



Visalia City Council

City Council

Meeting Minutes - Final

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Monday, November 15, 2021

7:00 PM

City Council Chambers

ROLL CALL

Present: Mayor Steve Nelsen, Vice Mayor Brian Poochigian, Council Member Greg Collins, Council Member Greg Collins, Council Member Brett Taylor, Council Member Liz Wynn, and Council Member Liz Wynn

CALL TO ORDER WORK SESSION - 4:00 PM

The meeting was called to order at 4:00 p.m. **Note: There is no audio or video for this meeting.

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: [21-0536](#)
Lisa Valencia, Administrative Analyst - Purchasing
Victoria Espinoza, Administrative Technician - Purchasing
Rafael Garcia, Senior Planner - Community Development

Elizabeth Forrester, Purchasing Analyst, introduced new purchasing employees.
Paul Bernal, Community Development Director, introduced Rafael Garcia, new CD employee.

-
2. Receive Presentation and Update on the Visalia Community Development Department. [21-0597](#)

Paul Bernal, Community Development Director, Tracy Robertshaw, Code Enforcement Manager, and Devon Jones, Economic Development Director provided the Community Development Department annual report and update.

The Community Development Department is currently comprised of 46 employees with 40 Full Time Equivalent. Classifications of the employees include administrative, analyst, code enforcement officers / technicians, engineers, building inspectors, plan checkers, examiners, technicians, planners, hourly, supervisors, and managers.

3. Discussion and direction on potential recommended changes to the Zoning Ordinance related to Line R78 Smoke Shops (retail of cigarettes and smoke devices/paraphernalia) of the Zone Land Use Table (Chapter 17.25). [21-0598](#)

Josh Dan, Associate Planner and Paul Bernal, Community Development Department Director, provided the report to Council.

Recently, staff has seen an increase in the number of requests to establish new "smoke shops" in the City of Visalia. To date, staff has received nine smoke shop submittals through the Site Plan Review process which resulted in seven smoke shop conditional use permit applications with only four having been approved by the Planning Commission.

Ken Richardson, City Attorney, noted for the record the existing ordinance was written in 1998. For consideration, the change is to allow the use but limit the areas in the city for new stores.

Implementation is scheduled for first quarter of next year. The four shops currently in the queue will be grandfathered in. A resolution is required and must be approved with a 4/5 vote.

Jasmine Luna advocated for a ban on tobaccos shops near schools and youth sensitive areas. She is frustrated with students vaping in the restrooms at school because it causes the smoke alarm to go off during school time.

Calisse Curtis, is a student at El Diamante High School and she also is advocating for a ban on vaping and believes a 750 foot buffer is not enough space from a shop to a school.

Maria Hernandez, Senior at Redwood High School, lives near the recently approved smoke shop and is an advocate for a ban. Joanna Garcia works with the California Collaborative Health Organization and she is encouraged by the ongoing conversations of zoning for tobacco use, sales and shops.

4. Receive a staff presentation on the construction staging plans for the upcoming Downtown Streetlight Project and Downtown Pavement Rehabilitation Projects (CIP 1410-72000/CP0345-999; CIP 2390-72000/CP0373-999) and provide feedback and direction regarding night work impacts. [21-0591](#)

Frank Senteno, City Engineer and Eric Bons, Senior Engineer, provided the presentation to City Council. Staff recommends for City Council to accept staff's presentation and provide comment on the construction staging plans for the Downtown Streetlight and Pavement Rehabilitation Project. This presentation will consider the phased sequence of work in the downtown area, proposed night work, and overall construction schedule.

Council provided direction to staff.

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

The meeting was adjourned to Closed Session at 6:06 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 RECOGNITION

1. Galilea Gonzalez, Special Recognition for heroic, lifesaving measures. [21-0606](#)

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.

Luis Sepulveda, Visalia, is interested in the redistricting process and asked if tools are available to make a map.

Donna Kinchu, League of Women Voters, commented on maps from the state that she has reviewed and expressed concern about splitting up the City of Visalia.

CONSENT CALENDAR

A motion was made by Council Member Brett Taylor, seconded by Vice Mayor Brian Poochigian, to approve the Consent Calendar. The motion carried unanimously 5-0.

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. Adopt Resolution 2021-62 ordering the Summary Vacation and Abandonment of the 10 foot wide Irrevocable Offer of Dedication over Parcel 1 and the 60 foot wide Irrevocable Offer of Dedication over the Remainder parcel of Parcel Map No. 4516, recorded in Book 46 of Parcel Maps at Page 21, Tulare County Records. [21-0584](#)
2. Adopt Resolution 2021-63 ordering the Summary Vacation and Abandonment of a portion of public street right-of-way at the northwest corner of North Bridge Street and East Oak Avenue; and authorize the City Manager to execute required deeds associated with the right-of-way abandonment. [21-0585](#)

Approved as recommended.
3. Adopt Resolution 2021-64 ordering the Summary Vacation and Abandonment of the Temporary Storm Drainage Easement as shown on and dedicated per Parcel Map No. 4516, recorded Book 46 of Parcel Maps at Page 21, Tulare County Records. [21-0586](#)

Approved as recommended.

-
4. Approve annual service agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni (NMPGL) for state legislative advocacy services, effective Dec. 1, 2021 through Nov. 30, 2022, for a monthly fee of \$7,000, with up to four additional one year extension options. [21-0607](#)
- Approved as recommended.
5. Authorization to award a contract to purchase one (1) trailer mounted vacuum excavator to Ditch Witch West of Fowler, CA. through a piggy-back contract via the Sourcewell Cooperative Purchasing Contract for a total purchase price of \$114,380.72 (EQ0160) and appropriate an additional \$10,000 from the Wastewater Enterprise Fund (431). [21-0506](#)
- Approved as recommended.
6. Authorize the City Manager to award the construction contract for RFB 20-21-53, FY 21-22 Cape Seal Project to VSS International in the amount of \$883,000.00. (CIP 1410-72000/CP0247-999, CIP 2530-72000/CP0214-999 & CIP2420-72000/CP0411-999). [21-0583](#)
- Approved as recommended.
7. Authorize the City Manager to execute an amendment to the Reimbursement Agreement associated with the Burke Street storm basin master plan improvements located on the west side of South Burke Street between East K Avenue and East Monte Vista Avenue. [21-0581](#)
- Approved as recommended.
8. Authorize the City Manager to purchase the streetlight poles for the Downtown Streetlight Project from AV Poles and Lighting of Lancaster, CA, in the amount of \$822,050.25 (Project Number 1410-72000/CP0345-999). [21-0592](#)
- A motion was made by Vice Mayor Brian Poochigian, seconded by Council Member Liz Wynn, to approve as recommended. The motion carried by the following vote:
- Aye:** Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn
9. Consideration and authorization to purchase and install Historic District street blade signs at a cost not to exceed \$13,000, and appropriate \$13,000 from the General Fund (001). [21-0599](#)
- Councilmember Taylor pulled item 9 for separate discussion and vote.
- A motion was made by Council Member Brett Taylor, seconded by Council Member Greg Collins, to approve as recommended. The motion carried by the following vote:
-

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn

- 10.** Request authorization to file a Notice of Completion for Off-Site Improvements associated with Tentative Parcel Map No. 2007-05 for the master-planned Orchard Walk West shopping center project, which is part of the overall 56-acre Orchard Walk Specific Plan, a unified commercial shopping center development located on the northwest corner of West Riggins Avenue and North Dinuba Boulevard (APN: 078-120-050 and 078-120-031). [21-0580](#)

Approved as recommended.

- 11.** Request for City Council to receive, review, and file the 2020/21 Impact Fee Report as required by State Law. [21-0571](#)

Renee Nagel, Finance Director, and Frank Senteno, City Engineer answered Council questions specific to the Parks and Recreation Funds, Oaks, F & G Basins.

A motion was made by Council Member Greg Collins, seconded by Vice Mayor Brian Poochigian, to approve as recommended. The motion carried by the following vote:

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn

- 12.** Request authorization to file a Notice of Completion for "Hillsdale Southland" subdivision containing 46 single-family residential lots located on the southside of West Hillsdale Avenue between North Preston Street and North Tommy Street. [21-0566](#)

Councilmember Collins pulled item 12 for separate discussion and vote.

A motion was made by Council Member Greg Collins, seconded by Council Member Brett Taylor, to approve as recommended. The motion carried by the following vote:

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and 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. Authorization to revise City Council Decennial Redistricting process timeline and appropriation of additional \$10,500 from the General Fund (001) for anticipated costs. [21-0610](#)

Allison Mackey, Communications Manager, provided an update on the redistricting process. The city has received census data from National Demographics Corporation (NDC). Paper map kits are available for printing and coloring in conjunction with a data spreadsheet. The digital mapping tool is not available at this time.

Luis Sepulveda, Visalia, stated the city should host webinars in order for people to call in. This will increase the number of people who will participate. This is an important issue and the City needs to hold the consultant accountable.

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

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn

2. Appeal to revoke the approved Oak Tree Removal Permit #21-146 to remove a Valley Oak tree located at a private residence at 1825 W. Manor Dr. [21-0601](#)

Jeremy Rogers, Community Services Director, introduced the item and staff. Alvin Dias, Parks Manager, and Joel Hooyer, Parks and Urban Forestry Supervisor, were in attendance to answer questions.

Greg Cox, Visalia stated the tree is a danger and needs to be removed.

Annie Silva, is the appeal applicant. She filed the appeal because she is a lover of the Valley Oaks and believes the tree is healthy. Ms. Silva stated there are several errors in the report. The tree is not directly over the car port as listed. If the branches were cut it would not be a danger to the house and additional parking is the reason the owner wants the tree removed.

The motion to deny the appeal as recommended by staff passed 4-1, with Councilmember Collins as the dissenting vote.

A motion was made by Vice Mayor Brian Poochigian, seconded by Council Member Brett Taylor, to approved as recommended. The motion carried by the following vote:

Aye: Steve Nelsen, Brian Poochigian, Brett Taylor, and Liz Wynn

No: Greg Collins

3. Public Hearing: Authorization to accept and appropriate federal funding for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau Justice Assistance (BJA) in the amount of \$37,397. [21-0443](#)

Liz Ybarra, Financial Analyst for the police department requested a public hearing for the JAG grant.

The public hearing was opened at 7:54 p.m. There were no public comments. A motion was made by Council Member Greg Collins, seconded by Vice Mayor Brian Poochigian, to approve as recommended. The motion carried by the following vote:

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn

4. Public Hearing: Zoning Text Amendment No. 2021-07: A request by the City of Visalia to amend Visalia Municipal Code Chapter 17.32, Article 2, as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to density bonuses regulations. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide. [21-0589](#)

Brandon Smith, City Planner, requested a public hearing to be held for the density bonuses regulations. It is utilized by a lot of districts. The city ordinance is reflective of state law. The Planning Commission recommended approval.

The public hearing was opened. There were no public comments. A motion was made by Council Member Liz Wynn, seconded by Council Member Brett Taylor, to approve as recommended. The motion carried by the following vote:

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and Liz Wynn

5. Public Hearing: Zoning Text Amendment No. 2021-08: A request by the City of Visalia to amend portions of Visalia Municipal Code Chapter 8.36 (Noise) and Title 17 (Zoning) as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide. [21-0590](#)

Brandon Smith, City Planner, provided the report for the buy right use. The regulations for residential uses in the Downtown Mixed Use and Commercial Mixed Use. These performance standards are by right uses. It may be expanded to new construction if this is successful. Typical parking practices are incorporated.

The public hearing was opened. There were no public comments.

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

Aye: Steve Nelsen, Brian Poochigian, Greg Collins, Brett Taylor, and 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: [21-0596](#)

Buyer: Self Help Enterprises, a California nonprofit public benefit corporation

Seller: City of Visalia

APN: 094-283-001

Purpose: sale of surplus land

Brief Description: Old Lumber Yard

Price: \$1,200,000.00

Closing Date: 11/1/2021

Project Manager: Leslie Caviglia

ADJOURNMENT

The meeting was adjourned at 8:09 p.m.

UPCOMING COUNCIL MEETINGS:

Monday, December 6, 2021 - City Council Regular Meeting and Closed Session

Monday, December 20, 2021 - City Council Regular Meeting and Closed Session

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