

Visalia City Council Special Meeting Agenda



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

Monday, September 13, 2010


City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291
Special Meeting 5:00 p.m.; Closed Session immediately following

5:00 p.m. CONVENE SPECIAL MEETING

PUBLIC COMMENTS *(related to items on the agenda only)* This is 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

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.*

1. Presentation by the Citizens Advisory Committee regarding the results of the 2010 Public  Opinion Survey. **Receive public comments.**

2. **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.*

- a) Authorization to revise and extend the contract for two years with Dooley Herr Peltzer and Richardson to serve as the primary legal firm representing the City, and confirm the City Attorney and Assistant City Attorneys.
- b) Request authorization to file a Notice of Completion for the Hurley Avenue Improvements required with Conditional Use Permit 2010-04, located at 6084 West Hurley Avenue.
- c) Appointment of Nachi Kinsel to the Transit Advisory Committee.

- d) Establish existing prima facie speed zones within the City limits for Hurley Avenue between Akers Street and Shirk Street. Adopt **Resolution No. 2010-61** to amend the Official Speed Zone List of the City of Visalia.

5:30 p.m. CLOSED SESSION (immediately following Special Meeting)

3. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: Employee Groups A, B, G and M.
4. Conference with Legal Counsel – Anticipated Litigations
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 potential cases)
5. Item removed at the request of staff
6. Conference with Real Property Negotiators (GC 54956.8)
Property: SW Corner of Roeben Avenue and Tulare APN # 087-010-005
Negotiating Parties: Mark Nelsen, Alex Peltzer, Ron and Rosalinda Vander Weerd
Under Negotiations: Terms and Conditions

Upcoming Council Meetings

- Monday, September 20, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers, 707 W. Acequia
- Monday, October 4, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Monday, October 18, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia

Note: Meeting dates/times are subject to change, check posted agenda for correct details.

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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.

City of Visalia Agenda Item Transmittal

Meeting Date: September 13, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Receive the 2010 Public Opinion Survey report

Deadline for Action:

Submitting Department: Citizen Advisory Committee and Administrative Services

Contact Name and Phone Number:

George Shelton, CAC Chair, 636-2775,
Eric Frost, Administrative Services Director, x4474
Amee Sing, Finance Intern, x4170

Department Recommendation: Receive CAC Public Opinion Survey (POS) report.

Summary/background: The Citizens Advisory Committee is charged by Council to conduct a Public Opinion Survey (POS). For a long time, the survey was conducted via telephone. However, the Council and the CAC felt that the survey in recent years was not reaching certain portions of the City's population, namely younger individuals and residents north of 198, possibly due to the fact more people use cell phones and the phone list the City can obtain only includes land line telephones.

In 2009, the CAC selected four different supermarket chains to conduct their "in-person" surveys. To help in diversifying the sample and promote geographic balance, supermarkets were selected from each quadrant of the city.

Strong improvements were made in capturing more diverse sample, more closely matching Census data demographics, particularly in ethnicity.

ETHNICITY

	<u>2000 Census</u>	<u>Public Opinion Survey</u>	
		<u>2010</u>	<u>2008</u>
Hispanic or Latino	39.7%	36%	16%

The survey this year showed that it was more efficient to take the survey in person than over the phone. 395 surveys were taken over less than 4 hours on April 10, 2010, an increase from last

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

year's survey tally of 271. Getting respondents consent to participate was less time consuming than in years past.

This year's POS sample size of 395 respondents has a 95% confidence interval of +/- 3%. In other words, 95% of the time, the actual response from residents should be within +/- 3% of the survey's response.

Overall survey data hasn't dramatically been impacted due to change in demographics. Even though past surveys had areas skewed in reflecting census data, the reports still held value in assisting to capture the opinion of Visalia residents. The CAC will continue to use "in person" surveys and will be looking to expand to respondents through on-line surveys.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: 2010 Public Opinion Survey
2010 Public Opinion PowerPoint

Recommended Motion (and Alternative Motions if expected): Approve the proposed 2010 Citizens Advisory Council Public Opinion Survey.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Copies of this report have been provided to:

Public Opinion Survey



**Conducted By:
The Citizens Advisory Committee
Spring 2010**

The Citizens Advisory Committee (CAC), appointed by the City Council, is a group of individuals of various ages and interests bound together by their concern for Visalia. The committee's mission is to be an advocate and informed voice for the community and an active resource for City Council and staff. The committee prioritizes local issues and concerns and develops recommendations that will affect the future of Visalia. This Public Opinion Survey is produced annually by the committee.

The City of Visalia appreciates the Citizens Advisory Committee members, City staff, and other volunteers for their generous help in completing this survey and analyzing the results.

CITIZENS ADVISORY COMMITTEE

George Shelton, Chairman-Citizens Advisory Committee

Matthew Ainley
Sylvia Baggs
Diane Biehle
Luke Feldstein
Jeff Forbes
Chris Gomez
Nyla Hallum

Nathan Hernandez
Dirk Holleboer
Betty McNutt
Phil Mirwald
Donna Orozco
Allen Powers
David Wheeler

PUBLIC OPINION SURVEY SUBCOMMITTEE

Nyla Hallum, Chair
Matt Ainley
Betty McNutt
Phil Mirwald

Alan Powers
Dave Wheeler
George Shelton Jr.

SURVEY VOLUNTEERS

Eric Frost
Amy Shuklian
Celina Alaniz-Mederos
Bonnie Cain
David Carlsen
Gustavo Casimiro
Arnulfo Castaneda
Jeanette Ceja

David Contreras
Sam Cui
Joseph Gibe
Bryan Gomez
Jessica Gonzalez
Louis Gonzalez
Gustavo Gutierrez
Georgia Ibarra

Scott Lindsey
Yesena Munoz
Lorena Padilla
Denise Perea
Ryan Price
Crystal Rodriguez
Brian Salinas
Jessah Silva

CITY OF VISALIA STAFF

Eric Frost, Administrative Services Director
Amee Sing, Finance Intern

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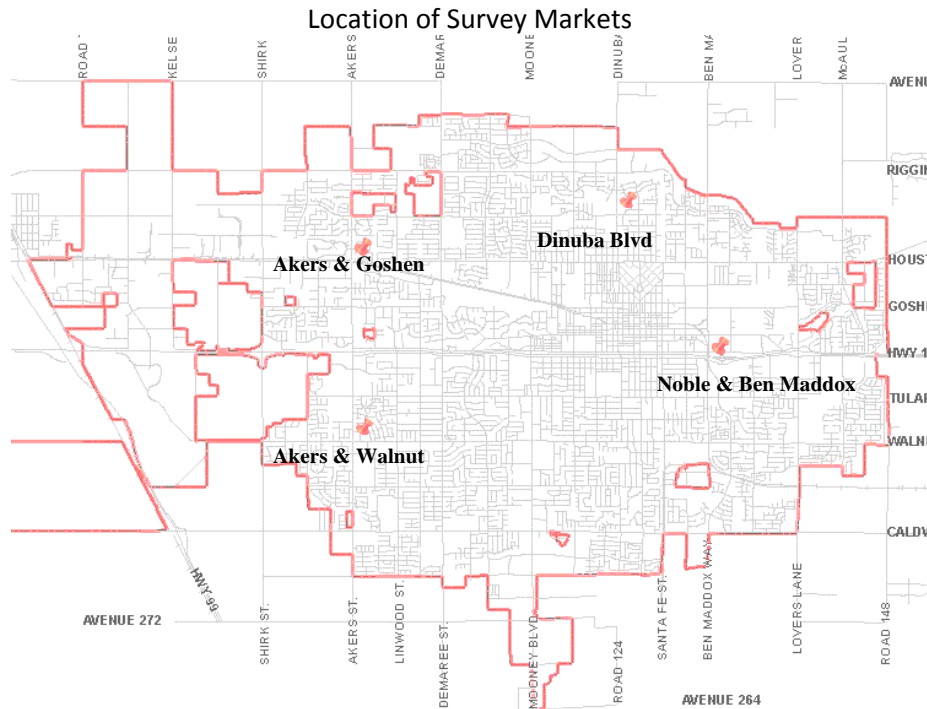
Summary

Demographics	27
Sample Survey	31

Background

The City of Visalia seeks to improve Visalia's service quality and identify focus areas to make Visalia a great Place to live. To improve things, the City needs community feedback. The Public Opinion Survey (POS) is intended as a basic guide to measure public concerns on such things as public works, public safety and recreational activities.

The CAC used an "in-person" approach to conduct the POS. Prior to 2008-09, the City used a phone survey approach. The "in person" approach provides respondents a comfort level that they could better trust. The CAC chose four different supermarkets to conduct the surveys. To help diversify the sample and promote geographic balance, the supermarkets were selected from each quadrant of the city, as pin-pointed below: Akers/Walnut, Akers/Goshen, Dinuba Blvd, and Noble/Ben Maddox.



This year's survey was conducted on April 10, 2010. The survey was provided in English and Spanish. Questions of concern for the Convention Center, traffic flow and downtown improvements were included. This year the open-ended questions focused on how the City can help improve and encourage more job creation in these economic times and how to make Visalia a better place to live.

This year's POS had a sample size of 395, up from 271 respondents from last year's POS. The survey may not be a random sample because all residents are not approached. However, the survey does better match the City's demographics than the previous phone surveys. If the survey is accepted as a random sample, the results of a 95% confidence level should be ± 3 . In other words, changes in results of less than 3% should be ignored.

Summary Highlights

A majority of respondents indicated that, despite changes in demographics and the economy, the City of Visalia provides a safe place to live and offers quality services based on the following summary highlights.

Quality of Life:

(Possible answers: very high, high, average, low, and very low)

97% of respondents rated the overall quality of life in Visalia is average to very high. **46%** of those respondents answered average and there was a slight decrease in both high and very high from last year's survey.

Fire Services:

(Possible answers: excellent, good, average, poor, and very poor)

94% of the 53 respondents who had contact with the Fire Department, indicated the quality of services were good to excellent. **100%** of those respondents from the Southwest rated the Fire Department as having excellent Services.

Road Maintenance:

(Possible answers: Road Maintenance, Park Maintenance, Traffic Signs & Signals, Recreation Activities and Other)

48% of respondents selected Road Maintenance as the most essential service besides Police and Fire. The second was Traffic Signs & Signals at 24%.

Enhancing Downtown:

(Possible answers: not, somewhat, neutral, very and no opinion)

64% of respondents indicated that it is very important to enhance the downtown. Overall each quadrant indicated that enhancing downtown was very important, but respondents from the Southeast quadrant felt slightly stronger with 70% of respondents rating it very important.

Moving Downtown:

(Possible answers: yes and no)

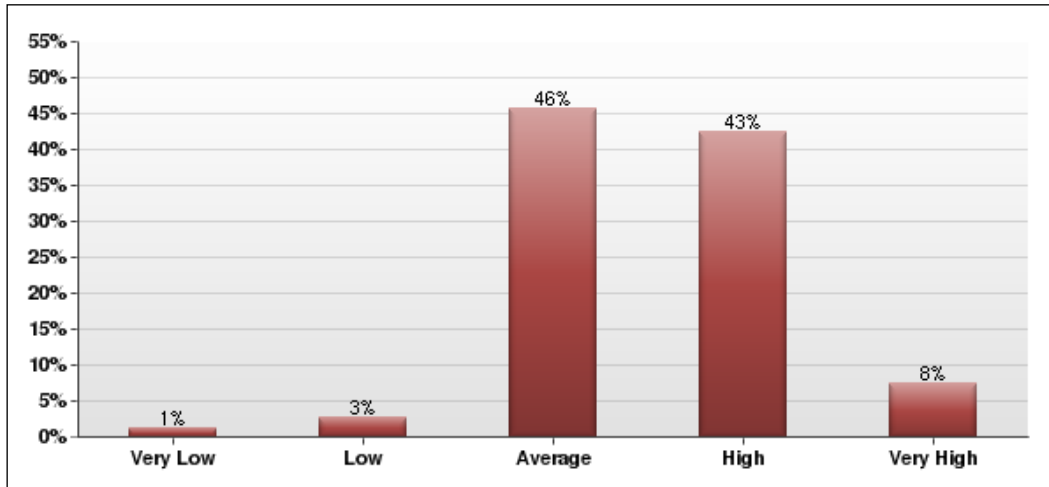
47% of respondents would consider moving above the existing Main Street businesses, if community improvements continue downtown. This was an increase of 5% from last year.

Open Questions:

On the open questions, the number one concern involved gang activity.

Quality of Life

Taking all things into consideration, how would you rate the overall quality of life in Visalia?



Year-To-Year				
	2006	2007	2008/2009	2010
Very Low	2%	0%	0%	1%
Low	3%	2%	3%	3%
Average	26%	22%	42%	46%
High	49%	48%	45%	43%
Very High	20%	28%	10%	8%

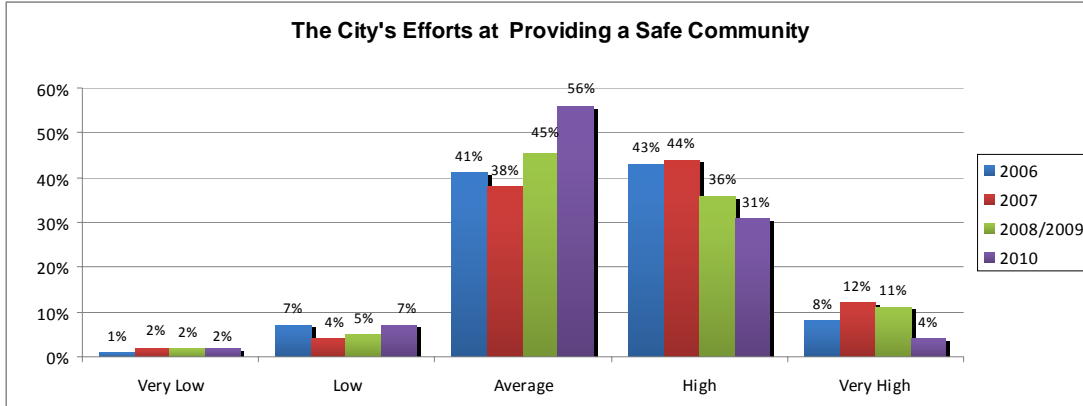
Quadrants				
	Northeast	Southeast	Northwest	Southwest
Very Low	4%	0%	1%	0%
Low	4%	2%	3%	1%
Average	53%	46%	40%	50%
High	35%	48%	46%	41%
Very High	5%	5%	10%	7%

	Income					
	less than \$15,000	\$15,000 to \$40,000	\$40,000 to \$70,000	\$70,000 to \$100,000	\$100,000 and over	Decline to state
Very Low	4%	1%	1%	2%	0%	0%
Low	2%	1%	1%	4%	4%	8%
Average	54%	62%	45%	33%	34%	46%
High	33%	28%	49%	53%	47%	46%
Very High	6%	7%	3%	7%	15%	0%

Overall the majority of the respondents indicated their quality of life is high, and this year there was a shift from very high to high and high to average. This shift is possibly from the economical crisis that is still going on, but despite the economical hardship placed on the respondents, 97% indicated the quality of life was as least average to very high.

Safety Ratings

How do you rate the City's efforts in providing a safe community?



Overall 35% of the respondents indicated that the city's efforts in providing a safe community are high to very high. **This year there was a significant shift of 11% that went from high or very high to average.** The majority of the respondents indicated that the city's efforts are average.

	Income					
	less than \$15,000	\$15,000 to \$40,000	\$40,000 to \$70,000	\$70,000 to \$100,000	\$100,000 and over	Decline to state
Very Low	4%	2%	1%	2%	2%	0%
Low	10%	7%	6%	4%	6%	4%
Average	62%	61%	56%	52%	48%	68%
High	18%	27%	37%	35%	38%	20%
Very High	6%	2%	0%	7%	6%	8%

Respondents with higher incomes tended to rate the community safer than those with lower incomes.

	Quadrants			
	Northeast	Southeast	Northwest	Southwest
Very Low	2%	0%	3%	3%
Low	13%	5%	7%	1%
Average	63%	59%	52%	55%
High	19%	30%	35%	35%
Very High	3%	6%	3%	5%

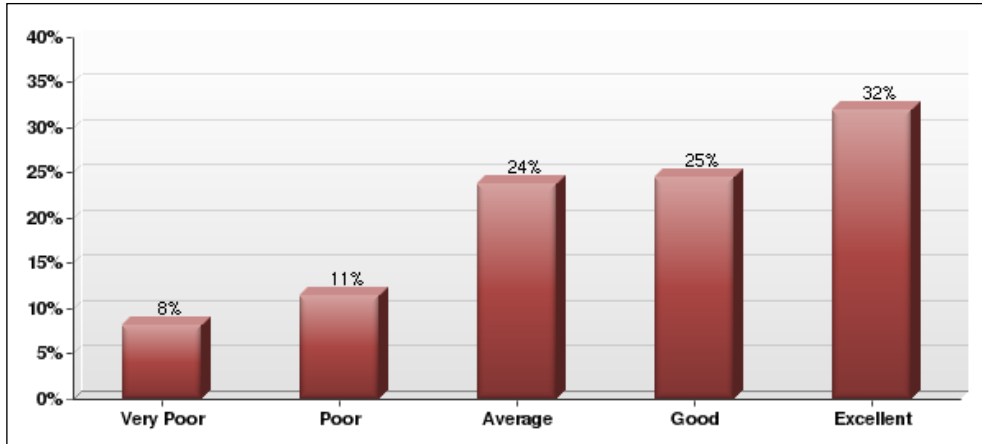
The Northeast quadrant had the highest average rating at 63% and also had the highest below averaging rating at 15%. All other quadrants had over 30% ratings for high to very high in providing a safe community.

Public Safety Services

Police

How would you rate the service you received?

(People who had contact with Visalia Police Department in the past year were asked to answer the above question)



	Year-To-Year			
	2006	2007	2008/2009	2010
Very Poor	5%	6%	8%	8%
Poor	7%	6%	3%	11%
Average	16%	12%	19%	24%
Good	31%	30%	39%	25%
Excellent	39%	46%	31%	32%

Of the 123 respondents who had contact with the Visalia Police Department, 81% rated their services as average to excellent. 57% of the respondents rated their services as good or excellent. Last year, 70% rated the service as good to excellent.

	Quadrants			
	Northeast	Southeast	Northwest	Southwest
Very Poor	7%	0%	8%	21%
Poor	17%	14%	10%	5%
Average	30%	23%	16%	32%
Good	17%	41%	29%	11%
Excellent	30%	23%	37%	32%

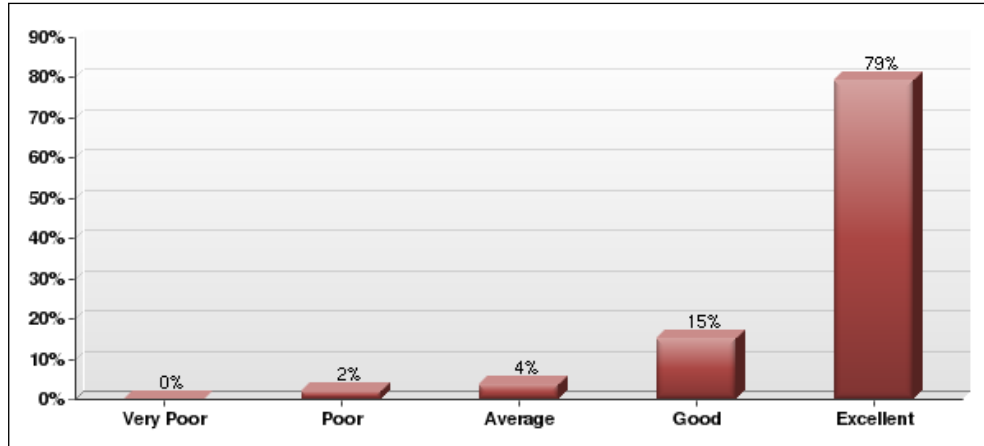
	Income					
	less than \$15,000	\$15,000 to \$40,000	\$40,000 to \$70,000	\$70,000 to \$100,000	\$100,000 and over	Decline to state
Very Poor	13%	18%	9%	0%	7%	9%
Poor	25%	12%	17%	0%	7%	9%
Average	38%	18%	26%	18%	17%	27%
Good	6%	47%	22%	24%	23%	36%
Excellent	19%	6%	26%	59%	47%	18%

The highest below average ratings came from the Southwest and Northeast Quadrants both over 20%. The income level of \$15,000 or less had the highest ratings for below average services at 38%.

Fire

How would you rate the service you received?

(People who had contact with Visalia Fire Department in the past year were asked to answer the above question)



	Year-To-Year			
	2006	2007	2008/2009	2010
Very Poor	2%	2%	4%	0%
Poor	0%	0%	2%	2%
Average	10%	0%	5%	4%
Good	16%	18%	25%	15%
Excellent	73%	80%	64%	79%

Of the 54 respondents who had contact with the Visalia Fire Department, 94% rated their services as good or excellent.

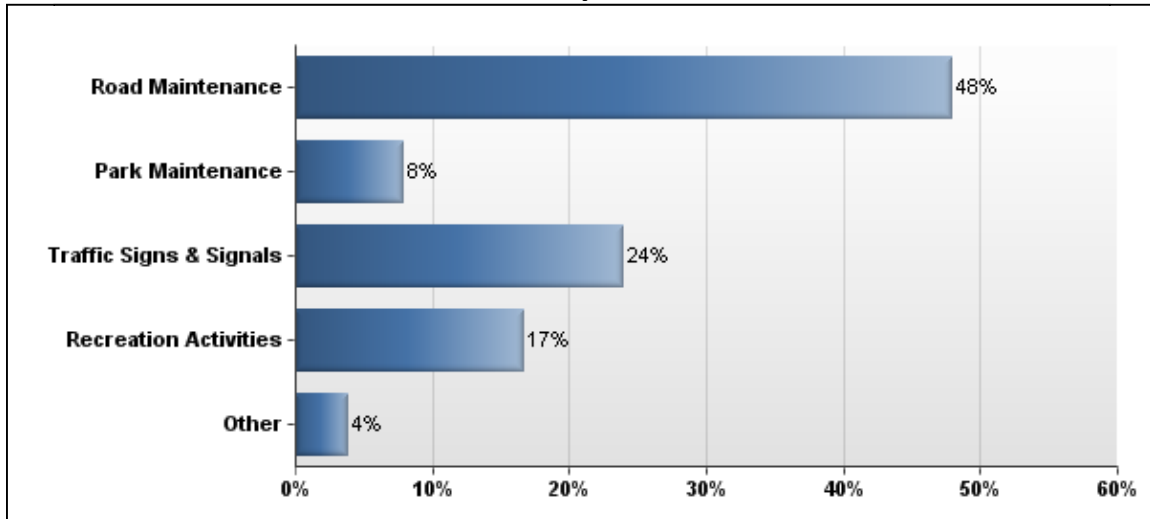
	Quadrants			
	Northeast	Southeast	Northwest	Southwest
Very Poor	0%	0%	0%	0%
Poor	0%	0%	4%	0%
Average	0%	0%	7%	0%
Good	33%	33%	4%	0%
Excellent	67%	67%	85%	100%

	Homeownership		
	Own	Rent	Other
Very Poor	0%	0%	0%
Poor	3%	0%	0%
Average	3%	13%	0%
Good	18%	0%	33%
Excellent	78%	88%	67%

Overall, all quadrants rated the Fire department has having good services. However the Southwest quadrant had an excellent rating at 100%. The Northwest quadrant was the only one that had ratings of average or below average. This should probably change over time as the City has a new station in the Northwest.

Quality of Services

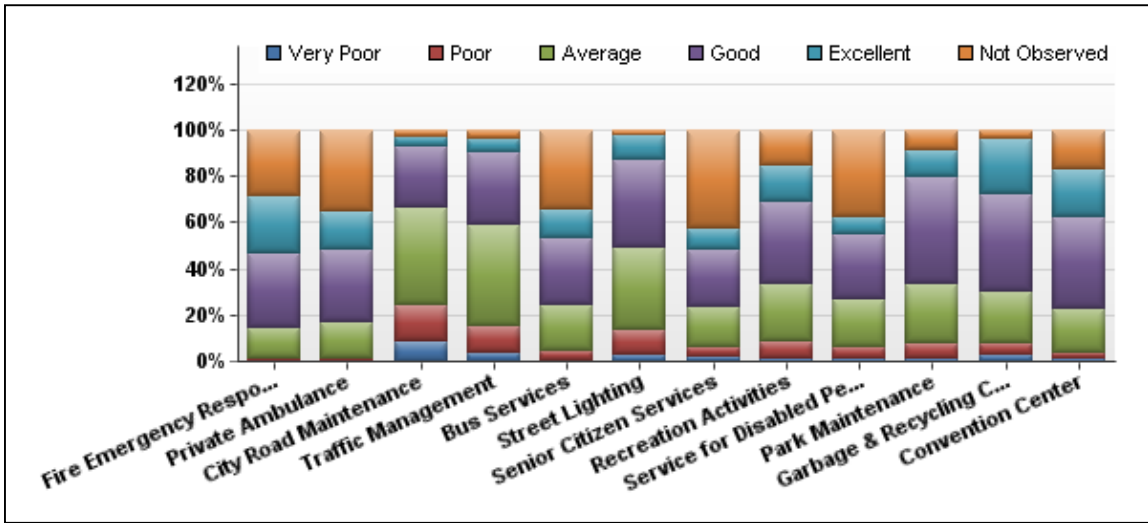
What do you consider the most essential City service besides the Police and Fire Departments?



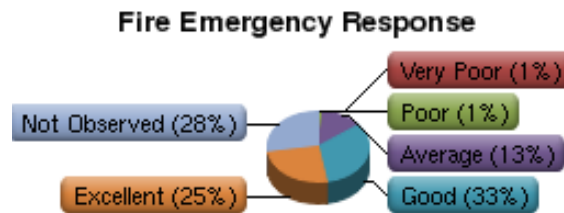
	Year-To-Year			
	2006	2007	2008-2009	2010
Road Maintenance	37%	38%	49%	48%
Park Maintenance	7%	8%	7%	8%
Traffic Signs & Signals	31%	31%	28%	24%
Recreation Activities	14%	12%	12%	17%
Other	6%	7%	4%	4%

Respondents indicated that Road Maintenance is still the next highest concern besides Police and Fire, the same as last year.

How do you rate the quality of the following services in Visalia?



(1)

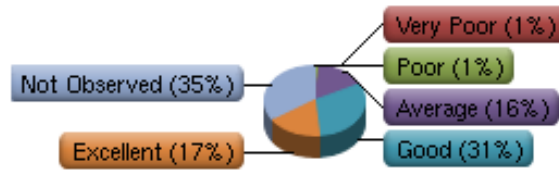


Fire Emergency Response Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	31%	37%	34%	25%
Good	31%	22%	36%	33%
Average	6%	6%	7%	13%
Poor	0%	0%	1%	1%
Very Poor	1%	0%	0%	1%
Not Observed	30%	36%	22%	28%

Overall, the Fire emergency response is still good. There was a 6% increase in those who had not observed this service.

(2)

Private Ambulance

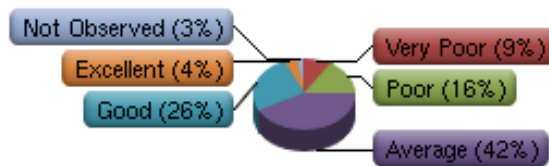


Private Ambulance Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	14%	20%	22%	17%
Good	26%	17%	28%	31%
Average	6%	6%	13%	16%
Poor	1%	1%	1%	1%
Very Poor	0%	1%	1%	1%
Not Observed	53%	55%	36%	35%

Private ambulance is consistent with last year, at 64% in the average to very good ratings.

(3)

City Road Maintenance



City Road Maintenance Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	5%	4%	8%	4%
Good	24%	25%	22%	26%
Average	40%	44%	46%	42%
Poor	19%	16%	16%	16%
Very Poor	8%	6%	6%	9%
Not Observed	5%	5%	3%	3%

City road maintenance has stayed consistent with ratings of good or excellent at 30%. However, poor to very poor ratings have a slight increase of 3%.

(4)

Traffic Management

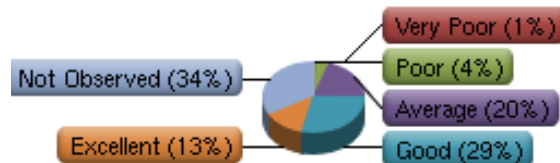


Traffic Maintenance	
	2010
Excellent	6%
Good	31%
Average	44%
Poor	12%
Very Poor	4%
Not Observed	3%

37% of respondents rated the traffic management quality as being good to very good and 44% rated it as average.

(5)

Bus Services

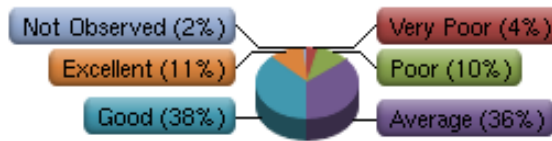


	Bus Services Year -To-Year			
	2006	2007	2008/2009	2010
Excellent	10%	8%	15%	13%
Good	25%	20%	28%	29%
Average	11%	10%	19%	20%
Poor	4%	4%	3%	4%
Very Poor	2%	2%	2%	1%
Not Observed	49%	56%	33%	34%

The quality of the bus services was consistent with last year. 42% of the respondents said that the quality of the bus services was either good or very good.

(6)

Street Lighting

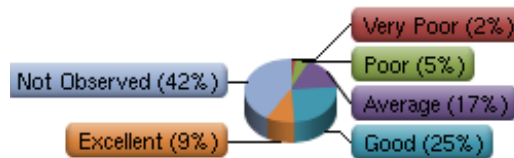


Street Lighting Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	10%	11%	11%	11%
Good	40%	38%	34%	38%
Average	32%	33%	35%	36%
Poor	17%	12%	13%	10%
Very Poor	4%	3%	2%	4%
Not Observed	3%	4%	5%	2%

Street lighting ranking is consistent with last year, with a slight increase in good by 4% and very poor by 2%.

(7)

Senior Citizen Services

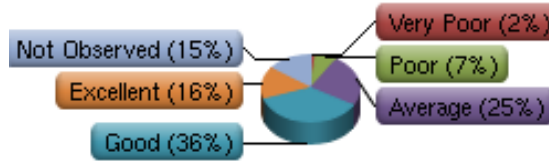


Senior Citizen Services Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	11%	13%	11%	9%
Good	22%	22%	22%	25%
Average	13%	13%	20%	17%
Poor	8%	4%	4%	5%
Very Poor	2%	1%	2%	2%
Not Observed	43%	49%	40%	42%

3% of respondents rated the quality of senior citizen services higher in the good rating.

(8)

Recreation Activities

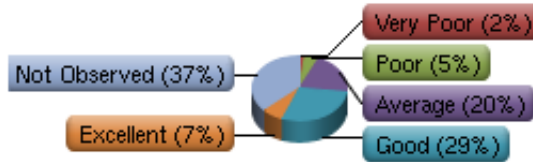


Recreation Activities Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	10%	17%	17%	16%
Good	39%	37%	33%	36%
Average	25%	18%	29%	25%
Poor	5%	4%	6%	7%
Very Poor	2%	2%	1%	2%
Not Observed	19%	24%	14%	15%

52% of respondents rated the quality of recreational activities as being good or excellent. Overall, 77% of respondents indicated recreational activities were at least average.

(9)

Service for Disabled Persons

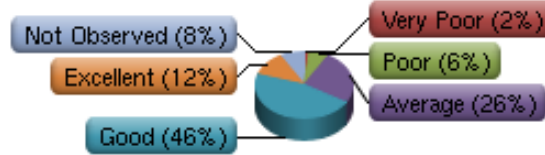


Services for Disabled Persons Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	7%	9%	11%	7%
Good	26%	16%	26%	29%
Average	14%	13%	16%	20%
Poor	5%	5%	4%	5%
Very Poor	1%	1%	1%	2%
Not Observed	47%	57%	42%	37%

Excellent quality of services for disabled persons decreased slightly by 4%, but this year's survey sample had a decrease in not observed by 5%

(10)

Park Maintenance

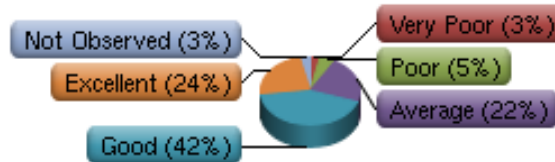


Park Maintenance Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	11%	16%	14%	12%
Good	48%	41%	39%	46%
Average	20%	20%	36%	26%
Poor	4%	6%	3%	6%
Very Poor	1%	2%	1%	2%
Not Observed	15%	17%	7%	8%

Ratings for park maintenance services have increased by 7% in good, but slightly declined in excellent. Overall, 84% of respondents rate the services as average to very good.

(11)

Garbage & Recycling Collection

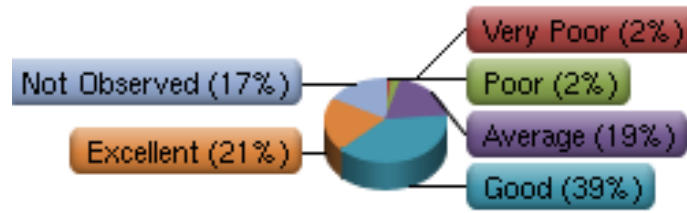


Garbage Recycling Program Year -To-Year				
	2006	2007	2008/2009	2010
Excellent	23%	35%	20%	24%
Good	53%	42%	47%	42%
Average	16%	15%	21%	22%
Poor	2%	5%	8%	5%
Very Poor	2%	1%	2%	3%
Not Observed	4%	3%	2%	3%

The quality of the garbage and recycling program has increased by 4% in excellent and has decreased by 3% in poor. Overall, 88% of respondents ranked the program is at least average.

(12)

Convention Center

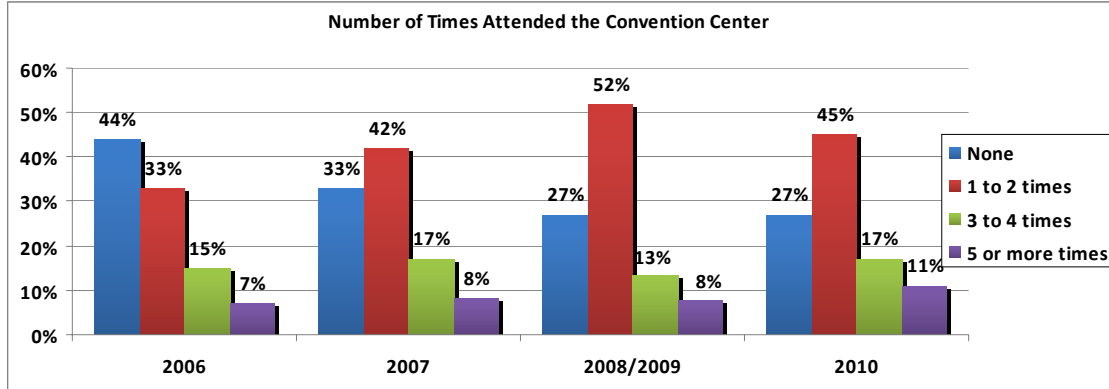


Convention Center		
	2009	2010
Excellent	16%	21%
Good	44%	39%
Average	22%	19%
Poor	2%	2%
Very Poor	0%	2%
Not Observed	16%	17%

Quality of services at the Convention Center rate 79% in average to very good.

Questions of Concern

How many times have you attended activities at the Convention Center in the last year?



Year-To-Year				
	2006	2007	2008/2009	2010
None	44%	33%	27%	27%
1 to 2 times	33%	42%	52%	45%
3 to 4 times	15%	17%	13%	17%
5 or more times	7%	8%	8%	11%

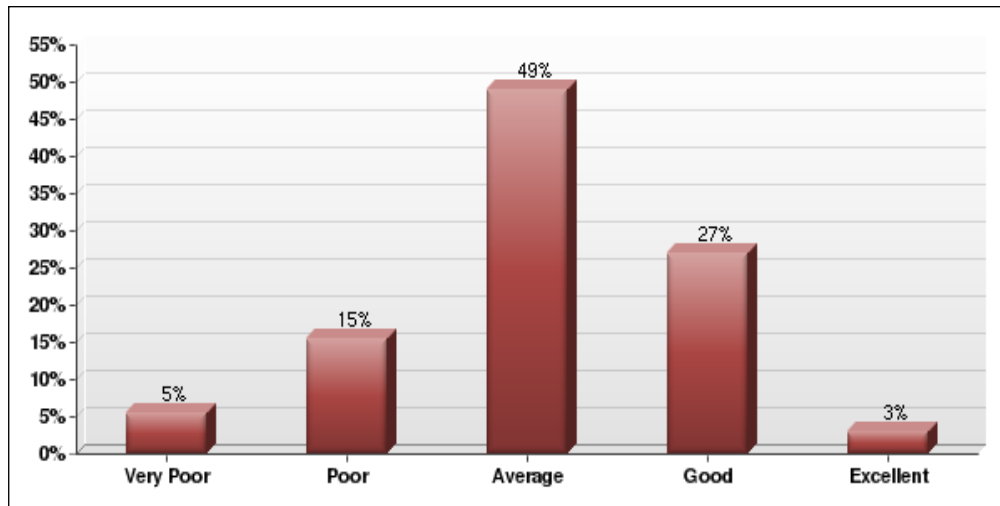
The number of respondents who have attended activities increased for 5 or more times to 11%.

The number for 3 to 4 times also increased to 17%. However, the number for 1 to 2 times decreased, which reflects an equivalent amount of times attended as last year.

Age			
	18 to 34	35 to 54	55 and over
None	35%	24%	22%
1 to 2 times	44%	44%	51%
3 to 4 times	14%	19%	18%
5 or more times	8%	13%	9%

As you can see as the Age increased, the percentage of respondents attending at least once increased. The 55 and over age group has greatest Convention Center attendance.

Excluding roadway construction activities, how do you view traffic flow throughout Visalia?



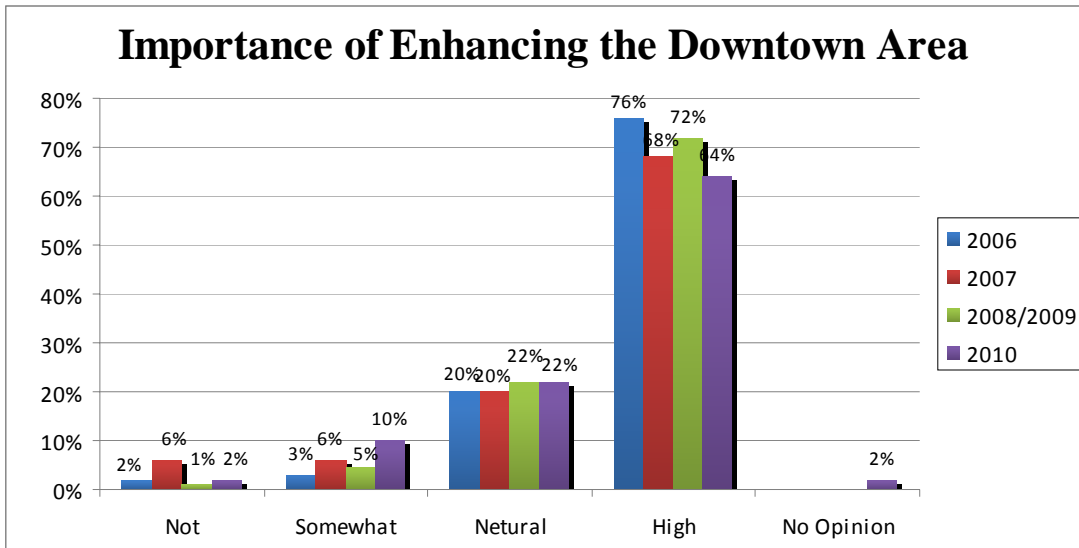
Overall respondents view the traffic flow throughout Visalia at 79% as average to excellent.

	Quadrants			
	Northeast	Southeast	Northwest	Southwest
Very Poor	11%	8%	3%	3%
Poor	21%	8%	17%	14%
Average	45%	54%	49%	50%
Good	22%	25%	27%	34%
Excellent	1%	5%	4%	0%

The Northeast quadrant viewed traffic flow as poor or very poor at 32%. This is about 10% greater than any of the other quadrants. Both Southeast and Southwest viewed traffic flow as being at least average at 84%.

The city continues to enhance the downtown area. How important is it to you?

(This year there was either very, neutral, somewhat, not or no opinion)



Year-To-Year				
	2006	2007	2008/2009	2010
Not	2%	6%	1%	2%
Somewhat	3%	6%	5%	10%
Neutral	20%	20%	22%	22%
High	76%	68%	72%	64%
No Opinion	0%	0%	0%	2%

This year there were different answer choices. However, with that change 64% indicated that it is very important to continue to enhance downtown.

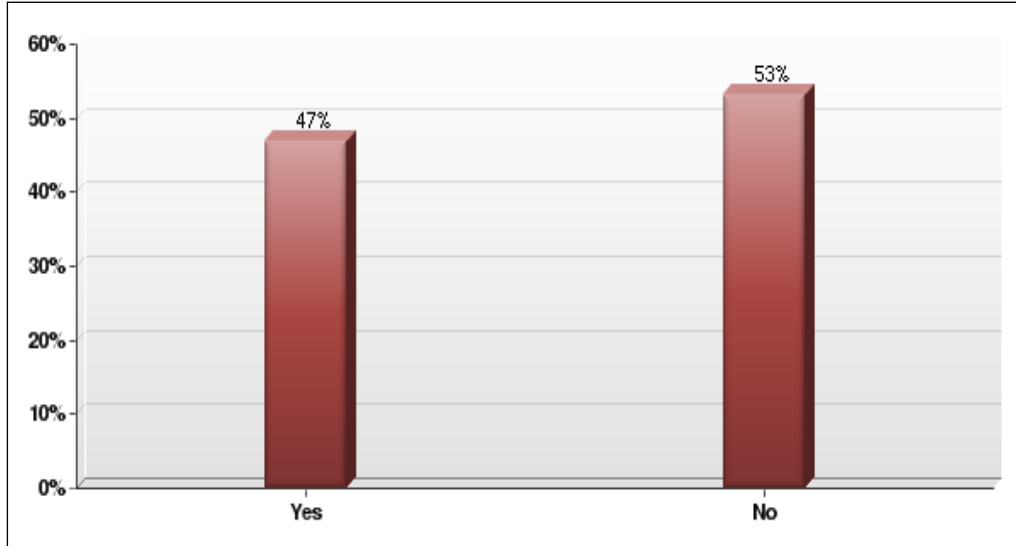
Income						
	less than \$15,000	\$15,000 to \$40,000	\$40,000 to \$70,000	\$70,000 to \$100,000	\$100,000 and over	Decline to state
Not	4%	2%	1%	0%	3%	0%
Somewhat	14%	11%	7%	11%	6%	12%
Neutral	24%	29%	30%	17%	12%	19%
Very	53%	56%	60%	70%	78%	69%
No Opinion	6%	2%	1%	2%	1%	0%

Altogether, each income level indicated that it was very important to continue to enhance downtown. The income level of \$100,000 and over had the highest at 78%.

Quadrants				
	Northeast	Southeast	Northwest	Southwest
Not	0%	3%	3%	1%
Somewhat	13%	10%	10%	4%
Neutral	26%	16%	23%	23%
Very	61%	70%	61%	68%
No Opinion	0%	2%	3%	3%

Overall we can see that all quadrants of the city agree that enhancing downtown holds significant importance.

If you were planning to move and the downtown continued to have more community improvements, would you consider living above an existing Main Street business?



47% of the respondents indicated they would consider moving above an existing Main St. business.

Open Ended Responses

How can the City of Visalia encourage job creation?

The number one suggestion from the public was to recruit businesses to come to Visalia. The number two suggestion is that we have more job fairs. And the third suggestion is lowering taxes for businesses.

advertise jobs, more opportunities
ask and listen to the senior population they know they've been here longer
bring bigger companies, farm related companies to the area
bring business
bring good businesses to town, try and limit "old boy's network" type of connections that sometimes stifle new businesses
bring in industry
bring in more business
bring in more long term manufacturing jobs
bring more business to Visalia
bring more industries
bring more jobs
bring new business
bring the community together
business, improving air & water quality jobs
business friendly atmosphere
by not being so conservative and allowing more business to move or open in Visalia
continue to bring in major retailers
continue to encourage parks, open space, bike trails, etc
continue to post ads that jobs are available to the people
create employment sources
create incentives for small business
create more shops and factories
cut red tape
development of infrastructure
doing whatever they can to help build jobs for those who need work
do more for manufacturing, especially dairy
don't over tax and over regulate
emphasize accounting for the industrial park
encourage business development
encourage business growth in Visalia, enhanced property tax structure, lower building fees, aggressive marketing
encourage small business to hire outside of family and friends
encourage to buy local
expand grants
expand with good creative thoughts. Take Visalia to the future while holding old school city style.
fill up abandoned buildings
funding from outside the city
get people off of welfare and train them to work
get rid of the illegals and stop welfare
get teens more involved in working
give younger people a chance to work
grant flexibility to business development and approvals
having more business
help companies come to Visalia
higher education, better school system, higher standards

improve downtown
job expos
job fair
job fairs
job fairs
job fairs, education
Job fairs - advertise
less people
lower fees for businesses wanting to come to Visalia
lower sales taxes, less regulation on businesses
lower taxes
lower taxes and fees
lower taxes for businesses
lower taxes on all businesses, especially small businesses
make it easier for businesses to display signage, this creates more customers and eventually more jobs
micro community self help
more business
more community support
more federal funds
more funds to EDD and job connections and other organizations like that
more job fairs
more job fairs
more jobs, more business, and attract more
more opportunities for every one in Visalia and more positions open for everyone
more programs
more recreational activities, focus on the "creative class"
more schooling available
no racial discrimination
no self serve gas - have people do it for you, more public works jobs, give small businesses incentives to
hire more workers
not the city's job
opening more businesses
open more businesses
organize people and take more polls to Hispanics
park the trolley - you never see more than 1 person - just causing pollution
pay more
promote peddlers and street vendors
participate in job and skill training
putting more workers to install lights
quit spending money we don't have to and make it easier for businesses to develop here
reduce building fees
reduce capital taxes
reserve jobs for under privileged
school training, help disabled people
spend more money on jobs and projects
stop spending money and causing taxes to increase
support small business - lower taxes
tax breaks for businesses
tax credits for businesses
tax cuts for small business
the economy needs to improve
use those on welfare to clean up trash
vocational education
we need more businesses
work with education more encourage outside manufacturing companies to here, work with fees to get
business here
youth jobs and park jobs

What is the most important thing that the City should be working on to make Visalia better?

For making Visalia a better place, the most commonly used word is **gang**. The public feels strongly about stopping gang violence.

activities and functions for kids. kids are the future of Visalia
adding more parks (especially on NW side of town)
affordable housing for unemployed
all the pollution that is going on
attract more arts and culture
balance our budget
better control zoning as far as permits
better the road construction. it is very slow through out Mooney blvd, lots of traffic congestion
better traffic control on Mooney blvd
better transit system
bike paths
birth control
cleaning up foreclosed homes and filling vacant stores on Mooney
cleanliness
code enforcement - less signs and garage sales
competent leadership in management
continue to improve police and fire service
continue working very hard on the gang problem
control gang activity
control gang activity and cheaper rates for summer day camp
control gangs
control gangs
control gangs
create opportunities for entire community to interact/ gather, do not neglect the north central neighborhoods
creating jobs
crime prevention
education
eliminate split cans and give 2 full sized cans for trash and recycling
encourage business growth in Visalia, enhanced property tax structure, lower building fees, aggressive marketing
fix roads
fix the traffic lights, they are constantly going out (Demaree & Goshen)
gang decline and homeless, fix the oval area
gang prevention and suppression, quality of life , family in service
gangs
gangs, promote awareness, better programs for kids after school
gangs, violence, youth activities, schools, flood insurance situation
gangs and homeless
gangs and traffic lights
gang task force
get to know the different residents of communities personally for exposure of outsiders
giving jobs
helping small businesses come to and stay in Visalia

improve curriculum of COS, too many teachers on tenure haven't updated their skills to reflect business needs. COS need better career counseling and placement

improve downtown

improve more entertainment for students between the ages of 15-29

improve public safety- more firefighters needed

improve schools

increase work activities for young men

job creation

Jobs

jobs and schools- academic strength vs. sports and extra curricular activities

jobs helping put welfare people to maintain parks

law enforcement and joint city/school projects (building gyms, libraries, ect. that could be used by both the schools and the city)

law enforcement and road maintenance

less government

levy fixes - no flood

lower gang activities

lower taxes

make sure roads are nice, smooth and drivable. have jobs available for those who cannot find work or were laid off

middle school YSO's needed again

more bike lanes

more class options at COS

more crime investigation, find the guys who rob our houses

more police to lessen crime

more shopping centers

more youth activities, more bike trails

more youth activities, slower growth

need to pick up the dead animals out in rural areas between county/country. I call and no one will pick them up. They just rot into the road.

north side

occupy empty stores, buildings, etc

park & recreation, streets, street dividers landscaping

please do not put housing on Mooney it will be a terrible mistake

promote tourism and conventions

public safety

public school education and safety - less crime, gang issues

quit bringing people here

recreation family activities

reduce gang/crime

road maintenance

road repair

roads , safety

safer intersections

safety

safety

safety

safety - remove gangs

school cross-roads

schools

stop violence

streets

the roads

the roads

the roads

to be more strict on the gang violence that happens in certain areas

traffic

traffic light for left hand turns - specifically around Redwood High School

traffic on Mooney, more public parks - outdoor movies

watch money and maintain road repair

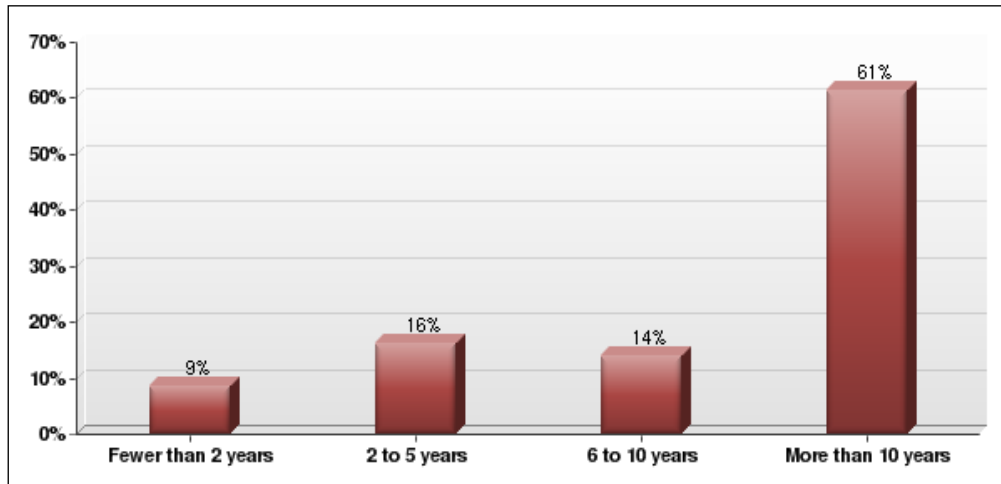
we need a variety of businesses in Visalia

when a road is torn up, fix it before starting another

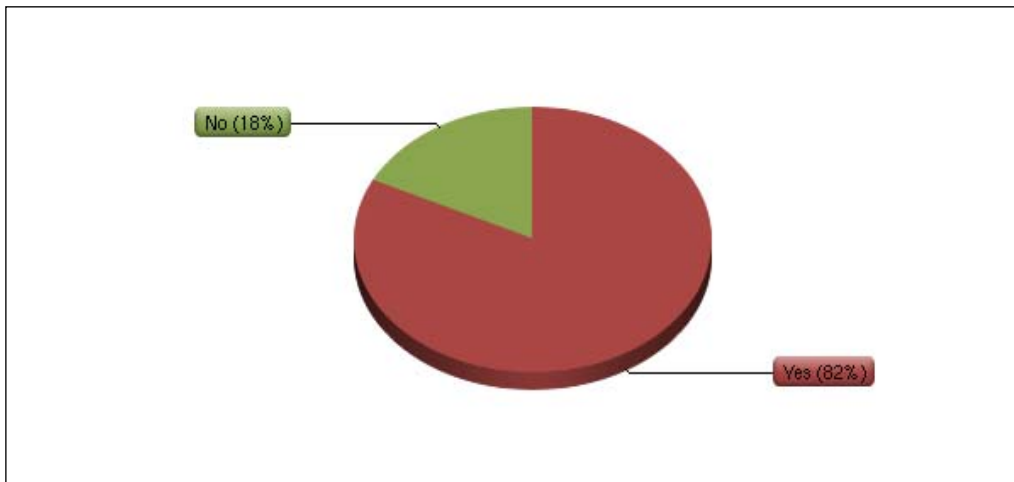
youth activities

Demographic Summary

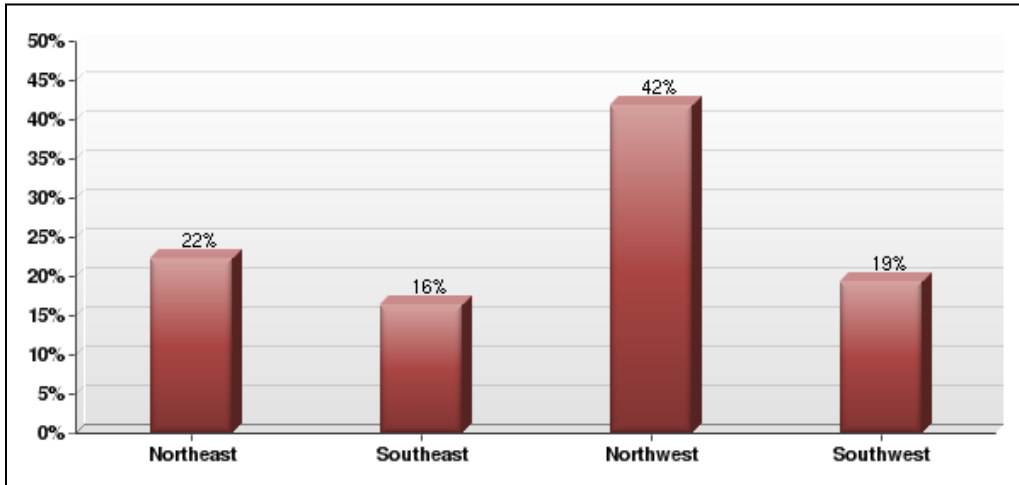
Length of Residency



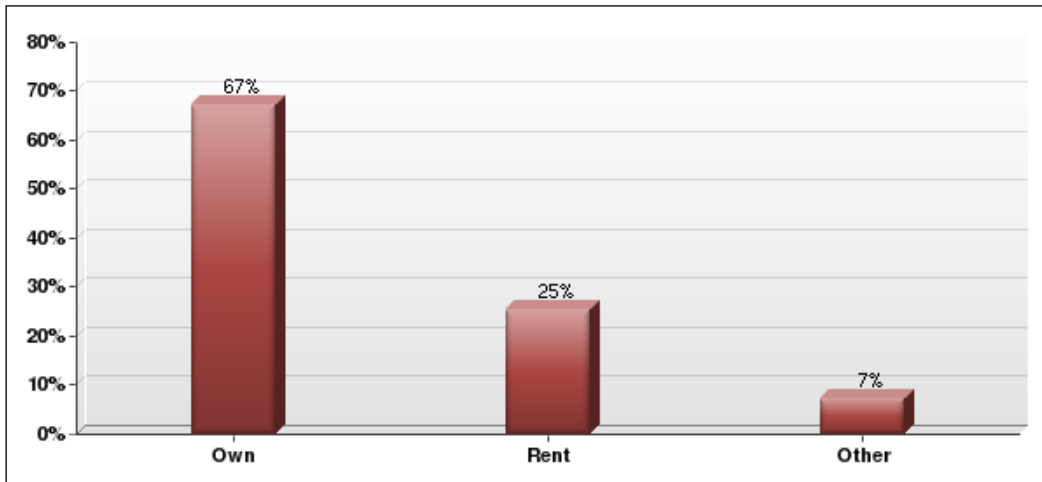
Registered Voter



Quadrant of the City



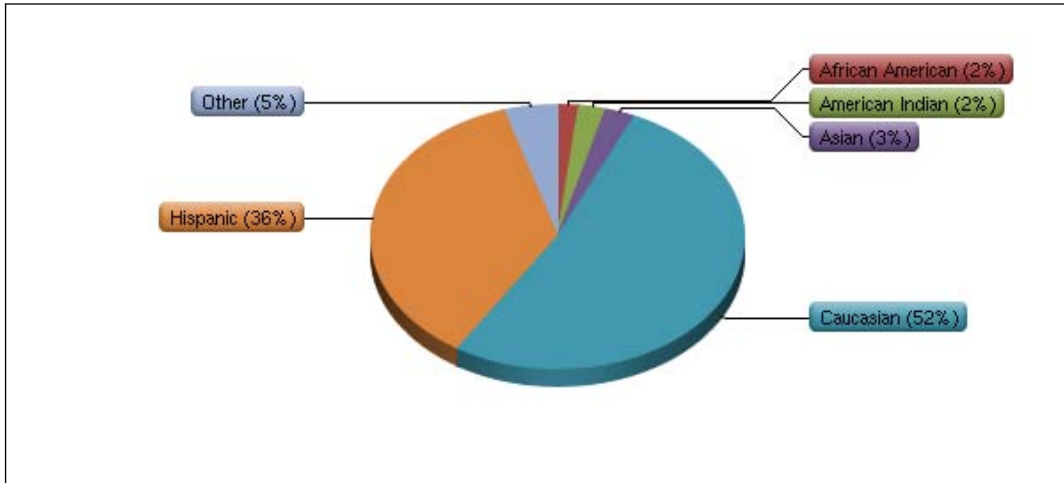
Home Ownership



	2000*	2010
Own	62%	67%
Rent	38%	25%
Other	0%	7%

* 2000 Census Data

Ethnicity

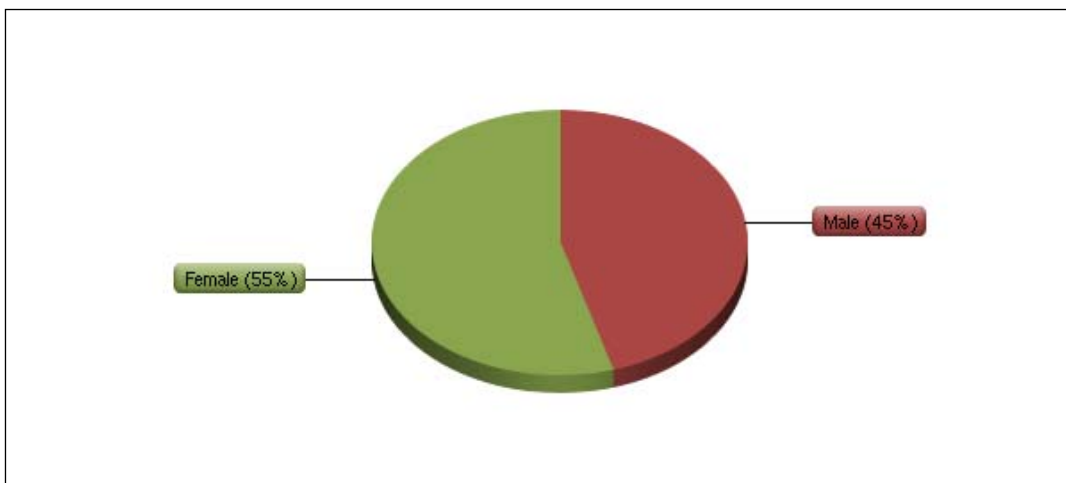


Answer	Northeast	Southeast	Northwest	Southwest
African American	1%	3%	2%	1%
American Indian	5%	3%	1%	1%
Asian	2%	5%	1%	1%
Caucasian	48%	56%	51%	61%
Hispanic	38%	27%	41%	31%
Other	6%	6%	4%	4%

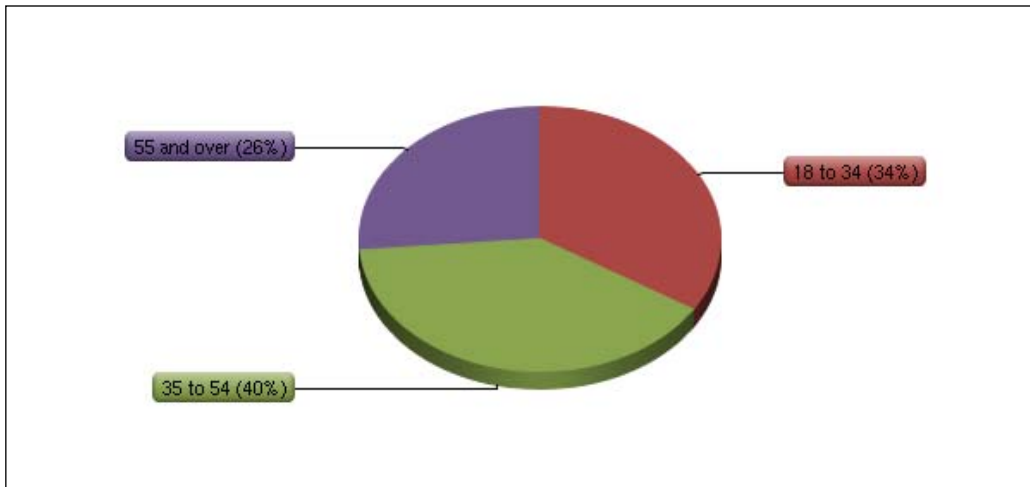
	2000*	2010
African American	2%	2%
American Indian	1%	2%
Asian	6%	3%
Caucasian	83%	52%
Hispanic	included	36%
Other	8%	88%

* 2000 Census Data – Hispanic is combined with other races

Gender



Age Group

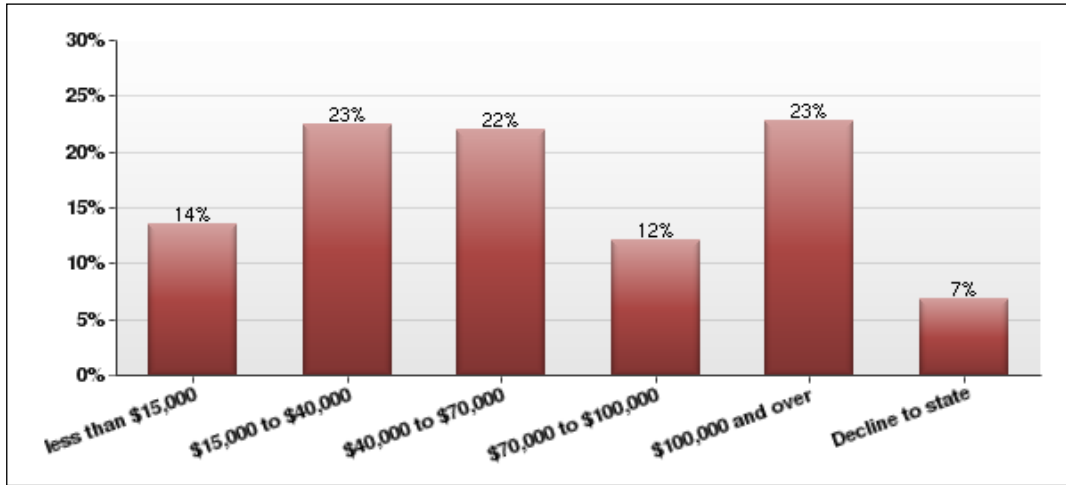


Answer	2000*	2010
18 to 34	20%	34%
35 to 54	27%	40%
55 and over	31%	26%

* 2000 Census Data

Answer	Northeast	Southeast	Northwest	Southwest
18 to 34	31%	35%	36%	32%
35 to 54	45%	23%	43%	42%
55 and over	24%	42%	21%	26%

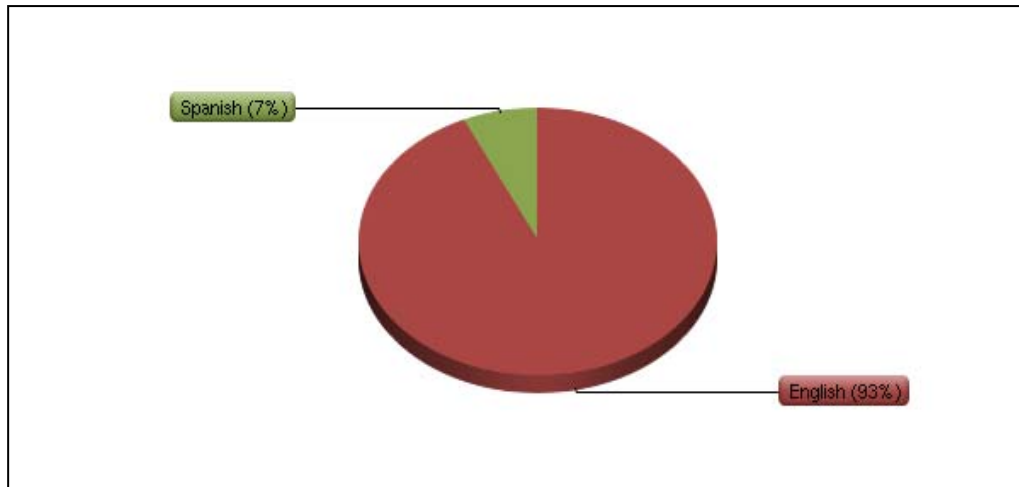
Gross Income



	2000*	2010
less than \$15,000	16%	14%
\$15,000 to \$40,000	26%	23%
\$40,000 to \$70,000	38%	22%
\$70,000 to \$100,000	10%	12%
\$100,000 and over	12%	23%
Decline to state	0%	7%

* 2000 Census Data

Language of Survey



Answer	Response	%
English	368	93%
Spanish	27	7%

Answer	Northeast	Southeast	Northwest	Southwest
English	93%	92%	91%	100%
Spanish	7%	8%	9%	0%

Sample Survey



2010 CITY OF VISALIA PUBLIC OPINION SURVEY

1. Which part of the city do you live in if Mooney Blvd. and Highway 198 are considered the cross section:

Circle a number → 1 ←Northeast 2 ←Southeast 3 ←Northwest 4 ←Southwest

2. How do you rate the city's efforts at providing a safe community:

Circle a number → 1 ←Very Low 2 ←Low 3 ←Average 4 ←High 5 ←Very High

3. Have you had a *business* contact with the Visalia Police Department in the past year? (If "NO", go to question 4)

Circle Yes or No → Yes No

If you answered "yes" how would you rate the service you received:

Circle a number → 1 ←Very Poor 2 ←Poor 3 ←Average 4 ←Good 5 ←Excellent

4. Have you had *business* contact with a Visalia Firefighter in the last year? (If "NO", go to question 5)

Circle Yes or No → Yes No

If you answered "yes" how would you rate the service you received:

Circle a number → 1 ←Very Poor 2 ←Poor 3 ←Average 4 ←Good 5 ←Excellent

5. What do you consider to be the most essential city service besides Police and Fire:

Circle a number → 1 ←Road Maintenance 2 ←Park Maintenance 3 ←Traffic Signs & Signals 4 ←Recreation Activities 5 ←Other

6. How do you rate the quality of the following services in Visalia:

Circle a number on each line →	Very Poor	Poor	Average	Good	Excellent	Not Observed
Fire Emergency Response	1	2	3	4	5	X
Private Ambulance	1	2	3	4	5	X
City Road Maintenance	1	2	3	4	5	X
Traffic Management	1	2	3	4	5	X
Bus Services	1	2	3	4	5	X
Street Lighting	1	2	3	4	5	X
Senior Citizen Services	1	2	3	4	5	X
Recreation Activities	1	2	3	4	5	X
Service for Disabled Persons	1	2	3	4	5	X
Park Maintenance	1	2	3	4	5	X
Garbage+Recycling Collection	1	2	3	4	5	X
Convention Center	1	2	3	4	5	X

7. How many times have you attended activities at the Convention Center in the last year:

Circle a number → 1 ←None 2 ←1 to 2 times 3 ←3 to 4 times 4 ←5 or more times

8. Excluding roadway construction activities, how do you view traffic flow throughout Visalia:

Circle a number → 1 ←Very Poor 2 ←Poor 3 ←Average 4 ←Good 5 ←Excellent

- TURN PAGE OVER -

9. The city continues to enhance the downtown area. How IMPORTANT is it to you:

Circle a number 1 ←not 2 ←somewhat 3 ←Neutral 4 ←very X ←No Opinion

9(a). If you were planning to move and the downtown continued to have more community improvements, would you consider living above an existing Main Street business:

Circle Yes or No Yes No

10. How long have you lived in Visalia:

Circle a number 1 ←Fewer than 2 years 2 ←2 to 5 years 3 ←6 to 10 years 4 ←More than 10 years

11. Are you a registered voter:

Circle Yes or No Yes No

12. Do you own or rent your home:

Circle a number 1 ←Own 2 ←Rent 3 ←Other

13. What is your ethnicity:

Circle a number 1 ←African American 2 ←American Indian 3 ←Asian 4 ←Caucasian 5 ←Hispanic 6 ←Other

14. What is your gender:

Circle a number 1 ←Male 2 ←Female

15. What is your age group:

Circle a number 1 ←18 to 34 2 ←35 to 54 3 ←55 and over

16. What was your household's total income before taxes last year:

Circle a number 1 ←Less than \$15,000 2 ←\$15,000 to \$40,000 3 ←\$40,000 to \$70,000
 4 ←\$70,000 to \$100,000 5 ←\$100,000 and over 6 ←Decline to state

17. How can the City of Visalia encourage job creation:

(Comment in this area)

18. What is the most important thing that the City should be working on to make Visalia better:

(Comment in this area)

19. Taking all things into consideration, how would you rate the overall quality of life in Visalia:

Circle a number 1 ←Very Low 2 ←low 3 ←Average 4 ←High 5 ←Very High

The City of Visalia produces an e-mail newsletter. Would you like to receive the newsletter? If so,:

Write your E-Mail Address Here: _____ @ _____

☺ ***THANK YOU*** FOR YOUR PARTICIPATION ☺

Public Opinion Survey *2010*



Department Head Meeting July 27, 2010

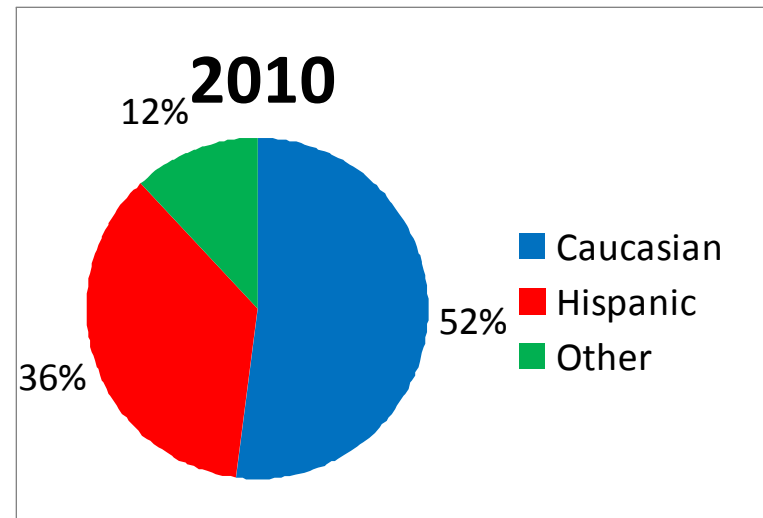
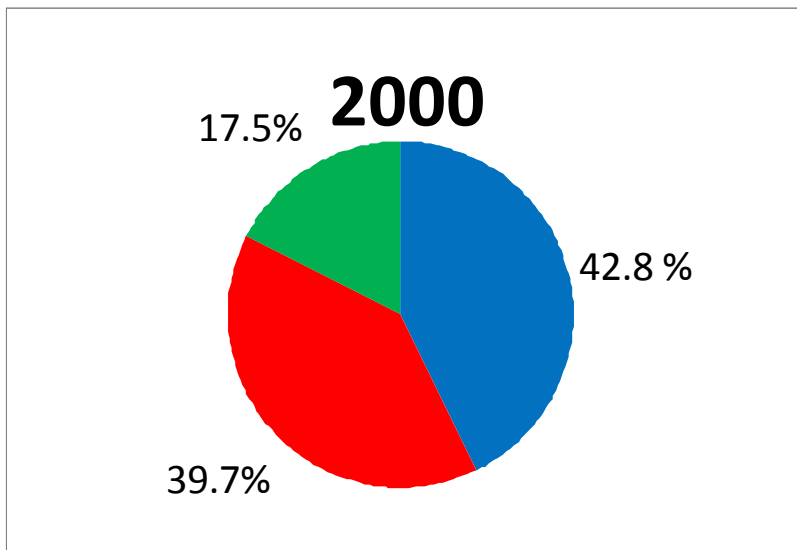
Agenda

- Background
- Quality Of Life
- Safety Rating
- Public Safety Services
- Quality of Services
- Questions of Concern
- Opened Responses
- Conclusion
- Q&A

Background

Better Demographic Representation

Ethnicity

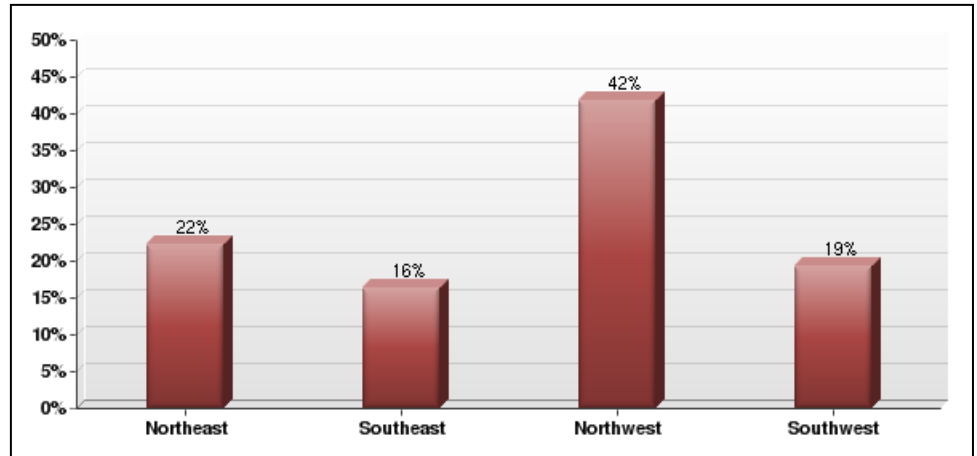
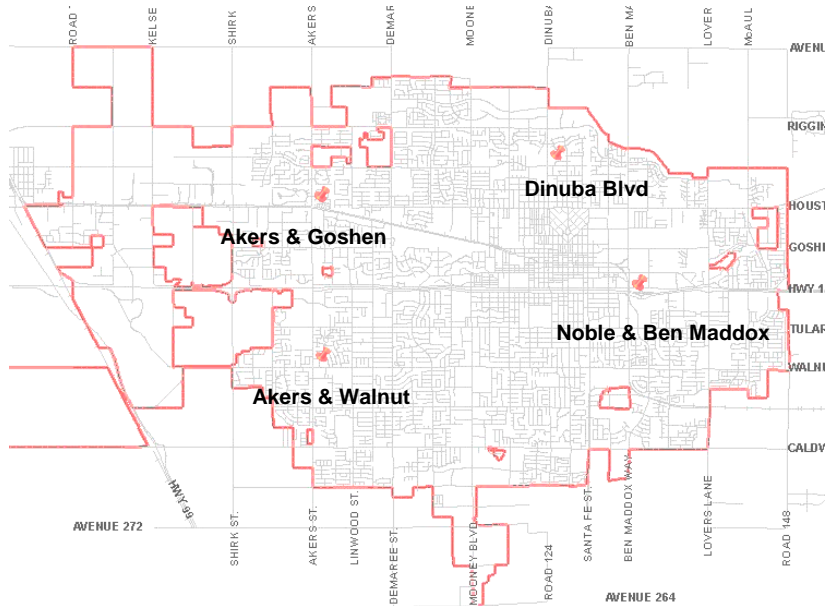


- Ethnicity is similar with the 2000 Census Data

Background - Cont'd

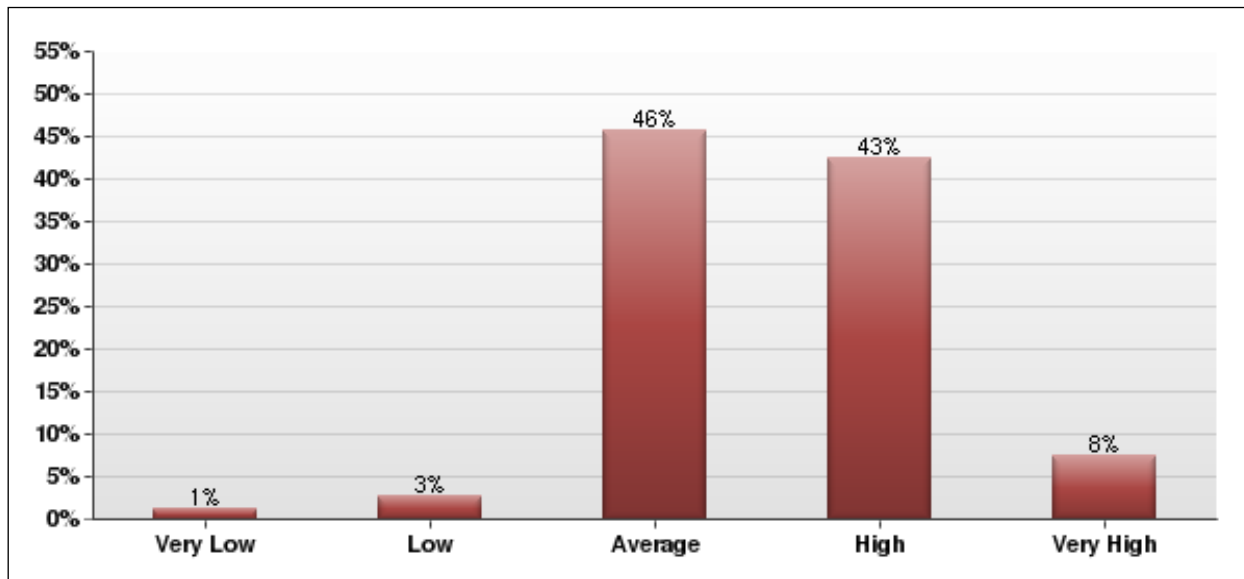
Better Demographic Representation

Quadrants



Quality Of Life

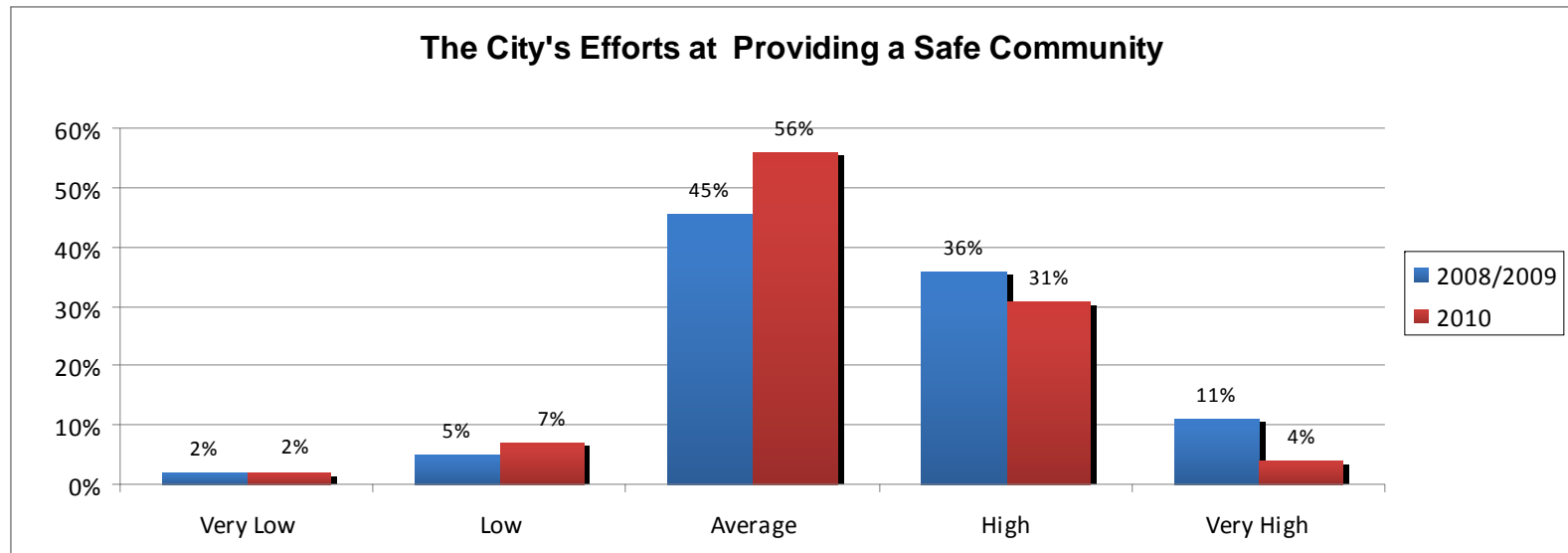
#19 Taking all things into consideration, how would you rate the overall quality of life in Visalia?



- **Very Similar to last years**

Safety Rating

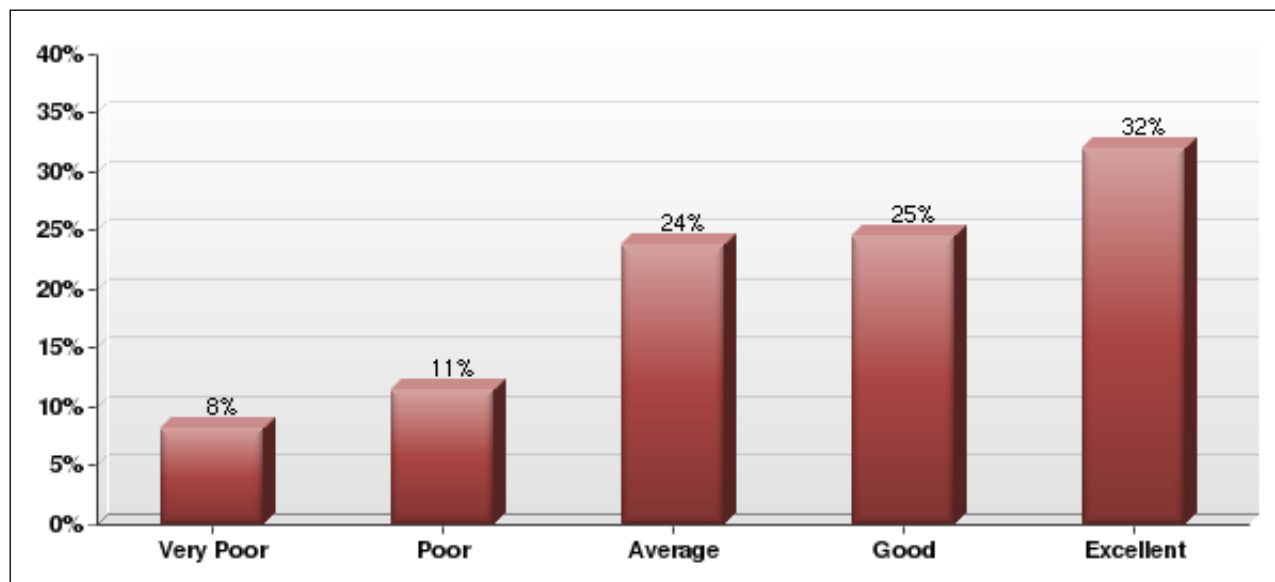
#2 How would you rate the City's efforts in providing a safe community?



11% increase in average, 5% decrease in high, 7% decrease in very high

Public Safety Services

3a How would you rate the service you received?

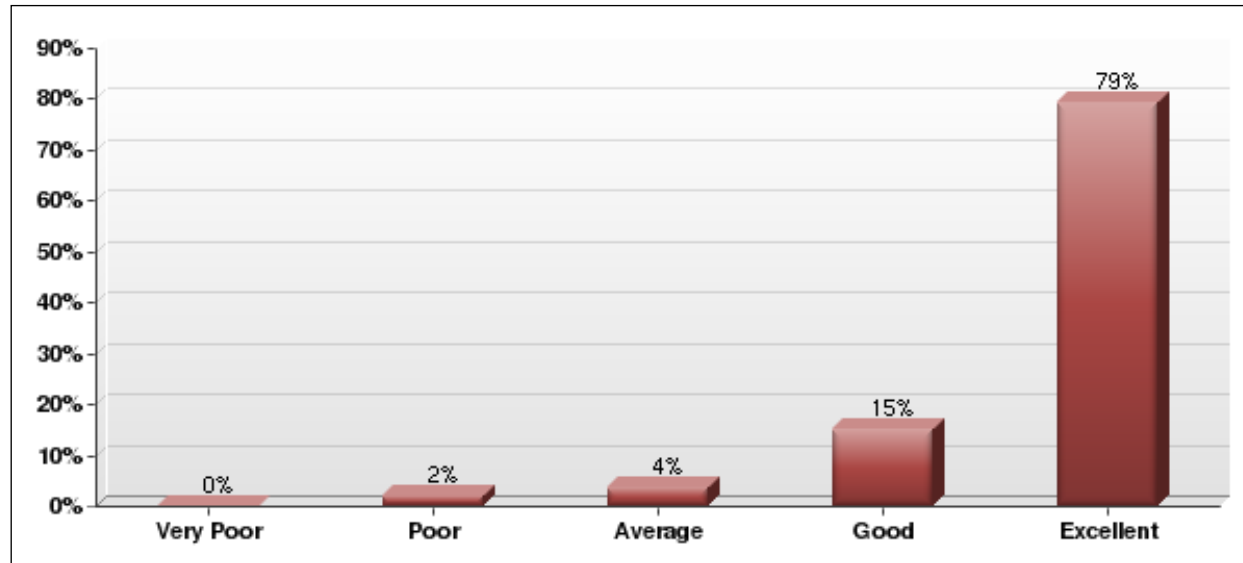


57% rated police services Good to Excellent

(32% of respondents had contact)

Public Safety Services

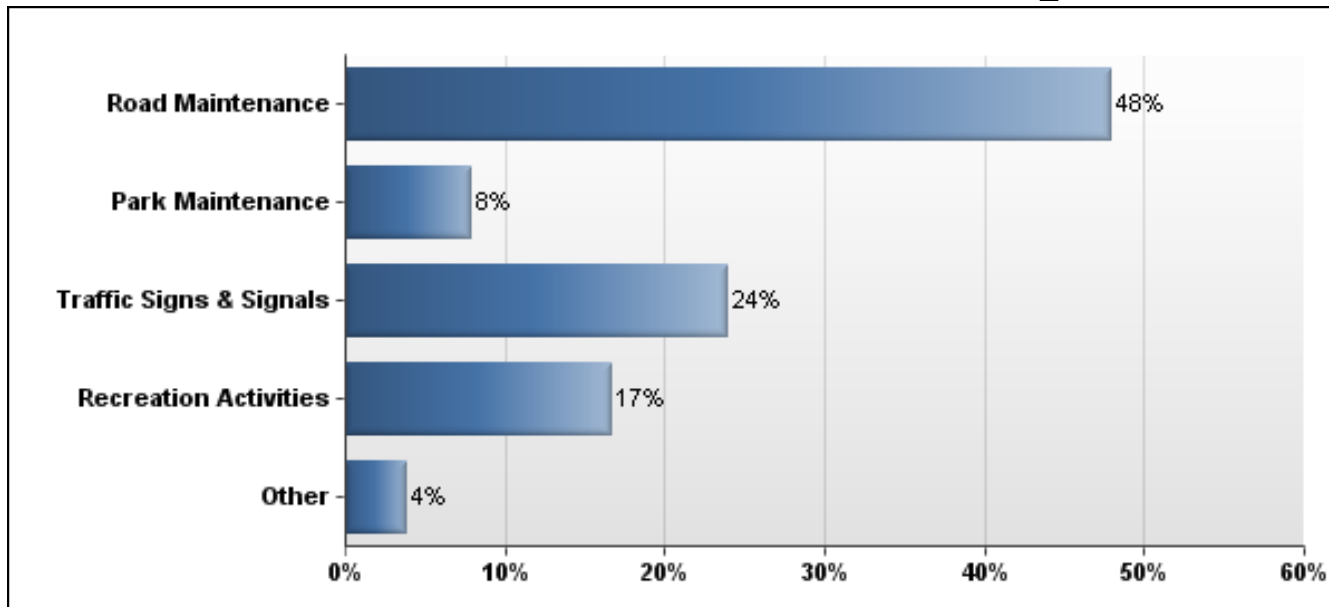
#4a *How would you rate the service you received?*



- 94% rated fire services Good to Excellent
(14% of respondents had contact)

Quality of Services

#5 What do you consider the most essential City services besides Police and Fire departments?



Road Maintenance is the second concern after public safety.

Quality of Services- Cont'd

#6 *How do you rate the quality of the following services in Visalia?*

Service Type	Good to Very Good Rating	Increase/ Decrease from 2009
1) Emergency Response by Fire Department	58%	-12%
2) Private Ambulance	48%	-2%
3) Road Maintenance	30%	2%
4) Traffic Management	37%	Same
5) Bus Services	42%	-1%

Quality of Services- Cont'd

Service Type	Good to Very Good Rating	Increase/ Decrease from 2009
6) Street Lighting	49%	4%
7) Senior Citizen Services	34%	1%
8) Recreation Services	52%	2%
9) Services for Disabled	36%	-1 %
10) Park Maintenance	58%	5%
11) Garbage Recycling	66%	-1%
12) Convention Center	60%	Same

Question & Concerns

#7 *How many times have you attended activities at the Convention Center in the last year?*

- *The number that never attended stayed the same at 27%. Those who went, went a little more.*

#8 *In your opinion, how do you view traffic flow throughout Visalia?*

- *79% say it is average to excellent. The Northeast is only 68% average to excellent.*

#9 *The city continues to enhance the downtown area. How important is to you?*

- *64% respondents rated importance High to Very High*

Open Ended Responses

#17 How can the City of Visalia encourage job creation?

- Bring in more businesses
- More job fairs
- Lower taxes for businesses

Open Ended Responses- Cont'd

#18 What is the most important thing that the City should be working on to make Visalia better?

- *Gangs / Safety*

Conclusion

Much is still the same

- Quality of Life is about the same, except for the public wanting more jobs
- Safer Community – Gangs
- Road Maintenance is the second concern after Public Safety
- Traffic in the Northeast quadrant

Questions & Answers

?

City of Visalia Agenda Item Transmittal

Meeting Date: September 13, 2010

Agenda Item Number (Assigned by City Clerk): 2a

Authorization to revise and extend the contract for two years with Dooley Herr Peltzer and Richardson to serve as the primary legal firm representing the City, and confirm the City Attorney and Assistant City Attorneys.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Mayor Bob Link, Vice Mayor Amy Shuklian, Steve Salomon, 713-4314; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council revise and extend the contract for two years with Dooley Herr Peltzer and Richardson to serve as the primary legal firm representing the City, and confirm the City Attorney and Assistant City Attorneys.

Summary:

In May, the City Council appointed a sub-committee comprised of the Mayor, Vice Mayor and City Manager to meet with the City Attorney's office and discuss a two-year contract for services.

DHP&R has represented the City since 1998. The subcommittee is recommending that the Council approve a two-year contract that does not include any increase in the hourly rate, will result in a change in service, but should not result in an increase in cost.

The previous contract was approved for a two year period that began in 2008. The proposed contract is also for two years. The hourly rate is proposed to stay at the same level as it has been the last two years. If approved, it would mean the City Attorney's hourly charge would not have increased for four years (2008 – 2012) unless additional action is taken by the City Council (i.e., at the one year review in 2011 as envisioned in the contract). It is proposed that the fee for Basic Services be increased by \$2,000/mo in order to begin covering Redevelopment matters and Administrative Code enforcement, under Basic Services. In addition, all but the most routine personnel matters will be moved to Special Services. The net result is the City will receive more service under Basic Services (flat rate) rather than paying for them separately as a Special Service (hourly rate). The contract does not include any increase in the hourly rate, and with the changes described above, should not result in an increase in cost, but rather a change in the way services are billed.

The charges for City Attorney services are broken into two categories:

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 9810

Finance

City Atty

City Mgr

*Basic Services entail a flat rate to represent and advise the City on routine matters such as City Council and Planning Commission meetings, meetings with staff on general issues, contract preparation, property acquisition and disposal (other than negotiations), general litigation and code enforcement response (up to civil or criminal filings), and general redevelopment issues.

*Special Services, which are matters that the firm charges the City an hourly rate to represent City on more complex matter, include claims for damages, civil and criminal actions relating to enforcement of the Municipal Code, property purchase or sale negotiations, litigation, involved personnel matters, eminent domain, and special projects.

The most significant contract points for the new contract include the following:

1. Pay the firm \$25,000 for Basic Services for an approximate monthly average of 195 hours of service, and includes Redevelopment and Administrative This is a change from \$23,000 for an approximate monthly average of 180 hours. History has indicated that the City Attorney's office has averaged more than the anticipated monthly average. If the average is ever not met over the contract period, it would be addressed during the annual review. This change includes Redevelopment matters and Administrative Code Enforcement as Basic Services rather than Special Services, which is how the previous contract was written.
2. Change in the mix of issues covered under Basic Services and Special Services to be more beneficial to the City. Administrative Code Enforcement (approximately 15 hours a month) and Redevelopment (approximately 20 hours a month) will be moved to Basic Services, and advice and representation provided by the firm for these matters will be covered under the flat rate. Advice on personnel matters that reach a more advanced stage will be moved to Special Services. As a result, the City will receive approximately 15 hours more a month in services covered under the Basic listings.
3. Addition of property negotiations to be added as a Special Service. The attorney/broker the City had previously been using for property negotiations is no longer available. Instead, the City Attorney's office will now represent the City in negotiations for acquisition and disposition of real property. The City Attorney's Office will maintain personnel with the requisite California Real Estate Broker's or Salesperson's license, and Caltrans training for right of way negotiations.

In addition, the contract confirms the appointment of Alex Peltzer as City Attorney, and Leonard Herr and Ken Richardson as Assistant City Attorneys.

Background:

The Charter provides that the City Attorney is one of three officers of the City that are appointed by the City Council (the other two being City Manager and City Clerk, both of which are currently filled by Steve Salomon). The Charter also provides that the City Attorney must be a "qualified elector of the City at the time of his (or her) appointment." (The full charter provisions regarding the City Attorney are attached.) In order to be an elector, one must essentially be a permanent resident of the City and otherwise qualified to vote. Mr. Peltzer fulfills this requirement.

For as long as anyone can remember, the City Attorney position has been filled by an independent contractor rather than by an employee of the City. Staff believes the independent contractor method of providing City Attorney services is far superior to having an in-house City Attorney with several assistant attorneys and several support staff. It is not uncommon to have an in-house City Attorney budget of well more than \$1 million, plus additional outside counsel costs. For example, the budget for the City Attorney's Office in Ventura (population 106,744) is \$1, 582,053 with staff of five. The budget for the City Attorneys office in the City of Concord, with a staff of four, (population 125,864) is \$1,6112,000. The contract for the Attorney services for Visalia has not exceeded \$1 million since 1998, and often has been less.

In addition to cost savings, an independent City Attorney can provide a range of specializations and real world experience that an in-house attorney cannot. In staff's opinion, the City of Visalia has benefited greatly over the past 10 years by having the advantage of an outside firm with wide-ranging experience to rely upon for legal services.

Attachments:

Copy of proposed contract

<p>Recommended Motion (and Alternative Motions if expected):</p> <p>I move to authorize the City Manager to revise and extend the contract for two years with Dooley Herr Peltzer and Richardson to serve as the primary legal firm representing the City, and confirm the City Attorney and Assistant City Attorneys.</p>

**Amended and Restated
LEGAL SERVICES AGREEMENT**

THIS Amended and Restated PROFESSIONAL SERVICES AGREEMENT is made and entered into this ___ day of September, 2010, by and between the CITY OF

This document last revised: 9/10/10 12:37:00 PM

Page 4

By author: Leslie Caviglia

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\9-13-2010\Item 2a city attorney contract.doc

VISALIA (hereinafter referred to as the "City"), and DOOLEY, HERR PELTZER & RICHARDSON, LLP (hereinafter referred to as "DHP&R") and amends and restates the Legal Services Agreement between the parties dated July 28, 2008.

RECITALS

WHEREAS, the City seeks legal counsel concerning issues of general municipal law and other issues related to the operation of the City; and

WHEREAS, Article IV, Section 1 of the City's Charter requires the appointment of a City Attorney. Article IV, Section 5 provides that the City Council shall appoint the City Attorney; and

WHEREAS, DHP&R has considerable experience representing public agencies and is willing, qualified and duly licensed to provide legal services to City as City Attorney under this contract as an independent contractor, subject to the terms and conditions herein stated; and

WHEREAS, the City has determined that DHP&R is qualified by training and experience to render such services, and DHP&R has agreed to provide such services; and

WHEREAS, the public interest will be served by this Agreement;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. SCOPE OF SERVICES.

City hires DHP&R to provide legal services as City Attorney to the City. DHP&R shall be the exclusive provider of "Basic Services" described herein and may be used by the City to provide "Special Services". Duties shall include:

- (a) The provision of "Basic Services" which shall include, but not be limited to, all of the following:
 - (i) DHP&R, through the City Attorney or, in his absence, one of the Assistant City Attorneys, shall attend all regular meetings, and special meetings as needed, of the City Council and, upon request, the City Planning Commission. The attorney's duties in this connection shall be to render advice and opinions with respect to all legal matters which arise during any such meeting;
 - (ii) DHP&R shall be available for consultation with Council members and City staff as needed;
 - (iii) DHP&R, through the City Attorney, or Assistant City Attorneys shall also attend meetings of other boards, commissions,

committees, and staff of the City, when requested to do so by the City Council or the City Manager.

- (iv) DHP&R shall review and/or prepare ordinances, resolutions, orders, contracts, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City;
- (v) DHP&R shall conduct legal work pertaining to property acquisition, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities; activities related to the negotiation for the acquisition or disposition of real property shall be considered a Special Service, as described in paragraph (2)(b)(v) below and shall not be included within Basic Services;
- (vi) Unless otherwise directed by the City Council, DHP&R shall manage the work of outside counsels as needed and directed by the City Council and City Manager;
- (vii) DHP&R shall conduct research and prepare and follow through in matters involving collection of performance bonds, pursue litigation to collect damages due the City, and shall be available to respond to general litigation and code enforcement inquiries and attend regular Risk Management meetings.
- (viii) DHP&R shall provide representation of the City, at the direction of the City Manager, in all administrative actions and other matters related to enforcement of the Visalia Municipal Code, up until such time as it may be necessary to commence civil or criminal in connection with such matters; Except for the conduct of administrative code enforcement specified in this paragraph, all other litigation and code enforcement conducted on the City's behalf shall not be considered as a "Basic Service"; and
- (ix) DHP&R shall provide advice and counsel to the City and the Redevelopment Agency of the City of Visalia on redevelopment matters, unless such matters are agreed to be treated as a Special Service matter pursuant to paragraph (2)(b)(vi) below.

(b) The provision of "Special Services" which shall be assigned by the City Council or City Manager and which shall include, but not be limited to, claims and litigation related to employment and personnel issues, the California Environmental Quality Act, general planning statutes of the State of California, general liability and the City's power of condemnation. DHP&R will provide such special services except in those instances where DHP&R and the City Manager determine that other counsel is required to meet the needs of the City. Among other things, Special Services shall include:

- (i) review and management of all claims for damages submitted against the City and representation of the City in all litigation arising therefrom; DHP&R shall provide the City Council and City Manager with written updates once every two months on the status and progress of all litigation-related matters;
- (ii) representation of the City in all personnel claims and proceedings
- (iii) representation of the City, at the direction of the City Manager, in all administrative, civil or criminal actions and other matters related to enforcement of the Visalia Municipal Code after such matters have, other than that specified in Basic Services; and
- (iv) representation of the City, at the direction of the City Manager, in labor negotiations; and
- (v) representation of the City in the negotiation of the acquisition and disposition of real property; DHP&R agrees that it shall, in connection with services rendered pursuant to this provision, maintain personnel with the requisite California Real Estate Broker's or Salespersons license; and
- (vi) representation of the City on any other matter that constitutes a special project determined by the City Manager to be outside the scope of Basic Services and of an ongoing nature.

2. APPOINTMENT – CITY ATTORNEY AND ASSISTANTS.

City, by and through its City Council, does hereby appoint Alex M. Peltzer as City Attorney as provided in the City's Charter. As specified in the Charter, Mr. Peltzer shall serve solely at the pleasure of the City Council. The appointment of Mr. Peltzer as City Attorney shall remain in effect during the term of this Agreement. The City Council may terminate the appointment, with or without cause as specified in paragraph 15 of this Agreement.

In recognition of the fact that there may be occasions when the City Attorney is unavailable and to facilitate efficient provision of legal services, the City appoints Leonard C. Herr and Kenneth J. Richardson as Assistant City Attorneys. The City Attorney shall not miss two or more consecutive meetings of the City Council without prior approval of the City Manager.

The City Attorney may not, without the consent of the City Council, designate other attorneys in DHP&R to serve as an Assistant City Attorney.

3. COMPENSATION AND METHOD OF PAYMENT.

- (a) City agrees to pay DHP&R TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per month for the provision of all "Basic Services" for the period beginning July 1, 2010 through June 30, 2012.
- (b) City agrees to pay DHP&R ONE HUNDRED AND SIXTY DOLLARS (\$160) per hour for all attorney time and ONE HUNDRED AND TEN DOLLARS (\$110) per hour for all paraprofessional time for the provision of all "Special Services" for the period beginning July 1, 2010 through June 30, 2012. For the purposes of this Agreement, paraprofessionals shall be defined solely as law clerks, paralegals and certified legal assistants.
- (c) DHP&R will not charge the City of Visalia for any copy, facsimile, postage, local courier or telephone charges. DHP&R will charge for out of pocket expenses associated with litigation (filing, expert witness, court reporters and copying of documents in response to discovery requests), conference registration (registration fees for conferences related to continuing education will not be charged to the City), and travel expenses related to out of town business.
- (d) DHP&R will bill the City on a monthly basis with itemization and detail sufficient to meet City's accounting needs. DHP&R and City will specify detail necessary for accounting purposes prior to the commencement of legal services pursuant to this agreement. DHP&R will provide one set of bills for payment per month, but may request payment of such bills through up to two separate payments.
- (e) City will pay all bills as required by this Agreement within THIRTY (30) days of receipt. If the City does not comply with these requirements, DHP&R may terminate this Agreement upon written notice to the City.

4. TERM.

Unless otherwise terminated as provided herein, this Agreement shall commence on July 1, 2010, and shall extend through June 30, 2012 and may be extended by mutual agreement of the City and DHP&R.

5. PERFORMANCE REVIEW.

On or about June 1, 2011, and annually thereafter, the City Council shall audit and review the performance and legal fees of DHP&R and its members or associates in furnishing the services provided hereunder, and the compensation provisions hereof. The parties may agree to changes or amendments hereto, including, but not necessarily limited to, changes in compensation provisions, which changes or amendments shall be evidenced by written amendment or by minute order evidencing motion duly made and carried by the City Council. Nothing in this paragraph shall be deemed to prevent or inhibit more frequent review of performance, compensation, or other matters relating to this Agreement or otherwise inhibit the free and candid exchange of views between the parties hereto, to the end that the legal interests of City

shall best be served and DHP&R shall fairly be compensated for legal services rendered.

6. TECHNOLOGY COMPATIBILITY.

DHP&R shall take all reasonable steps to ensure that computer technology (both hardware and software) is compatible with systems utilized by the City. Additionally, DHP&R shall cooperate with City to integrate telephone communications with the system utilized by the City.

7. NO PERSONAL LIABILITY.

No member, official or employee of the City shall be personally liable to DHP&R or any successor in interest in the event of any default or breach by the City or for any amount which may become due to DHP&R or successor or on any obligation under the terms of this Agreement.

8. ASSIGNMENT OF AGREEMENT.

DHP&R shall not assign or transfer any interest in, nor delegate any duties thereof in this Agreement. Any assignment or delegation without express written consent of the City shall be void.

9. RESPONSIBILITY OF DHP&R.

DHP&R shall take and assume all responsibility for the services rendered in connection with this Agreement. DHP&R shall render its services in accordance with the standard of care required of a competent practitioner engaged in a similar practice of law. Mr. Dooley shall be responsible for ensuring that DHP&R provides the highest quality legal services.

DHP&R agrees to provide conscientious, competent and diligent services and at all times will seek to achieve solutions, which are just and reasonable for the City. However, because of the uncertainty of legal proceedings, the interpretation and changes in the law and many unknown factors, DHP&R cannot and does not warrant, predict or guarantee results or the final outcome of any case or matter.

10. INDEPENDENT CONTRACTOR.

DHP&R hereby declares that it is engaged in an independent business and agrees to perform said services as an independent contractor and not as the agent or employee of the City. DHP&R agrees to be solely responsible for its own matters relating to payment of employees, including compliance with Social Security, withholding and all other regulations governing such matters. DHP&R agrees to be solely responsible for its own acts and those of its subordinates and employees during the life of this Agreement.

11. INSURANCE.

(a) DHP&R shall have and maintain in full force and effect the insurance policies set forth in Attachment A, which is attached hereto and incorporated herein. All policies, certificates or binders shall be subject to approval by the City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. DHP&R shall provide the City with a copy of said policies, certificates prior to commencing work under this Agreement.

(b) Thirty (30) days prior written notice of cancellation shall be given to the City in the event of expiration, cancellation or reduction in coverage of any nature. Such notice shall be sent to:

City Manager
City of Visalia
Visalia, California 93291

(c) Proof of Coverage: Copies of the required certificates of insurance, which shall be provided by DHP&R insurance company as evidence of the stipulated coverages. This Proof of Insurance shall then be mailed to:

City Manager
City of Visalia
Visalia, California 93291

12. CONFLICTS OF INTEREST.

DHP&R declares it has no holdings or interests within the City of Visalia, which preclude it from serving as City Attorney. Further, DHP&R declares that it has disclosed its list of clients to the City Manager. DHP&R has no business holdings or agreements with any official or other representatives of the City of Visalia.

13. CONFIDENTIALITY.

To the extent permitted by law, all the reports, information, data or other materials prepared or assembled by DHP&R under this Agreement, including DHP&R's opinion and conclusions based upon such items, are confidential. DHP&R agrees that such reports, information, opinions or conclusions shall not be made available to or discussed with any individual or organization, including the news media, without the prior written approval of the City.

14. TERMINATION.

(a) This Agreement may be terminated, with or without cause, in writing by the City for its convenience, provided that no such termination may be affected unless DHP&R is given not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of the intent to terminate.

(b) Any termination shall provide for payment to DHP&R for services rendered and expenses incurred prior to the termination.

(c) Upon receipt of a termination notice DHP&R shall (1) promptly discontinue all services affected (unless the notice directs otherwise) and (2) deliver to the City all records, reports, and files of the City.

(d) Upon termination, the City may take over the work and prosecute the same to completion by agreement with another party or otherwise.

(e) The rights and remedies of the City and DHP&R provided in this clause are in addition to any other rights and remedies provided by law or under this Agreement.

15. FILE RETENTION AND DESTRUCTION.

DHP&R shall safely maintain and store all files, records and other materials acquired in the course of its representation of the City. No files will be destroyed without the consent of the City.

16. NONDISCRIMINATION.

In connection with the execution of this Agreement, DHP&R shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin.

17. ENTIRE AGREEMENT.

This Agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof; and no other agreement, statement, or promise relating to the subject matter of this Agreement not contained herein shall be valid or binding.

18. INTERPRETATION OF AGREEMENT.

This Agreement shall be construed and interpreted both as to validity and performance of the parties in accordance with the laws of the State of California.

19. SUCCESSORS AND ASSIGNS.

Subject to the provision of this Agreement regarding assignment, this Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the City and DHP&R have executed this Agreement this ___ day of September 2008.

CITY OF VISALIA
LLP

DOOLEY HERR PELTZER & RICHARDSON,

By: _____
Steve Salomon, City Manager

By: _____
Alex M. Peltzer

Attest

By: _____
Deputy City Clerk

F:\City Attorney\LEGAL SERVICES AGREEMENT(AMP 6-27-06).doc

ATTACHMENT A

INSURANCE

INSURANCE REQUIREMENTS:

DHP&R, at DHP&R's sole cost and expense and for the full term of this Agreement or any renewal thereof shall obtain and maintain at least all of the following minimum insurance requirements prior to commencing any work or receiving payments therefor under this Agreement:

(a) A COMPREHENSIVE GENERAL LIABILITY policy with a minimum limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) combined single limit for personal injury, bodily injury, and property damage.

(b) A WORKERS COMPENSATION AND EMPLOYERS LIABILITY policy written in accordance with the Labor Code of the State of California and Employers Liability limits of \$1,000,000.00 per accident. The insurer shall agree to waive all rights of subrogation against the Agency, its officials, employees, and agents for losses arising from work performed by the contractor for the Agency.

(c) A PROFESSIONAL LIABILITY ERRORS AND OMISSIONS policy in an amount not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per claim, ONE MILLION DOLLARS (\$1,000,000.00) aggregate. If this policy should contain a deductible clause, it shall not be greater than TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per occurrence.

(d) AUTOMOTIVE INSURANCE. The attorneys at DHP&R agree to keep in good standing valid California driver's licenses at all times during the term of this Agreement. DHP&R shall also obtain, and keep in force during the term hereof, a policy of motor vehicle public liability insurance which shall afford not less than the following amounts of coverage: ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) each occurrence; property damage liability, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) each occurrence.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 13, 2010

Agenda Item Number (Assigned by City Clerk): 2b

Agenda Item Wording: Request authorization to file a Notice of Completion for the Hurley Avenue Improvements required with Conditional Use Permit 2010-04, located at 6084 West Hurley Avenue.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director – 713-4392
Norm Goldstrom, Associate Engineer 713-4638

Department Recommendation:

Staff recommends that Council grant authorization to file a Notice of Completion for Hurley Avenue Improvements required with Conditional Use Permit 2010-04.

Summary/Background:

All of the required public improvements related to this commercial project have been completed and are ready for acceptance by the City. The developer for this commercial project (KRC Safety Company, Inc.) has submitted a maintenance bond in the amount of \$7,019.32 as required by the Project Improvements Agreement to guarantee the improvements against defects for one year.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: On May 24, 2010, the Planning Commission approved Conditional Use Permit 2010-04 for the operation of KRC Safety Company, Inc. located at 6084 W. Hurley Avenue.

Alternatives: N/A

Attachments: 1) Developer Disclosure Form
2) Location map.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1Min.

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize the filing of a Notice of Completion for the Hurley Avenue Improvements required with Conditional Use Permit 2010-04.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 13, 2010

Agenda Item Number (Assigned by City Clerk): 2c

Agenda Item Wording: Appointment of Nachi Kinsel to the Transit Advisory Committee.

Deadline for Action: September 13, 2010

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

It is recommended that Nachi Kinsel be appointed to the Transit Advisory Committee.

Summary/Background

The Transit Advisory Committee (TAC) currently has one vacant position. Applicants were recruited from various organizations in addition to the general public. The TAC met on August 4, 2010 and recommended that Nachi Kinsel be appointed to the committee. Nachi currently works for Resources for Independence Central Valley as a Coordinator. She has knowledge and experience in working with people with disabilities. The appointment of Nachi was reviewed by the Citizens Advisory Committee (CAC) On September 8, 2010 and they approved the appointment.

The recommendation is now being forwarded to the City Council for approval and appointment. The transit Advisory Committee and the Citizens Advisory Committee has reviewed this appointment and has requested the Council move forward with this recommendation.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: None.

Attachments: Application for Nachi Kinsel.

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Recommended Motion (and Alternative Motions if expected):
I move to appoint Nachi Kinsel to the Transit Advisory Committee.

Environmental Assessment Status

CEQA Review:
NEPA Review:

Tracking Information: (*Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date*)

Agenda Item Transmittal

Meeting Date: September 13, 2010

Agenda Item Number (Assigned by City Clerk): 2d

Agenda Item Wording: Establish existing prima facie speed zones within the City limits for Hurley Avenue between Akers Street and Shirk Street. Adopt Resolution No. 2010-61 to amend the Official Speed Zone List of the City of Visalia.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director: 713-4392
Eric Bons, Senior Civil Engineer: 713-4350

Department Recommendation: City Staff recommends that City Council adopts Resolution No. 2010-61, which will establish existing prima facie speed zones for Hurley Avenue between Akers Street and Shirk Street.

Adoption of Resolution 2010-61 will amend the Official Speed Zone List of the City of Visalia.

Summary:

An Engineering and Traffic Study was recently conducted of Hurley Avenue between Akers Street and Shirk Street in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), and as required by Section 627 of the California Vehicle Code, for the road segments being addressed in this resolution. Information contained in this study was used to recommend appropriate speed limit zones for Hurley Avenue between Akers Street and Shirk Street within the limits of the City of Visalia. The speed limit is currently unposted and the default speed limit is 55 miles per hour (MPH) for this segment of Hurley Avenue. Staff is recommending the new posted speed limit be 40 MPH. A summary of the speed zone is shown in the table below. The establishment of the new speed zone shall be established by the adoption of the attached resolution.

Background:

In making the determination as to the speed limits that are most reasonable and appropriate to facilitate the orderly movement of traffic in a safe and expeditious manner, certain factors such as prevailing speeds, traffic accident history, and unexpected conditions (which may not be readily apparent to the motorist) must be evaluated. Staff does have some limited ability to utilize "engineering judgment" in establishing prima facie ("at face value") speed limit zones per Section 22358.5 of the California Vehicle Code (CVC).

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 3 min

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Speed limits should be established at or near the 85th percentile speed, which is defined as the speed at or below which 85 percent of the traffic is traveling. The 85th percentile is often referred to as the “critical speed” and is recognized throughout the traffic engineering field as the most reasonable and prudent value to be used in establishing a speed limit. Speed limits set higher than the critical speed will make few additional drivers legal, while speed limits set lower than the critical speed will make larger number of reasonable drivers illegal. The majority of drivers operate their vehicles in a safe and reasonable manner based upon their perception of roadway conditions and surroundings, and such actions of said reasonable and prudent drivers should be considered legal with respect to establishing speed limits.

Street Name	Limits		Posted Speed Limit	Proposed Speed Limit
Hurley Avenue	Akers Street	Shirk Street	None	40

Hurley Avenue is a collector status roadway as identified in the Circulation element and carries approximately 2,700 vehicles per day. The section of Hurley Avenue between Akers Street and Chinowth Street is posted at 40 miles per hour and the posted speed was recertified in this Engineering and Traffic Study performed on Hurley Avenue.

The Engineering and Traffic Study showed the 85th percentile of vehicles traveling ranging from 43 MPH to 45 MPH on Hurley Avenue between Akers Street and Shirk Street which would be justification to set the speed limit at 45 MPH. The recommendation is to establish the speed limit on this segment of Hurley Avenue as a 40 MPH speed zone due to the multiple driveways and access points onto Hurley Avenue as well as varying roadway widths. The lower of the speed limit from 45 MPH to 40 MPH is based upon the previously stated reasons and is an appropriate speed for the character of the roadway.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Current speed limit to remain as an unposted 55 MPH speed limit.

Attachments: Proposed Resolution No. 2010-61
Speed Zone Exhibit

Recommended Motion (and Alternative Motions if expected): City Staff recommends that Council adopt Resolution No. 2010-61, which will establish the prima facie speed zone for Hurley Avenue between Akers Street and Shirk Street and amend the Official Speed Zone List of the City of Visalia.

Environmental Assessment Status

CEQA Review: Categorically Exempt

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

RESOLUTION No. 2010 - 61

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING THE
OFFICAL SPEED ZONE LIST PURSUANT TO
CHAPTER 10.12 INCLUSIVE OF TITLE 10, VEHICLES AND TRAFFIC**

WHEREAS, The Council of the City of Visalia, pursuant to Chapter 10.12 inclusive of Title 10, Vehicles and Traffic, of the Ordinance Code, may enact prima facie speed limits on various roadways or portions thereof within the City of Visalia; and

WHEREAS, an "Engineering and Traffic" survey was performed pursuant to Section 10.12.060 of the Ordinance Code; and

WHEREAS, said prima facie speed limits are enacted pursuant to the provisions as set forth within the California Vehicle Code;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Visalia as follows:

Under the provisions of Chapter 10.12 inclusive of Title 10, Vehicles and Traffic, of the Ordinance Code, the prima facie speed limit for the following roadway, or portions thereof, are hereby determined and declared to be as shown below, and shall be included in the official City of Visalia Speed Zone List:

Street Name	Limits		Posted Speed Limit	Proposed Speed Limit
Hurley Avenue	Akers Street	Shirk Street	None	40

The above prima facie speed limits shall become effective with the posting of the appropriate speed limit signs.

PASSED AND ADOPTED:

Mayor

ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk

