

# Special Meeting Action Agenda

## Visalia City Council



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

Monday, January 11, 2010

Visalia Convention Center, 303 E. Acequia, Visalia CA 93291  
Special Recognitions 5:00 p.m. and Closed Session immediately following  
Regular Session 7:00 p.m.

### 5:00 P.M. SPECIAL RECOGNITIONS

Track 1

**Visalia Police Department** - presented by Chief Mestas

- Officer of the Year - Detective Curtis Brown
- Reserve Officer of the Year - Jim Jolly
- Communications Operator of the Year - Stacy Handley
- Civilian Employee of the Year - Carina Mello

**Visalia Fire Department** - presented by Chief Nelson

- Fire Fighter of the Year - Captain Teresa Lovero
- Fire Fighter of the Year - Engineer Paramedic Tony Colbert
- Fire Fighter of the Year - Fire Fighter Paramedic Nick Branch

### ITEMS OF INTEREST

City Attorney Alex Peltzer asked the council to consider adding an emergency item to the closed session agenda. 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.

The agenda item to be added is as follows: Item 3c Conference with Legal Counsel Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of G.C. Section 54956.9.

AS/WG 5-0 to add the item to the Closed Session Agenda.

5:10 p.m.

### ADJOURN TO CLOSED SESSION

1. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of G.C. Section 54956.9)
  - a) City of Visalia Retirees v. City of Visalia TCSC #09-232173
  - b) Chavez v. City of Visalia TCSC #09-231177

- 2. 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
  
- 3. Conference with Legal Counsel – Anticipated Litigation  
 Significant exposure to litigation pursuant to subdivision (b) of G.C. Section 54956.9: ~~two~~  
 three potential cases.

**7:00 P.M. CALL TO ORDER REGULAR SESSION**

Track 2

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Chaplain Kent Mishler, Kaweah Delta Hospital Care District

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

*This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (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.*

Irene Lapin, Feemster St., urged the Council not to delay the vote indefinitely regarding allowing the public five minutes each for public comment. Lapin also addressed reasons meetings should continue to be held at the Council Chambers.

James Galaviz, Visalia Firefighter, invited the Council to the Knights of Columbus event to honor the Firefighters of the Year on January 16.

Carrie Tramphum, Modoc Street, spoke about on-going Code Enforcement issues in his neighborhood. Mayor Link referred him to speak with Ricardo Noguera, Housing and Economic Development Director.

Fire Chief Nelsen introduced Kirk Swartzlander, CalFire Chief.

Tracks 3 & 4

AS/SN 5-0  
approve all  
consent items  
as submitted

- 4. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

No items pulled from consent calendar.

- a) Authorization to read ordinances by title only.

- b) Authorize the City Manager to enter into a contract for professional services for labor relations, negotiations and/or other mediation services with Liebert Cassidy Whitmore, a Professional Law Corporation, for an amount not to exceed \$60,000.
- c) Authorization to file a Notice of Completion for River Run Ranch, Phase No. 2, a subdivision (containing 35 single family lots), located on the East side of McAuliff Street between St. Johns River and Houston Avenue.
- d) Approve extension of a lease agreement with the California Department of Forestry and Fire Protection, and the California Department of General Services, for space located at 1968 S. Lovers Lane.
- e) Reappointment of Ben Arellano to the Visalia Environmental Committee.
- f) Designate Visalia as a Federal Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009 for the purpose of pursuing Recovery Zone Bonds. **Resolution 2010-01 required.**
- g) Authorize the City Manager to approve a reimbursement request in the amount of \$643,726 (of which \$162,246 is due in a cash payment) per the “Riverwood Unit #2” Subdivision Reimbursement Agreement for improvements made to arterial streets (Mineral King Avenue and McAuliff St.).
- h) Authorize staff to use Neighborhood Stabilization Program (NSP) Funds to acquire and rehabilitate a foreclosed multi-family complex and contract with a non-profit agency to manage the property.
- i) Establish and/or recertify existing prima facie speed zones at the following locations:
  - Riggan Avenue from Demaree Street to Dinuba Highway
  - Pinkham Street from Caldwell Avenue to Noble Avenue
  - County Center Drive from Houston Avenue to Shannon Parkway
  - Demaree Street from Goshen Avenue to Pratt Avenue
  - Roeben Street from Buena Vista Avenue to Riggan Avenue.

**Resolution 2010-02 required.**

**REGULAR ITEMS AND PUBLIC HEARINGS** - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

Track 5

SN/WG 3/2  
(Shuklian &  
Lane = No)

Options 1 and  
4 approved.

5. Consider and adopt Retiree Health Care premiums for 2010.

Eric Frost introduced the item and reviewed some of the options for Council to consider for setting the 2010 contribution rates for retiree health care premiums.

At 7:15 p.m. Mayor Link opened the floor for public comments and the following persons spoke in opposition to an increase: Jim Thompson; Andrew Nava; Shirley Setzer; Lucy Stump; Gary Orr; Mike McCoy; Barbara Phillips; Bob Brantly. The following persons spoke with other suggestions: Sharon Sheltzer, to raise rates according to ability to pay; Mike Stow, emergency responders need for insurance if injured or killed in line of duty, The comment period was closed at 7:40 p.m.

Council members each commented including their reasons for supporting or not supporting a raise in the contribution rate.

Motion SN/WG (approved 3/2 – Shuklian and Lane – No) to increase retiree contributions sufficient to maintain the city’s contribution as unchanged and no increase for lower income, Medicare-age retirees by leaving the contribution rates for post-Medicare age retirees unchanged for 2010 if minimum requirements are met (worked for city 15 years, age 65 as of 12/31/09 and total household income less than \$37,680).

Track 6

AS/SN 5-0  
continue to  
1/19/2010

- 6. **PUBLIC HEARING** –Appeal of the Planning Commission’s denial of Variance No. 2009-10 by Ad Art Sign Company and Visalia Properties to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue. (APN: 095-134-045 & 046). **Resolution No. 2010-03 required.** *Postponed from October 19, 2009 and November 16, 2009 at request of applicant.*

Mayor Link announced the applicant has requested to continue the item to 2/1/2010. Staff recommends a continuance to 1/19/2010.

**CLOSED SESSION REPORT (if any) NONE**

8:05 p.m.  
meeting  
adjourned

**ADJOURN MEETING**

**Upcoming Council Meetings** *(Meeting dates/times are subject to change, check posted agenda for correct details)*

- 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
- Monday, February 1, 2010, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia
- Fri/Sat, February 5-6, 2010, Council Strategic Planning Workshop, Fri. Noon-8 pm; Sat 8-5 pm; Convention Center 303 E. Acequia

*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.*

*Written materials relating to any items on this agenda, submitted to the Council after distribution of the agenda packet, are available for public inspection at the meeting and in the City Clerk’s Office, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.*

*The City’s newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to [http://www.ci.visalia.ca.us/about/inside\\_city\\_hall\\_newsletter.asp](http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp). For more information, contact Community Relations Manager Nancy Loliva at [nloliva@ci.visalia.ca.us](mailto:nloliva@ci.visalia.ca.us).*

A quote from  
Visalia’s history:

*“We are pleased to note that the large hole at the corner of Court and Acequia streets has been filled up. Many a nocturnal pedestrian has waltzed around on his ear and cussed after unwarily plunging up to the knees in its slush and water. It had been there so long that it had become to be regarded as an institution of Visalia.”* Visalia Weekly Delta, November 28, 1879