

CLOVIS CITY COUNCIL MEETING

June 7, 2021

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Flores
Flag Salute led by Councilmember Ashbeck

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Mayor Flores
Absent: Councilmember Whalen (arrived at 6:14 p.m.)

PRESENTATION – 6:04

1. Presentation of Proclamation declaring June 7 – 14, 2021 as Men's Health Week.

Councilmember Mouanoutoua read a Proclamation declaring June 7 – 14, 2021 as Men's Health Week.

PUBLIC COMMENTS - 6:07

Marcus Alvara, resident, complained about noise from the gun range near his home, and complained about illegal trash dumping in his neighborhood.

Councilmember Whalen arrived at 6:14 p.m.

CONSENT CALENDAR – 6:14

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

2. Administration - Approved - Minutes from the May 17, 2021 Council Meeting.
3. Finance – Received and Filed – Investment Report for the Month of March 2021.
4. Finance – Received and Filed – Treasurer's Report for the Month of March 2021.
5. Public Utilities – Approved – Award Non-Exclusive Franchise Agreements for Hauling of Construction and Demolition Debris and Update the City's Approved Hauler List.

ADMINISTRATIVE ITEMS - 6:15

6. 6:15 - APPROVED – RES. 21-62, A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE ANNUAL LEVY, 2021-22 LANDSCAPE MAINTENANCE DISTRICT NO. 1.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve a resolution confirming the Diagram and Assessments for the Annual Levy, 2021-22 Landscape Maintenance District No. 1. Motion carried by unanimous vote.

7. 6:20 Approved – A Request for a Letter of Support for Assembly Constitutional Amendment to the Constitution of the State, by amending Section 7 of, and adding Section 5.5 to, Article XI thereof, relating to local government, regarding regulations of the zoning or use of land within the boundaries of the city.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Whalen, for the Council to approve a letter of support for Assembly Constitutional Amendment to the Constitution of the State, by amending Section 7 of, and adding Section 5.5 to, Article XI thereof, relating to local government, regarding regulations of the zoning or use of land within the boundaries of the city. Motion carried by unanimous vote.

WORKSHOP – 6:30

CITY MANAGER COMMENTS – 6:52

COUNCIL COMMENTS – 6:53

CLOSED SESSION – 7:20

8. Government Code Section 54956.9
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9
1 potential case
9. Government Code Section 54957
Public Employee Performance Evaluation
Title: City Manager

Mayor Flores adjourned the meeting of the Council to June 14, 2021

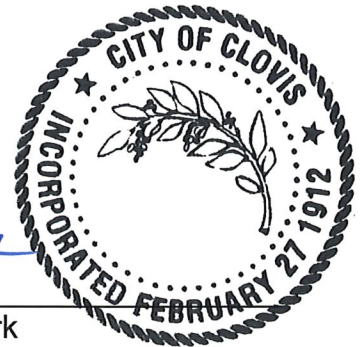
Meeting adjourned: 8:10 p.m.



Mayor



City Clerk



Public Comment
for the
June 7, 2021 Clovis
City Council Meeting

John Holt

From: Andrew Haussler
Sent: Friday, June 4, 2021 7:44 AM
To: Luke Serpa; John Holt
Cc: Shawn Miller
Subject: BOOT Letter
Attachments: ENTRÉE VENDOR APPLICATION.PDF

Here is a letter addressed to Council (pasted below) we received from BOOT regarding 559 Brewing. Based on the letter both parties are in good standing as they are working together for the allowing 559 Brewing to utilize street space during Friday Night Farmer's Markets. However, the letter clears the air on statements made by 559 Brewing at council meetings in May. If cooperation does not continue staff will engage on the issue.

Thanks,

Andy

Mayor Jose Flores and City Council Members

City of Clovis

1033 Fifth Street

Clovis, CA 93612

Dear Mayor Flores and Members of the City Council of Clovis:

The Board of Directors of the Business Organization of Old Town (BOOT) would like to clarify several items which were discussed at the Clovis City Council meeting on May 17, 2021. During the Public Comments portion of the meeting, the Williams family, owners of 559 Beer, addressed the Council regarding their desire to continue using a portion of Pollasky Avenue as an area for additional dining and drinking.

On April 24, 2021, BOOT provided an exception to the Farmers Market footprint at the request of the Williams family in order for them to maintain their outdoor dining on the street. Please see the attached letter which we emailed to the Williams family in which we agreed to allow them to continue using this space during Farmers Market until the city lifted the emergency order which, as stated at the city council meeting on May 17th, was expected to end June 15th.

As stated in our letter to the Williams family, Farmers Market is not intended to fill the streets with the merchants of Old Town but rather to bring in local farmers along with other vendors to sell and promote their products. This is what creates a destination for thousands of people from throughout the valley. These visitors end up shopping in our stores and dining in our restaurants. If Farmers Market was to have every business owner come out on the street there would be no Farmers Market.

We do believe it's important for all to understand that our well-established farmers market is a certified market that requires a specific layout. We do not randomly place vendors. For example, the certified farmers must be in a specific area, food vendors in a specific area, vendors not competing with merchants, etc. It is a time-consuming detailed process to create and provide high quality events in Old Town. Clearly, we have all had to do some adjusting during the past year, but we are now working to regain some normalcy. Both as an organization as well as for all of the businesses in Old Town.

During the May 17 city council meeting, the Williams family stated that they are only utilizing two parking spaces. In fact, they are utilizing three spaces altogether, one being an ADA accessible space.

They also stated that they are paying for two spaces for outdoor dining. They actually take up three Farmers Market spaces although we agreed to only charge them for 2 spaces at a reduced fee.

In the attached letter you will find our requirements to allow the request for space during Farmers Market. We've provided you a copy of the signed contract as well.

Per our contract, all fees are to be paid the night of the market. As of the council meeting on May 17th we had received only one payment for the three markets which had taken place at that time. BOOT reached out to Cheryl Williams in order to resolve this issue. Cheryl said it was difficult to pay the evening of the market so we suggested payment in advance. They now pay in advance.

During the first Friday Night Farmers Market of the season, on April 30th, two of our board members, Ronnie Silva and Dave Shivers, spoke with the Williams Family regarding the agreement to not have music while BOOT's music is playing. The board members were met with, in their own words, "defensive and offensive language, even threatening to sue BOOT and the City of Clovis". They were eventually able to resolve the situation and both vowed to have better communication. The Williams family agreed to not have music from 5:30 P.M. to 8:30 P.M. per our requirements. During the second Farmers Market, on May 7th, the band at 559 began "warming up" at 7:45 P.M. and continued for about 20 mins. At 8:25 P.M. they began playing again.

Board members as well as vendors have witnessed customers of 559 consuming alcoholic beverages on the sidewalk as well as being served which, is not permitted by the City of Clovis or Alcoholic Beverage Control.

During the May 17 Council meeting the Williams family stated that they were unable to participate in BOOT's members meeting due to COVID. To clarify, in 2020 BOOT conducted five members meetings. We provided an option to participate via ZOOM with the exception of 1 in which we offered the option to call in via phone. Randy and Cheryl Williams did use zoom on multiple occasions and were able to share questions, comments, suggestions, and ideas either live or by text. With the latter, the host of the meeting would share those messages with the rest of the meeting participants. We have held members meetings every month in 2021.

We believe we have been very courteous and considerate to the Williams family and their employees and are excited things are going so well for their business. We truly want them to succeed. We do however, as the Business Organization of Old Town, have a business to run on behalf of our merchants, vendors, community, and city. The letter in which we granted permission to the Williams to allow 559 to pay for two booth spaces was intended as a courtesy until June

15th. Our market runs to the end of October. Although the city has extended the outdoor dining through October 15, BOOT will not be able to provide our courtesy beyond June 15th for our events as we are losing thousands of dollars on these spaces. We feel this is not equitable to our business but most importantly to our vendors.

We empathize more than most as BOOT received zero PPP funds while most of our events were cancelled. BOOT lost hundreds of thousands of dollars in revenue in 2020. In mid-2020, in order to help our business community, BOOT board members created and sold custom t-shirts as a fundraiser for our farmers, vendors and Old Town merchants. The proceeds were granted to those in need. We sought out those who we knew received zero funding as well as provided for those who asked for the funds. In fact, 559 was a recipient of some of this funding.

We truly want the best for everyone. And, we want 559 to be successful. We understand that the success of Old Town is driven by the success of all Old Town businesses. We also understand that in order for everyone to be successful, we all need to work together.

Thank you for your time and consideration,

President: Cora Shipley
Vice President: Karen Chism
Secretary: Tom Frost
Members at large:
Dave Shivers
Jeana Parenti
Julie Glenn
Ronnie Silva

Business Organization of Old Town

PO Box 1548

Clovis, CA 93613

559-298-5774

www.OLDTOWNCLOVIS.ORG

BOOT
MARKET

BLANK



ENTRÉE VENDOR APPLICATION AND AGREEMENT - 2021

Business Organization of Old Town
April 30 - October 29, 2021

Business Name: 559 BEER

Contact Person(s): RANDY WILLIAMS Email: RANDY@559.BEER

Complete Address: 356 POLLASKY AVE

City: CLOVIS CA Zip: 93612

Phone Number (business): 559.473.1875 Phone Number (cell): _____

Previous Clovis Market Participant: Yes No Year(s) 2015-2020

Dates of participation: Start: APRIL End: OCTOBER

Will you distribute samples? Yes No 2021 no samples

ELECTRICITY IS NOT GUARANTEED. Please bring your own lighting and extension cord.

TO BE CONSIDERED FOR PARTICIPATION, YOU MAY BE ASKED TO SUBMIT THE FOLLOWING:

- Signed Agreement (see reverse side)
- Current copy of all Certified Producer Certificates
- Copy of any of the following as applicable based upon the product(s) produced and sold: Community Event Food Vendor Application; Health Dept. Permit; Food Registration Permit; Nursery License; Nursery Certified Producer Permit; Organic Registration (upon approval)
- Current Certificate of Insurance naming B.O.O.T. as additional insured (upon approval)
- Market Membership Fee (\$150.00) and \$51 Sampling fee (no sampling) made payable to B.O.O.T. (upon approval)
- By signing this you agree to pay for a booth space at the rate of 10%/\$40 minimum per night per space. Fees are due prior to leaving the Market each Friday night. All vendors are also required to pay a weekly Department of Agriculture fee of \$2 in addition to their regular vendor fees.

BUSINESS ORGANIZATION OF OLD TOWN * P.O. BOX 1548; CLOVIS, CA 93613
phone 559.298.5774
Email us at info@oldtownclovis.org or fax to 559.298.3760

AGREEMENT

in return for the Business Organization of Old Town (B.O.O.T.) considering the application of the undersigned for participation in the Old Town Farmer's Market, the undersigned Applicant declares and agrees as follows:

Applicant agrees to pay Certified Growers' Fees of 10% of gross sales, minimum \$40.00 per market. Fees are due prior to leaving the Market each Friday night. (See Rules & Regulations for more information.) All vendors are also required to pay a weekly Department of Agriculture fee of \$2 in additional to their regular vendor fees.

Applicant has read and, if this Application is approved, agrees to comply with all Farmer's Market Governing Rules and Regulations, as may be amended from time to time, and any and all other rules and regulations pertaining to Applicant that may be promulgated by B.O.O.T.

Applicant agrees to indemnify and hold harmless B.O.O.T., the City of Clovis, any Event Sponsors, and all Event Location Property Owners, and each of their respective officers, directors, representatives, attorneys, employees, and agents from and against any and all claims, demands, causes of action, damages (including but not limited to damages to any of the property of any of the indemnified parties), liabilities (including but not limited to liabilities of an indemnified party with respect to their respective officers, directors, representatives, employees, and agents), attorney fees and costs, of every kind and nature whatsoever, whether foreseeable or unforeseeable, directly or proximately resulting from or caused by, or arising in connection with, the participation of Applicant in the Old Town Farmer's Market, and/or the use or occupation of the property or facilities herein where the Market is conducted, whether such use or occupation is authorized or not, or from any act or omission of Applicant or any of its officers, directors, representatives, agents, employees, and invitees; and the Applicant shall pay and satisfy any judgment or decree which may be rendered against any of the indemnified parties in any such suit, action, or other legal proceedings; and Applicant shall pay for any and all damages to property of any of the indemnified parties, including loss or theft of such property, directly or proximately resulting from or caused by Applicant, or any of its officers, directors, representatives, agents, employees, and invitees.

If this agreement is signed in a representative capacity, the person signing represents and warrants that he or she is authorized to bind the entity on whose behalf this agreement is executed.

Signed by: _____



Date: 4-23-2021

Print Name and title: RANDY WILLIAMS COO

Must be person providing the exhibit fee and certificates



Info oldtown <info@oldtownclovis.org>

Re: Friday Farmer's Markets spaces for 559 Beer on Pollasky

1 message

Info oldtown <info@oldtownclovis.org>
To: Randy Williams <randy@559.beer>

Tue, Apr 27, 2021 at 8:25 PM

Hi Randy and Rhett,

Thank you for your patience as we try to navigate during this interesting time for us all. We are happy to help work something out for you. Although our market is not intended for providing spaces for current merchants in old town we completely understand your situation. We will approve your application for the 2 booths requested during the approved time the city and abc have provided exemptions. As we understand the city has allowed outside dining on the street until June 15th. The fee for food vendors is \$100 along with 10% of sales. In your situation we will provide the booths to you at our regular vendor pricing of \$40 per space with no percentage required.

We are also waiving the market vendor fee of \$150 for all BOOT members.

Please keep in mind all rules and regulations must be followed. You will not be able to have live or loud music outside in the front as we have a scheduled DJ until we are approved for live music.

We hope this helps you with your business as we all are able to get back to some type of normal.

On Fri, Apr 23, 2021 at 2:15 PM Randy Williams <randy@559.beer> wrote:
Thanks for the response. Let me answer your questions below:

1. Yes we are planning on the entire 2021 season as our business is physically located at 356 Pollasky (corner 4th)
2. We are a BOOT business member of the organization. Do we need to complete an application?
3. We have a current Fresno County Health Dept certificate for our restaurant and will use that.
4. We will provide a certificate of insurance listing BOOT.

BLANK

John Holt

From: Public Comments <email@cityofclovis.com>
Sent: Saturday, June 5, 2021 4:23 PM
To: John Holt; Karey Cha
Subject: Public Comment for City Council

Council Meeting Date: 2021-06-07

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Michelle M Toler

Email: totermich19@att.net

Comment: I have lived in Clovis, for over 30 years, I currently live in the Sierra Ridge Apartments and have been here for 14 years.

I received a letter from the management that in my case is going up \$300 in one month. This is due to the owner(s) raising our rent to market rate and said that the low income housing has expired. This complex was built in 1985 and they are trying to get the rents on the newer apartments compared to this complex which is over 30 years old. They said that they won't upgrade the apartments until we vacate our apartment. Therefore we are paying the same rent as the upgraded apartments. A lot of us are disabled, elderly and single moms and due to the pandemic are barely receiving their unemployment. All of us are going to be homeless soon and we desperately need your help! I am on section 8 and my Social Security income is \$954 a month. I was paying \$236 a mon] and am now paying \$536 which is over half my income. Then comes PGE, internet, etc. If anyone of you can help us in any way or I am going to be homeless. The homeless crisis is getting out of hand here in Fresno, just like SanFrancisco and Los Angeles. Fresno is going to be one big tent city if we cant get help. We desperately need your help at a place we call home. Thank you

Michelle Toler

tolermich19@att.net

5595751562

Supporting Files (2 Max.):

Date: June 5, 2021

Time: 4:22 pm

Remote IP: 108.88.66.224

John Holt

From: Public Comments <email@cityofclovis.com>
Sent: Friday, June 4, 2021 6:47 PM
To: John Holt; Karey Cha
Subject: Public Comment for City Council

Council Meeting Date: 2021-06-07

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Jessica Parsons

Email: j.parsons8707@gmail.com

Comment: I am a current resident at Sierra Ridge Apartments here in Clovis. I have been a resident now for 4 years and I am part of their low-income program. It has come to light that the apartments will no longer be participating in the low-income housing program which now will make my rent go from \$699, which has already gone up \$100 since I moved in in June of 2017, to \$1345. I am currently a single mom who is unemployed and working towards a Masters Degree. There are several elderly residents now have to move out due to the increase of their rent soon, some have been here for over a decade. What can be done in order to prevent them from eliminating this program and a forced move out of a certain socio-economic group?? Thank you

Supporting Files (2 Max.):

Date: June 4, 2021
Time: 6:47 pm
Remote IP: 73.151.184.27

John Holt

From: Public Comments <email@cityofclovis.com>
Sent: Monday, May 17, 2021 4:48 PM
To: John Holt; Karey Cha
Subject: Public Comment for City Council

Council Meeting Date: 2021-05-17

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Judi Steele

Email: judisteele@sti.net

Comment: I'm disappointed that many of our City Council members don't seem to be familiar with or have studied items on the agenda. I'm specifically referring to discussions on Agenda item 8 AB992 and Agenda item 10 SB 210 at the Council mtg on May 3. I also am tired of hearing the constant complaints about our State government. Too much time is wasted on this and so many unprofessional and childlike comments. I know Clovis is a fine place to live and so do most of your constituents but stop being so defensive if someone makes complaints, comments or disagrees with you in any way about our City or to you personally. I used to watch these meetings on a regular basis but after being involved in non partisan, multi partisan and partisan group meetings that conduct themselves and the issues discussed in a professional and business like manner I can't watch your live council meetings anymore. I really feel bad about saying this because I'm active in or Community.

Supporting Files (2 Max.):

Date: May 17, 2021

Time: 4:48 pm

Remote IP: 73.220.10.172