

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, December 7, 2009

Location: City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

Mayor: Bob Link - present
Vice Mayor: Amy Shuklian - present
Council Member: Warren Gubler - present
Council Member: Mike Lane - present
Council Member: Steve Nelsen - 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.

3:00 p.m.

1. **TOUR OF WASTEWATER TREATMENT PLANT - 7579 Avenue 288, Visalia, CA**

4:30 p.m.

WORK SESSION AND ACTION ITEMS (as described)

Track 1

Public Comment on Work Session and Closed Session Items -

Councilmember Shuklian remarked on the tour of the Wastewater Treatment Plant and thanked staff for the work that they do.
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2. Receive interim financial report. **Receive public comment.**

Track 2

**No action
taken - info
only**

Eric Frost, Administrative Services Director, presented a financial update. Frost reviewed the financial structure of the City, revenue sources, and reserves. Frost reviewed the declines in sales tax and property tax revenues and their impact on the General Fund.

The Council will continue to receive periodic interim financial updates in addition to the Mid Year report in Feb/March, the Audit in January (covering year ending 6/30/09) and the adoption of the new budget in June/July.

Councilmembers had comments and questions which were responded to by Eric Frost. No action was taken, information only.

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 at 5:25 p.m. to consider item #8.

Track 3

REGULAR SESSION
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Mr. Danny Little, Visalia Rescue Mission

MOMENT OF SILENCE – In honor of Alejandro Ruiz, a Visalia native who received the Medal of Honor, the highest award for valor in action, from President Harry Truman. Mr. Ruiz recently passed away, he was 85 years old.

Track 4

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.

Cpt. Teresa Laverro, Vasser St., discussed the 8th annual Battle of the Badges Blood Drive.

Police Chief Colleen Mestas discussed the contest between the Fire Department and Police Department and as the loser of the contest she agreed to dress in firefighters turn-out uniform for the Council meeting.

Irene Lapin, Feemster St., discussed improving access to the Council in order to bring transparency to government.

Mel Zieman, W. Hurley, discussed flood zone information, money spent on studies, the animal control shelter, the Visalia Airport, extending Tulare Avenue to Shirk, and Council Candidate Forums.

Track 5

- 3. INFORMATION ITEMS - (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of November 23, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

Items pulled for further discussion were: Item 4c (Lane); Item 4e (Nelsen and Shuklian); Item 4f (Gubler and Shuklian); Item 4h (Shuklian and Link).

ML/AS 5-0
approve
balance of
consent
calendar as
submitted

- 4. 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) Authorization to file a Notice of Completion for Parcel Map 2006-23, located at the northeast corner of Packwood Avenue and Demaree Street.

ML/WG 5-0
Item 4c
approved as
submitted

- c) Approve a three year utility billing contract with CalWater to bill and collect the City's waste water and solid waste charges.

Councilmember Lane had questions about the history of the billing contract and rationale. Councilmembers discussed the amount of the increase and Eric Frost responded to the questions.

- d) Authorize the City Manager to execute the Reimbursement Agreement for Tentative Parcel Map No. 2006-05, American Industrial Park West, located east of Camp Drive and south of Goshen Avenue. APN: 073-090-075

- e) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 09-10-27 for Center Avenue Improvements, Conyer Street to Bridge Street Project No. 8016 in the amount of \$178,084.00, to the low bidder, Lockwood General Engineering Inc.

Councilmember Nelsen had questions regarding the work to be done to the street during business hours. Adam Ennis, Engineering Services Manager, responded to questions and indicated notifications to business owners will be sent.

- f) Request authorization to award the contract for Jefferson Park Sidewalk Improvements located between Myrtle Street and Watson Avenue to Dunn's Sand Inc., and authorize the City Manager to execute a contract for renovations to the Anthony Community Center.

Councilmember Gubler indicated he had a potential conflict of interest with Dunn's Sand Inc. as a business client. City Attorney Peltzer advised Councilmember Gubler to leave the dais and the chambers while the item is discussed and voted upon.

Councilmember Shuklian commented that she is glad to see a local company was the low bidder and to receive the contract.

- g) Award the construction contract for the Ben Maddox Way/Highway 198 "overcrossing" to the low bidder (Emmett's Excavation) in the amount of \$4,801,446.98. The project number is 1111-720000-0-0-9242-2004.

- h) Approve a recommendation from the Parks and Recreation Commission to apply for "Proposition 84" Park Bond Act Monies to implement the East Downtown Parks Master Plan.

Councilmember Shuklian and Mayor Link asked staff to discuss the East Downtown Parks Master Plan EIR process. Assistant City Manager, Michael Olmos, responded to Council's questions.

- i) Accept the Cash and Investment Report for the first quarter ending September 30, 2009 and approve resolution adopting the City of Visalia's annually updated Investment Policy and Delegating authority to invest funds for the City to the Administrative Services Director/Treasurer. **Resolution 2009-59 required.**

- j) Authorize submittal of a collaborative application for State Energy Program grant funds in the amount of \$6,000,000 to establish the Tulare-Kings Counties Comprehensive Residential Building Retrofit Program. **Resolution 2009-60 required.**

SN/AS 5-0
Item 4e
approved as
submitted

ML/AS 4-0-1
(Gubler
abstain) Item
4f approved
as submitted

AS/ML 5-0
Item 4h
approved as
submitted

Track 6

Convene jointly as the Redevelopment Agency and the Visalia City Council

ML/AS 5-0
RDA Consent
Calendar
approved as
submitted

5. RDA CONSENT CALENDAR

a. Authorization to enter into a new agreement (fifth) between the Community Redevelopment Agency of the City of Visalia and Habitat for Humanity of Tulare County, for use of Redevelopment Agency Low/Mod Housing Set-Aside funds, to provide for a loan up to two hundred fifty thousand dollars (\$250,000) for acquisition and pre-construction costs for affordable housing. **Resolution 2009-05 required.**

b. Authorize a "Land Use Agreement" between the Redevelopment Agency (RDA) and Proteus, Inc. for purposes of permitting a Community Garden on RDA-owned land. **Resolution 2009-06 required.**

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

Track 7

WG/AS 5-0
Item 6
approved
first reading
of ordinance

6. Introduction of Ordinance 2009-08 amending Section 12.52.020 and adding Chapter 9.34 "Aggressive Solicitation" to the Visalia Municipal Code authorizing the Police Department to have enforcement guidelines for specific aggressive behaviors associated with solicitation in public and introduction of amendment to Visalia Municipal Ordinance Section 8.40 to include camping in non-designated areas as a public nuisance. **Ordinance 2009-08 required.**

Lt. Perry Phipps, Visalia Police Department, reviewed the proposed ordinance amendments. City Attorney, Alex Peltzer, read into the record a section of the proposed ordinance that will be added to the 2nd reading of the ordinance: "Section 9.34.050 Solicitations Under False Pretenses Prohibited - No person shall knowingly make a false or fraudulent representation or uses false pretenses to obtain a donation."

Track 8

AS/SN 5-0
Item 7
approved as
submitted

7. Authorize the submittal of a grant application to the Federal Emergency Management Agency (FEMA) in the amount of approximately \$1,900,000 for Fire Department staffing.

Fire Chief Mark Nelson reviewed the grant that would provide funding to hire up to 9 additional firefighters. After two years, funding would be assumed by Measure T. The grant does not require any matching funds. The deadline for applying for the grant is December 16.

Council discussed the need for clarity on Measure T and whether the City will be able to meet the grant requirements. City Manager Steve Salomon, indicated that a hearing on Measure T will occur in late January or early February and that, if funded, the City could refuse the grant monies if it appears to put the City in a financial risk.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Track 9

City Attorney Alex Peltzer reported the following:

Meeting
adjourned
8:15 p.m.

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Citibank as Trustee for WAMU	APN 098-070-017	401 N. Lovers Ln.	ROW Mill Creek Pkwy	11/17/09	Chris Young

CLOSED SESSION

Closed
Session
occurred at
5:25 p.m.

8. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)
City of Visalia Retirees v. City of Visalia TCSC #09-232173

Upcoming Council Meetings

- Monday, December 14, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Visalia Convention Center, 303 E. Acequia
- Monday, December 21, 2009, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, January 11, 2010, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Convention Center, 303 E. 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.