

Visalia City Council Action Agenda

For the regular meeting of: MONDAY, December 21, 2009

Location: 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.

Track 1

WORK SESSION AND ACTION ITEMS (as described) **4:00 p.m.**

Public Comment on Work Session and Closed Session Items - none

AS/ML 5-0
Item 1
approved as
submitted.

1. Water Conservation Plant project update and authorization to proceed with upgrade design based on the Membrane Bio-Reactor (MBR) alternative, and authorization to proceed as necessary to secure financing through the State Revolving Fund program. **Receive public comment.**

Jim Ross, Public Works Manager; and Parsons representatives Surendra Thakral, Paul Skager, and Madan Arora, reviewed the project and their recommendations and tentative schedule as well as funding methods. Discussed were two alternatives : 1) Conventional Activated Sludge and Tertiary Filtration Processes, and 2) Membrane Bioreactor (MBR) Process. Eric Frost, Administrative Services Director discussed financial aspects.

Track 2

WG/SN 5-0
Item 2
approved as
submitted

2. Authorization to hire Dyett & Bhatia planning consultants for preparation of a General Plan Update and Program Environmental Impact Report (EIR). **Receive public comment.**

Paul Scheibel, Planning Services Manager, presented the report and introduced Leslie Gould from Dyett & Bhatia. Several members of the General Plan Update Review Committee were in attendance. Ms. Gould, explained the phases of the project which will include community input and participation.

The following persons spoke in support of the General Plan Update: Darlene Mata, member of the GP Update Review Committee, urged support of the General Pan Update and encouraged keeping money local for the Mooney Corridor Study; Larry Segrue, Thomas Ct., vice-chair of the Committee, urged the Council to move forward and to integrate the Mooney Study with the Update.

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

Mayor Link introduced Greg Burns, a member of the City’s new federal lobbyist team Van Scoyoc Associates, located in Washington D.C.

CLOSED SESSION

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

- 3. Conference with Labor Negotiators (G.C. Section 54957.6)
Agency designated representatives: Steve Salomon, Eric Frost
Employee Organization: All employee groups
- 4. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: one potential case
- 5. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
- 6. Conference with Real Property Negotiators (G.C. Section 54956.8)
Property: 300 E. Oak St.,
Under Negotiation: Potential acquisition
Negotiating Parties for City: Steve Salomon, Mike Olmos, Ricardo Noguera
Negotiating Parties for Landowner: Scott Ellis, Realtor
- 7. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 1968 S. Lovers Lane
Lessor: Cal Fire
Lessee: City of Visalia
Under Negotiation: Price, terms and conditions of potential lease
Negotiating Parties: Steve Salomon, Mark Nelson

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Paul Gendron, Work Force Chaplaincy

SPECIAL PRESENTATIONS/RECOGNITION – Present Resolution of Commendation to Valley Voice recognizing its 30th Anniversary

Vice-Mayor Shuklian presented the Resolution to Rick Elkins, Valley Voice.

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.

Michael Renzi, Exeter, a City of Visalia employee, discussed his concerns about furloughs.

Vice-Mayor Shuklian, discussed her new office hours beginning January 6, 2010.

Councilmember Steve Nelsen discussed the Police Department's PAL breakfast for neighborhood kids and encouraged community involvement in this annual event.

8. INFORMATION ITEMS - (No action required)

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

Track 6

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

The following items were pulled from the consent calendar for further discussion: Item 9c (Gubler; Item 9d (Nelsen); Item 9f (Nelsen); Item 9j (Shuklian).

AS/SN 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) Authorization to bid the public improvements for the Island Annexation Sewer (Birdland) which is located West of Giddings Avenue, between Sunnyview Avenue and Wren Drive, without the requirement for the payment of prevailing wages pursuant to Resolution #83-02 (Project No. 4311-00000-720000-0-9783).

AS/ML 4-0-1
(Gubler
abstain) Item
9c approved
as submitted

c) Second Reading and adoption of Ordinance No. 2009-06 for Change of Zone No. 2008-03 and Conditional Zoning Agreement 2009-01: A request to change the zoning designations from R-1-6 (Single-Family Residence) and R-M-3 (Multi-family Residential) to P-C-SO (Planned Shopping/Office Commercial), P-PA (Planned Professional/ Administrative Office), and R-M-3 (Multi-family Residential) on 19.93 acres located on the southwest corner of Demaree Street and Houston Avenue. **Ordinance 2009-06 required.**

Council Member Gubler announced that he owns a commercial building within 500' of the project which would be considered a conflict of interest. Councilmember Gubler left the dais during the deliberation and vote on the item.

AS/SN 5-0
Item 9d
approved as
amended

d) Second reading and adoption of Ordinance 2009-08 amending Visalia Municipal Code Sections 12.52.020, 8.40.020 and 8.40.030 to include camping in non-designated areas as a public nuisance; 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. **Ordinance 2009-08 required**

Councilmember Nelsen discussed a provision in State Law that allows solicitation in a public roadway if the solicitors are public safety employees.

Tracy Robertshaw, Code Enforcement Division, and Jim Koontz, Deputy City Attorney, clarified the camping provisions of the ordinance. Robertshaw showed pictures that were taken on recent calls to Code Enforcement.

The following persons spoke regarding the ordinance: Karen Pizel, S. Irma, asked the Council to postpone, for 6 months, the camping portion of the ordinance allowing a faith-based group to find housing for persons that would be affected; Christina Thoran, Ernest St., asked the Council to separate the camping provisions from the rest of the ordinance to allow the group to continue to find a solution and options outside of governmental agencies; Steve Dillard, Laurel Ave., asked the Council to table their decision on the "camping" portion of the ordinance. *(In addition to those listed above, there were others in the audience who stood in a show of support to table or separate out the camping section of the ordinance).*

Motion: AS/SN (5-0) to adopt Ordinance 2009-08 which will become effective in 30 days with the exception of the Section 2 which will become effective in 60 days.

e) Second reading and adoption of Ordinance 2009-10 for sale of City property located at the east side of McAuliff Street at Mill Creek Parkway/Race Street (Portion of APN 103-320-11) to California Water Service. *4/5th vote required. Ordinance 2009-10 required.*

f) Award contract to RCC Consultants to conduct a county-wide Consolidated Dispatch Implementation Study for the amount of \$79,250.

Councilmember Nelsen requested clarification of the amount of the City of Visalia's portion for the study. Veronica McDermott, Police Support Services Manager, responded that the City will be responsible for the contract and the other agencies will reimburse the City for their portions. Visalia's portion will be \$31,800.

g) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 09-10-09 for the Mooney Blvd. Storm Drain Pipeline and Lift Station Upgrade Project (Project No. 3011-9939) in the amount of (\$320,428.76) to the low bidder, Mark Hoffman General Engineering, Inc.

h) Appointments to the following Committees and Commissions as recommended by the Citizens Advisory Committee, in accordance with Council approved City policy, for the Planning Commission, the Transit Advisory Committee, the Citizen's Advisory Committee, the Environmental Committee, and Waterways and Trails Committee

i) Approve Mayor's recommendations for City Council representatives to various boards/committees/task forces for 2009-11.

j) Award contract for the purchase of nine (9) new marked Police patrol vehicles to Surroz Motors Inc. in the amount of \$388,122.33.

Councilmember Shuklian thanked staff for their negotiation efforts on this purchase and noted that the contract is being awarded to a local dealership.

k) Approve implementation of the State Model Water Efficient Landscape Ordinance beginning January 1, 2010 and develop a local ordinance in 2010.

SN/WG 5-0
Item 9f
approved as
submitted

AS/ML 5-0
Item 9j
approved as
submitted

Track 7

AS/SN 5-0
Item 10
approved as
submitted

Convene jointly as the Visalia Public Finance Authority (VPFA) and the Visalia City Council

10. VPFA CONSENT CALENDAR

- a. Annual status report for the Visalia Public Finance Authority (VPFA) and appointment of VPFA directors and officers.

Adjourn as the Visalia Public Finance Authority (VPFA) and the Visalia City Council and remain seated as the Visalia City Council.

Track 8

AS/SN 5-0
approve #1-4
for Item 11

11. Consideration of a second amendment to the Measure R Sales Tax Expenditure Plan.

Resolution 2009-62 required.

Michael Olmos, Assistant City Manager, reviewed the staff's recommendations for the 2nd amendment to the Measure R Expenditure Plan. Staff recommended that Item #5 of the 2nd amendment not be approved because it does not implement the objective of the Measure R Plan.

AS/ML 5-0
deny #5 for
Item 11

Track 9
WG/AS 5-0
Item 12
approved as
submitted

12. Review and approve Visalia Water Management Committee 2010 Annual Plan.

Andrew Benelli, Public Works Director, reviewed the Annual Plan and responded to Council questions.

Track 10

SN/WG 4-1
Shuklian-No
to continue
discussion for
Item 13 to
another
meeting

13. Approval of recommendations from the Mayor to improve citizen involvement in the local government process by generally moving the City Council meetings to the Convention Center beginning in January 2010, and increasing the time limit for public comment to a maximum of five minutes.

Leslie Caviglia, Deputy City Manager, presented the proposal of Mayor Link to increase public participation and involvement. Council discussed the possibility of moving meetings to the Convention Center.

Councilmember Shuklian discussed reasons not to move the meetings to the Convention Center.

Meeting
adjourned
8:45 p.m.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION - none

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS - none

Upcoming Council Meetings

- Monday, January 11, 2010, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Convention Center, 303 E. Acequia
- Tuesday, January 19, 2010, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, January 25, 2010, 6:00 p.m. Jt. Meeting with Kaweah Delta Health Care District, 400 W. Mineral King, Blue Room Conference Room

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 CMC, Chief Deputy City Clerk

