

Regular Meeting Action Agenda

Visalia City Council



Mayor: Bob Link - present
Vice Mayor: Amy Shuklian - present
Council Member: Warren Gubler - present
Council Member: Steve Nelsen - present
Council Member: Don Sharp - present

Monday, September 19, 2011

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

Work Session 5:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

5:00 p.m.

[Track 1](#)

BADGE PINNING CEREMONY – Fire Chaplain Steve Harms

Fire Chief Mark Nelson performed the badge pinning for Chaplain Steve Harms.

[Track 2](#)

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.*

Allan Wilkinson, Visalia Firefighters Association, invited the Council to the Home Expo Chili and Rib Cook-Off this Sunday, September 25, at 2 p.m.

WORK SESSION AND ACTION ITEMS (as described)

[Track 3](#)

Item 1 –
information
only, no
action taken

1. Semiannual update on comprehensive SMART TEAM (Specific Measurable Achievable Relevant Time-bound) efforts and accomplishments from January 1, 2011 through June 30, 2011.

Tracy Robertshaw, Code Enforcement, presented the SMART Team's report. Curtis Brown, Fire, and Ed Lynn, Police, were available to answer council questions. Council complimented staff of the various organizations for their combined resources in taking care of Code Enforcement issues. Alex Peltzer, City Attorney, responded to questions regarding the processes of Administrative Hearings.

[Track 4](#)

Item 3 –
information
only, no
action taken

2. *Item removed at request of staff*

3. Demonstration of Visalia's Transit Automatic Vehicle Locator System and Public Online Access Program.

Monty Cox and Gamaliel Anguiano, Transit Division, demonstrated the Automatic Vehicle Locator System which will go live to the public on the city's website. Council requested staff to publicize and inform the public that this information is available.

[Track 5](#)

ITEM ADDED TO AGENDA

AS/DS 5-0
added item to
closed session
agenda

Mayor Link stated there is a need to add an item to the Closed Session Agenda regarding an additional anticipated litigation case under Conference with Legal Counsel – Anticipated Litigation.

[Track 6](#)

ITEMS OF INTEREST

Councilmember Nelsen discussed the upcoming Relay for Life that is taking place this next weekend.

Vice-Mayor Shuklian commented on the Teen Idol contest and requested that the winner, Megan Wright, be recognized at the next council meeting. Shuklian commented on the Corporate Games and the City’s standing.

6:00 p.m.

CLOSED SESSION (immediately following Work Session)

- 4. Conference with Legal Counsel – Anticipated Litigation (Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9) – 2 3 potential cases
- 5. Conference with Real Property Negotiators (G.C. 54956.8)
Property: Six parcels with approximately 93.5 acres north of Mineral King and west of Road 152 (APNs 103-510-002, 103-510-003, 103-510-007, 103-510-008, 103-510-009, and a portion of 103-110-021)
Under Negotiation: Price, terms and conditions
Negotiating parties: Steve Salomon, Leslie Caviglia, Alex Peltzer, Kim Loeb, Andrew Benelli, Adam Ennis, Brian Blain
- 6. Conference with Labor Negotiators (GC 54957.6)
Agency representatives: Steve Salomon, Eric Frost, Diane Davis
Employee organization: Group M

7:00 p.m.

[Track 7](#)

CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE – Councilmember Sharp

INVOCATION – Councilmember Nelsen

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:

John Hobbs, N. Terrace, Tulare, spoke in favor of Consent Item 7i and thanked the City and staff for the example set for other jurisdictions by their recommendations for the Tulare County Redistricting Committee.

Irene Lapin, W. Feemster, requested Item 7m be pulled from the consent calendar.

Peter Salerno, S. Church, spoke in favor of lower speed limits on S, Burke and the need for speed bumps on S. Church.

[Track 8](#)

SPECIAL PRESENTATIONS/RECOGNITION

Resolution of Commendation to Soroptimist Club

Resolution of Commendation to Isador Torres, Solid Waste Driver

[Track 9](#)

Mayor Link recognized Raymond Macareno and Luke Feldstein, candidates for the Visalia City Council.

[Track 10](#)

7. **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.*

The following items were pulled from the Consent Calendar for separate discussion and action: Item 7d (Nelsen); Item 7h(Sharp); Item 7i(Shuklian); Item 7j(Nelsen); Item 7m(Lapin).

SN/DS 5-0
balance of
consent
calendar
approved as
submitted

- a. Authorization to read ordinances by title only.
- b. Approve appointment of M.J. Garcia to the Transit Advisory Committee.
- c. Authorization to submit a grant application in the amount of \$1,350,000 to the Federal Transit Administration (FTA) to purchase three (3) 35 foot low floor compressed natural gas (CNG) expansion fixed route buses.
- d. Award bid for Corporation Yard Fuel Island Repair to Franzen-Hill Inc. for the bid price of \$173,942 and authorize an additional budget appropriation of \$64,000 to provide adequate funding for the project.

SN/DS 5-0
Item 7d
approved as
submitted

Earl Nielsen, Public Works, responded to Councilmember Nelsen’s questions about increased costs.

- e. Approve Memorandum of Understanding between the Work Force Investment Board and the City of Visalia and to work together when it is mutually beneficial to promote employment and business in the City of Visalia.
- f. Authorization to rescind the notice of withdrawal from Excess Insurance Authority (EIA) Health Joint Powers Authority (JPA) as of January 1, 2012.
- g. Appointment of Gary Gagliolo, Patricia Gallimore, and Lonnie Miller to the Visalia Environmental Committee.

AS/SN 4-0-1
(Sharp
abstain) Item
7h approved
as submitted

- h. Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 11-12-07, St. John’s Park, Ben Maddox and St. John’s River, Riverwalk Improvements Project, in the amount of \$395,192.50 to the low bidder, Elite Landscaping Incorporated of Clovis.

Councilmember Sharp noted he will abstain from voting on this item due to conflict of interest. There was no further discussion.

AS/WG 5-0
Item 7i
approved as
submitted

- i. Award of \$130,000 in non-profit grants for fiscal year 2011-12 to eligible non-profit agencies servicing youth in the City of Visalia.

Council complimented the Citizens Advisory Committee for their work and recommendations. Nathan Hernandez, CAC Chairperson, spoke. Debbie Benevente, spoke about the importance of the funds to the non-profit agencies.

DS/AS 5-0
Item 7j
approved as
submitted

- j. Request to extend Exclusive Negotiations Agreement (ENA) with Mill Creek Professional Center, LLC, for six (6) months (unless an acceptable unsolicited proposal is submitted to the City) for the completion of pre-development due diligence and planning activities necessary for the negotiation of a Development Agreement for approval by the City Council for the phased sale and development of city-owned land situated between Acequia, Mineral King, Stevenson and Conyer Streets.

Ricardo Noguera, responded to Councilmember Nelsen’s questions. Harvey May, representing Mill Creek Professional Center, made comments and responded to questions.

- k. Authorization to award the contract for a Short Range Transit Plan to Majic Consulting in the amount of \$73,336.
- l. Authorize Notice of Completion for the Underground Utility District No. 19 Project (Mooney/Walnut intersection) in the amount of \$455,546.97.

DS/AS 5-0
Item 7m
approved as
amended –
Paul Chao
and Maggie
Florez
appointed

- m. Approve recommendations from the Council Elections Process Subcommittee for the appointment of Paul Chao, Maggie Florez, and Vincent Salinas as the at-large members of the Elections Process Task Force.

Irene Lapin, W. Feemster, commented she is disappointed in the selection process and questioned procedures and qualifications for selecting the Task Force Members.

Council members discussed the outreach to the public that they did in order to solicit applicants. Council discussed that Mr. Salinas did not fill out all of the application and shouldn’t be selected as that would not be fair to the applicants who completed the process correctly.

Council appointed Paul Chao and Maggie Florez (Salinas not appointed) to the Task Force and asked the Task Force to select the final member from the applications submitted.

Track 11

Convene jointly as the Redevelopment Agency Board and the Visalia City Council to consider the following:

DS/WG 5-0
Item 8a
approved as
submitted

- 8. Redevelopment Agency and City Contingent Conditional Community Remittance Agreement and other Miscellaneous Compliance Rectifications and Accounting Clarifications.
 - a) Authorize an agreement between the City and the Redevelopment Agency for the Redevelopment Agency to reimburse the City of Visalia for continuation payment

which may be required by the State of California if the courts find such legislation constitutional, labeled Conditional Community Remittance Funding Agreement.

RDA Resolution 2011-05 and COV Resolution 2011-63 required.

Adjourn as joint City Council and Redevelopment Agency Board and remain seated as the Redevelopment Agency Board to consider the following:

AS/DS 5-0
Items 8b and
8c approved
as submitted

- b) Adopt **RDA Resolution 2011-04** which extends ownership of five (5) parcels for an additional five years;
- c) Find that planning and administration charges are “necessary for the production, improvement, or preservation of affordable housing for both fiscal years 2010/11 and 2011/12.

Adjourn as Redevelopment Agency Board and convene as the Visalia City Council for the remainder of the meeting:

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 12

AS/SN 5-0
Item 9
approved as
submitted

- 9. Award bid for five compressed natural gas solid waste truck cab and chassis to Fresno Truck Center Inc. for \$672,181.20 and sole source the purchase of five solid waste truck bodies to Ruckstell Inc. for \$963,253.47, and rescission of previous action on this item taken on September 6, 2011

Earl Nielsen, Public Works, was available to answer Council questions.

Track 13

AS/DS 5-0
approve
CAPER and
Reso 2011-62

WG/AS 5-0
approve 4th
Amendment
to 09-10
Action Plan

- 10. **PUBLIC HEARING** – Approve the final 2010-2011 Program Year Consolidated Annual Performance and Evaluation Report (CAPER); and approve the 4th Amendment to the 2009-10 Action Plan, reprogramming CDBG funds. **Resolution 2011-62 required.**

Ricardo Noguera, Housing & Economic Development Director, gave an overview of the action requested and the citizen input that has been received and incorporated into the document. The document will become final after tonight’s comments and submitted to HUD by the end of the month.

Steve Salomon, City Manager, discussed the diminished amount of funds available for this program, but the demand has not diminished.

The public hearing was opened at 8:07 p.m. There were no comments and the hearing was closed.

Adjourned
8:10 p.m.

CLOSED SESSION REPORT (if any) - none

Upcoming Council Meetings

- Monday, October 3, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, October 17, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session – City Hall Council Chambers 707 W. Acequia
- Monday, October 24, 2011, 6:00 p.m. Joint Meeting with Kaweah Delta Health Care District- Convention Center, 303 E. Acequia

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

Submitted by Donjia Huffmon, CMC, Chief Deputy City Clerk