

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, May 18, 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*

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) 4:00 p.m.

BL/DL 5-0
Item 1
approved as
submitted

Public Comment on Work Session and Closed Session Items -

1. Discussion of progress and options for Agricultural Mitigation Program Study

Michael Olmos, Assistant City Manager, and Christopher Tavarez, Management Analyst, presented staff's recommendation for a "land mitigation" only approach and to opt out of inclusion of a "water mitigation" component for the proposed Agricultural Mitigation Program.

Council discussed support for the land mitigation only approach and which agency should serve to help implement and manage transactions.

Tracks 2 & 3

2. Alternative design concepts for the Oval Park study area

Item 2 - no
action taken.
Information
and direction
only.

Ricardo Noguera, Housing and Economic Development Director, reviewed the most critical issues for the Council to consider as they relate to identification of the preferred design concept and overall plan for the Oval Park. Mary Beatie from TPG Consulting reviewed two alternative concepts and the possibility of a hybrid plan that would include no road closures but the addition of traffic and pedestrian modifications as well as improvements to the park.

The following persons commented on the study: Juan Guerrero (comments read into the record by Mary Beatie); Pat Finger; Alvin Rocha; Cary Winslow; Bill Huott; David Madden; Owner of La Tacqueria; Carlos Medina.

Council discussed the concerns of the merchants and property owners; the possibility of a PBID district; pros and cons of closing streets; traffic calming measures; homeless and transients; and safety concerns.

Track 4

DL/BL 5-0
Item 3
approved as
submitted

3. Presentation and approval of a change in name from Visalia City Coach to Visalia Transit including a new logo.

Monty Cox, Transit Manager, introduced Cecil Lopez from Red Chair Marketing, a local company that developed the logo.

4. *Item removed at request of staff*

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

Adjourn to
closed session
6:10 p.m.

CLOSED SESSION

5. Conference with Real Property Negotiators (GC 54956.8)
Property: located on Visalia Parkway between County Center Drive and Woodland Avenue (immediately southeast of the South Police Precinct)
Under Negotiation: Authority to negotiate terms of sale/disposition
Negotiators: Steve Salomon, Ricardo Noguera
6. Conference with Real Property Negotiators (GC 54956.8)
Property: Located on the East side of McAuliff Street and Mill Creek Parkway (portion of APN 103-320-11)
Under Negotiation: Terms and conditions of potential sale
Negotiators for City: Steve Salomon, Michael Olmos, Cliff Ronk
Negotiators for Buyer: Phil Mirwald and Mike Markarian with California Water Service Co.
7. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups
8. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9)
City of Visalia Retirees v. City of Visalia TCSC #09-232173
9. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential cases

7:10 p.m.
Track 5

REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Ken Squires, Visalia 1st Assembly of God 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.

Don McDonald, Evans Street, encouraged council to implement an ordinance similar to that of the City of Indio regarding distressed and abandoned homes. Alex Peltzer, City Attorney, indicated he would review.

Track 6

10. INFORMATION ITEMS - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of May 11, 2009.

Convene jointly as the Redevelopment Agency and the Visalia City Council

11. RDA CONSENT CALENDAR -

- a) Amendment to the use of \$500,000 Redevelopment low/mod funds to acquire, renovate and sell foreclosed homes. **RDA Resolution 2009-03 required.**

Adjourn as the Redevelopment Agency and the Visalia City Council and remain seated as the Visalia City Council.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Collins pulled items 12e, 12f, 12g for further discussion.

DL/AS 5-0
Approve
balance of
consent
calendar

12. 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) Approve the Citizens Advisory Committee's recommendation to change the name of the Bicycle, Pedestrian and Waterway Trails Committee to the Waterways and Trails Committee.
- c) Accept the City of Visalia Cash and Investment Report for the quarter ending March 31, 2009.
- d) Adopt resolution establishing an identity theft prevention program in compliance with the Fair and Accurate Credit Transaction (FACT) Act. **Resolution 2009-19 required.**
- e) Authorization to bid the construction of the McAuliff Street Improvement Project, Phase 3, Crossing Over Evans Ditch and Mill Creek, without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. Project No. 1241-00000-720000-0-9945.

Councilmember Collins had questions about the costs of the project. Adam Ennis, Engineering Department responded to questions.

DL/AS 5-0
Item 12e
approved as
submitted

GC/DL 5-0
Item 12f
approved as
submitted

f) Authorization to bid the Creekside Basin Recharge/Storm Drain Improvement project without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 3011-00000-720000-0-9557.

Councilmember Collins highlighted the project's potential to recharge groundwater and potentially reduce flooding.

DL/AS 5-0
Item 12g
approved as
submitted

g) Authorize the City Manager to execute a contract, subject to review and approval as to form by the City Attorney, with Parsons Water and Infrastructure for Design and Environmental Services for the City of Visalia Water Conservation Plant upgrades, for an amount not to exceed \$7,161,495, as negotiated under Council's authority.

Councilmember Collins remarked on the cost of the project and questioned if portions of the EIR for this project could be used for the upcoming General Plan Update and if there would be an opportunity for cost savings on the environmental documents.

h) Authorization to conduct a consolidated dispatch study, funded jointly from jurisdictions in Tulare County with the City acting as lead agency.

Track 7

13. Update on the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Study and Flood Insurance Rate Maps.

BL/AS 5-0
Item 13
approved as
submitted

Chris Young, Assistant Community Development Director, discussed the progress made on Council's directives since the May 4th meeting. Alex Peltzer, City Attorney, commented on possible efforts regarding litigation and claims.

The following persons spoke: Mr. Steve Nelson, Babcock Street; Mr. Bob Keenan, HBA.

Tracks 8 & 9

14. Mid-cycle Budget Adjustments

BL/AS 5-0
Item 14
approved as
submitted

- General Budget Discussion and appropriate actions
- Impacts of State budget and potential "borrowing" of city's tax and property tax monies. **Resolution 2009-20 required**
- Amendments to 2008-2010 2-year General Fund Capital Budget
- Parks and Recreation Commission recommendations related to fee increases
- Phase out of Hazardous Materials Response Unit

Eric Frost, Administrative Services Director, reviewed the mid-cycle budget adjustments and presented recommendations to the Council to balance the 2009/10 budget due to sales and property tax declines.

Vince Elizondo, Parks and Recreation Director, reviewed the proposed fee policy for the Parks and Recreation Department which has the potential for raising \$100,000.

The following person spoke: Jim Claybough, Visalia Economic Development Corporation.

Adjourn 8:55
p.m.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

Upcoming Council Meetings

- Monday, June 1, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, June 15, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, July 13, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Council Chambers 707 W. Acequia

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