

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, November 17, 2008

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

Mayor: Jesus J. Gamboa - *present*
Vice Mayor: Bob Link - *present*
Council Member: Greg Collins - *present*
Council Member: Donald K. Landers - *present*
Council Member: Amy Shuklian - *present*

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.

4:00 p.m. CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case

Track 1

WORK SESSION AND ACTION ITEMS (as described)

4:15 p.m.

Public Comment on Work Session and Closed Session Items –

DL/AS 5-0
Item #1
Accept
update

1. Update on first full month of Great Lakes Air Service to Ontario International Airport from the Visalia Airport and airport upgrades to accommodate passenger loads.

Mario Cifuentez, Airport Manager, reported high numbers for the first month of air service with Great Lakes Airlines to Ontario.

Track 2

BL/DL 5-0
Item #2
approved as
recommended

2. Authorize the Mayor to sign a letter to the California State Parks Planning Division requesting more time to study and comment on the proposed “Central Valley Vision Draft Implementation Plan”.

Vince Elizondo, Parks and Recreation Director, informed Council of the draft implementation plan for long range plans prepared by the California State Parks Planning Division. Workshops are scheduled in November throughout California to provide input to the draft plan. Council authorized a letter requesting more time to study and comment on the plan.

Track 3

DL/GC 4-1
(Gamboa - No)
item #3
approved as
recommended

3. Consideration and adoption of Retiree Health Care contribution rates as of January 2009.

Eric Frost, Administrative Services Director, presented recommendations to the Council. Council Members Landers, Collins, and Link indicated their support for the recommendations, and Mayor Gamboa indicated he favors a compromise.

The following persons spoke in opposition to the rate increase: Jim Thompson, representing City of Visalia retirees; Angela Dias, spouse of retiree; Tim Fosberg, current COV employee; Robin Brown, spouse of retiree; Tammy Price, retiree.

Track 4

#1 BL/DL 5-0
Meal Service
as amended

#2 DL/AS 5-0
as
recommended

#3 BL/AS 5-0
as
recommended

4. Consideration and approval of General Fund Budget Savings for the 2008-10 budget periods recommended by the Parks and Recreation Commission.

Vince Elizondo, Parks and Recreation Director, Jeanne Greenwood Recreation Supervisor, Bill Dillberg, former Parks and Recreation Commissioner; and Robert Mijares, Parks and Recreation Commissioner presented recommendations for budget savings for 2008-2010.

Recommendation #1: Meal Service - approved as amended. Staff to recommend difference in charges for local vs. non-local seniors; cap on number of meals.

Recommendation #2: RSVP - as recommended;
Recommendation #3: Brochure - as recommended

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

6:15 p.m.

5. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
6. Public Employee Release, Discipline or Dismissal (G.C. § 54957)
7. Conference with Real Property Negotiators (G.C. § 54956.8)
Property: Approximately 2,400 square feet of Airport Office Space located at 9500 Airport Drive. APN: 081-080-027 & 028
Agency Negotiators: Steve Salomon, Mario Cifuentez, Leslie Caviglia
Under Negotiation: Authority to negotiate price, terms, and conditions of potential lease

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

Track 5

INVOCATION - Pastor Mark Condie, Savior's Community Church

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 street name and city.

Sandy Beals, Food Link, thanked the City for use of the City Trolley for the Food Drive.

Glenn Morris, Convention & Visitors Bureau, thanked the Council for considering support of the Amgen Tour of California.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Mayor Gamboa announced that Item 8f will be continued to a future council meeting and not acted upon tonight. Council Member Landers requested Item 8e be pulled from consent and discussed separately; Council Member Shuklian requested Item 8g be pulled from consent and discussed separately; Council Member Collins requested Item 8h be pulled from consent and discussed separately.

Track 6

BL/AS 5-0
approve
balance of
consent
calendar

8. 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.
 - a) Authorization to read ordinances by title only.
 - b) Authorization to purchase four (4) 40 foot and three (3) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Daimler Buses North America formerly Orion Bus Industries in the amount of \$450,000 each for a total of \$3,150,000.
 - c) Second reading and adoption of Ordinance amending Section 2.16.020 of the Visalia Municipal Code relating to terms of Planning Commissioners. **Ordinance 2008-12 required.**
 - d) Second reading and adoption Ordinance amending Section 2.12.010 of the Visalia Municipal Code relating to Appointment of Members of the Parks and Recreation Commission. **Ordinance 2008-13 required.**
 - e) Authorization to expand the scope of the Recreation Park Stadium Right Field Improvements construction agreement with Seals/Biehle General Contractors to include regrading of the playing field. Authorization for the City Manager to enter into an agreement amendment with Seals/Biehle General Contractors in an amount not to exceed \$250,000, to include regrading of the playing field. Funding for the playing field regrading is included in the \$11.6 million dollar budget for the stadium expansion. No additional funding is requested. (Project # 0017-15152-720000-0-8037)

BL/DL 4-1
Shuklian-No
Item 8e
approved as
recommended

Adam Ennis, Senior Civil Engineer, responded to Council questions. Council Member Shuklian requested that any future reserves should be used for a citywide project.

- f) Authorize an additional Fire Captain position to serve as the Visalia Airport stand-by personnel and department's training officer.

Item 8f continued to a future meeting - no action taken.

AS/BL 5-0
Item 8g
approved as
recommended

g) Authorization to be a Gold sponsor (\$10,000) for the Visalia stage of the Amgen Tour of California bicycle race.

Leslie Caviglia, Deputy City Manager, responded to Council questions.

GC/DL 5-0
Item 8h
approved as
recommended

h) Ratify the Main Street Economic Stimulus projects, appropriate \$1,050,000 (\$600,000 from General Fund and \$450,000 from Transit Funds) for project design, and authorize the City Manager to execute contract documents for design on projects that could be included in the federal economic stimulus funding package.

Chris Tavarez, Management Analyst, and Leslie Caviglia, Deputy City Manager, responded to Council questions regarding the opportunity for solar projects on city facilities.

Track 7

AS/BL 5-0
Item 9
approved as
recommended

9. **PUBLIC HEARING** First reading of Ordinance 2008-14 amending Chapter 16.44 of the Visalia Municipal Code relating to Transportation Impact Fees and review of Resolution implementing new Transportation Impact Fee Rates to be adopted December 1, 2008. **Ordinance 2008-14 and Resolution 2008-58 required.**

Andrew Benelli, Public Works Director; Doug Damko, Senior Civil Engineer, Eric Frost, Administrative Services Director and Jeff Kay, Willdan Financial Services presented the staff report and recommendations.

The public hearing was opened at 8:15 p.m. The following persons spoke: Sabrina Lenville, Pacific Union Homes asked Council to consider grandfathering her company's tentative parcel map under the current fee system. Steven Peck, Mangano Homes, thanked staff and the task force for their cooperative efforts. The public hearing was closed at 8:28 p.m.

Track 8

GC/AS 5-0
uphold
Planning
Commission
decision -
Item #10
approved as
recommended

10. **PUBLIC HEARING - Appeal**, filed by Donald Nelson, of the Planning Commission's approval of Conditional Use Permit 2008-09: a request by Kornwasser Shopping Center Properties, LLC to construct a 6,490 sq. ft. automated and hand car wash facility located within the Pavilion Shopping Center on the south side of W. Caldwell Ave., between S. Demaree and S. Chinowth St. (APN: 119-730-008) **Resolution 2008-57 required.**

Paul Bernal, Associate Planner indicated that the appellant Donald Nelson is unable to attend due to an emergency, but asked that the hearing continue as planned. Mr. Bernal presented staff's recommendations and responded to council questions.

The public hearing was opened at 8:35 p.m. The following persons spoke in favor of upholding the Planning Commission decision: Edvard Grigoryan, owner and operator of proposed carwash facility; Lyle Munsh, architect; and Gordon Keig, Kornwasser Shopping Center. The public hearing was closed at 8:55 p.m.

Track 9

BL/GC 4-0
(Landers
absent)
Item #11
approved as
recommended

At 8:56 p.m., Council Member Landers left for the remainder of the meeting.

11. Acknowledgment of staff's efforts to develop comprehensive recommendations on water reuse and authorization to allocate \$25,000 for the engineering firm of Atkins to perform a peer review of the Water Conservation Plant Master Plan.

Jim Ross, Public Works Manager, reviewed efforts for water reuse and for increasing the city's water recycling efforts and recommended the services of an engineering firm to perform a peer review of the Water Conservation Master Plan.

Track 10

GC/AS 3-0-1
(Landers
absent/Link
abstain) Reso
RDA 2008-02
approved

Convene as joint City Council and Redevelopment Agency

12. **PUBLIC HEARING** on the Midterm Review of the Five Year Implementation Plan Update (2005-2010) for the Community Redevelopment Agency of the City of Visalia; and adoption of resolutions relating to use of Redevelopment Funds and Loan for Payment of State Take-away funds. **RDA Resolutions 2008-02 and 2008-03 required.**

GC/AS 3-0-1
(Landers
absent/Link
abstain) Reso
RDA 2008-03
approved

Ricardo Noguera, Housing and Economic Development Director, Ruth Pena and Jim Draughon, RSG Inc. presented the staff report and reviewed the 5-year implementation plan update.

At 9:20 p.m., the public hearing was opened. Kelly Howard, representing Downtown Visalians, asked the Council for more time to review the staff report. The public hearing was closed at 9:29 p.m.

City Attorney Alex Peltzer advised Council Member Bob Link to abstain from voting on this matter due to a possible conflict of interest.

Adjourn as joint City Council and Redevelopment Agency and remain seated as Visalia City Council

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

City Attorney, Alex Peltzer, announced that that council approved a disability retirement for Frank Reed during closed session tonight.

Adjourned
9:30 p.m.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Monday, December 1, 2008, Work Session & Regular Session 4:00-6:00 p.m. Council Chambers, 707 W. Acequia, Visalia
- Monday, December 15, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. Council Chambers, 707 W. Acequia, Visalia
- Monday, January 5, 2009, Work Session 4:00 p.m. Regular Session 7:00 p.m. - Council Chambers, 707 W. Acequia, Visalia

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

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, Chief Deputy City Clerk