

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, June 15, 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 (*arrived during closed session item #2*)
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.

SWEARING-IN CEREMONY

Track 2

Police Chief Bob Carden administered the Oath of Office for Sean Schiebelhut, Reserve Officer

CLOSED SESSION

4:05 p.m.

1. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of GC 54956.9)
Young, et al. v. City of Visalia et al. TCSC #08-228056
2. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups

WORK SESSION AND ACTION ITEMS (as described)

Track 3

5:10 p.m.

3. **HEARING** – Fiscal Year 2009-10 Budget Year

Budget Actions:

- a) Authorize the use of up to \$5.5 m in General Fund reserve to balance the 2009-10 fiscal year budget
- b) Authorize an early retirement program for employees in the General Fund and the Convention Center Enterprise.
- c) Approve the citywide layoff policy and authorize the City Manager to make minor adjustment as needed based on discussions with bargaining groups
- d) Amend and approve the 2009/10 fiscal year budget as outlined in the staff report

Measure T actions:

- e) Annual Recertification of the Measure T Plan
- f) Approve resolution declaring a General Fund fiscal emergency and suspending Measure T Maintenance of Effort provisions for 2009/10 and 2010/11 fiscal years.

Resolution 2009-26 required. (Requires 4/5 vote)

Eric Frost, Administrative Services Director, reviewed the continuing budgetary challenges facing the City that have worsened since the Council's budget directions given on April 6, 2009, and asked the Council to consider staff's recommendations as outlined in the staff report.
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Track 4

Mayor Gamboa opened the hearing at 5:55 p.m. The following persons spoke regarding the budget issue: Brian Morris, Rancho Santa Barbara neighborhood, opposing firefighter layoffs; Mario Cifuentez, Whitendale, representing Group E; Chris Ortiz, Prescott St. on behalf of firefighters; Ed Lynn, representing Group A. At 6:10 p.m. the hearing was closed.

Council discussed staff's recommendations and the following actions were taken:

Councilmember Collins motioned to:

Track 5

- Authorize the use of up to \$5.5 million of General Fund reserves in FY 2009/10 while the City restructures its operations
- Delete the early retirement incentive as recommended, and replace it with furloughs across the organization.
- Reorganize to save money then move to targeted layoffs and other departmental savings efforts as identified by departments to reduce the General Fund's ongoing costs by \$3 million a year.
- Adopt the City's layoff policy.

Councilmember Landers seconded, motion carried 5-0.

Councilmember Landers motioned to:

- To declare a fiscal emergency in the General Fund for both FY 2009/10 and 2010/11 (Resolution 2009-26)
- Authorize the use of Police Measure T Uncertainty Funds to balance the Police Measure T plan for FY 2009/10
- Authorize the implementation of the 2009/10 Measure T Plan elements.

Councilmember Collins seconded, motion carried 5-0.

Councilmember Landers motioned to:

- Rework major vendor contracts
- Review the program alternatives
- Reduce General Fund Street Tree Trimming Contract by \$30,000
- No reduction to the Youth Services Grants or the City Council discretionary fund, and to make the youth services grants only open to those who are currently receiving funding, and who are working on programs that serve at-risk youth to reduce gang activity.

Councilmember Shuklian seconded, motion carried 5-0.

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.

Track 6

ITEMS OF INTEREST

Mayor Gamboa announced that the city has received notice regarding the California Public Utilities Commission that the draft Environmental Impact Report for the SCE Loop project will be released today and that the draft identified Alternative 2, which continues along the current powerlines to the North, as the environmental alternative.

Break at 6:55
p.m.

Reconvene to
Regular
Session at
7:20 p.m.

REGULAR SESSION

PLEDGE OF ALLEGIANCE

Track 7

MOMENT OF SILENCE

SPECIAL PRESENTATIONS/RECOGNITION

Presentation of Resolution of Commendation to the Visalia Times-Delta commemorating 150 years of publishing a newspaper in the City of Visalia

Mayor Gamboa presented the resolution to Linda Green, Executive Editor of the Visalia Times-Delta.

Track 8

BL/AS 5-0
Add item #8
to agenda

Mayor Gamboa asked the council to consider adding an item to tonight's agenda. The need for immediate action came to the attention of the Council after the agenda had already been posted and distributed. Pursuant to Government Code section 54954.2 (b) (2) the Council may determine that a need for immediate action exists by a two-thirds vote of the members present or all members if less than two-thirds are present.

The agenda item to be added is as follows:

Item 8 - Adoption of Resolution 2009-27 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Gas Tax funds."

Track 9

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.

Darrin Hughes, Woodland Street, representing the Firefighter's Union, spoke about reduction of public safety if furloughing and layoffs are utilized and recommended the use of city reserves.

Shane Chavez, N. Floral, spoke about recreation and civil rights issues and asked the city to allow hip-hop concerts and requested a street named after Martin Luther King Jr.

Glenn Morris, Chamber of Commerce, thanked the city for the support of the Sequoia Leadership program and recognized that five city employees were in the recent graduating class.

Don Hutton, School Street, spoke in support of the Firefighters and also in opposition to spending the city's reserves for operations.

Peter Salierno, S. Crenshaw, spoke in support of firefighters and the need to keep fire stations fully staffed.

Hector Garza, S. Fontana, spoke in support of firefighters.

Chris Ortiz, W. Prescott, spoke in support of firefighters.

Track 10

4. INFORMATION ITEMS - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of June 8, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

The following items were removed from the Consent Calendar to be acted upon separately: Councilmember Landers - item 5c; Councilmember Shuklian items 5f, 5o and 5q; Mayor Gamboa item 5g.

DL/AS 5-0
balance of
consent
calendar
approved as
submitted

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) Nominate Mayor Jesus Gamboa for the vacancy representing a "large" city from Tulare County to the San Joaquin Valley Air Pollution Control District Governing Board.
Resolution 2009-23 required.

- c) Authorize the City Manager to sign and approve the final amendment to the agreement on booking fees between the City of Visalia and Tulare County.

Councilmember Landers commended Eric Frost, Administrative Services Director for his efforts on the agreement.

DL/BL 5-0
item 5c
approved as
submitted

- d) City Council support for Assembly Bill 210 (Hayashi) Green Building Standards; AB 715 (Caballero) City ordinances publishing and posting requirements; AB 726 (Arambula and Nielsen) Transportation capital improvement projects; AB 1284 (Huffman) Substance abuse - adult recovery maintenance facilities; SCA 18 (Liu) Local Government property related fees; Senate Bill 268 (Harman) Alcoholism or drug abuse recovery or treatment facilities - licensing; SB 415 (Oropeza) Alcoholic beverages - licenses local government review; and opposition to SB 802 (Leno) Public Contracts - retention proceeds.

- e) Authorize the City Manager to sign the Project Improvements Agreement and Reimbursement Agreement for master plan storm drain facilities associated with River Run Ranch Phase 5.

- f) Update on the Animal Control Facility project and request to postpone release of the Request for Qualifications (RFQ) for design services for six months.

Councilmember Shuklian asked Paul Scheibel, Planning Services Manager, to present a history of the new facility. Paul Scheibel presented the update and staff's recommendation to delay sending the RFQ for six months due to current budget concerns.

Councilmember Shuklian stated she does not support postponing the project for six months. Council requested staff to look at reprioritizing capital projects and bring back the list of projects for council consideration in three months.

Item 5f
BL/DL 4-1
(Shuklian-
No)
Postpone
RFQ for 6
months and
bring back
project list
with
priorities in 3
months

g) Request to expand the current project scope for the Village Park – Wittman Center Renovation Project (3011-0-72-0-9865) by an additional amount of \$57,500 using State Park Bond Act monies and CDBG funds.

Vince Elizondo, Director Parks and Recreation, discussed expanding the project using State Park Bond Act monies and CDBG funds due to a surplus of \$114,000.

Juan Guerrero, Wittman Center, thanked the Council for the renovations to the Wittman Center and discussed projects that still in need of repair.

Ricardo Noguera, Housing and Economic Development Director, discussed that staff will need to review the additional scope to see if additional environmental review is required in order to use CDBG funds.

h) Authorization for the City Manager to sign an MOU to Purchase County Delinquent Property Tax Receivables (Teeter Buy-out) up to \$10 million for Fiscal Year 2008/09 if the agreement is limited to Visalia’s participation being independent of the actions of other parties.

i) Authorization for staff to apply for \$1.14 million in Energy Efficiency & conservation Block Grant stimulus funding for building retrofits, LED light conversion, solar lighting, an agenda management system and Sequoia Shuttle funding.

j) Authorization to implement bus route modifications to change two routes from one-way loops to bi-directional routes beginning in August 2009 as recommended by the Transit Advisory Committee.

k) Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.

l) Appointment of Mayor Jesus Gamboa and Vice-Mayor Bob Link to serve on a newly formed Tulare County High Speed Rail Committee sponsored by the Tulare County Association of Governments.

m) Update on the balloted Stonebridge Landscape and Lighting Maintenance Assessment District #88-04. *Request continuance to 7/13/09*

Authorize the filing of a Notice of Completion for the following five projects:

n) Valley Palms, a subdivision containing 36 single family lots, located on the south side of Riggins Avenue between Linwood Street and Demaree Street.

o) Visalia Fire Station #55 and Training Facility located at 6921 W. Ferguson. Project No. 3011-0-72-0-9565

Council commended the Fire Department and BJ Perch Construction for completing the facility ahead of schedule, under budget and with no change orders.

p) Akers Street and Cypress Avenue Intersection Improvement Project, Project No. 1614-00000-720000-0-9944 (Final Cost \$180,949.12); and reallocate any remaining Proposition B funds to the Houston Avenue Improvement Project (Santa Fe to Ben Maddox), Project No. 3011-00000-720000-0-9026.

DL/GC 5-0
Item 5q
approved as
submitted

q) New Soroptimist Park, Project No. 1211-00000-720000-0-9598, located at Linwood and Prospect in northwest Visalia, at a final cost of \$645,139.10.

Councilmember Shuklian commented on her attendance at the grand opening of the park and commended Vince Elizondo and staff of the Parks and Recreation Department for their work on this park.

r) Renovation of the Plaza Park softball backstops, foul line fencing, and dugouts, Project No. 3011-00000-720000-0-9191, for the construction of on-site improvements at a final cost of \$225,875.00.

Track 12

6. **Continued Public Hearing from 6/1/09** Authorization to allow the City of Visalia to place one contested Fire Department case on the Miscellaneous Special Assessments of the Tulare County secured property tax roll. **Resolution 2009-24 required.**

JG/DL 3/2
Shuklian-No
Collins-No
Approve to
Waive fee for
Mr. Jiminez.
Resolution
2009-24 not
adopted.

Tim Burns, Neighborhood Preservation Manager indicated that three of the four contested cases have been resolved and recommended placing one remaining Fire weed abatement case on the property tax roll.

Mayor Gamboa reopened the public hearing at 8:30 p.m. Ralph Jiminez, property owner at 700 W. Kaweah, spoke in objection to the fine being placed on the tax rolls. Charlie Norman, Fire Department, explained that the administrative fine is based on the costs of the fire prevention notification services and not abatement.

8:45 pm
break/8:50
reconvene

7. **PUBLIC HEARING** Rates and Fees - Authorization to:

Tracks 13 &
14

- a) Amend the City's Rates and Fees for a multi-year rate increase program for Sanitation (Wastewater) and for Solid Waste effective for the four years and three years, respectively, beginning July 1, 2009
- b) Amend the Transit Fare schedule
- c) Amend the City's Rates and Fees for fiscal year 2009-10, with proposed new fees and adjusted fees that may include, but are not limited to the following services; administrative, housing and economic development, parks and recreation, public safety, and public works
- d) Implement 50% of the ordinance authorized Impact Fee increase or 3.25%, on April 1, 2010 as a measure to support the building industry. The remaining 50% (3.25%) will be considered with next year's review of the City's Rates & Fees.

Resolution 2009-25 required.

GC/AS 3/2
(Gamboa - no
Link - No)
Approved as
amended

Eric Frost, Administrative Services Director, reviewed the proposed adjustments to Utilities, Transit Fares, New and Adjusted Fees, and Impact Fees. It was recommended that the Fire Inspection for Miscellaneous Permitted Uses fee be removed from the list at this time.

Mayor Gamboa opened the public hearing at 9:35 p.m. The following persons spoke: Steve Nelson, Babcock Ave. opposing Solid Waste and Wastewater fee increase. Troy Mullen, opposing increases in fees for Wastewater and Solid Waste. Bob Keenan, Home Builder's Association, opposing implementation of Impact Fee increases. Glen Morris, Chamber of Commerce, concerned about competitive issue for Visalia as many cities are implementing fee freezes or reduction of fees. The public hearing was closed at 9:55 p.m.

Councilmember Collins motioned to approve the proposed adjustments to amend the City's Rates and Fees for both the multi-year rate increase program for Wastewater and Solid Waste and for other proposed new fees and adjustments for the fiscal year 2009-10 with the exception of Fire Inspection for Miscellaneous Permitted Uses, Adult-Oriented Business Performer and

Business Renewal Permit Fee, and no increase for Impact Fees at this time. Councilmember Shuklian seconded, motion carried 3/2 (Gamboa and Link - No)

Track 15

DL/BL 5-0
Item 8
approved as
submitted

8. **Addendum added:** Adoption of Resolution authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Gas Tax street maintenance funds. **Resolution 2009-27 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

10:10 p.m.
meeting
adjourned

Upcoming Council Meetings

- Monday, July 13, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Convention Center, 303 E. Acequia
- Monday, August 3, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, August 17, 2009, 4:00 p.m. Work Session; Regular 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