

# Visalia City Council Action Agenda

For the regular meeting of: TUESDAY, January 20, 2009

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*

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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.

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## Track 1

### **WORK SESSION AND ACTION ITEMS (as described)**

**5:00 p.m.**

**SWEARING IN CEREMONY** - Firefighter/Paramedics - Bryan Gant, Curtis Mueller, James Turnage, Steve Walker

## Track 2

**INTRODUCTION OF NEWLY PROMOTED FIRE DEPARTMENT EMPLOYEES** - Captain Dustin Hall, Captain Karl Krauss, Engineer Robert Briggs, Engineer Dameon Malek

### **Public Comment on Work Session and Closed Session Items -**

Daren Hughes Fire Captain, recited the Firefighter's Prayer in memory of Daniel Campbell a Cal Fire firefighter and in dedication to all firefighters.
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## Track 3

Item 1 - no  
action taken  
info only

### 1. Annual report regarding the City's Graffiti Abatement Program.

Jim Bean, Nancy Cunha, Ray Palomino, and Brent Abbott presented an update on the graffiti abatement program and responded to Council questions. Staff and Council discussed a rate increase in order to hire more employees for the program. Council discussed the need for more aggressive ways to discourage graffiti in repeat areas.
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Councilmember Landers made a motion to direct staff to prepare a proposal for a fee increase. Motion died due to lack of a second.
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The following citizens spoke in support of the Graffiti Abatement Program: Sam Sciacca and Kristin Archer.
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*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

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

2. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
3. Conference with Labor Negotiators (GC 54957.6)  
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila  
Employee Organization: All Employee Groups

Track 4

## REGULAR SESSION

**7:00 p.m.**

### PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Bob Grenier, Calvary Chapel

### 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.

Brad Maaske , W. Tulare St., recommended that the Council consider a full rather than focused general plan update; urged council to consider businesses when considering raising fees; thanked the Council for allowing a remodel in the Historic Preservation District to continue.

Track 5

Mayor Gamboa referenced today's historical inauguration and shared parts of President Obama's inauguration speech.

4. INFORMATION ITEMS – (No action required)
  - a) Receive Planning Commission Action Agenda for the meeting of January 12, 2009.
  - b) Referral of Planning Commission's recommendation regarding General Plan Amendment No. 2008-08, a City-initiated request to change the land use designation of 31.2 -acres on the east side of Dinuba Boulevard and north of Shannon Parkway, from Low Density Residential (LDR) to Service Commercial/Office (C-S-O).

## CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Council Member Landers requested items 5h and 5i; Council Member Shuklian requested item 5j; Council Member Collins requested item 5m be considered separate from the consent calendar.

DL/BL 5-0  
approve  
balance of  
consent  
calendar

5. 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) Second reading and adoption of Ordinance 2009-01 authorizing a correctory grant deed to the County of Tulare for the land at the Tulare County Library. **Ordinance 2009-01 required.**
  - c) Authorization to award a construction contract for the Phase Two of the Riverway Sports Park to Applegate Johnston Inc. from Modesto in the amount of \$3,157,411.20 (Project # 3011 0000 720000 0 8029)
  - d) Authorize purchase of sport field light fixtures for Riverway Sports Park Phase Two project from Musco Lighting in an amount not to exceed \$539,000.
  - e) *Item removed at the request of staff*
  - f) Authorize the City Manager to sign a Dedication of Right of Way granting to the State of California an approximate 0.58 acre strip of land adjacent to State Highway 63 in front of the Riverway Sports Park.
  - g) Authorization to obtain an Originating Agency Identifier (ORI) Number from the Department of Justice for the City of Visalia Fire Department for use and access to information obtained in "Live Scan". **Resolution 2009-04 required.**
  - h) Authorization to purchase a Sign Truck for \$106,585 off of the State California Multiple Award Schedule program (CMAS) and shift \$4,000 of a remaining budget for an aerial lift (bucket) truck purchased for the Traffic Safety division .
  - i) Authorization to award contract for the purchase of twelve new marked police patrol vehicles to the Groppetti Automotive Group in the amount of \$498,221 and award contract for an additional four new marked police patrol vehicles to the Wondries Fleet Group in the amount of \$166,272 for in-stock inventory.
  - j) Authorize the City Manager to enter into a sole source agreement with CourseCo, Inc. to manage the City's Valley Oaks Golf Course irrigation project for \$110,000.

Eric Frost, Administrative Services Director responded to Council questions.
  - k) Endorsement of California Consensus Principles on Federal Transportation Authorization for 2009.
  - l) Notification of a DUI grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

DL/BL 5-0  
Continue  
item 5h to a  
future date

DL/AS 5-0  
Continue  
item 5i to a  
future date

AS/GC 5-0  
Item 5j  
approved as  
recommended

BL/GC 5-0  
Item 5m  
approved

m) Notification of a Pedestrian and Bicycle Safety grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

John Pree, Visalia Police Department responded to Council questions.

Track 6

- 6. Hearing to Consider Adoption of Resolution of Necessity to Acquire Real Property by Eminent Domain; Project: Mooney and Walnut Widening; Property: 2230 West Walnut Avenue (APN 095-134-045 and 046); 2131 W. Whitendale Avenue (APN: 121-090-041). **Resolution 2009-05 required.**

GC/DL 5-0  
Item 6  
approved as  
recommended

Adam Ennis, Engineering Division, presented the staff recommendation.

The public hearing was opened at 7:45 p.m. Patrick Walsh, Case Knowlson & Jordan LLP, spoke on behalf of John Hunter Visalia Properties, and indicated the property owner would occur substantial private injury.

Alex Peltzer, City Attorney, advised council on their decision to determine if the taking of the property is necessary and the criteria necessary to make the decision.

Mike Olmos, Assistant City Manager, advised council of the variance procedures available to the property owner.

The public hearing was closed at 7:55 p.m.

Track 7

- 7. **Public Hearing cancelled until further notice. PUBLIC HEARING** General Plan Amendment No. 2008-08: A request by the City of Visalia to amend the General Plan Land Use Element from RLD (Residential Low Density) to PCSO (Planned Shopping/Office Commercial) for 31.2 -acres located on the east side of Dinuba Highway, between Shannon Parkway and the St. Johns River riparian setback, then easterly to the logical extension of Court St. (APNs 079-080-045, 079-071-001, 016, 018, and 020)
- 8. Receipt of the Comprehensive Annual Financial Report (CAFR) for the City of Visalia, the Single Audit Report, and the Component Unit Financial Statements for the Redevelopment Agency of the City of Visalia for the 2007-08 fiscal year.

BL/DL 5-0  
Item 8  
approved as  
recommended

Eric Frost Administrative Services Director, reviewed the CAFR and responded to Council questions. The report is for the fiscal year ending June 30, 2008. Council asked that a list of currently vacant positions be prepared and reviewed at the Council retreat workshop on 1/23-24/2009.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS -**  
City Attorney Alex Peltzer reported the following:

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	MCDONAL D, Lee & Cyndy	30 sq. ft Portion of APN 103-320-010	Portion of Parcel 2, Parcel Map 2092, pg. 93	McAuliff Street Right of Way	1/15/09	Andrew Benelli

### **Upcoming Council Meetings**

- Friday, January 23, 2009, 12:30 – 9 p.m. Council Retreat, Convention Center, 303 E. Acequia, Visalia
- Saturday, January 24, 2009, 8:30 a.m. – 3:00 p.m. Council Retreat, Convention Center, 303 E. Acequia, Visalia
- Monday, February 9, 2009, Work Session 4:00 p.m. Special Meeting 7:00 p.m. Convention Center, 303 E. 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