



Visalia City Council

City Council

Meeting Minutes - Final

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Mayor Brian Poochigian

Vice Mayor Brett Taylor

Council Member Emmanuel Hernandez Soto

Council Member Steve Nelsen

Council Member Liz Wynn

Monday, May 1, 2023

7:00 PM

City Council Chambers

ROLL CALL

Present: Mayor Brian Poochigian, Vice Mayor Brett Taylor, Council Member Emmanuel Hernandez Soto, Council Member Steve Nelsen, and Council Member Liz Wynn

CALL TO ORDER WORK SESSION - 4:00 PM (Unless otherwise noted)

The meeting was called to order at 4:00 p.m.

PUBLIC COMMENTS

Citizens are now invited to comment on issues within the jurisdiction of the Visalia City Council. The Council asks that you keep your comments concise and positive. Creative criticism, presented with appropriate courtesy, is welcome.

Each speaker will be allowed three minutes and a timer will notify you when your time is expired. Please begin your comments by stating and spelling your name and providing your city of residence.

WORK SESSION AND ACTION ITEMS (as described)

1. NEW EMPLOYEE INTRODUCTIONS: **23-0122**
PUBLIC WORKS:
Jorge Maciel
Jeff Vandertuig
Jason Castro
David Kersey
2. 2023 National Association of Letter Carriers Stamp Out Hunger **23-0165**
Food Drive Day.

Vice Mayor Taylor introduced Mail carrier Niessen Foster and announced the 2023 National Association of Letter Carriers Stamp Out Hunger food drive. Mr. Foster provided brief comments to the council and thanked staff. All food donations stay in the local area of the city.

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3. Continued discussion on Phase 2 of the Visalia Civic Center Project (Public Safety Office Building (PS), Police Services Building (Evidence/Training/Crime Lab), and City Council Chambers). Receive an update on the Schematic Design Phase of the Civic Center, including the latest building renderings and project cost estimates. Provide direction as appropriate.

[23-0131](#)

Frank Senteno, City Engineer introduced Mike Porter, Civil Engineer, and Renee Nagel, Finance Director. Mike Porter provided the overview of the schematic design and renderings.

Renee Nagel, Finance Director, provided the phase 2 project cost estimates. Fees for the soft costs are approximately 16.3M. Hard Costs are construction costs came in at 81.2M. The phase 2 available funding includes various funding and staff will request funding allocations at a different meeting.

Renee explained how the financing for a City hall would fare and Mike explained the potential cost saving options.

Comments and questions by Council.

A motion was made by Council Member Steve Nelsen, seconded by Vice Mayor Brett Taylor, to approve as recommended. The motion carried by the following vote:

Aye: Brian Poochigian, Brett Taylor, Emmanuel Hernandez Soto, Steve Nelsen, Liz Wynn

4. Consideration of and direction on initiating potential Municipal Code Updates related to Short-Term Rentals (STRs). [23-0135](#)

Paul Bernal, Community Development Director, introduced the staff and the item for Council consideration.

Josh Dan, Senior Planner, provided the overview of the potential municipal code updates related to short term rentals. The definition of a short-term rental ? A residential dwelling or any portion of a residential dwelling that is rented to a person or persons for 30 consecutive days.

Renee Nagel explained the Transit Occupancy Tax (TOT) is on the honor system.

Comments and questions by Council included possibly implementing a monetary fine for police calls. The city should consider a limit of the number of people in a BRB and limit the number of rentals in a neighborhood with good neighbor policies. Vice Mayor would like to see a process to increase the fines for the renters who do not follow the rules. If there are issues an owner or and agent should be identified and fined.

Jason Salazar, Police Chief, stated the good neighbor policy should be implemented.

Adrian (no last name provided), operates in 10 to 12 counties. He would like to address that TOT tax is remitted to the City and it helps the operators. San Luis Obispo regulates by reporting to the ABNB and spoke in support of having the Air BnB.

Vik Remanke thanked the Council for taking this issue seriously. Consideration needs to be given lost revenue as people have or live in Short-term rentals is pushing others out of the area and erode good neighborhoods.

A motion was made by Council Member Steve Nelsen, seconded by Council Member Liz Wynn, to approve with conditions. The motion carried by the following vote:

Aye: Brian Poochigian, Emmanuel Hernandez Soto, Steve Nelsen, Liz Wynn

No: Brett Taylor

ADJOURN TO CLOSED SESSION - 6:00 PM (Or, immediately following Work Session)

The meeting adjourned to Closed Session at 5:57 p.m.

CALL TO ORDER REGULAR SESSION - 7:00 PM

The meeting was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE**INVOCATION****ITEMS OF INTEREST****PUBLIC COMMENTS**

This is the time for citizens to comment on subject matters that are not on the agenda and within the jurisdiction of the Visalia City Council. The Council asks that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

This is also the time for citizens to request an item from the Consent Calendar be pulled for discussion purposes. Public comments related to all pulled Consent Calendar items and Regular or Public Hearing items listed on the agenda will be heard at the time that item is discussed or when the Public Hearing is opened.

Each speaker will be allowed three minutes, and a timer will notify you when your time is expired. Please begin your comments by stating and spelling your name and providing your city of residence.

Gwen Shrank, spoke regarding advocates for victims and those who have mental illness. People need to speak up to get help for mental illness. The new phone number for the suicide line help is 988.

Barry Caplan, Visalia, requested items 2 and 3 to be pulled from the Consent Calendar.

Kathy Falconer spoke about Earth Day. Thank you letters were provided to the Council with the list of sponsors.

Elena Rodriguez, is glad to see the Spanish interpretation and expressed the need to have written translation for those who cannot speak or read English.

Eric, Coach of the Visalia Carolina football team, thanked the community for participating at their away game stretch. Hopefully they will be in the playoffs. He would like to discuss the assistance from the City Council to tie into the community as a partnership with the City.

CONSENT CALENDAR

Barry Caplan requested for item 2 and 3 to be pulled from the Consent Calendar.

A motion was made by Steve Nelsen, seconded by Brett Taylor to approve the Consent Calendar except for items 2 and 3. The motion carried by the following vote:

Aye: Brian Poochigian, Brett Taylor, Emmanuel Hernandez Soto,
Steve Nelsen, Liz Wynn

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.

1. Authorization to read ordinances by title only. [23-0156](#)
2. Authorize City staff to initiate Measure N amendment process to increase the budget for the Police Department's patrol vehicles and the body-worn camera program. [23-0148](#)

Visalia Captain Dan Ford provided the information regarding the items. The Police Department has put together a bundle for PD. The Axon V training is a tool to be effective and adequate activation in body cams. The cost has increased due to fee increases as listed in the staff report. The Measure N Committee was provided a report and voted to approve the shortfall in the budget.

Mr. Caplan stated the information in the staff report was not informative nor detailed enough and asked how staff arrived at that number.

Lisa Alvarado, Measure N member echoed Mr. Caplan's concerns.

Jason Salazar, Police Chief, explained the Measure N committee will hear the details and staff will return to Council with the Measure N recommendations/suggestions.

A motion was made by Council Member Steve Nelsen, seconded by Vice Mayor Brett Taylor, to approve as recommended. The motion carried by the following vote:

Aye: Brian Poochigian, Brett Taylor, Emmanuel Hernandez Soto,
Steve Nelsen, Liz Wynn

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3. Authorize City staff to initiate Measure N amendment process to convert one (1) FY 23/24 Measure N Police Officer allocation to two (2) Community Service Officer (CSO) allocations. [23-0147](#)

Police Captain Dan Ford stated the Measure N committee will also review this item and if approved staff will return to Council for the second public hearings. The Measure N Committee will hear the details and the on going benefit.

Barry Caplan, spoke in opposition to the report and the public deserves better than what the report states. The officers are cavalier in the amount and Council should not vote to approve this item.

Susanne Gundy, Visalia asked that the CSO be multi lingual.

Calesha Feliz, stated she would like to have the department consider mental health training when many are suffering with Mental Health issues.

A motion was made by Council Member Steve Nelsen, seconded by Council Member Emmanuel Hernandez Soto, to approve as recommended. The motion carried by the following vote:

Aye: Brian Poochigian, Brett Taylor, Emmanuel Hernandez Soto, Steve Nelsen, Liz Wynn

4. Authorize the City Manager to file a Notice of Completion for the construction of the FY 18-19 Major Street Rehabilitation - Walnut & Murray Project (CIP 3010-72000/CP0289-999 & 2370-72000/CP0402-999). [23-0143](#)
5. Authorize Resolution No. 2023-11, ordering the summary vacation and abandonment of the easement for storm drain pipeline maintenance purposes over Parcel 6 of Parcel Map No.4813, (APN: 081-100-070). [23-0146](#)
6. Approval and appropriation of the Harrell Family Trust donation for the proposed enhancement project at Harrell Grove Park, to include the addition of outdoor fitness equipment and irrigation improvements. [23-0162](#)
7. Authorize the City Manager to Award RFB 22-23-11 annual contract for Landscape Maintenance of Landscape and Lighting Districts within Quadrant K to JC's Land Management of Kingsburg, CA, \$178,254.65 annually per specifications of RFB 22-23-11. [23-0161](#)
8. Authorization for the City Manager to approve an agreement with Workforce Investment Board of Tulare County to continue the Environmental Clean-Up Opportunities (ECO) Transitional Jobs Program through FY 2023/2024 in the amount of \$230,000 from the Solid Waste Enterprise Fund. [23-0138](#)

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| 9. | Authorize the City Manager to enter into a contract with Truxell & Valentino Landscape Development Inc. for the Houston Roundabout Landscaping and Maintenance Access Project (2520-7200/CP0307-999) in the amount of \$298,450, and appropriate \$145,000 from the Transportation Impact Fund (241). | <u>23-0142</u> |
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| 10. | Authorize the City Manager to amend and increase the existing Uniform and Laundry contract (C22056) awarded to Unifirst Corporation in the amount of \$23,700 per year by \$29,100, to a total not to exceed of \$52,800 per year. The remaining term on the existing contract consists of four (4) one-year renewals. | <u>23-0136</u> |
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| 11. | Authorize the City Manager to enter into a contract amendment with Brandley Engineering for Pavement Maintenance Management Plan (PMMP) additional scope of work in the amount of \$130,000 and appropriate an additional \$15,000 for the upcoming Federal Aviation Administration (FAA) required PMMP CIP project (CP0572) increasing the project budget to \$135,000. | <u>23-0144</u> |
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| 12. | Continue Resolution 2023-05, ratified by Visalia City Council on March 20, 2023 proclaiming the local emergency that was declared on March 13, 2023, due to the threatened existence of conditions of extreme peril to the safety of persons and property within said city caused by excessive past and expected rainfall and snowfall, resulting in uncontrolled waters coming from local rivers and streams. | <u>23-0166</u> |
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| 13. | Authorize City Manager to award a sole source contract for the Instrumentation and Electrical Services & Maintenance and Repair for the Water Reclamation Facility and Collection System to Telstar Instruments Company, Inc. for a not to exceed amount of \$400,000 annually. This is a one (1) year contract that may be renewed for four (4) consecutive one (1) year periods upon mutually agreed upon terms. | <u>23-0159</u> |

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. The Mayor may reasonably limit or extend the public comment period to preserve the Council's interest in conducting efficient, orderly meetings.

1. Public hearing to consider the following items: 1. [23-0129](#)
recommendation by the Visalia Planning Commission to approve General Plan Amendment No. 2022-01:
 1. A recommendation by the Visalia Planning Commission to approve General Plan Amendment No. 2022-01: A request by the Visalia Public Cemetery District to amend the General Plan Land Use Map to change the land use designation of 15 parcels totaling 3.33 acres from Residential Low Density to Public Institutional, and to change the land use designation of one parcel totaling 0.24 acres from Residential Medium Density to Public Institutional. The project sites are located at 919 West Allen Avenue, 618, 700, 706, 808, 918, 1010 North Rinaldi Street, 1410, 1420, 1430 West Sady Avenue, 816, 1004 North Turner Street (APNs: 093-062-006, 007, 015, 016, 026, 027, 093-073-002, 010, 093-083-013, 014, 015, 016, 025, 093-102-001, 002, 093-112-021).
 2. A recommendation by the Visalia Planning Commission to approve Change of Zone No. 2022-02: A request by the Visalia Public Cemetery District to change the zoning designation of 15 parcels totaling 3.33 acres from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to QP (Quasi-Public), and to change the zoning designation of one parcel totaling 0.24 acres from R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling unit) to QP (Quasi-Public) to QP (Quasi-Public). The project sites are located at 919 West Allen Avenue, 618, 700, 706, 808, 918, 1010 North Rinaldi Street, 1410, 1420, 1430 West Sady Avenue, 816, 1004 North Turner Street (APNs: 093-062-006, 007, 015, 016, 026, 027, 093-073-002, 010, 093-083-013, 014, 015, 016, 025, 093-102-001, 002, 093-112-021).
 3. A review of Conditional Use Permit No. 2023-02: A request by the Visalia Public Cemetery District to amend Conditional Use Permit No. 2005-08, permitting the expansion of the Visalia Public Cemetery District master planned area, encompassing 13 parcels totaling 2.8 acres. The project sites are located at 914 and 920 W. Allen Avenue, 1304 W. Goshen Avenue, 916, 920, 1000, 1002, 1004, 1006, 1010, 1012, 1014, 1016, and 1020 N. Turner Street (APNs: 093-083-035, 093-112-001, 002, 003, 004, 005, 006, 017, 018, 019, 020, 021, 022).

The requested actions are considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption No. 2022-42 has been prepared for the project.

Cristobal Carrillo, Associate Planner provided an overview of the Public hearing to consider the following items:

1. A recommendation by the Visalia Planning Commission to approve General Plan Amendment No. 2022-01
2. A recommendation by the Visalia Planning Commission to approve Change of Zone No. 2022-02
3. A review of Conditional Use Permit No. 2023-02, a request by the Visalia Public Cemetery District to amend Conditional Use Permit No. 2005-08, permitting the expansion of the Visalia Public Cemetery District master planned area, encompassing 13 parcels totaling 2.8 acres. The requested actions are considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA).

A Notice of Exemption No. 2022-42 has been prepared for the project. The proposal is considered in alignment with the zone and housing element and there are a number of conditions of approval with slow expansion. Correspondence from 11 individuals received regarding traffic affordable housing and sustainability or continued use.

Walter Deissler, contracted architect for the cemetery stated some of the lots were zoned in 2005 and ash burials will increase over the years. Eminent Domain has never been used to take property for the cemetery.

Council asked if the board be willing to restrict the expansion from Eminent Domain? Ken Richardson, City Attorney, state the CUP can include a condition to include no Eminent Domain.

The following citizens spoke in opposition to the expansion of the Visalia Cemetery: Gwen Shrank, Erica Viera, Davie Dye, Dr. David (no last name provided), Adrian Leal, Maria Guillen, Randy Evans, Vanessa Gonzalez, Holly Elliott Hernandez, Calisha Filiz, Resident of Rinaldi Strett (no name given), Alberto Aguilar, Susanne Gundy, Janie Huerta, Raymond Macareno, Lucia Vasquez, Rosie Huerta, Board of Supervisor Valero.

The following citizens spoke in support of the expansion of the Visalia Cemetery: George Ouzounian

A motion was made by Council Member Liz Wynn, seconded by Council Member Emmanuel Hernandez Soto , to approve with conditions. The motion carried by the following vote:

Aye: Emmanuel Hernandez Soto, Steve Nelsen,Liz Wynn

No: Brian Poochigian,Brett Taylor

2. A Public Hearing and First Reading of Ordinance No. 2023-02, a request by the City of Visalia to adopt a new title and chapter to the Visalia Municipal Code referred to as Title 18 "Agricultural Land Preservation", Chapter 18.04 "Agricultural Land Preservation Program", to create an agricultural preservation ordinance to implement Visalia General Plan Land Use Policy LU-P-34. The project applies citywide to properties within the Urban Growth Boundary Tiers II and III established by the Visalia General Plan. A Notice of Exemption was prepared for the new ordinance in accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15183 (Public Resources Code §21083.3). Notice of Exemption No. 2023-23 disclosed that the Agricultural Land Preservation ordinance will have no additional environmental review based upon the ordinance implementing General Plan Land Use Policy LU-P-34, uniformly on development projects that convert prime farmland and farmland of statewide importance in Urban Growth Boundary Tier II and Tier III. [23-0154](#)

Vice Mayor Taylor recused himself from this item due to conflict of interests.

Paul Bernal, Community Development Director, provided a brief overview of the public review and the revisions of the ordinance. The public hearing was opened at 10:02 p.m.

Daniel O'Connell stated the overall policy is sound and the staff listened to the comment letters. Farmland advocates are not going to allow the City of Visalia to give away farmland because they thought there was not enough due diligence in the notice and comment time frame.

Dale Simmons, Visalia spoke about the building more houses in Visalia. What happens if we run out of water and where it is going to come from. Avoid sprawl and build up and not out.

Renee Hendrick, has worked in eminent domain and commented that she is a farmer and is familiar with land use policies. Public facilities is exempt and roadways are exempt.

Trish Blatter, Visalia spoke about the Farm Bureau letter provided by the Tulare County Farm Bureau and the re purposing of farm land.

Dave Brinklaw, Visalia, stated knowing the percentage of the local roads would be very helpful. The public hearing was closed at 10:23 p.m.

A motion was made by Council Member Steve Nelsen, seconded by Council Member Liz Wynn, to approve with conditions. The motion carried by the following vote:

Aye: Brian Poochigian, Emmanuel Hernandez Soto, Steve Nelsen, Liz Wynn

Abstain: Brett Taylor

CLOSED SESSION REPORT - None

ADJOURNMENT

UPCOMING CITY COUNCIL MEETINGS

1. **UPCOMING CITY COUNCIL MEETINGS:**

[23-0155](#)

Monday, May 15, 2023 @ 7:00 p.m., 707 W. Acequia

Monday, June 5, 2023 @ 7:00 p.m., 707 W. Acequia

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

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Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda are available for public inspection in the Office of the City Clerk, 220 N. Santa Fe Street, Visalia CA 93292, during normal business hours.