



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 6, 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 - 5:00 PM

The meeting was called to order at 5:00 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.

SPECIAL PRESENTATION / RECOGNITION

1. 2023 APWA Central CA Awards Ceremony and Project Acknowledgement [23-0433](#)

WORK SESSION AND ACTION ITEMS (as described)

1. NEW EMPLOYEE INTRODUCTIONS: [23-0393](#)
Community Development
Colleen Moreno, Assistant Planner

-
2. Receive an update on the City-wide marketing and rebranding project, including recommended, updated logo and color palette, and provide input for next steps. [23-0374](#)

Allison Mackey, Communications Manager, provided an update for the City-wide marketing and rebranding project. Today staff requests the Council review and provide direction regarding the color palettes. The various color palettes were presented to Council for review. The Rebranding Committee recommends color palette 1, and the Department Head Subcommittee recommends color palette 2.

A key piece of the logo is the color palette, as the chosen color palette will be how the logo is presented in color and will represent the new City of Visalia brand colors. We The Creative developed color palettes created from information obtained through discovery, and further developed and refined those palettes through input from the Rebranding Committee and the Department Head Subcommittee.

The color palette ultimately chosen will be the official color palette of the City of Visalia and will provide brand consistency. It will not only be used in the color version of the logo, but will be the official color palette from which other graphic design elements, as well as the redesign of the City website, will draw color informed direction.

Color palette 1 includes green as the primary color, a color known for prosperity, the natural world and safety. Color palette 2 has dark tan as a primary color, a color that evokes warmth, security and stability. Color palette 3 has lavender as a primary color, representing creativity and the arts, and is also known for being associated with royalty. Each of the logos are multi-colored, which are known for representing a united organization that is open to all, capturing diversity and sociability.

Jim Reeves, Visalia, spoke in support of selecting color palette 2.

A motion was made by Council Member Steve Nelsen, seconded by Vice Mayor Brett Taylor, to approve the logo design and color palette number 2. The motion carried by the following vote:

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

3. Update on direction received from City Council regarding outreach and input received by business owners related to potential consideration on directing staff to prepare a draft ordinance to regulate the use and operation of pedicabs within the City of Visalia.

[23-0431](#)

Luma Fahoum, Visalia Police Captain, Jim Koontz, Assistant City Attorney, and Paul Bernal, Community Development Director, provided the report to Council regarding a possible ordinance to allow a pedicab business in the downtown area.

On September 19, 2023, City staff held a meeting with downtown business owners and stakeholders to allow them the opportunity to have input on the potential pedicab businesses. The public meeting was to allow the business owners an opportunity to express potential concerns that may arise if such an ordinance were adopted to regulate this use in the greater downtown area.

Jim Reeves, Visalia, spoke in opposition of alcohol being allowed on the pedicab if the city moves forward with the ordinance.

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

The meeting was adjourned to Closed Session at 5:59 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.

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.

Barry Caplan, Visalia, requested Consent items 5, 10, 14, 15, 16 to be pulled and voted on with separate discussion.

Rhett Anderson, Water Resources Manager, reminded Council and the community the city will be moving to the Winter watering schedule beginning December 2023 and lasting until the end of February 2024.

Rosa Baiza, Visalia, wanted to provide an update on the information she shared with Council at the last meeting. The Mayor indicated he will pull the item from the Consent Calendar and Ms. Baiza can provide public comment at that time.

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 Council Member Steve Nelsen, seconded by Vice Mayor Brett Taylor, to approve the Consent calendar except items 5, 10, 14, 15, 16 and 20. 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. | <u>23-0226</u> |
| 2. | Appoint Jerome Melgar to fill an unexpired term on the Historic Preservation Advisory Committee. | <u>23-0414</u> |
| 3. | Accept the City of Visalia Cash and Investment Report for the first quarter of the fiscal year which consists of months July, August, and September of 2023. | <u>23-0432</u> |

-
4. Authorize the City Manager to award a contract for professional architectural and engineering design services for the new Fire Station 51 (FS51) in the amount of \$794,787 to RRM Design Group. [23-0363](#)

5. Authorize the transfer of \$4,500,000 from the General Fund to the Vehicle Replacement Fund, \$475,000 from the Police Measure T fund to the Police Measure T Vehicle Replacement Fund, and \$1,480,000 from the Fire Measure T Fund to the Fire Measure T Vehicle Replacement Fund to replace future vehicles. [23-0390](#)

Renee Nagel, Finance Director, was available to answer Council questions.

Barry Caplan requested this item to be pulled from the Consent Calendar for separate discussion and vote. Mr. Caplan opined the public should be given more details regarding the shifting of funds for the Police Department and also noted the agenda title wording is wrong and not Brown Act compliant.

Ken Richardson, City Attorney, stated the agenda item title is Brown Act compliant.

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, Emmanuel Hernandez Soto, Liz Wynn

6. Request authorization to file a Notice of Completion for Riggins Avenue Widening & Improvements (Akers to Demaree). City of Visalia Project Number 2430-72000/CP0397-999. [23-0395](#)

7. Authorization to accept and appropriate \$72,710 for the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau Justice Assistance (BAJ) and approve the Memorandum of Understanding (MOU) with Tulare County for the Visalia Police Department 2023 JAG Joint Purchase Program. [23-0396](#)

8. Authorize the City Manager to Award RFB 22-23-10 annual contract for Landscape Maintenance of Landscape and Lighting Districts within Quadrant J to Brightview Landscape Services, Inc., of Fresno, CA, for an annual not to exceed amount of \$96,232.00. [23-0397](#)

9. Authorize the City Manager to Award RFB 22-23-13 annual contract for Landscape Maintenance of Landscape and Lighting Districts within Quadrant M to JC's Land Management, Inc., of Kingsburg, CA, for an annual not to exceed amount of \$43,065.00. [23-0398](#)

-
10. Authorize the City Manager to Award RFB 22-23-04 annual contract for Landscape Maintenance of Landscape and Lighting Districts within Quadrant C to Perfect Care Landscape and Maintenance, of Tulare, CA, for an annual not to exceed amount of \$128,851.00. [23-0400](#)

Alvin Dias, Parks Manager, was available to answer any questions by Council.

Barry Caplan requested this item to be pulled from the Consent Calendar for separate discussion and vote. Mr. Caplan opined the wording in the agenda item is wrong and not Brown Act compliant.

Ken Richardson, City Attorney, stated the item title is Brown Act Compliant.

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

11. Authorize an amendment to the 2017 lease agreement between the City of Visalia and Enterprise Rent-a-Car Company of Sacramento to include approximately 800 (eight hundred) additional square feet of office space. [23-0402](#)
12. Authorize the City Manager to approve a contract change order to W.M. Lyles Company in the amount of \$252,196 for the interior coating of Digester #4 at the Water Reclamation Facility (WRF). [23-0410](#)
13. Request authorization to adopt Resolution No. 2023-53 ordering the summary vacation and abandonment of Lot C, Lot D, and the easement to the City of Visalia for Ingress/Egress over Parcel 9 of Parcel Map 4869, recorded in Book 49 of Parcel Maps at page 74, Tulare County Records. [23-0413](#)

14. Second reading and adoption of Ordinance No. 2023-10 [23-0417](#)
pertaining to Specific Plan No. 2021-13 and entering into a development agreement: A request to establish a new specific plan (Carleton Acres Specific Plan) consisting of approximately 507 acres, including districts for low, medium, and high density residential, commercial mixed use, neighborhood commercial, parks / open space, and public institutional. Full buildout of the plan will accommodate approximately 3,262 dwelling units, approximately 205,000 square feet of leasable commercial area, 17 acres of parks / trails / recreational facilities, 17 acres for a drainage basin, and a future elementary school site, to be developed across Urban Development Boundary Tiers I, II, and III. A development agreement has been prepared with the specific plan in accordance with General Plan Policy LU-P-22 to address development terms for the project, including development within the Urban Growth Boundary Tier III. The proposed Project is located on approximately 507 acres, generally bound by West Riggins Avenue to the south, North Akers Street to the east, North Shirk Road to the west and Avenue 320 (West Kibler Avenue) to the north (APN 077-100-108 and 077-100-105).

Brandon Smith, Principal Planner, was available to answer Council questions.

Barry Caplan requested this item to be pulled from the Consent Calendar for separate discussion and vote. Mr. Caplan opined the wording in the agenda item is wrong and not Brown Act compliant.

Kathy Faulkner, Visalia, stated she was impressed by the environmental study for the project with the addition of the pedestrian and bicycle lanes.

Ken Richardson, City Attorney, stated the item title is Brown Act Compliant.

A motion was made by Council Member Liz Wynn, 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

15. Authorize the City Manager to award a contract to HdL Companies for an amount not to exceed \$35,000, with a total budget of \$40,000, and a contract to FM3 Research for an amount not to exceed \$39,500, with a total budget of \$45,000, to assist in the preparation of a potential local sales tax measure for cannabis sales for the 2024 general election and identify potential cannabis regulations, and appropriate \$85,000 from the General Fund. [23-0418](#)

Devon Jones, Economic Development Manager, was available to answer Council questions.

Barry Caplan requested this item to be pulled from the Consent Calendar for separate discussion and vote. Mr. Caplan opined the wording in the agenda item is wrong and not Brown Act compliant.

Ken Richardson, City Attorney, stated the item title is Brown Act Compliant.

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, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

16. Authorize City Manager to award RFQ 22-23-66 and establish a qualified bidders list to perform various maintenance activities in the sanitary and storm sewer systems, including rehabilitation of lift stations, wells & pumps, and repair sanitary and storm sewer mains. Work completed under this contract will be funded through the operating and CIP budgets of the Wastewater and Storm Sewer funds at an amount not to exceed \$1,500,000 annually. This is a one (1) year contract and is renewable for up to four (4) additional one year periods. [23-0419](#)

Nick Bartsch, Public Works Director, was available to answer Council questions.

Barry Caplan requested this item to be pulled from the Consent Calendar for separate discussion and vote. Mr. Caplan opined the wording in the agenda item is wrong and not Brown Act compliant.

Ken Richardson, City Attorney, stated the item title is Brown Act Compliant.

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

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

-
17. Request authorization to file a Notice of Completion for Sequoia Bend Unit 1 subdivision containing 51 single-family residential lots, located on the south side of East Goshen Avenue between North Cain and North Virmargo Streets. [23-0420](#)
18. Authorize the City Manager to extend the emergency contract for Engineering Plan Review and Related Services to Interwest Consulting Group, not to exceed \$200,000 for one year ending December 31, 2024. [23-0421](#)
19. Approve the Citizens Advisory Committee's recommendation to appoint William Mann and Julie Appelbaum to fill a vacant voting position on the Citizens Advisory Committee vacated by Kelli Pierce and Charles Garza. [23-0425](#)
20. Second reading and adoption of Ordinance No. 2023-11 approving Zoning Text Amendment No. 2023-01, a request by the City of Visalia to amend Title 17 (Zoning) Chapter 17.32 Special Provisions to regulate Short-Term Rentals in single and multi-family residential zones Citywide. [23-0429](#)

Mayor Poochigian pulled the item for a separate vote.

Josh Dan, Senior Planner, was available to answer Council questions.

Rosa Baiza, provided comments regarding the short term rental / Air B and B next door to her home. Ms. Baiza stated the Short Term Rental is problematic and has more people using the house than is allowed. There are also several cars parked in the area, along with speeders and noise.

Barry Caplan, Visalia, stated the agenda wording for this item is not Brown Act compliant. Mr. Caplan asked about the parking requirements for the Air B and B as opposed to regular on street parking.

Naomi Ming, Visalia, spoke regarding the agenda item wording and stated if one person is expressing the ability to understand the agenda wording, there may be more people having difficulty understanding the agenda wording as well. Council needs to listen to the constituents.

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: Brett Taylor, Steve Nelsen, Emmanuel Hernandez Soto, Liz Wynn

No: Brian Poochigian

21. Authorize an amendment to the contract dated August 25th of 2021 between The City of Visalia's Transit division and Kaweah Maintenance to include additional work to the existing scope on a monthly basis not to exceed an additional \$13,500 annually for a total of \$84,220 annually.

[23-0412](#)

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. Conduct the first 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 purchase one (1) marked patrol vehicle to replace a Measure N funded Dodge Charger. In addition, staff is requesting to appropriate an additional \$30,000 to address the budget shortfall for FY 23/24 vehicle purchases.

[23-0423](#)

Dan Ford, Police Captain, requested for Council to conduct the first 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 purchase one (1) marked patrol vehicle to replace a Measure N funded Dodge Charger, that was wrecked and totaled by a drunk driver. In addition, staff is requesting to appropriate an additional \$30,000 to address the budget shortfall for FY 23/24 vehicle purchases.

Barry Caplan, Visalia, stated the item title is not a summary per the Brown Act and stated the City Manager made comments and asked questions after the last motion and vote and he hopes this does become a habit. Mr. Caplan opined the Measure N Oversight Committee is more concerned with making their meeting short rather than focusing on doing the people's business as the committee.

Darlene Mata, Chair Person of the Measure N Oversight Committee expressed appreciation of the agenda items and the wording as is. Ms. Mata also stated the people on the Committee are dedicated and are there to review the information provided by staff to make an informed recommendation.

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. Authorize the City Manager to execute an agreement and appropriate an additional \$425,000 in Successor Agency Housing (SAH) funds for Visalia Homekey LP to convert the Majestic Motel at 4545 W. Noble Avenue into a 42-unit Permanent Affordable Rental Housing complex for qualifying populations.

[23-0302](#)

Margie Perez, Housing Specialist, provided an overview of the RHCB Development to convert the Majestic Motel at 4545 W. Noble Avenue into the Majestic Gardens, a permanent affordable rental housing complex with on-site wrap-around intensive case management and supportive services for people experiencing homelessness at or below 30% of the area median income level in accordance with HOME American Rescue Plan Program Qualifying Populations, with the use of \$1.8 million in HOME-ARP funds, and \$900,000 in Successor Agency Housing funds.

Barry Caplan, Visalia, stated the item title is not Brown Act compliant and the wording is beyond the ability of a lot of people to comfortably read and understand what the agenda item is about. Possible use of an application like ChatGPT would help staff to summarize item titles for reading and comprehension ease.

Ken Richardson, City Attorney, stated the item title wording is Brown Act compliant.

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

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

3. First reading and public hearing for Ordinance No. 2023-13 for Zoning Text Amendment No. 2023-02, a request by the City of Visalia to add Chapter 5.66, amend Chapter 8.64, add section 17.32.167, and amend Visalia Municipal Code Chapter 17.25, in order to address upcoming state mandated changes as a result of the passage of Senate Bill (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. [23-0382](#)

Paul Bernal, Community Development Director, requested for Council to hold a public hearing and introduce the first reading of Ordinance No. 2023-13 for Zoning Text Amendment NO. 2023-02 to amend the following Municipal Code Chapters:

1. Title 5: Add Chapter 5.66 "Regulations and Requirements for Cannabis Businesses Permitted to Operate Under California State Law".
2. Title 8: Amend Chapter 8.64 "Public Use/Consumption of Medical Marijuana".
3. Title 17: Amend Chapter 17.25.
4. Add section 17.32.167 "Delivery only medical marijuana retail" to the Visalia Municipal Code.

The amendments and additions to several sections of the municipal code is required to address upcoming state mandated changes as a result of the passage of SB 1186, the "Medicinal Cannabis Patients' Right of Access Act," and establishes objective standards for permitting delivery only medical marijuana retail establishments within the City of Visalia.

The following citizens provided public comment: Barry Caplan, stated the item title is not Brown Act compliant and the wording is too much for the public to read and understand.

Naomi Ming, spoke in support of store front cannabis businesses and opined the Council is reflecting a bias in their tone regarding cannabis. Council should respect the business people who are providing a service to the citizens. There are several cities who thrive with cannabis, store-front businesses.

A motion was made by Council Member Liz Wynn, seconded by Council Member Emmanuel Hernandez Soto, 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

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

[23-0411](#)

Buyer: City of Visalia
Seller: Olive Farms Associates, LLC, a Washington Limited Liability Company
APN: 123-080-032 & 123-080-033
Purpose: Storm Basin & Riparian Set Back
Brief Description: Willow Springs Development
Price: \$347,614.10
Closing Date: 10/6/2022
Project Manager: Adrian Rubalcaba

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

Buyer: City of Visalia
Seller: Kaweah Delta Health Care District
APN: 126-130-030 (portion)
Purpose: Caldwell Widening Project
Price: \$23,779.89
Closing Date: 10/24/2023
Closed Session Council Date: 6/5/2023
Project Manager: Eric Bons

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

ADJOURNMENT

UPCOMING CITY COUNCIL MEETINGS

1. Upcoming City Council Meetings:
Monday, November 20, 2023 at 7:00 p.m. @ 707 W. Acequia
Monday, December 04, 2023 at 7:00 p.m. @ 707 W. Acequia

[23-0427](#)

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 6, 2023 to discuss your accessibility needs: 559-713-4512 or email at Michelle.Nicholson@visalia.city.