



Visalia City Council

Visalia City Council

Meeting Minutes - Final

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Brian Poochigian, Mayor

Brett Taylor, Vice Mayor

Steve Nelsen, Council Member

Emmanuel Hernandez Soto, Council Member

Liz Wynn, Council Member

Monday, December 18, 2023

7:00 PM

City Hall Council Chambers

ROLL CALL

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

Absent: Vice Mayor Brett Taylor

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

PUBLIC COMMENTS

Citizens are now invited to comment on issues within the jurisdiction of the Visalia City Council and items listed on the Closed Session. 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. Westside Farming Operations - Consideration of staff recommendations regarding the City owned orchard properties located at the Water Reclamation Facility. [23-0505](#)

Leslie Caviglia, City Manager, provided the Westside Farming operations report and presentation to provide the current state of the City owned orchards located at the Water Reclamation Facility, generally located east of Road 68 at Avenue 288 west of State Route 99. The staff report provides information on the current state of the farmland.

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

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

Absent: Brett Taylor

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

The meeting adjourned to Closed Session.

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**

The Council commented on various activities they participated in the last few weeks.

SPECIAL PRESENTATION / RECOGNITION

1.	CVC Varsity Football Team, State Champion Winners	<u>23-0500</u>
2.	City of Visalia, Centennial Recognition Deck The Home, Visalia's Holiday Decorating Contest Winners	<u>23-0370</u>

PUBLIC COMMENTS

This is the time for people to comment on matters 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 the opportunity to address the Council on any matter of interest, whether on the agenda or not, other than the Consent Calendar.

People may comment one time during the evening for up to three minutes unless additional time is authorized by the Council. 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.

The following citizens provided public comment:

April Lancaster, Visalia, requested item 9 to be pulled from the Consent Calendar.
Dr. Lucia Vasquez, requested item 6 to be pulled from the Consent Calendar.
Barry Caplan, Visalia, requested item 9 and 16 to be pulled from the Consent Calendar.

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 by a City Council Member and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

A motion was made by Council Member Steve Nelsen, seconded by Council Member Emmanuel Hernandez Soto, to Approve the Consent Calendar. The motion carried by the following vote:

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

Absent: Brett Taylor

1.	Authorization to read ordinances by title only.	<u>23-0428</u>
2.	Environmental Impact Report Consultant Contract: - Authorize the City Manager to award a contract for Professional Services to Dudek of Bakersfield in the amount of \$654,085.00 for the preparation of the Storm and Sewer Master Plan Environmental Impact Reports; authorize the appropriation of \$365,000 from Wastewater Trunkline Fund (231), \$247,000.00 from Storm Sewer Construction Fund (221), \$166,000.00 from Storm Sewer Deficiency Fund (222), and \$3,000 from Storm Sewer Maintenance Fund (481).	<u>23-0455</u>
3.	Traffic Grant Authorization: Authorize the Visalia Police Department to apply for the Selective Traffic Enforcement Program (STEP) for FY 2024-25 Grant for an estimated amount of \$200,000 and submit the application by the 1/31/2024 deadline.	<u>23-0460</u>
4.	Baker Tilly Consultant Contract - Authorize the City Manager to execute agreements for the award of a contract for to Baker Tilly US, for professional services for the preparation of the Consolidated Plan (ConPlan) federal program years 2025-2029, an updated Analysis of Impediments to Fair Housing Choice (AI), and a Housing Condition Windshield Survey.	<u>23-0474</u>
5.	Fire Line Repair Funding - Authorize the appropriation of \$20,000.00 from the Golf Fund for fire service line repair at the Valley Oaks Golf Course.	<u>23-0475</u>

6. Youth Non-Profit Grant Awards - Review and Approval of the Citizens Advisory Committee's recommendations for the 2024 Youth Non-Profit Grant Awards.

[23-0476](#)

Jason Serpa, Public Works Manager, and Alana Johnson, Chair of the Citizens Advisory were in attendance and available to answer Council questions.

Dr. Lucia Vasquez requested to pull this item for separate discussion and vote. The student groups she works with have received these grant funds in previous years. Unfortunately, this year the grant was not awarded. Dr. Vasquez asked for staff to review the process for possible changes regarding the criteria and the time lines.

Jesus Gamboa, Visalia, thanked the Council for continuing the youth grant programs and invited the Council to drop by the Northside Boxing program.

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

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

Absent: Brett Taylor

7. Power Design Electric Contract For Four Parks - Authorize the City Manager to award contract for supply and installation of solar lighting at Riverbend, Houk, Pinkham, and Constitution Parks, not to exceed \$95,600.

[23-0477](#)

8. 2022/23 Impact Fee Report - Request for City Council to receive, review, and file the 2022/23 Impact Fee Report as required by State Law.

[23-0430](#)

9. Special Events Ordinance - Second reading and adoption of
Ordinance 2023-12 amending Visalia Municipal Code Section
12.48 Special Events.

23-0485

Paul Bernal, Community Development Director, was available to answer Council questions. Council Member Hernandez Soto requested the Special Events item to be added on the next agenda for Council consideration for further discussion.

April Lancaster, Visalia, spoke regarding the special events ordinance. When the city requested signatures in the middle of the season for the good neighbor policy, she was able to obtain the required signatures. Ms. Lancaster read the new ordinance and would like clarification regarding the issue of having a store front business. Does that allow for her to have the farmer's market for 12 weeks on the South side of Main Street and another 12 weeks on the North side of Main Street.

Barry Caplan, Visalia, reiterated Council Member Nelsen may have a conflict of interest on this item, in addition to Vice Mayor Taylor and Council Member Wynn possibly having a conflict of interest. He would like the City Attorney to explain the reasons why there is not a conflict of interest. He believes Council Member Nelsen should be abstain, not be in the room and the Council should table the item for a vote at a future meeting.

Jeanine Robins, Hanford, and is a business owner with a store in Visalia on Main Street. She has many patrons tell her that the Downtown in Visalia is great. Ms. Robins stated the Downtown Visalians Board has a lot of rules and regulations for a reason, they are important and need to be discussed. Ms. Robins believes Steve Nelsen has done an incredible job.

Lucia Vasquez, Visalia, would like to know what the changes are from the first reading of the ordinance to the second reading. She also recognized this item is very personal for some people and she would like the Council to consider the fact that the Farmer's Market brings in many people to the downtown area.

Dewayne Rodriguez, Visalia, also stated the rules and regulations are needed and requested Council to approve the ordinance as presented.

Paul Bernal, Community Development, stated for the record there are no changes from the first reading to the second reading. In regard to the new VMC section 12.48.085 the restriction is regarding usage of closing public streets for special events. The last sentence states the city may find no substantial interruption is occurring if the applicant or sponsor is a property owner or tenant of the property in which the event is to be held. The event must be held in front of a street frontage property owned or leased by the applicant or sponsor. In essence, an event may be held for 12 weeks on one side and 12 weeks on the other side if that criteria is met. A road closure for maintenance is exempt from this code.

Ken Richardson, City Attorney, stated for the record the there is no conflict of interest for Council Members Nelsen, Wynn, and Vice Mayor Taylor. Council Member Nelsen waived his right to the attorney client privilege in order for the City Attorney to provide his opinion regarding a conflict of interest. No conflict of interest exists. The City Attorney has not been approached by Council Member Wynn nor Vice Mayor Taylor regarding a conflict; therefore, he cannot speak to that conjecture by Mr. Caplan.

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

Aye: Brian Poochigian, Steve Nelsen, Liz Wynn

No: Emmanuel Hernandez Soto

Absent: Brett Taylor

10.	Fleet Maintenance Management Software - Authorize the City Manager to award a 5-year sole-source contract in the amount of \$124,044.84 to AssetWorks LLC. for annual maintenance and support of the Fleet Focus software.	23-0487
11.	Fleet Paint and Body Repair Contract - Authorize the City Manager to award an annual contract for vehicle and equipment paint and body services to Dura-Glo Paint and Body Inc. for Request for Bid (RFB) #22-23-73. Contract not to exceed \$250,000 per year, with an option to renew annually for up to four (4) additional one-year terms.	23-0488
12.	Letter of support for Kaweah Delta Water Conservation District - Consider confirmation of a letter of support for Kaweah Delta Water Conservation District's application for the Kaweah Subbasin Multi Benefit Land Repurposing Program.	23-0437
13.	Wastewater Treatment Plant - Near-Term Project Engineering Services - Authorize the City Manager to award an emergency contract to Carollo of Fresno, CA in the amount of \$887,200 for the engineering services related to the identified near-term project improvements required to support ongoing operations at the Water Reclamation Facility. Also, authorize the appropriation of \$975,000 from the Wastewater Enterprise Fund (431).	23-0489
14.	Goshen Community Services District - Request for Additional Sewer Discharge Capacity - Approve a request from the Goshen Community Services District (GCSD) to increase sewer discharge capacity that is permitted under the June 5, 1995 Wastewater Service Agreement between the City and the GCSD.	23-0490

15. Appropriate up to \$50,000 for the Public Opinion Survey - Authorize the City Manager to award a contract to Fairbank, Maslin, Maullin, Metz & Associates to conduct a statistically valid survey of Visalia City residents for up to \$50,000 and to appropriate the same amount from the General Fund for this survey. [23-0499](#)

16. Assistant City Manager Appointment - Request by City Manager for Council confirmation of the appointment of John Lollis to be the Assistant City Manager for the City of Visalia at a salary of \$204,000. [23-0501](#)

Leslie Caviglia, City Manager, was available to answer Council questions.

Barry Caplan objected because the Mayor introduced Mr. Lollis as the Assistant City Manager before the item was voted on and opined he would like the item to be pulled based on a Brown Act violation. In addition, Mr. Caplan believes Mr. Lollis directed staff in Porterville to withhold records and information from him.

Ken Richardson, City Attorney, confirmed there are no Brown Act Violations and suggested that Mr. Caplan review the updated laws in the Brown Act regarding disruptions at meetings.

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

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

Absent: Brett Taylor

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. Belissa Subdivision Annexation - Public hearing and consideration of the following actions:

1. Adopt Initial Study / Mitigated Negative Declaration No. 2022-39 for Annexation No. 2022-02, Belissa Tentative Subdivision Map No. 5587, Conditional Use Permit No. 2022-05, and Conditional Use Permit No. 2023-22 (Resolution No. 2023-62 required); and
2. Initiation of Proceedings for Annexation No. 2022-02, a request by 4Creeks, Inc. to annex two parcels totaling approximately 59.84 acres into the City Limits of Visalia, located at the northwest corner of North Demaree Street and West Pratt Avenue within the jurisdiction of the County of Tulare (APN: 077-050-018, 019) (Resolution No. 2023-63 required); and
3. Authorize the detachment from County Service Area No. 1 in accordance with State and County requirements; and
4. Authorize the City Manager to sign and enter into a Pre-Annexation Agreement.

Annexation No. 2022-02 is recommended by Planning Commission and staff to be submitted to LAFCO based on the finding wherein the project is consistent with General Plan Policy LU-P-21 that allows and directs development to occur in the City's Tier II Urban Development Boundary.

The annexation is a request to annex a 59.84-acre parcel of land containing General Plan land use designations of Residential Low Density, Residential Medium Density, Residential High Density, and Commercial Neighborhood, all to facilitate development of the Belissa Tentative Subdivision Map and a 168-unit multifamily residential development. The project was conditionally approved by the Planning Commission on November 13, 2023 (see Exhibits "F" and "G"). Upon annexation, the project site will be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum), R-M-2 (Multi-Family Residential, 3,000 sq. ft minimum site area per dwelling), R-M-3 (Multi-Family Residential, 1,200 sq. ft. minimum site area per dwelling), and C-N (Commercial Neighborhood), consistent with the applicable land use designations for the site. The annexation and accompanying development request was submitted by residential developers (i.e. Wathen Castanos).

Paul Bernal, Community Development Director, requested for Council to conduct a public hearing and consider the following actions for the Belissa Subdivision Annexation with the following options:

1. Adopt Initial Study / Mitigated Negative Declaration No. 2022-39 for Annexation No. 2022-02, Belissa Tentative Subdivision Map No. 5587, Conditional Use Permit No. 2022-05, and Conditional Use Permit No. 2023-22 (Resolution No. 2023-62 required); and
2. Initiation of Proceedings for Annexation No. 2022-02, a request by 4Creeks, Inc. to annex two parcels totaling approximately 59.84 acres into the City Limits of Visalia, located at the northwest corner of North Demaree Street and West Pratt Avenue within the jurisdiction of the County of Tulare (APN: 077-050-018, 019) (Resolution No. 2023-63 required); and

3. Authorize the detachment from County Service Area No. 1 in accordance with State and County requirements; and
4. Authorize the City Manager to sign and enter into a Pre-Annexation Agreement.

Annexation No. 2022-02 is recommended by Planning Commission and staff to be submitted to LAFCO based on the finding wherein the project is consistent with General Plan Policy LU-P-21 that allows and directs development to occur in the City's Tier II Urban Development Boundary.

The annexation is a request to annex a 59.84-acre parcel of land containing General Plan land use designations of Residential Low Density, Residential Medium Density, Residential High Density, and Commercial Neighborhood, all to facilitate development of the Belissa Tentative Subdivision Map and a 168-unit multifamily residential development. The project was conditionally approved by the Planning Commission on November 13, 2023 (see Exhibits "F" and "G"). Upon annexation, the project site will be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum), R-M-2 (Multi-Family Residential, 3,000 sq. ft minimum site area per dwelling), R-M-3 (Multi-Family Residential, 1,200 sq. ft. minimum site area per dwelling), and C-N (Commercial Neighborhood), consistent with the applicable land use designations for the site. The annexation and accompanying development request was submitted by residential developer Developers, LLC (i.e. Wathen Castanos).

The public hearing was opened.

Adrian Burns, Wathen Castanos representative commented the City staff did a great job and were very responsive during the project.

Barry Caplan, Visalia, provided public comment regarding Brown Act compliance for this item.

The public hearing was closed.

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

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

Absent: Brett Taylor

2. County Island Annexation - Public Hearing and consideration of the following actions related to Annexation No. 2023-03 for two County Islands located on the northeast corner of North Akers Street and West Ferguson Avenue and the west side of North Linwood Street between West Ferguson and West Delaware Avenues:

1. Initiation of proceedings for Annexation No. 2023-03, a request by the City of Visalia to annex the remaining 35.76 acres of two County Islands into the City Limits of Visalia (Resolution No. 2023-61); and
2. Authorize the detachment from County Service Area No. 1 in accordance with State and County requirements.

Josh Dan, Senior Planner, provided the report to Council regarding the county island annexation and requested to open a public hearing for consideration of the following actions related to Annexation No. 2023-03 for two County Islands located on the northeast corner of North Akers Street and West Ferguson Avenue and the west side of North Linwood Street between West Ferguson and West Delaware Avenues.

Staff recommends that the City Council initiate annexation proceedings for the area by taking the following actions:

1. Initiate of proceedings for Annexation No. 2023-03, a request by the City of Visalia to annex the remaining 35.76 acres of two County Islands into the City Limits of Visalia (Resolution No. 2023-61); and,
2. Authorize detachment of the area from County Service Area N. 1 in accordance with State and County requirements. If approved by the City Council, staff will file the Annexation application with LAFCO.

Annexation No. 2023-03 will bring the remaining 16 parcels totaling 35.76 acres of the original 60.51-acre Akers/Ferguson/Linwood County Island into the City. A 24.75-acre portion of the area was annexed in October 2021 (Annexation No. 2021-01 Sycamore Heights Annexation). Tulare Local Agency Formation Commission (LAFCO) placed a condition on the Sycamore Heights Annexation for the City to complete annexation of the remaining areas within one year of the recording of the Certificate of Completion which is by October 2022. The processing of the annexation was delayed due to staff vacancies including the Senior Planner assigned to the project.

City staff conducted an outreach meeting with the property owners of the County Island area on December 7, 2023. With the City Council's approval to initiate proceedings, the annexation application will be submitted to Tulare LAFCO where it will be processed pursuant to LAFCO Policy C-9 (Island Annexation Policy). As such, the annexation can be approved by the Tulare LAFCO without a protest hearing.

The public hearing was opened. Barry Caplan provided public comment regarding the lengthy item title and complying with the Brown Act. The public hearing was closed.

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

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

Absent: Brett Taylor

3. Housing Element Public Hearing and Adoption - A request by the City of Visalia to adopt the update to the 6th Cycle General Plan Housing Element in accordance with State Government Code Section 65580, et seq., including updates to the Housing Element's background information report, goals, policies, and implementation programs. The 6th cycle Housing Element will serve an eight-year planning period from December 31, 2023 to December 31, 2031. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan. The requested action is considered exempt under Section 15061 (b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). [23-0480](#)

Paul Bernal, Community Development Director gave kudos to Ryan Lester, Consultant from Minter Harnish and Brandon Smith, Principal Planner. They both worked very hard behind the scenes to ensure this document was completed to meet the deadline.

Ryan Lester, Consultant team lead for the housing development provided the report to Council.

Brandon Smith, Principal Planner, provided the Housing Element overview and requested for Council to conduct a Public Hearing and adopt the update to the 6th Cycle General Plan Housing Element in accordance with State Government Code Section 65580, et seq., including updates to the Housing Element's background information report, goals, policies, and implementation programs.

The 6th cycle Housing Element will serve an eight-year planning period from December 31, 2023 to December 31, 2031. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan. The requested action is considered exempt under Section 15061 (b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA).

The public hearing was opened. Barry Caplan, Visalia, provided public comment. The public hearing was closed.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

Absent: Brett Taylor

1. CLOSED SESSION REPORT:**23-0504**

For the purpose of reporting out, for the record, transactions that occurred as a result of Closed Session Real Property Negotiations:

Buyer: City of Visalia

Seller: Frank L. Costa III and Karen E. Costa, trustees of the Frank and Karen Costa 1999 Family Trust

APN: 126-130-026 (portion)

Purpose: Caldwell Widening Project - Santa Fe to Lovers Lane

Brief Description: Right of Way and Temporary Construction Easement

Price: \$28,000.00

Closing Date: 12/13/2023

Closed Session Council Date: 6/5/2023

Project Manager: Eric Bons

Buyer: City of Visalia

Seller: F & M Farms, LP

APN: 126-130-027 (portion)

Purpose: Caldwell Widening Project - Santa Fe to Lovers Lane

Brief Description: Right of Way and Temporary Construction Easement

Price: \$44,760.00

Closing Date: 12/14/2023

Closed Session Council Date: 6/5/2023

Project Manager: Eric Bons

Buyer: City of Visalia

Seller: Bernard Allen teVelde and Rebecca Dee teVelde, Trustees of the 2000 teVelde Family Trust dated October 1, 2000.

APN: 126-130-013 (portion)

Purpose: Caldwell Widening Project - Santa Fe to Lovers Lane

Brief Description: Right of Way and Temporary Construction Easement

Price: \$142,500.00

Closing Date: 12/14/2023

Closed Session Council Date: 6/5/2023

Project Manager: Eric Bons

Buyer: City of Visalia

Seller: Twigge Oaks LLC, a Nevada Limited Liability Company

APN: 126-130-018

Purpose: Caldwell Widening Project

Price: \$90,500.00

Closing Date: 11/14/2023

Closed Session Council Date: 6/5/2023

Project Manager: Eric Bons

Ken Richardson, City Attorney, reported out, for the record, transactions that occurred as a result of Closed Session Real Property Negotiations as listed on the agenda.

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

UPCOMING CITY COUNCIL MEETINGS

1. Tuesday, January 16, 2024 @ 7:00 p.m., Location: 707 W. Acequia Ave, Visalia, CA

[23-0366](#)

If you have a disability and require a reasonable accommodation to fully participate in the meeting, please contact Michelle Nicholson, on or before Monday, December 18, 2023 to discuss your accessibility needs: 559-713-4512 or Michelle.Nicholson@Visalia.City [<mailto:Michelle.Nicholson@Visalia.City>](mailto:Michelle.Nicholson@Visalia.City)

If you would like to more information regarding a specific item, contact Michelle Nicholson at 559-713-4512.