

CLOVIS CITY COUNCIL MEETING

December 7, 2020

6:00 P.M.

Council Chamber

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

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

PRESENTATIONS – 6:02 p.m.

ITEM 1 - VIRTUAL HOLIDAY TREE LIGHTING CEREMONY.

PUBLIC COMMENTS – 6:17

Don Watnik, commented on Center Stage Community Theater and their “Hope for the Holidays” program. He also commented on the Clovis Exchange Club being disbanded.

Josh Hufler, resident, complained about the tree lighting being virtual this year versus live.

CONSENT CALENDAR – 6:31

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

2. Administration - Approved - Minutes from November 9, 2020 and November 16, 2020 Council Meetings.
3. Finance – Received and Filed – Status Report of Community Facilities District Revenues and Expenditures.
4. Finance - Approved - **Res. 20-161**, 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 - Approved – **Res. 20-162**, Approving the submittal of the 2020-2021 Local Transportation Funding (LTF) Claim to the Council of Fresno County Governments.
6. Finance – Received and Filed – Investment Report for the Month of September 2020.
7. Finance – Received and Filed – Treasurer’s Report for the Month of September 2020.
8. General Services – Approved – **Res. 20-163**, 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 Approved – **Res. 20-164**, Amending the Position Allocation Plan in the City Clerk Department.
9. General Services – Approved – **Res. 20-165**, 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 Approved – **Res. 20-166**, 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 - Approved - **Res. 20-167**, 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 - Approved - **Res. 20-168**, 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 – Approved – **Res. 20-169**, Final Map Tract 6050 located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
 13. Planning and Development Services – Approved - **Res. 20-170**, 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 – Approved - **Res. 20-171**, Final Map Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
 15. Planning and Development Services – Approved - **Res. 20-172**, 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 – Approved – Final Acceptance for CIP 20-02 Electric Vehicle Bus Chargers

PUBLIC HEARINGS

- 17A – 6:32 - APPROVED - **RES. 20-173**, 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); AND ITEM 17B - APPROVED - **RES. 20-174**, 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).

Finance Director Jay Schengel presented a report on 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). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #64. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-173**, for the Council to approve a resolution annexing territory (Annexation #64) (T6123 and T6182-northwest corner of Shaw and Highland) to the City of Clovis Community Facilities District (CFD) 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). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 39 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-174**, 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). Motion carried by unanimous vote.

18A – 6:37 - APPROVED - **RES. 20-175**, 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); AND ITEM 18B - APPROVED - **RES. 20-176**, 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).

Finance Director Jay Schengel presented a report on 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). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #65. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-175**, for the Council to approve a resolution annexing territory (Annexation #65) (T6050-northwest corner of Clovis and Shepherd) to the City of Clovis Community Facilities District (CFD) 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). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 39 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-176**, 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). Motion carried by unanimous vote.

19 – 6:42 - ADOPTED – **ORD. 20-17**, OA2019-004 (EXTENSION), ADOPTING 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

City Planner Dave Merchen presented a report on a request to adopt an urgency ordinance to extend Ord. 19-21, which was adopted by the Council on December 16, 2019 and extended on January 21, 2020, to address State legislation related to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, and Review Procedures. On December 16, 2019, the City Council of the City of Clovis (“City”) adopted Ord. 19-21 as an urgency ordinance (“Urgency Ordinance”). The Council then extended the Urgency Ordinance for 10 months and 15 days (until December 15, 2020). The Urgency Ordinance was adopted in order to ensure that the City is in compliance with new State Housing Laws (“2019 Housing Laws”). The Urgency Ordinance amended certain provisions of Title 9 of the Clovis Municipal Code (“Development Code”) affected by the 2019 Housing Laws. Among the effects of the 2019 Housing Laws are changes to the procedures and standards for housing development projects, density bonus, accessory dwelling units (“ADUs”), and other housing-related concerns. The Urgency Ordinance was needed to implement new housing development procedures and to allow the City to accept housing development applications under the new procedures by January 1, 2020.

A summary of the Urgency Ordinance was published in the Business Journal on November 20, 2020. A notice of public hearing was also published on November 20, 2020 notifying the public that the City proposes to extend the interim ordinance for up to 12 months until a permanent ordinance amending the Development Code is adopted. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to adopt urgency Ordinance 20-17 to extend Ord. 19-21, which was adopted by the Council on December 16, 2019 and extended on January 21, 2020, to address State legislation related to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, and Review Procedures. Motion carried by unanimous vote.

COUNCIL ITEMS

20 – 6:47 - APPROVED - CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF PLANNING AND DEVELOPMENT SERVICES DIRECTOR.

City Manager Luke Serpa presented a report on a request to confirm his appointment of the Planning and Development Services Director. City Manager Luke Serpa has appointed Renee Mathis as Planning and Development Services Director effective December 1, 2020 subject to confirmation by the City Council. Renee Mathis has more than 20 years of experience working in Planning and Development Services, has been the Assistant Planning and Development Director since August of 2018, and has been the Interim Director since Dwight Kroll retired in July of 2020. The City contracted with a consulting firm to conduct a nationwide recruitment to fill the Director position, which resulted in 24 applicants. Ms. Mathis was the highest rated candidate after an extensive vetting process that involved internal and external stakeholders. The City Manager has determined that Ms. Mathis is well qualified and prepared for this leadership position, and has made the appointment as Planning and Development Services Director, subject to City Council confirmation, effective December 1, 2020. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to confirm the appointment of Renee Mathis as the Planning and Development Services Director effective December 1, 2020. Motion carried by unanimous vote.

21 – 6:58 - CONSIDERED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS FLAG.

Mayor Bessinger presented an update on options for a city flag design selection. Of the numerous options selected, flag number 5 was selected from the options provided. Mike Cunningham, resident, spoke in support of the flag selection. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to select flag number 5 from the options provided. Motion carried by unanimous vote.

WORKSHOP – 7:10

City Manager Luke Serpa provided council an update on the numbers and how the city is being impacted from the pandemic. Police Chief Curt Fleming and Fire Chief John Binaski provided council an update on how the pandemic has impacted their respective departments.

COUNCIL COMMENTS – 8:03

Councilmember Whalen provide a photograph of some lights along the trail that some residents have placed for the enjoyment of the community.

Councilmember Ashbeck commented on future use of Parking Lot number 1 in Old Town and how that could be a plaza in the future and requested staff look into it.

Councilmember Mouanoutoua commented on the COVID-19 testing that took place last week and is planned for every Thursday this month and next and thanked staff for their support and work.

Councilmember Flores commented the Habitat for Humanity ground breaking scheduled for Thursday, December 10, 2020, at the Flores Homestead where he grew up. He also commented on a possible appointment to the North Kings Groundwater Sustainability Agency scheduled for a meeting on December 17, 2020, and requested an item be placed on the council agenda for December 14, 2020 for council to consider.

Mayor Bessinger commented on a recent promotional ceremony he attended virtually when U.S. Army Major General Laura Yeager, commander, California Army National Guard, promoted Brigadier General David L. Hall during Hall's promotion ceremony to his present rank December 3, 2020.

CLOSED SESSION – 8:15

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

Mayor Bessinger adjourned the meeting of the Council to December 14, 2020

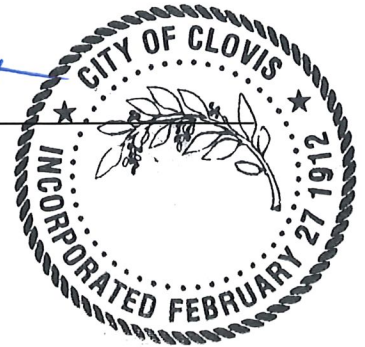
Meeting adjourned: 8:35 p.m.



Mayor



City Clerk



From: [Public Comments](#)
To: [John Holt](#); [Karey Cha](#)
Subject: Public Comment for City Council
Date: Tuesday, December 8, 2020 4:58:51 PM

Council Meeting Date: 2020-12-08

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

FullName: Jennifer Green

Email: onceuponatime440@yahoo.com

Comment: As a resident and business owner in Old Town Clovis I was very disappointed to see this event go virtual. It really makes no sense to me since it was outdoors. I have always supported Clovis as they have been very supportive to us small business owners throughout this pandemic. I would just hate to see our great town take steps backwards. Please I urge you and all of us to continue living our lives. It can be done! ... by staying home if we are sick or at high risk, wear a mask, disinfect and wash your hands, etc. The Clovis way of life is a life of pride, celebration and family. Please let us continue to enjoy all of these especially during this most wonderful time of the year.

Merry Christmas, Happy Holidays & God Bless.

Jennifer Green

Once Upon a Time

440 Pollasky Ave.

Old Town Clovis

Supporting Files (2 Max.):

Date: December 8, 2020

Time: 5:58 pm

Remote IP: 73.235.254.131