

[Track 4](#)
4:50 p.m.

- 4. Update from Ted Smalley, TCAG, regarding short-haul rail issues in Tulare County. *No written materials.*

Ted Smalley, Executive Director of TCAG and Tom Sparks, Chair of the TCAG rail subcommittee, provided an update on TCAG’s effort with rail, and plans for the future to ensure short haul rail is available for industrial purposes. Smalley clarified that Measure R is not involved in any rail proposals, and mentioned that there is a bill in the State Senate that would allow the creation of a Central California Rail Authority. If created, the Authority would operate as a JPA.

Dave Segal, Marketing and Sales Manager for San Joaquin Railroad also spoke and clarified that there is no risk to rail service in the industrial park. He said it is a profitable line; however, they don’t know if they will have the resources to be able to upgrade the road from Exeter north to Fresno.

[Track 5](#)
5:10 p.m.

- 5. Review and comment on the Draft 2011/12 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; and 2nd Amendment to 2010-11 Action Plan and 3rd Amendment to the 2009/10 Action Plan.

Ricardo Noguera, Housing and Economic Development Director, and Rhonda Haynes, Housing Specialist, discussed the plans for the HUD, HOME and CDBG funding for the 2011/12 fiscal year with the assumption that there will be reductions in funding. They will continue with several programs including the Continuum of Care for the homeless, counseling services, the Foreclosure Acquisition Program and Oval Are Park Improvements.

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

There were no items of interest.

6:00 p.m.

CLOSED SESSION (immediately following Work Session)

- 6. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)
Name of Case: Citizens for Responsible Planning v. City of Visalia - TCSC 10-240450
- 7. Conference with Labor Negotiators (GC 54957.6)
Agency representatives: Steve Salomon, Eric Frost, Diane Davis
Employee organization: Groups A, B, E and M
- 8. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case

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

[Track 6](#)

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Kent Mishler, Kaweah Delta Health Care District

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.

Rudy Mendoza introduced himself as the Field Representative for Congressman Devin Nunes.

Peter Salerno, Church Street, asking the Council to do something about traffic in the City, and asking the Council to retain the number of police officers on staff.

9. **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 7](#)

SN/AS 5-0
approve
balance of
consent
calendar as
submitted.

The following items were removed from consent calendar for separate action: 9m (Lane); 9N (Nelsen).

- a) Authorization to read ordinances by title only.
- b) Introduction and first reading of Ordinance to remove local amendments regarding fire sprinklers in non-residential buildings and apply fire sprinkler standards contained in the 2010 or most recently adopted California Fire Code. **Ordinance 2011-06 required.**
- c) Second reading and adoption of Ordinance authorizing the contract amendment for miscellaneous personnel between the City of Visalia and the Board of Administration of the California Public Employees’ Retirement System (CalPERS). **Ordinance 2011-02 required.**
- d) Second reading and adoption of Ordinance which clarifies the required number of calls for service (except medical emergencies) before a property can be inspected for violating the management quality standards described in Visalia Municipal Code Section 15.44.160C and 8.40.060C. **Ordinance 2011-03 required.**
- e) Second reading and adoption of Ordinance declaring Real Property Surplus and approval of the Purchase and Sale Agreement and Escrow Instructions for the city-owned real property located at 210 NW 2nd Avenue (APN: 094-031-009) to the Visalia Rescue Mission. **Ordinance**

2011-04 required. (requires 4/5th vote to approve)

f) Second reading and adoption of Ordinance approving Change of Zone No. 2011-02: A request by the City of Visalia to change the Zoning designation from Service Commercial (CS) to Central Business District (CDT) on 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. **Ordinance 2011-05 required.**

g) Authorize Jeffco Painting and Coating to perform the Primary Clarifier No. 4 Coating Project in the amount of \$382,840.

h) Award contract for the purchase of one (1) Ford F-250 and two (2) Ford F-350 to Visalia Ford in the amount of \$132,906.78 for the Waste Water Treatment Plant.

i) Authorize purchase of a new Fire Engine for \$496,315 and additional equipment for up to \$35,000 to be funded by the Measure T Expenditure plan.

j) Authorize the City Manager to sole source contract to Aqua- Flo Supply in the amount of \$858,740 to install, upgrade or retrofit Toro Sentinel water management controllers in the Landscape and Lighting Districts and NE Districts and appropriate additional funds of \$322,440.

k) Declare an Intention to Abandon Laurel Avenue between Shady Street and Woodland Street and set the date of public hearing for May 2, 2011. **Resolution 2011-13 required.**

l) Authorize the City Manager to enter into an amended contract in the amount of \$21,750 with the consulting firm of Dyett and Bhatia for professional services for the General Plan Update.

m) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-46, Shirk and Ferguson Trench Settlement Repairs in the amount of \$483,430 to the low bidder Bill Nelson General Engineering Construction, Inc.

ML/SN 5-0
Item 9m
approved as
submitted

Council Member Lane asked questions regarding why there was only one bid and some of the restrictions within the bid that may have limited the number of respondents. Staff explained the requirements and limitations that were associated with the Federal funding source for this repair.

n) Authorization to enter into a contract with the Bureau of Reclamation to receive unstorable water from the Central Valley Project. **Resolution 2011-14 required.**

SN/AS 5-0
Item 9n
Approved as
submitted

Council Member Nelsen asked staff to explain why they were recommending paying the delivery fees that are associated with this water that make this water more costly than some of the water the City has purchase in the past.

o) Authorization to join with the California Partnership for the San Joaquin Valley and Southern California Gas Company in opposing the proposed diversion of the Energy Efficiency Gas Surcharge Fund to the State General Fund.

Track 8

AS/SN 5-0
Approved as
submitted.

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.*

- 10. **PUBLIC HEARING** and Introduction of Ordinance No. 2011-07 for Zoning Text Amendment 2011-05: A request by the City of Visalia to revoke the portion of previously-adopted Zoning Text Amendment No. 2010-10B wherein the Zoning Use Matrix (VMC 17.18.050) was changed to allow supermarkets/grocery stores 30,000 square feet or smaller in the C-R (Regional Retail Commercial) Zone as a Permitted Use. **1st reading of Ordinance 2011-07 required.**

Planner Brandon Smith gave the presentation. There was no public testimony.

Track 9

SN/ML 5-0
Approved as
submitted.

- 11. Receive update regarding FEMA’s new approach to analyzing levees; Federal legislation pertaining to the National Flood Insurance Program (NFIP); FEMA’s Community Rating System (CRS) Program; consultant’s work related to the Flood Insurance Rate Maps (FIRMs); and efforts to assist residents with FEMA – NFIP related issues.

Assistant City Manager Mike Olmos reported on the most recent Federal legislation. Community Development Director Chris Young updated the Council on other activities the City is taking regarding FEMA and the flood control issue.

Council Member Nelsen commended staff for the quality of the Sports Park over the weekend.

CLOSED SESSION REPORT (if any)

There was no Closed Session Report

Upcoming Council Meetings

- Monday, April 18, 2011, 4:00 Work Session, 7:00 p.m. Regular Session – Convention Center, 303 E. Acequia
- Monday, April 25, 2011, 5:00 p.m. Joint Meeting with Parks and Recreation Commission, Convention Center, 303 E. Acequia.
- Monday, May 2, 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.

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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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