

# Visalia City Council Action Agenda

For the regular meeting of: MONDAY, August 3, 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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**4:00 P.M.**

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

Track 1

### **PUBLIC COMMENT ON WORK SESSION AND CLOSED SESSION ITEMS**

BL/AS 5-0  
Continue  
discussion on  
Item 1 to  
8/17/09

#### 1. Update regarding East Tulare County Short Line Railroad

Mike Olmos, Assistant City Manager and Chris Tavarez, Management Analyst gave a status report and presented staff recommendations. The following persons spoke in favor of preserving the railroad: Ted Smalley, Executive Director TCAG; Tom Sparks, Chairman of the TCAG Rail Committee; Allen Ishida, Tulare County Board of Supervisors and member of the committee.

Council discussed their support for preserving the right-of-way and possible funding sources. The item was continued to the next meeting.

Track 2

### **SWEARING IN CEREMONY**

Assistant Chief Mestas introduced Julia Jiminez to the Council and administered the Oath of Office to the new Police Officer.

Tracks 3 & 4

GC/BL 5-0  
Accept the  
update for  
Item 2

#### 2. Update on Mooney Boulevard improvements including Cal Trans Project, City Intersections (Walnut and Whitendale) and Street Tree Project by CSET and the Urban Tree Foundation.

Adam Ennis and Manuel Molina, Engineering Division discussed the widening of Mooney Blvd. from Packwood Creek to Highway 198 including CalTrans widening of Mooney from 4 to 6 lanes, the city improving Whitendale and Walnut intersections on Mooney, and CSET and the Urban Tree Foundation adding approximately 450 street trees with grant funding.

Brian Kempf from the Urban Tree Foundation spoke about the planning and planting of Mooney Street Trees. Shelly Maggard, CalTrans Project Manager was present to answer questions from the Council.

Track 5

3. Update on Rule 20A Utility Undergrounding Districts

Adam Ennis, Engineering Services Manager, discussed the California Public Utilities Rule 20 policies and procedures for the conversion of overhead facilities to underground facilities. 15 Underground Utilities Districts have been formed in Visalia since 1969.

The Council reviewed the top 5 proposed projects as well as other projects for possible underground utilities. Staff will gather additional data such as vehicle usage for the council's consideration at a future meeting.

Track 6

DL/GC 5-0 to add closed session item to agenda

City Attorney, Alex Peltzer, requested that Council consider adding a closed session item to the agenda as 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: Closed Session Item Conference with Legal Counsel - Anticipated Litigation - potential initiation of litigation pursuant to subdivision c of Section 54956.9 - one potential case.

Track 7

DL/AS 5-0 Item added to 9/8/09 agenda

**ITEMS OF INTEREST**

Councilmember Landers discussed adding an update on the Hazardous Materials Response Program to the September 8, 2009 council agenda.

Councilmember Landers discussed deferring the General Plan Update to next year due to current financial conditions. It was the consensus of the Council to continue the project for this fiscal year.

Councilmember Landers requested that the City Manager reiterate to staff the financial state of emergency that the City is experiencing and to keep this in mind when making expenditures.

Vice-Mayor Bob Link remarked that his grandson will be playing in the regional tournament world series for 10 year olds.

**CLOSED SESSION**

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

- 4. Public Employee Appointment (GC Section 54957)  
Title: Interim Police Chief
- 5. Conference with Legal Counsel - Anticipated Litigation - Potential initiation of litigation pursuant to subdivision (c) of Section 54956.9) - one potential case
- 6. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of GC Section 54956.9)  
Name of case: Solis v. City of Visalia (TCSC 09-232070)
- 7. Conference with Real Property Negotiators (GC 54956.8)  
Property: 16 acres on the south side of Hillsdale Avenue at Tommy Street east of Akers Street (APN 085-010-096)  
Under Negotiation: Terms and conditions of potential lease agreement

Negotiating parties for City: Steve Salomon, Mike Olmos, Chris Tavares  
Negotiating Parties for Lessee: Sam Sciacca

Track 8

## **REGULAR SESSION**

**7:20 p.m.**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** - Pastor Mark DiGiralamo, Visalia 1<sup>st</sup> Assembly of God

### **SPECIAL PRESENTATIONS/RECOGNITION**

Mayor Gamboa announced that the City Council unanimously appointed Colleen Mestas as the City's interim Police Chief during closed session. Chief Mestas thanked the Council for the opportunity to serve.

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.

Charles UlmSchneider, Flagstaff St., discussed the California Voting Rights Act and Elections Code 14025-14032 and asked to have the matter of district elections placed on a future agenda. Mayor Gamboa indicated the matter will be discussed with the City Manager. Mr. UlmSchneider requested support from the Police Department for wayward teens. Mayor Gamboa referred Lt. Jason Salazar from the Police Department to meet with Mr. UlmSchneider.

Track 10

### **8. INFORMATION ITEMS - (No action required)**

- a) Receive Planning Commission Action Agenda for the meeting of July 27, 2009.

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

Councilmember Landers pulled the following items to discuss separately: Items 9c, 9d, 9h. Councilmember Shuklian pulled item 9i for further discussion; Mayor Gamboa pulled item 9e for further discussion.

DL/GC 5-0  
Balance of  
Consent  
Calendar  
approved

### **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) Approval of Mutual Aid Agreement between the College of the Sequoias Community College District Police Department and the Visalia Police Department

BL/GC (3/2)  
to approve  
item 9c as  
submitted.  
(Landers and  
Shuklian  
voted no)  
Motion  
carried.

- c) Request authorization to file a Notice of Completion for the Acequia Avenue Two Way Traffic Conversion Project, Project No. 3011-00000-720000-0-8056 (Final Cost \$556,097.49).

Councilmember Landers discussed postponing the item until traffic signals are synchronized. Adam Ennis, Engineering Department responded with the timeline.

DL/AS (2/3) to postpone Item 9c until signals synchronized (Collins, Gamboa, Link voted No) Motion failed.

DL/AS 5-0  
Item 9d  
approved as  
submitted

- d) Approve the Cooperative Agreement between the City of Visalia and the Visalia Parks and Recreation Foundation.

Councilmember Landers had questions regarding fundraising efforts of the Foundation. Foundation Director Carol Lefson responded.

JG/BL 5-0 to  
approve item  
9e as  
amended  
(add gas stub)

- e) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-62 Houston Avenue Widening Project, Santa Fe / Ben Maddox Way - Project No. 9026 in the amount of \$1,833,013.00, to the low bidder, Jim Crawford Construction Company, Inc.

Mayor Gamboa requested that a stub be included for possible gas connection. Adam Ennis, Engineering Services Manager indicated that this would be a good time to include that.

- f) Authorization to expand the current project scope for the Village Park - Wittman Center Renovation Project (3011-0-72-0-9865) by a final additional amount of \$56,500, using State Park Bond Act monies and CDBG funds.

- g) Authorization for the City Manager to accept and appropriate a grant award for \$351,363 for the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG).

DL/GC 5-0  
Item 9h  
approved as  
submitted

- h) Authorize the City Manager to execute a Project Improvement Agreement and Reimbursement Agreement with the Diocese of Fresno Education Corporation for the necessary street and other related improvements located at the southeast corner of Akers Street and Caldwell Avenue. APN 119-070-071.

Councilmember Landers discussed continuing efforts to ensure that students are not picked up or dropped off on a main arterial. Chris Young, Assistant Community Development Director responded.

AS/DL 5-0  
Item 9i  
approved as  
submitted

- i) Authorization to file a Notice of Completion for Parking Lot No. 45 at 409 E. Murray Avenue located generally between Bridge Street and Santa Fe Street. (Project, No. 6111-00000-720000-0-9695)

Councilmember Shuklian discussed the cost of the pervious concrete vs. asphalt.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION** - Alex Peltzer, City Attorney, announced that the Council appointed Colleen Mestas as Interim Police Chief during the closed session.

**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

7:52 p.m.  
Adjourned

10. Adjourn to Parking Lot No. 45 located at 409 E. Murray to view pervious pavement and solar street lighting.

### **Upcoming Council Meetings**

- 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
- Monday, September 21, 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