

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, December 15, 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 - *arrived 4 p.m. during Item #2*
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.

Track 1

WORK SESSION AND ACTION ITEMS (as described)

3:30 p.m.

Public Comment on Work Session and Closed Session Items -

3:30 p.m.

1. Receive the Citizens Advisory Committee's recommendations for procedural changes and provide direction on the 2008/2009 Public Opinion Survey.

BL/AS 4-0
Item 1
approved

Eric Frost Administrative Services Director, and Nyla Hallum and George Ouzounian members of the Citizens Advisory Committee presented the CAC's recommendations for changes to the public opinion survey. Council made suggestions for getting a valid representation sample of the citizens of Visalia as well as ideas for a thank-you gift for participants of the survey.

Track 3

3:50 p.m.

2. Mid-year report by Glenn Morris, CEO, Visalia Convention and Visitors Bureau.

Item 2 info-
no action
taken

Leslie Caviglia Deputy City Manager introduced Glenn Morris, CEO of Visalia Convention and Visitors Bureau. Mr. Morris reported on the following efforts of the Bureau: Regional tourism, major events, community events, and convention sales. Council had comments and suggested ways for measuring success and for targeting vendors.

(Council Member Landers arrived during Item 2)

Track 4

4:15 p.m.

3. City-wide Code Enforcement Status Report; first reading of Ordinance amending Sections 8.40.060, 15.44.050, 15.44.070 and 15.44.160 of the Visalia Municipal Code revising Code Enforcement Inspections and Violation Notices; authorization of receivership process and use of Visalia Municipal Code Section 15.44.240 noticing property owners with rental housing used for drug activity. **Ordinance 2008-15 required.**

BL/DL 5-0
Item 3
approved as
recommended

Ricardo Noguera Housing and Economic Development Director, Mark Nelson Fire Chief, Bob Carden Police Chief presented the city-wide Code Enforcement status report including the 2008 accomplishments and goals for 2009.

Tim Burns, Neighborhood Preservation Manager, reviewed the changes the Municipal Code revising Code Enforcement Inspections and Violation Notices and explained the receivership

process and use of Code Section 15.44.240 noticing property owners with rental housing used for drug activity.

Council indicated their appreciation for the collaboration between various departments for working with code violations.

The following persons spoke in favor of the Code Enforcement item: Teymour Farhang, Bill Huott, and Frank Reese. Mr. Kevin Randolph from the law firm of Gresham, Savage, Nolan & Tilden in San Bernardino answered questions regarding the receivership process.

4. *Item removed at the request of staff*

Track 5
6:00 p.m.

AS/BL 4-1
(Landers -
No) Item 5
approved as
amended

5. Authorize selection of New Animal Control Facility (ACF) Site.

Paul Scheibel Planning Services Manager, Rebecca Keenan Civil Engineer, and Adam Ennis Engineering Services Manager presented the recommendation of the sub-committee to select the current location as the site for a new facility.

Council discussed their support and concerns.

Motion to approve as staff recommendation with the amendment that priority is given to the construction of the frontage road on the west side of the airport in the Airport Capital Improvement Program with the FAA.

Track 6
6:30 p.m.

BL/GC 5-0
Item 6
approved as
recommended

6. Approval of representatives on the General Plan Update Review Committee to work with staff on a Focused Update of the General Plan Land Use Element and Program EIR.

Council Member Link asked that the item be continued to the next meeting to allow the development committee to voice their opinions. Council expressed their opinions on a focused vs. comprehensive General Plan Update.

Council voted to schedule further discussion of the General Plan Update at a future council meeting.

BL/AS 4-1
(Gamboa - No)
Schedule GP
Update for
further
discussion

Track 2

ITEMS OF INTEREST

Mayor Gamboa announced that the City's Loop Bus Program was recognized by the California Parks and Recreation Society as an Award of Excellence winner in the Neighborhood & Community Life category - the highest level of recognition from this statewide organization.

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

7. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of G.C. §54956.9)
Name of Case: Vadnais v. City of Visalia TCSC #08226539

8. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential cases

REGULAR SESSION

7:20 p.m.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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.

None

- 9. **INFORMATION ITEMS** (no action needed) – Receive Planning Commission Action Agenda for the meeting of December 8, 2008.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Collins requested item 10e be discussed separately. Bruce Schumacher, FCI Construction, requested item 10c be discussed separately.

GC/DL 5-0
approve
balance of
consent
calendar

- 10. **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) Authorize changes to the non-profit grant funding application process as recommended by the Citizens Advisory Committee.

GC/DL 5-0
Item 10c
approved as
recommended

- c) Award the construction contract for the Highway 198 Overcrossing at Santa Fe Street to the low bidder Agee Construction Corporation in the amount of \$5,360,147.10. Project # 3011-00000-720000-0-9236.

Fred Lampe, Associate Engineer reviewed the process of selecting the bidder and explained the protest of one of the bidders.

Bruce Shumacher, FCI Construction spoke in protest to the award of the bid.

Alex Peltzer, City Attorney discussed the city’s policy regarding the release of bid documents.

d) Approval of the 2008/09 Transit Agreement with Tulare County.

Track 8

e) Award of design contracts to the RRM Design Group for the design of the Packwood Creek trail from County Center to 1,100 ft east of Mooney; and to Sierra Designs for the design of the St. John's Riverwalk project at Ben Maddox and the St. John's River and authorize the City Manager to execute the consultant agreements for each project.

GC/DL 5-0
Item 10e
approved as
recommended

Paul Shepard, Management Analyst, answered Council questions.

Authorize Notice of Completion for the following:

f) Parcel Map 2007-06 (Orchard Walk East – a commercial property located at the NE corner of Riggin Avenue and Dinuba Blvd. - 6 lots).

g) Construction of Parking Lot 44 Improvement Project at Tipton Street and Oak Avenue, with the final contract amount of \$102,687.54. Project No. 4511-720000-0-0-9377-2007.

h) Renovation of the Plaza Park irrigation system, Project 0011-0-72-0-9754, for the construction of on-site improvements at a final cost of \$605,005.14.

Track 9

11. Authorization to prepare and release a Request for Proposal (RFP) for the retention of a consultant to complete an economic study analyzing whether a rent control program for the mobilehome parks in Visalia is economically warranted and authorization to select and contract with a consultant for such study.

Item 11
approved as
amended
DL/AS 4-1
(Collins - No)
sole source
the bid -
amount not to
exceed
\$24,999

Ricardo Noguera Housing and Economic Development Director presented the staff report and a letter from Attorney Bruce Stanton, representing the Mobile Home Park Task Force asking the Council to expedite the process of retaining a consultant to complete an economic study.

Jim Burr, representing the Mobile Home Task Force, spoke in favor of a single source bid, expediting the RFP process, or authorizing a moratorium on rents during the RFP process. Jim Koontz, City Attorney's Office, discussed pros and cons of sole source vs. RFP process.

Track 10

12. **PUBLIC HEARING** - Appeal of Historic Preservation Advisory Committee action HPAC 2008-18, filed by Mr. Wayne Atkins, to change exterior stairs for 944 S. Court Street.

Item 12
GC/AS 5-0
Uphold
appeal of Mr.
Wayne
Atkins

Tim Burns, Neighborhood Preservation Manager presented the staff recommendations. At 8:02 p.m. the public hearing was opened. The following persons spoke in favor of upholding the appeal of Mr. Atkins: Brad Masky, Ed Bergreen, Laurel Blankenship. John Rains, Vice Chair of the Historic Preservation Committee spoke in favor of the Committee's decision. At 8:14 p.m. the public hearing was closed.

Track 11

13. Hearing to adopt a Resolution of Necessity on portions of the following properties to acquire real property by Eminent Domain for the Ben Maddox Way Bridge widening project: Portions of Mary's Vineyard (APN: 100-020-011, 012, 013); Portions of 1375 E. Mineral King (Galante/Flyers; APN 100-030-015); Portions of Galante - No situs (APN: 100-030-005, 007, 018) east and west of highway entrance/exit north of Noble; Portions of Wal-Mart - 1819 E. Noble (APN: 100-040-038, 100-050-001, 100-050-007). **Resolution 2008-60 required.**

Item 13
approved as
recommended
DL/BL 5-0

Adam Ennis, Engineering Services Manager presented the staff report. At 8:25 p.m. the public hearing was opened. There were no comments.

Track 12

Item 14
approved as
recommended
BL/AS 5-0

14. **PUBLIC HEARING** authorizing the formation of Revised Underground Utility District No. 19 along Walnut Avenue from 300 feet west of centerline of Mooney Boulevard (State Route 63) to approximately 140 feet east of the centerline of Central Street. **Resolution 2008-61 required.**

Adam Ennis, Engineering Services Manager presented the staff report. At 8:30 p.m. the Public Hearing was opened, no comments were received.

Track 13

Item 15
approved as
recommended
BL/AS 5-0

15. Review and accept the FY 2007-08 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

Gus Aiello, Finance Manager presented the staff report and reviewed the audit report and findings.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

8:45 p.m.
Meeting
Adjourned

Upcoming Council Meetings

- Monday, January 5, 2009, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia
- Monday, January 12, 2009, 6-8 p.m., Joint Meeting of Visalia City Council and Visalia Unified School District Board of Trustees, Convention Center, 303 E. Acequia, Visalia
- Tuesday, January 20, 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