

Visalia City Council Action Agenda

For the special meeting of: MONDAY, July 13, 2009

Location: **Convention Center, 303 E. 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.

PUBLIC COMMENT ON WORK SESSION AND CLOSED SESSION ITEMS

Item 1 – no
action taken
information
only

1. Update on work program for Tulare County Economic Development Corporation for the 2008/2009 fiscal year.

Receive public comment

Paul Saldana, President and CEO of the Tulare County Economic Development Corporation, reviewed major projects completed in 2008/09, methods used for creating jobs and income and creating opportunities and expanding visibility. Tourism marketing continues with comprehensive countywide tourism marketing plan, advertising, and travel shows in the Bay Area and Los Angeles. The focus for 2009/10 is on business recruitment, business retention and expansion, tourism marketing, and higher education.

Track 2

Item 2 – no
action taken
information
only

2. Annual presentation by PROTEUS, Inc. regarding the community program at the Wittman Center in Village Park.

Receive public comment

John Bradley, Recreation Supervisor, introduced Mike McCann, the CEO of PROTEUS Inc. and Juan Guerrero, Wittman Center Facility Manager. The City pays PROTEUS Inc. for managing and operating the Wittman Center. Mr. McCann and Mr. Guerrero presented the annual report for the Wittman Center.

Track 3

Item 3 – no
action taken
information
only

3. Present information on Southern California Edison transmission line project specifically relating to the draft Environmental Impact Report, and the California Public Utilities Commission hearing process, and accept public comment from Visalia residents regarding the proposed routes.

Receive public comment

Leslie Caviglia, Deputy City Manager; Alex Peltzer, City Attorney; and Mike Olmos, Assistant City Manager presented information to Council regarding the SCE proposed transmission line project. The draft EIR for the project listed route 2 as the “environmentally superior route”. This route runs along the existing power line easement through Visalia. Caviglia reviewed the

EIR and hearing process. The review period ends on July 31, and a public hearing will be held on July 23 at the Visalia Convention Center. The law firm of Shute, Mihaly & Weinberg, based in San Francisco, is working with the City on the preparation of the necessary filings.

The following members of the public spoke: Brian Blain, Shirley Kirkpatrick, and Cal Pendelton.

Leslie Caviglia, Alex Peltzer, and Mike Olmos responded to Council questions and comments.

Track 4

4. Receive update and provide direction on the Sierra Village project and annexation proposals.
Receive public comment

Item 4 - no
action taken

The staff report was presented by Fred Brusuelas, Planning Division; Adam Ennis, Engineering Division; Brandon Smith, Planning Division; and Matt Ainley, 4-Creeks Civil Engineering. Sierra Village and Central Valley Christian School have an interest in expanding their campus with new development.

The following member of the public spoke: Darlene Mata, representing the Billy's property.

Council provided direction for the project and staff responded to Council questions and comments.

Staff will continue to work on the options and prepare additional analysis to be presented at a future meeting.

Track 5

5. Consideration of a proposal by the Environmental Committee to implement a consumer assessment program that would reduce the number of one-time use bags (plastic and paper) in the community.
Receive public comment

Item 5 - no
action taken

Leslie Caviglia, Deputy City Manager, introduced Dr. Dean Mann and Kim Loeb members of the Environmental Committee. Caviglia also recognized other members of the Committee who were present and in the audience.

The Environmental Committee asked for authorization to pursue a consumer assessment program that would reduce the number of one-time bags used in the community.

Council discussed the issue and provided direction to the committee to continue to explore the possibility of a pilot program on a volunteer rather than regulatory basis and to get community input and include the use of Styrofoam products as well as plastic and paper bags.

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 - 6:28 p.m.

- 6. *Item removed at the request of staff*
- 7. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)
City of Visalia Retirees v. City of Visalia TCSC #09-232173
- 8. *Item removed at the request of staff*

Track 6

REGULAR SESSION - 7:05 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.

JG/BL 2-3
(motion failed
Shuklian,
Landers,
Collins - No)
to reconsider
solid waste
fees

Steve Nelson, Babcock Avenue., asked the Council to reconsider the waste management fee increase imposed at the last meeting due to the economic downturn and the financial difficulties of the citizens.

Alex Peltzer, City Attorney, responded that the fees adopted at the last meeting are going out in the August bills. The Council would need to pass a vote to bring the fees back for reconsideration.

A motion was made by Mayor Gamboa and seconded by Vice Mayor Link to schedule a reconsideration of the solid waste fees at a future meeting. Motion failed 2/3 with Councilmembers Shuklian, Landers, and Collins voting No.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Councilmember Link requested item 9d be pulled from consent calendar; Councilmember Collins requested items 9p and 9y be pulled; Councilmember Landers requested item 9q be pulled and Mayor Gamboa requested item 9v be pulled.

DL/AS 5-0
approve
balance of
consent
calendar

9. **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 the City Manager to enter into a professional services agreement with Fresno County Economic Opportunities Commission for catering services for the Visalia Senior Center Meal Program beginning August 1, 2009.

c) Authorize City Manager to sign a listing agreement with Hyde Commercial Real Estate to lease City space at Rawhide Ballpark and make requested tenant improvements.

d) Authorize the Transit Division to award the construction contract, using stimulus funding, for the Transit Center expansion in the amount of \$1,329,000 to Basilia Construction Inc. of Madera.

Councilmember Link expressed his concern for keeping business in Visalia. Deputy City Manager Caviglia discussed federal bidding regulations.

e) Authorize the City Manager to enter into an agreement with Visalia Unified School District to continue providing an after school enrichment program at the Manuel F. Hernandez Community Center.

f) Authorize the City Manager to execute a new contract with the Tulare County Office of Education for the lease of the Manuel F. Hernandez Community Center and the Fairview Community Center for the Tulare County First Five Pre-School Program.

g) Appointment of Matthew Owdom to the Historical Preservation Advisory Committee as an alternate member.

h) Accept Quitclaim Deeds relinquishing a 30-foot wide Modoc Ditch easement to City. This easement is located on the south side of Ferguson Avenue (between Mooney Boulevard and Divisadero Street); authorize the City Manager to enter into an agreement and execute any additional documents necessary to affect the quitclaim of the acquired ditch easement back to the underlying landowners in exchange for a quitclaim from the owners to the City of the northernmost 10 feet of their property for landscaping and related street improvements; authorize staff to offer the owners of two corner properties nominal reimbursements for additional right of way needed to install handicap ramps.

i) Authorization for the City Manager to sign Amendment No. 1 to the Memorandum of Understanding by and between the City of Visalia and the Police Managers and Supervisors Association (City of Visalia Bargaining Group A), for the period of July 1, 2009 through June 30, 2010.

j) Authorize the Recordation of the Final Map for Pheasant Ridge No. 3B, located on the west side of Roeben Street, approximately ¼ mile south of Riggin Avenue (12 lots) and the Annexation of Pheasant Ridge No. 3B into Landscape and Lighting District No. 05-19, Pheasant Ridge. **Resolutions 2009-28 and 2009-29 required.**

Track 7
AS/DL 4-1
(Link = No)
Item 9d
approved as
submitted

k) Authorize the City Manager to execute an agreement with the College of the Sequoias that provides for the City's participation in the Federal Work Study Program for the 2009/2010 fiscal year.

l) Approve the recommendation by the Parks and Recreation Commission to establish the name of "Lion's Park" for the new four acre neighborhood park site off of Ferguson Avenue and Babcock Court in northwest Visalia.

m) Authorization to enter into the first amendment to the Programmatic Agreement between the City and the California State Historic Preservation Office (SHPO) allowing the City to complete environmental review of historic properties for all programs using federal funds from the U.S. Department of Housing and Urban Development (HUD). **Resolution 2009-30 required.**

n) Authorization for the City Manager to execute an FAA Entitlement Grant Agreement for an amount up to \$550,000 for the rehabilitation of the eastside taxiway edge lighting system, airport signage and the emergency generator for the Visalia Municipal Airport.

o) Authorization to award bid No 08-09-48, Ground Water Monitoring, to Moore Twining for the bid price of \$35,744.

p) Alternative Requirements and Revisions applied by HUD for the use of Neighborhood Stabilization Program (NSP) funds, considered Community Development Block Grant (CDBG) funds, from the U.S. Government through the Department of Housing and Urban Development (HUD).

Ricardo Noguera, Housing and Economic Development Director, responded to Council's questions.

Track 8
GC/DL 5-0
Item 9p
approved as
submitted

q) Award the contract for the Traffic Signal Improvements for the intersections of Demaree Street at Whitendale Avenue and Linwood Street at Walnut Avenue to Madco Electric, Inc. in the amount of \$151,215.

Councilmember Landers requested a separate vote for this item

Track 9
GC/BL 4-1
(Landers =
No) Item 9q
approved as
submitted

r) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-60 Part A for the McAuliff Street Improvement Project, Phase 3, (Crossing over Evans Ditch and Mill Creek, Project No. 9945 in the amount of \$1,075,225, AND RFB No. 08-09-60 Part B (the Creekside Basin, Recharge/Storm Drain Improvements Project No. 9557), in the amount of \$337,543, to the low bidder "Rising Sun Company", AND authorize the City Manager to transfer funds for the McAuliff Street Improvement Project, Phase 3, Project No.3011-9945.

s) Authorization to amend the City's Rates and Fees for fiscal year 2009-10, for the proposed new Adult-Oriented Business Performer & Business Renewal Permit fee. **Resolution 2009-31 required.**

t) Authorization to submit four (4) grant applications in the amount of \$9,729,085 to the Federal Transit Administration (FTA) for operating assistance, Online Multi-Modal Travel Planning Tools, solar panels for the Operations & Maintenance Facility, five (5) 35ft hybrid electric buses, two (2) under 30ft. buses, and one (1) utility truck for the Sequoia Shuttle. In addition, authorization to accept \$2,668,930 in stimulus grant funding for Transit facility

construction, and to file an amendment to use a portion of the funds for another transit facility.

u) *Item removed at the request of staff.*

v) Authorization to form a Public Art Policy Task Force to develop City policies for locating and approving public art.

Mayor Gamboa asked about the timetable for developing policies and how that will affect projects that are in progress.

Track 10
AS/BL 5-0
Item 9v
approved as
submitted

Authorization to File Notices of Completion for the following:

w) Ashley Grove, Unit No. 11, a subdivision (containing 76 single family lots), located at the northwest corner of Mooney Boulevard and Wren Avenue.

x) Parcel Map 2006-26, a division of Lot 5 of Hurley Estates Subdivision into two lots, located at the northwest corner of Hurley Avenue and Tommy Street.

y) Master Plan Storm Drain Facilities installed with the River Run Ranch Phase 5 subdivision, located on the south side of St. Johns Parkway, one half mile east of McAuliff Street.

Chris Young, Assistant Community Development Director responded to Councilmember Collins' questions.

Track 11
DL/BL 5-0
Item 9y
approved as
submitted

z) Authorization to execute a Purchase and Sale Agreement with Family HealthCare Network (FHCN) for the purchase of City Parking Lot No. 41 (owned by the Transit Division) located at the northwest corner of Oak Avenue and Santa Fe Street.

Convene jointly as the Redevelopment Agency and the Visalia City Council

10. RDA CONSENT CALENDAR

a) Authorize the Executive Director of the Redevelopment Agency Board to approve a loan to Kaweah Management Company in an amount not to exceed \$480,000 for the acquisition, rehabilitation and rental of six (6) units (3 units in each in of two buildings) located at 632, 634, 636, 640, 642 and 644 Kaweah Avenue.

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

Item 10 was
not discussed
and will be
rescheduled
for 8/3/09.

Track 12
DL/AS 5-0
Item 11
approved as
submitted

11. Certify results of the balloted Stonebridge Landscape and Lighting Maintenance Assessment District that were tabulated and reported at the June 1, 2009 City Council meeting and authorize placing the approved increased benefit assessment amounts on the 2009-10 property tax roll and incorporate the approved standard benefit assessment increase allowance into the District.

Receive public comment

Eric Frost, Administrative Services Officer, reviewed the additional research that staff has completed and responded to Council questions and comments.

The following resident of Stonebridge neighborhood spoke: Pamela Lopez, Harvard Ct.

Track 13

DL/BL 4-1
(Gamboa-No)
Item 12
approved as
submitted

12. Review and consider the Citizens Advisory Committee recommendation regarding grants to nonprofits serving Visalia's youth.

Receive public comment

Eric Frost, Administrative Services Director, introduced CAC members Dirk Holkeboer and Chris Gomez who reviewed the processes for the CAC recommendations on funding for nonprofits. Also reviewed were the Council's direction for criteria for funding.

The following persons spoke regarding the American GI Forum Boxing Club: Aaron Loftin, Roberto Gonzales, Myra Trevenio and Michael Lujan.

A motion was made by Mayor Gamboa and seconded by Councilmember Collins to fund the non-profits at the same level that they received last year and to include the American GI Forum Boxing Club in the funding. Motion failed 2/3 (Shuklian, Landers, Link -No)

Track 14

AS/BL 5-0
Item 13
approved as
submitted

13. Accept budget update report for 2009/10 and provide additional direction; authorize an early retirement program for Police classifications of Sergeant and above and authorize up to six months health insurance severance for laid-off workers.

Receive public comment

Eric Frost, Administrative Services Director, presented the budget report and recommendations.

The following persons spoke: Curtis Morgan, W. Oak; Darrin Hughes, Fire Fighter's Association; Christy Mueller; Steve Nelson, Babcock St.; Allan Wilkinson, FireFighter's Association; Dowell Sewell, Fire Dept..

Council made comments and their questions were answered by Eric Frost and Steve Salomon. Eric Frost and Steve Salomon will continue to meet with bargaining groups to solicit any ideas for budget saving measures.

Track 15

BL/GC 4-1
Item 14
approved and
Option B
selected
(Shuklian-
No)

14. Presentation of two concepts for the Sequoia Shuttle Visitor's Center Design, and authorization to enter into a contract with Taylor Teter for working drawings.

Receive public comment

Leslie Caviglia, Deputy City Manager, reviewed two design options for the Sequoia Shuttle Center . Russ Taylor, Taylor-Teeter, discussed the options with Council.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

9:50 p.m
meeting
adjourned

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

Upcoming Council Meetings

- 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
- Tuesday, September 8, 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