



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, November 20, 2023

7:00 PM

City Council Chambers

ROLL CALL

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

CALL TO ORDER WORK SESSION - 5:30 PM (Unless otherwise noted)

The meeting was called to order at 5:30 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. Presentation and request for authorization to implement a Solid Waste Environment Enhancement Program (SWEEP) and appropriate \$25,350 from the Solid Waste Enterprise fund (441). [23-0416](#)

Nick Bartsch, Public Works Director and Jason Serpa, Public Works Manager, presented the information for the implementation of a solid waste environment enhancement program (SWEEP) and requested to appropriate \$25,350 from the Solid Waste Enterprise funds.

The SWEEP program will be designed to immediately address blight that is created on a daily basis around the City, along with other duties that make these staff members the custodians of the public right of way. Each employee assigned to an area of the City will be responsible for keeping that area clean.

Jim Reeves, Visalia, provided public comment in support of the program.

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

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

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

The meeting was adjourned to Closed Session at 5:52 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

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

SPECIAL PRESENTATION / RECOGNITION

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.

Rhett Anderson, Water Conservation Manager, summarized the Winter watering schedule beginning December 2023.

Barry Caplan, Visalia, addressed the Council regarding the Brown Act and requested items 2-12 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 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 Vice Mayor Brett Taylor, seconded by Council Member Liz Wynn, to approve item 1 on the Consent Calendar. The motion carried by the following vote:

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

- 1. Authorization to read ordinances by title only. [23-0458](#)
- 2. Request to authorization to file a Notice of Completion for Greenway Trail Phase 2 (Pedestrian bridge), appropriate an additional \$10,000 from Measure R Trailways (132) fund to the Mill Creek Pedestrian Bridge on Greenway Trail project (Greenway Trail Phase 2), and authorize the amendment to the Measure R Expenditure Plan to reallocate \$10,000 between projects as specified within this report. (Project Number 2420-72000/CP0189-999) [23-0179](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

3. Authorize the City Manager to award the construction contract to JT2 Inc. doing business as Todd Companies of Visalia, CA for pathway improvements from Main Street to the Transit Center in the amount of \$334,250. [23-0353](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

4. Second reading and adoption of Ordinance No. 2023-13 for Zoning Text Amendment No. 2023-02, a request by the City of Visalia to amend Visalia Municipal Code Chapter 17.25, add Section 17.32.167, amend Chapter 8.64, and add Chapter 5.66 in order to address upcoming state mandated changes as a result of the passage of SB 1186, the "Medicinal Cannabis Patients' Right of Access Act," and establish objective standards for permitting delivery only medical marijuana retail establishments within the City of Visalia. [23-0383](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

5. Authorize the City Manager to award the contract for Street Sweeping Services to SCA of CA, LLC for an annual amount of \$1,868,741 for an initial 1-year term, renewable for four (4) additional one-year terms, and appropriate \$115,797 from the General Fund and \$390,202 from the Gas Tax Fund. [23-0399](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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

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

6. Authorize the City Manager to award a contract for the Playground Structure Replacement Project to Anchor 41 Construction, of Hanford, CA, for an amount not to exceed \$317,600.00, for the design and installation of a new playground structure at Riverway Sports Park. [23-0436](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

7. Authorize the City Manager to Award the Whitendale Park Arbor Replacement contract to R.E. Schultz Construction, of Orange, CA, for an amount not to exceed \$128,965, for the demo and replacement of the three wooden arbors at picnic areas with new steel arbors and fabric covers at Whitendale Park. [23-0444](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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

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

8. Request for approval to appropriate \$142,000 from the AT&T Mobility lease set-aside account to the Riverway Sports Park Water Feature Repair Project. [23-0452](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

9. Nomination of Council Member Liz Wynn to fill the vacancy representing a "large" city to the San Joaquin Valley Air Pollution Control District Governing Board. (Resolution 2023-57 required). [23-0465](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

10. Nomination of Council Member Emmanuel Hernandez Soto as the Visalia City Council's representative on the Tulare County Task Force on Homelessness, appointment of Margie Perez, Housing Specialist as the alternate and appointment of Council Member Liz Wynn to serve as a City representative on the Mid-Kaweah Groundwater Sustainability Agency. [23-0468](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

May Ng, Visalia, spoke regarding the nominations for Council to be appointed to various boards. It would be helpful to her to know the process of how the Council gets appointed.

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

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

11. Request Authorization from City Council to enter into contract with JFS Enterprises Inc. for \$285,000 to remove permanent vegetation at the Eastside Regional Park, accept grant funding from the Department of Water Resources in the amount of \$313,500, and appropriate funds of \$346,350 for the project. [23-0415](#)

Barry Caplan, Visalia, pulled the item from the Consent Calendar for separate discussion and vote.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

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 and consideration of the following actions related to the East Side Regional Park Project: [23-0445](#)
 1. Certification of the Final Environmental Impact Report (EIR) prepared for the East Side Regional Park Project . (Resolution No. 2023-54 required)
 2. Initiation of Proceedings for Annexation No. 2021-02: A request to annex approximately 128 acres, located within the City of Visalia Urban Development Boundary Tier III, into the Visalia city limits. The annexation request includes authorizing the detachment from County Service Area No. 1 in accordance with State and County requirements. (Resolution No. 2023-55 required)
 3. General Plan Amendment No. 2021-16: A request to redesignate approximately 41 acres from Residential Low, Medium, and High Densities to Parks/Recreation to facilitate the East Side Regional Park. (Resolution No. 2023-56 required)

Project Applicant: City of Visalia
Project Location: The proposed Project is located on approximately 286 acres, between Mineral King Avenue and Houston Avenue, east of the Road 148 alignment. (APN: 103-110-024, 025, 026, 027, 028, 029, 032, 033; 103-500-001, 002, 003; 103-510-002, 003, 004, 005, 007, 008, 009)

Brandon Smith, Principal Planner, provided the report to Council for the East Side Regional Park and explained the Final Environmental Impact Report (EIR).

Dawn Marple from Provost & Pritchard proved an overview of the EIR process. The project was initiated in 2014 and the draft EIR was circulated for public comment. The scoping meeting did include noise impacts for phase 1. Phase 2 will require a sound wall 8 feet high along Tower Street. The second concern is regarding the lighting impacts. The third concern is about traffic impacts.

The Planning Commission recommends that the City Council initiate annexation proceedings for the project by taking the following actions, consistent with the staff recommendation made to Planning Commission on October 23, 2023:

1. Certify the project's Final Environmental Impact Report (EIR), which includes the adoption of the project's findings of fact, statement of overriding considerations, and a mitigation and monitoring reporting program.
2. Initiate proceedings for Annexation No. 2021-02 with the Tulare County Local Agency Formation Commission (LAFCO), including authorizing the detachment of the property from County Service Area No. 1 in accordance with State and County requirements.
3. Approve General Plan Amendment No. 2021-16.

Completion of the EIR will increase the City's opportunities for the acquirement of grant funding for either the park or recharge elements of the project. In the time that the Draft EIR has been finalized between 2015 and 2020, the City has been successful in acquiring grant funds for the design and construction of

Basins G and D, requiring staff to prepare separate and individual environmental reviews for these projects.

The public hearing was opened at 8:15 p.m.

Barry Caplan, Visalia, spoke to the length of the agenda item title. Mr. Caplan opined it is too wordy and the reason he is speaking about the Brown Act. He would like to have a substantive discussion about the Brown Act.

The public hearing was closed.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

2. Public Hearing to consider a request by the Visalia Public Cemetery District for the following entitlements: [23-0448](#)

1. 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 14 parcels totaling 3.17 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, and 816 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).

2. Change of Zone No. 2022-02: A request by the Visalia Public Cemetery District to change the zoning designation of 14 parcels totaling 3.17 acres from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to Q-P (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 Q-P (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, and 816 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).

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, requested for the Council to open a Public Hearing to consider a request by the Visalia Public Cemetery District for the entitlements as listed in the staff report. The Council heard this item in May 2023 and is no longer part of this project. The City Council heard strong opposition from the public. The Cemetery District held a public outreach meeting and will not longer use eminent domain to acquire properties within the master plan.

The public hearing was opened at 8:45 p.m.

Domingo Lopez, District Manager, explained the Cemetery District was able to fix the concerns of the public and assured the Council that the Imminent Domain issue was taken off the project phase.

Barry Caplan, spoke regarding the agenda item title because he thinks staff should shorten the items. The people's business needs to be done right.

The public hearing was closed 8:51 p.m.

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, Brett Taylor, Steve Nelsen, Liz Wynn

No: Emmanuel Hernandez Soto

3. Conduct the second of two public hearings to amend the Measure N Spending Plan to appropriate \$190,000 and advance the purchase of one (1) marked patrol vehicle for FY 24/25 and replace one (1) marked patrol vehicle. In addition, staff is requesting to appropriate an additional \$30,000 to address the budget shortfall for FY 23/24 vehicle purchases. [23-0450](#)

Dan Ford, Visalia Police Captain, requested for the Council to hold the second of two public hearings to amend the Measure N spending plan to appropriate \$190,000 for two new vehicles and \$30,000 for FY23/24 vehicle purchases to ensure all acceptable options are available to the Department should additional changes affect the automotive industry.

The following citizens provided public comment on the item:

Barry Caplan

Jim Reeves

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

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

CLOSED SESSION REPORT

ADJOURNMENT

The meeting was adjourned at 9:06 p.m.

UPCOMING CITY COUNCIL MEETINGS

1. Monday, December 04, 2023 @ 7:00 p.m., Location: 707 W. Acequia Ave, Visalia, CA [23-0446](#)
Monday, December 18, 2023 @ 7:00 p.m., Location: 707 W. Acequia Ave, Visalia. CA

If you have a disability and require a reasonable accommodation to fully participate in the meeting, please contact Michelle Nicholson, on or before Monday, November 20, 2023 to discuss your accessibility needs: 559-713-4512 or Michelle.Nicholson@Visalia.City