

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, September 21, 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.

WORK SESSION AND ACTION ITEMS (as described)

4:30 p.m.

Track 1

Public Comment on Work Session and Closed Session Items -

AS/BL 4-1
(Landers- No)
Item 1
approved as
submitted

1. Update regarding Hazardous Material Response Program

Fire Chief Mark Nelson recommended approval of the proposal from Tulare County for short and long-term funding to support on-going operations of the Visalia Haz Mat Response Team.

Council discussed costs, the possibility of a joint powers agreement, determining if companies that generate hazardous waste are paying their share.

Track 2

Item 2 update
only, no
action taken

2. Update regarding the H1N1 Flu Virus and our preparedness efforts.

Battalion Chief Danny Wristen updated the council regarding the preparedness efforts for the H1N1 flu. The city continues to be vigilant in its pandemic preparation efforts which include monitoring outbreaks, continued updates of the internal plan, meeting with Public Health and OES officials, table top drills, and taking a leadership role with planning in Tulare County.

Track 3

BL/AS 5-0
Item 3
approved as
submitted

3. Update on the Lover's Lane Interchange project and request for authorization for the City Manager to execute an agreement with Mark Thomas & Company, Inc. to perform the additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange at the estimated cost of \$47,339 using Measure R funds.

Adam Ennis, Engineering Division, and Jose Benavides, TJKM, Transportation Consultant updated the Council on the Lovers Lane Interchange project and recommended the Council authorize Mark Thomas & Company, Inc. to perform additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange.

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)

4. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: three potential cases
5. Conference With Real Property Negotiators (G.C. §54956.8)
Property: APN: 095-134-024 & 030 (1933 S. Mooney Blvd.)
Under Negotiation: Consideration and approval of appraisal; Authority to negotiate price, terms and conditions of potential purchase
Negotiating Parties: Steve Salomon, Chris Young, Adam Ennis, Colleen Carlson, John Barbis and Glenn Stanton

Track 4

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Jason Backland, Visalia Community Covenant Church

INTRODUCTION OF NEW EMPLOYEE

Introduction of Kim Loeb Natural Resource Conservation Manager, by Leslie Caviglia Deputy City Manager

Track 5

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.

Paul Fry requested Item 7b be removed from the consent calendar and made a regular item.

Kathy from Paradise St., and Lada Macarena, spoke in favor of a Trader Joe's in Visalia. Councilmembers responded that attempts have been made to bring the market to Visalia.

Councilmember Landers stated that he will not be able to attend the October 5th, 2009 Council meeting.

Councilmember Shuklian reported she has begun using Face Book and Twitter to help keep the public informed.

Mayor Gamboa announced that the City has a publication "Inside City Hall" that the public can sign up to receive.

6. INFORMATION ITEMS - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of September 14, 2009.

Track 6

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Items 7b and 7c were pulled from the consent calendar to discuss as separate items.

BL/DL 5-0
approve
balance of
consent
calendar

7. 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) Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2009.

GC/DL 5-0
Item 7b
approved as
submitted

Paul Fry had questions regarding the portfolio balances and what funds are included in the balance. Eric Frost, Administrative Services Director, responded and will meet with Mr. Fry to review further.

DL/GC 4-1
Shuklian-no
Item 7c
approved as
submitted

- c) Authorization to file a Notice of Completion for Recreation Park Stadium Improvements.

Council discussed that the renovation was completed \$100,000 under budget, the attractiveness of the project, and the use of local contractors. The facility is a finalist for Renovation of the Year Award in Ballpark Digest.

Councilmember Shuklian requested an update be presented to Council on final attendance figures and asked what happens to the \$100,000 savings. Adam Ennis, Engineering Division, responded that the savings will remain in the Recreation Park fund.

- d) Appointment of a representative of the Mooney Boulevard Merchant's Organization to the General Plan Update Review Committee.

- e) Authorize the City of Visalia's involvement in the San Joaquin Valley Air Pollution Control District's "Healthy Air Living Business" program. **Resolution 2009-41 required.**

Track 7

BL/DL 4-1
(Gamboa-No)
Item 8
approved as
submitted

8. **PUBLIC HEARING** - Final 2008/09 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME funds); and 4th Amendment to the 2008-09 and 3rd Amendment to the 2007-08 Action Plans reprogramming CDBG funds. **Resolution 2009-42 required.**

Rhonda Haynes, Housing and Economic Development, summarized the draft Action Plan amendments and the draft Consolidated Annual Performance and Evaluation Report. The Council reviewed the entire report at its September 8, 2009 meeting.

Mayor Gamboa discussed the need to include funding for the homeless population. Councilmembers discussed that the County receives funding from the State and Federal government for this situation and the matter is in their jurisdiction. Councilmember Collins requested that the Council study this further in a future Work Session.

The public hearing was opened at 7:55 p.m. and the following persons spoke: 1) Mark McPhee, representing Homeland Mission in Tulare, spoke about the needs of disabled and homeless people. 2) Jerry Newman, Christian Motorcycle Association Tulare County New Hope Riders,

spoke regarding the needs of the homeless. 3) Steve Nelson, Babcock St., spoke regarding the homeless situation as a problem for the city as well as the county. 4) Danny Little, Laurel Avenue, spoke about the services of the Rescue Mission and their current budget. The public hearing was closed at 8:10 p.m.

Track 8

AS/BL 5-0
Item 9
approved as
submitted

9. Update regarding progress toward the implementation of the recommendations approved by Council regarding FEMA’s revised Flood Insurance Rate Maps (FIRMs); authorization to work with Akerman Senterfitt toward extension of FEMA’s Preferred Risk Program; authorize the Mayor to sign a letter asking FEMA to approve the City of Visalia’s participation in the Community Rating System.

Chris Young, Assistant Community Development Director, updated the Council on progress of implementation of the recommendations approved by Council regarding FEMA’s revised Flood Insurance Rate Maps, the efforts to extend the Preferred Risk Program, the activities of the local working group, the status of the Request for Qualifications, and the level of staff’s effort in handling concerns about the flood insurance rate map changes.

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	Purchase Price
City of Visalia	Flyers, LLC, A California Limited Liability Co.: Stephen B. Dwelle, Authorized Officer	Portion of 096-291-023	1920 S. Mooney Blvd, Visalia CA	Grant of Easement for pedestrian purposes in association with Walnut/ Mooney intersection improvements	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co. Stephen B. Dwelle, Authorized Officer	Portion of 096-291-024	1942 W. Walnut Avenue, Visalia CA	Grant of Easement for pedestrian purposes in association with Walnut/ Mooney intersection improvements	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co.: Stephen B. Dwelle, Authorized Officer	Portion of 096-291-023	1920 S. Mooney Blvd, Visalia CA	Grant of Easement – Overhang Facilities Only	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co. Stephen B. Dwelle, Authorized Officer	Portion of 096-291-024	1942 W. Walnut Avenue, Visalia CA	Grant of Easement – Overhang Facilities Only	8/4/09	Manuel Molina	-0-

8:25 p.m.
Adjourned

Upcoming Council Meetings

- Monday, October 5, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, October 19, 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