



# CITY *of* CLOVIS

## AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

December 7, 2020

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

### **\*SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Council meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the City Council may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/government/city-council/city-council-agendas/>

### **Written Comments**

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.

- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

### **Verbal Comments**

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

### **Webex Participation**

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

### **CALL TO ORDER**

### **FLAG SALUTE - Councilmember Flores**

### **ROLL CALL**

### **PRESENTATIONS/PROCLAMATIONS**

1. Presentation - Virtual Holiday Tree Lighting Ceremony.

**Public Comments** - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

**ORDINANCES AND RESOLUTIONS** - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be

read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

**CONSENT CALENDAR** - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

2. Administration - Approval - Minutes from November 9, 2020 and November 16, 2020 Council Meetings.
3. Finance – Receive and File – Status Report of Community Facilities District Revenues and Expenditures.
4. Finance - Approval - Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #66) (T6277-Northeast Corner of Locan and Teague), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for January 19, 2021.
5. Finance - Approval – Res. 20-\_\_\_\_, Approving the submittal of the 2020-2021 Local Transportation Funding (LTF) Claim to the Council of Fresno County Governments.
6. Finance – Receive and File – Investment Report for the Month of September 2020.
7. Finance – Receive and File – Treasurer's Report for the Month of September 2020.
8. General Services – Approval – Res. 20-\_\_\_\_, Amending the City's Classification and Compensation Plan by Revising and Retitling the Information Technology Manager Classification to the Deputy Director of Information Technology, and to Revise the Information Technology Supervisor Classification; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan in the City Clerk Department.
9. General Services – Approval – Res. 20-\_\_\_\_, Amending the City's Classification and Compensation Plan to include Fire Inspector I, Fire Inspector II, and the Fire and Life Safety Specialist Classifications; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan by adding one (1) Fire and Life Safety Specialist Classification and deleting one (1) Fire Code Compliance Officer position, and adding one (1) Fire Inspector I and deleting one (1) Fire Prevention Officer position within the Fire Department
10. Planning and Development Services - Approval - Res. 20-\_\_\_\_, Final Map Tract 6263, located at the southeast corner of Shepherd and N Preuss Avenues (Lennar Homes of California, Inc.).
11. Planning and Development Services - Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6263, located at the southeast corner of Shepherd and N Preuss Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, Inc.).
12. Planning and Development Services – Approval – Res. 20-\_\_\_\_, Final Map Tract 6050 located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
13. Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6050, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP (Wilson Homes).

14. Planning and Development Services – Approval - Res. 20-\_\_\_\_, Final Map Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
15. Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP Wilson Homes).
16. Public Utilities – Approval – Final Acceptance for CIP 20-02 Electric Vehicle Bus Chargers.

**PUBLIC HEARINGS** - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

17. Consider Actions related to Annexation of Territory (Annexation #64, T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - a. Consider Approval - Res. 20-\_\_\_\_, A Resolution annexing territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #64) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - b. Consider Approval - Res. 20-\_\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

18. Consider Actions related to Annexation of Territory (Annexation #65, T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - a. Consider Approval - Res. 20-\_\_\_\_, A Resolution annexing territory (Annexation #65) (T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #65) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - b. Consider Approval - Res. 20-\_\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

19. Consider Adoption – Ord. 20-\_\_\_\_, OA2019-004 (Extension), A request to adopt an Urgency Ordinance, the purpose of which is to extend an earlier Urgency Ordinance (No. 19-21 adopted on December 16, 2019 and extended on January 21, 2020) which amends various sections of Title 9 of the Clovis Municipal Code (“Development Code”) to bring the Development Code into compliance with recently enacted State laws.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Adopt

## COUNCIL ITEMS

20. Consider Approval - Confirmation of City Manager’s Appointment of Planning and Development Services Director.

**Staff:** Luke Serpa, City Manager

**Recommendation:** Approve

21. Consider – Consideration of Design of City of Clovis Flag.

**Staff:** Mayor Bessinger

**Recommendation:** Consider

**WORKSHOP** - For the Clovis City Council to conduct a workshop to discuss the impact on ongoing City operations during the COVID-19 State of Emergency as declared by the Federal Government, State of California, County of Fresno, and City of Clovis; and to explore actions the City may take in response to the crisis.

## CITY MANAGER COMMENTS

## COUNCIL COMMENTS

**CLOSED SESSION** - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

22. Government Code Section 54956.9(d)(1)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
SEMI-ANNUAL LITIGATION UPDATE

### COURT CASES

1. Desiree Martinez, Maria De Jesus Sanchez v. City of Clovis, et al.
2. Debra Lindsay v. City of Clovis
3. City of Clovis v. Greg A. Borden, et al.
4. Brianne Glick v. City of Clovis
5. Dimitrios Kastis v. City of Clovis et. al.
6. Bryon Espinosa v. City of Clovis
7. Clayman v. City of Clovis
8. County of Santa Cruz, et al v. Bureau of Cannabis Control, et al.

## CLAIMS

9. Sandra Culpepper v. City of Clovis
10. Richard Darby v. City of Clovis
11. Ofelia Gonzales-Owen v. City of Clovis
12. Paul Lee v. City of Clovis
13. Beatrice Santellan v. City of Clovis
14. Max Spohn v. City of Clovis

23. Government Code Section 54957

### PUBLIC EMPLOYMENT PERFORMANCE EVALUATION

Title: City Manager

24. Government Code Section 54957.6

### CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: City Attorney, David J. Wolfe

Unrepresented Employee: City Manager

## ADJOURNMENT

## MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

Dec. 14, 2020 (Mon.)

Jan. 4, 2021 (Mon.)

Jan. 11, 2021 (Mon.)

Jan. 19, 2021 (Tue.)