

CLOVIS CITY COUNCIL MEETING

May 17, 2021

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Whalen
Mayor Flores
Absent: None

PRESENTATION – 6:04

1. PRESENTATION OF PROCLAMATION DESIGNATING MAY 16-22, 2021 AS NATIONAL PUBLIC WORKS WEEK.

City Council presented Public Utilities Director Scott Redelfs with a Proclamation designating May 16-22, 2021 as National Public Works Week.

PUBLIC COMMENTS – 6:15

See attached.

CONSENT CALENDAR – 6:16

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

2. Administration - Approved - Minutes from the May 3, 2021 Council Meeting.
3. Administration - Approved – Purchase of Support and Maintenance Contract for Network and Telecommunications Equipment from Zones, Inc.
4. Administration - Received and Filed – Business Organization of Old Town (BOOT) Third Quarter Report, January through March 2021.
5. Administration - Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, January – March 2021.
6. Finance – Received and Filed – Investment Report for the Month of February 2021.
7. Finance – Received and Filed – Treasurer’s Report for the Month of February 2021.
8. Finance - Approved - **Res. 21-59**, A Resolution of Intention (ROI) to Annex Territory (Annexation #69) (T6339 - NWC Locan/Teague, T6332 - NEC Locan/Teague, Future phase - NEC Locan/Teague), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for June 21, 2021.
9. Fire – Received and Filed – 2020 Fire Department Annual Report.
10. Planning and Development Services – Approved – **Res. 21-60**, Adopt a list of projects funded by SB1: The Road Repair and Accountability Act.

ITEM – 11 – 6:17 - APPROVED – **RES. 21-61**, A RESOLUTION REVISING THE MASTER DEVELOPMENT FEE SCHEDULE AND PROVIDING A DESCRIPTION OF FEES TO BE REQUESTED FOR COUNTY ADOPTION.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve Resolution 21-61, revising the Master Development Fee Schedule and providing a description of fees to be requested for county adoption. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

ITEM – 12 – 6:23 - ADOPTED - **ORD. 21-03**, AMENDING ARTICLES 1, 10, AND 11 OF CHAPTER 2.2 OF TITLE 2 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE APPOINTMENT OF CITY CLERK AND CITY TREASURER. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

Motion by Councilmember Bessinger, seconded by Councilmember Whalen, for the Council to Adopt Ordinance 21-03, amending Articles 1, 10, and 11 of Chapter 2.2 of Title 2 of the Clovis Municipal Code pertaining to the appointment of City Clerk and City Treasurer. Motion carried 4-0-0-1 with Councilmember Ashbeck abstaining.

ITEM 13 – 6:25 - CONSIDERED INTRODUCTION – **RES. 21-XX**, 2021-22 CITY OF CLOVIS ANNUAL BUDGET, FIVE YEAR CAPITAL IMPROVEMENT PROGRAM, AND INFORMATION REGARDING THE CLOVIS SUCCESSOR AGENCY.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to continue the 2021-22 City of Clovis Annual Budget, Five Year Capital Improvement Program, and information regarding the Clovis Successor Agency to June 14, 2021. Motion carried by unanimous vote.

ITEM 14 – 6:40 - WORKSHOP - UPDATE ON THE AMERICAN RESCUE PLAN ACT.

City Manager Luke Serpa presented a report on the American Rescue Plan Act. City Council provided feedback and direction. It was the consensus of City Council to provide direction to staff to pursue the focus of use of the American Rescue Plan Act on lost revenue.

ITEM 15 – 7:27 - CONSIDERED - UPDATE AND SEEK POLICY DIRECTION REGARDING EMERGENCY ORDER 2020-14 AND EMERGENCY ORDER 2020-15 ASSISTING RESTAURANTS AND OTHER BUSINESSES SEVERELY IMPACTED BY THE COVID-19 CRISIS BY ALLOWING BUSINESSES THE OPTION TO TEMPORARILY EXPAND CAPACITY INTO PUBLIC AND PRIVATE COMMON AREAS UNDER SPECIFIED CIRCUMSTANCES AND POTENTIAL FOR LONGER TERM USES.

Community and Economic Development Director Andy Haussler presented a report regarding Emergency Order 2020-14 and Emergency Order 2020-15 assisting restaurants and other businesses severely impacted by the COVID-19 crisis by allowing businesses the option to temporarily expand capacity into public and private common areas under

specified circumstances and potential for longer term uses. City Council provided feedback and direction. It was the consensus of Council to allow the continued use by businesses the option to temporarily expand capacity into public and private common areas through October 15, 2021, and to develop a process so that after that date businesses could apply for a more permanent use in the future.

COUNCIL COMMENTS – 8:11

CLOSED SESSION – 8:25

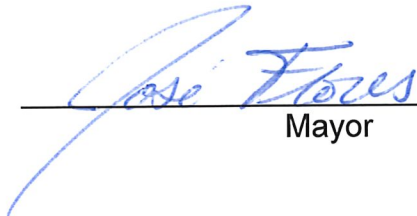
Mayor Flores adjourned the meeting to Closed Session and indicated that Closed Session would be held in the City Hall foyer, and that action may or may not be taken.

16. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Case Name: Desiree Martinez v. City of Clovis

8:47 – Mayor Flores reconvened the regular meeting from Closed Session and indicated that action had been taken. Mayor Flores reported out that on a motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to direct legal counsel to appeal the decision of the court in the matter of Desiree Martinez v. City of Clovis. Motion carried by unanimous vote.

Mayor Flores adjourned the meeting of the Council to June 7, 2021

Meeting adjourned: 8:51 p.m.



Mayor



City Clerk



John Holt

From: Public Comments <email@cityofclovis.com>
Sent: Monday, May 17, 2021 2:34 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: Rachel Youdelman

Email: rachel27@berkeley.edu

Comment: I've been a regular observer of the Clovis City Council for over a year. I have a couple of comments about the most recent meeting:

Agenda Item 8 from the 3 May 2021 Council meeting was to have been an ethics review and a summary discussion of AB992. Was it Scott Gross' intention to be misleading regarding the content of the bill? By stating that "interaction between Council members may constitute a violation of the Brown Act," he gave the impression that any such interaction could be a violation.

Any reasonable person who reads the text of the bill will understand that Mr Gross appeared to be deliberately misrepresenting its content. This sort of disinformation does not serve the interests of the city or its constituents.

We constituents were stunned to learn that, though the bill has been in effect since 1 Jan 2021, our Clovis City Council members appeared to know nothing about it. Apparently, none of them (Whalen, Bessinger, Flores, & Mouanoutoua—Ashbeck was absent) had so much as read the meeting agenda beforehand, not to speak of familiarizing themselves with this important piece of legislation, which they had 3 months to do, before the 3 May meeting.

Further, were juvenile jokes and questions about "liking" this or that social-media post merely disingenuous, or did they reflect the Council's ignorance of the law? If the content of the law had been discussed at meetings of the League of California Cities, attended by some Council members, can this lack of understanding be affectation? In any case, we constituents deserve better. We deserve a City Council who at the very least prepares for meetings by reading agendas beforehand, does the meeting preparation, and does not wait 3 months after a bill becomes a law to learn about it, particularly if it affects their public behavior as elected officials.

During a discussion of Agenda Item 10, also at the 3 May meeting, Mayor Flores made what could be considered defamatory comments about state senator Wiener ("Wiener wants to help with the commission of crimes"). Flores' further remark that he could be "creative" in charging an innocent person with a crime is not a subject fit for jest. He should have the maturity, judgement, and leadership capability to know better. Flores can neither control his temper nor monitor his own speech, as he has demonstrated before. He should resign immediately, as he is clearly unfit for public service.

Supporting Files (2 Max.):

Date: May 17, 2021
Time: 2:34 pm
Remote IP: 73.220.235.169

PUBLIC COMMENT
MAY 17, 2021

John Holt

Item 15

From: Andrew Haussler
Sent: Thursday, May 13, 2021 5:10 PM
To: John Holt
Subject: Fwd: 559 Patio

Comment for Monday night.

Andy

Sent from my iPhone

Begin forwarded message:

From: Shawn Miller <ShawnM@ci.clovis.ca.us>
Date: May 13, 2021 at 5:07:42 PM PDT
To: Andrew Haussler <andrewh@ci.clovis.ca.us>, John Holt <johnh@ci.clovis.ca.us>
Subject: FW: 559 Patio

FYI

-----Original Message-----

From: Jess Mendoza [mailto:ahothd@gmail.com]
Sent: Thursday, May 13, 2021 3:40 PM
To: Shawn Miller <ShawnM@ci.clovis.ca.us>
Subject: 559 Patio

Hi Shawn, thank you for opening the parking Old Town so desperately needed by the removal of the temp patios which brings me to the reason of this email, Cora has informed me that 559 would like to request a permanent status for their make shift patio, I am in agreement with our fellow merchants that we do not want that patio even on a temporary basis, 559 continues to violate the ABC law they were cited for as their customers continue to walk off their premises with alcoholic beverages in hand, additionally their make shift patio blocks the handicap parking spaces for this block, please remove their patio, thank you

John Holt

15

From: Shawn Miller
Sent: Thursday, May 13, 2021 5:08 PM
To: Andrew Haussler; John Holt
Subject: FW: 559 Patio

FYI

-----Original Message-----

From: Jess Mendoza [mailto:ahothd@gmail.com]
Sent: Thursday, May 13, 2021 3:40 PM
To: Shawn Miller <ShawnM@ci.clovis.ca.us>
Subject: 559 Patio

Hi Shawn, thank you for opening the parking Old Town so desperately needed by the removal of the temp patios which brings me to the reason of this email, Cora has informed me that 559 would like to request a permanent status for their make shift patio, I am in agreement with our fellow merchants that we do not want that patio even on a temporary basis, 559 continues to violate the ABC law they were cited for as their customers continue to walk off their premises with alcoholic beverages in hand, additionally their make shift patio blocks the handicap parking spaces for this block, please remove their patio, thank you

John Holt

15

From: Clovis Help Line <noreply@user.govoutreach.com>
Sent: Thursday, May 13, 2021 2:58 PM
To: John Holt
Subject: Clovis CRM: You have been assigned a new Request #: 5676024

Request # 5676024 from the Government Outreach System has been assigned to you by Jacquie Pronovost.

Request type: Problem

Request area: City council

Citizen name: Jennifer Green

Description: Hello,

I would like to request that the barriers set out in front of 559 at the corner of Pollasky and 4th St. be removed. Parking in Old Town is already very limited and it is my understanding that outside patio dining areas were a "temporary" solution to aid our local restaurants during the pandemic.

Thank you,
Jennifer Green - owner
Once Upon a Time
440 Pollasky Ave

Expected Close Date: June 2, 2021

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

4

15

John Holt

From: Clovis Help Line <noreply@user.govoutreach.com>
Sent: Thursday, May 13, 2021 8:02 AM
To: John Holt
Subject: Clovis CRM: You have been assigned a new Request #: 5674890

Request # 5674890 from the Government Outreach System has been assigned to you.

Request type: Problem

Request area: ADA (Americans with Disabilities Act)

Citizen name: Margie Penner

Description: In my observation, the use of the handicap access parking spot for free outdoor space doesn't seem very wise. The business has a whole outdoor patio that isn't being used for their functioning as a restaurant. It's the only business left that gets free outdoor space and I don't understand why. Their signs make the street seem tacky and not necessary. Whereas handicap parking is at a minimum.

Location: 340 Pollasky Ave, Clovis

Expected Close Date: June 2, 2021

5



[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

John Holt

Item 16

From: Public Comments <email@cityofclovis.com>
Sent: Sunday, May 16, 2021 9:47 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): 16

Full Name: Stephen Sacks

Email: johnsonsacks@comcast.net

Comment: Clovis has an incredible need for low income housing. The government standard since 1981 is that residents spend 30% of their income on housing. Right now, the average apartment in Clovis rents for around \$1300. For someone who works in a typical business (non-professional), let's assume they make \$15 an hour (which is probably higher than many people in Clovis earn). For a 40 hour a week job (and again, many people in Clovis do not work 40 hours but are still fully employed) at \$15 an hour, they gross \$600 a week or \$2400 a month. 30% for housing would be \$720 a month or close to half what the average rent in Clovis is!

Supporting Files (2 Max.):

Date: May 16, 2021
Time: 9:47 pm
Remote IP: 67.181.164.235

From: Public Comments <email@cityofclovis.com>
Sent: Sunday, May 16, 2021 8:04 PM
To: John Holt; Karey Cha
Subject: Public Comment for City Council

Council Meeting Date: 2021-05-16

Item Number (put "0" if your comment is regarding an item not on the agenda): 16

Full Name: Jackie Newman

Email: Jnewman.newman67@gmail.com

Comment: Clovis has a highly tarnished reputation in the Central Valley for practices that discriminate against those in need. It's time to take this opportunity to make real change and move toward erasing their racist reputation.

Supporting Files (2 Max.):

Date: May 16, 2021

Time: 8:04 pm

Remote IP: 76.254.96.82

From: Public Comments <email@cityofclovis.com>
Sent: Sunday, May 16, 2021 6:46 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): 16

Full Name: Ken Mah

Email: kenandred@comcast.net

Comment: Is there sufficient will and leadership in Clovis to support affordable housing? The complexities and barriers to such projects are real, but how have other communities made more credible efforts where Clovis has failed? If the Clovis way of life is to be more inclusive, it s time to stop blaming others and making excuses. It is time to be goal-directed. It is time to follow the law.

Supporting Files (2 Max.):

Date: May 16, 2021
Time: 6:46 pm
Remote IP: 73.66.21.235

From: Public Comments <email@cityofclovis.com>
Sent: Sunday, May 16, 2021 1:28 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): 16

Full Name: Connie Young

Email: cyoungn@sbcglobal.net

Comment: I urge you to provide safe, affordable housing for Clovis's low-income residents. Many of them work at jobs like healthcare, retail and food service that keep the Clovis economy going. Providing adequate housing will enable them to live close to their jobs. This will reduce their commutes which will reduce air pollution from vehicular traffic and improve the health and quality life for Clovis residents. Living in Clovis also will reduce their expenses and they'll be more likely to patronize Clovis businesses, which will be good for the local economy.

Supporting Files (2 Max.):

Date: May 16, 2021
Time: 1:27 pm
Remote IP: 104.12.100.57

16

John Holt

From: Public Comments <email@cityofclovis.com>
Sent: Saturday, May 15, 2021 5:15 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): 16

Full Name: Laurie Tidyman-Jones

Email: ltj007not@gmail.com

Comment: It is the responsibility of all cities to provide for all its citizenry, no matter their socioeconomic status. For Clovis to display such a disregard for law and dispassion for those who can't afford those big box houses is shameful.

Fulfill your commitment and display the values that you purport to the community. Make right on your responsibility!

Supporting Files (2 Max.):

Date: May 15, 2021

Time: 5:15 pm

Remote IP: 107.197.149.178

11