

## CLOVIS CITY COUNCIL MEETING

November 18, 2019

6:00 P.M.

Council Chamber

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

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

### PUBLIC COMMENTS 6:03 P.M.

Paul Pierce, resident, commented on a notification he received from a developer regarding an annexation in the Dry Creek Preserve and he requested to not be included in the annexation.

Ron Sundquist, resident, thanked City Council for posting great things on Facebook.

### CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the November 4, 2019 Council Meeting.
2. Administration - Adopted – **Ord. 19-13**, amending various sections of Title 4, Chapter 4.4 Article 1 of the Clovis Municipal Code relating to adoption of the 2019 California Fire Code with local amendments, and making related findings. (Vote: 5-0)
3. Administration - Adopted– **Ord. 19-14**, an Ordinance of the City Council of the City of Clovis Amending Sections 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 of Title 8 of The Clovis Municipal Code Pertaining to Adoption of the 2019 California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes. (Vote: 5-0)
4. Administration - Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, July – September 2019.
5. Planning and Development Services – Approved – Waive the City's usual purchasing procedures and authorize the City Manager to enter into a purchase agreement with Tesco Controls, Inc. to supply a motor control center for CIP 19-14, Well 21 Panel Upgrades, CIP 19-13 Well 17 Panel Upgrades and CIP 19-12 Well 4AA Panel Upgrades.

### PUBLIC HEARINGS

6. 6:10 - APPROVED INTRODUCTION – **ORD. 19-15**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 3.1.216(N), 4.5.1011, AND 10.3.02, AND ADDING CHAPTER 5.33, OF THE CLOVIS MUNICIPAL CODE RELATING TO VENDING ON PUBLIC SIDEWALKS, PEDESTRIAN PATHS, AND PARKS

Assistant City Manager John Holt presented a report on a request to approve the introduction of an ordinance amending Sections 3.1.216(n), 4.5.1011, and 10.3.02, and adding Chapter 5.33, of the Clovis Municipal Code relating to vending on public sidewalks, pedestrian paths, and parks. In December 2018, the Council approved by Resolution 18-173, interim regulations, to comply with the new state law mandating that the City allow sidewalk vending. The resolution was meant to keep the City in compliance while staff had the opportunity to draft a permanent ordinance given the short time between the passage of SB 946 and its implementation. Staff returns now with the permanent ordinance, which is substantively similar to the interim regulations.

Paul Hinkle, resident, commented on and had questions addressed by staff. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve the introduction of an ordinance amending Sections 3.1.216(n), 4.5.1011, and 10.3.02, and adding Chapter 5.33, of the Clovis Municipal Code relating to vending on public sidewalks, pedestrian paths, and parks, with additional direction to return to City Council in six months with an update. Motion carried by unanimous vote.

7. 6:38 - APPROVED INTRODUCTION - **ORD. 19-16**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING CHAPTER 5.34, OF TITLE 5, TO THE CLOVIS MUNICIPAL CODE RELATING TO FOOD TRUCKS

Assistant City Manager John Holt presented a report on a request to approve the introduction of an ordinance adding Chapter 5.34, of Title 5, to the Clovis Municipal Code relating to food trucks. This ordinance addresses the growing presence of Food Trucks in the City by creating new regulations for Food Trucks city wide and requiring land owners to obtain Administrative Use Permits if they intend to allow the operation of Food Trucks on their property on a regular basis. Concerns have been raised about the hours of operation, parking, traffic, and other health and safety issues.

Paul Pierce, resident, commented on trash and having them clean up after themselves. Arakel Arisian, representing the Ricchiuti family, have operated Enzo's on the southeast corner of Shepherd and Willow Avenue since 2011. Mr. Arisian questioned the hours of operation and allowing certain operations to allow to operate until midnight. Shell Gas Station Food Truck vendor spoke with a request to allow Thursday, Friday, and Saturday to allow to be open until 2:00 a.m. Discussion by the Council.

City Attorney David Wolfe summarized four changes Council recommended as:

1. Reword 5.34.04(a) – to read “Permit required. No Food Truck shall operate on private property without a Food Truck Permit issued to the property owner or a lessee. A Food Truck Permit shall be either a Temporary Use Permit for events less than thirty (30) continuous days or an Administrative Use Permit for all other situations.”
2. Reword 5.34.05(l) – “No Vending shall occur between the hours of 10:00 p.m. and 7:00 a.m. and no overnight parking shall be permitted. Through the Administrative Use Permit or Temporary Use Permit process, the Director may require shorter hours of



operation or allow longer hours of operation depending on the type of vending and location.”

3. Remove 5.34.07(b) – ~~“Vendors shall obtain the consent of any restaurants operating on the same parcel of property.” And renumber as appropriate.~~”
4. Amend 5.34.07(c)(1) – to remove the word “paved” and reword as “Within a level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the Food Truck.”

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the introduction of an ordinance adding Chapter 5.34, of Title 5, to the Clovis Municipal Code relating to food trucks noting the four amendments noted above and specific direction to have this item placed on the regular agenda for adoption. Motion carried by unanimous vote.

- 8A. 7:16 - APPROVED - **RES. 19-147**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #59) (T6200-NORTH WEST CORNER OF SHEPHERD AND SUNNYSIDE) 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 #59) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND **ITEM 8B** - APPROVED - **RES. 19-148**, 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)

Assistant Finance Director Gina Daniels presented a report on actions related to annexation of Territory (Annexation #59 – T6200- Northwest Corner of Shepherd and Sunnyside) 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. Gina Daniels provided an overview of Annexation #59. 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 19-147, for the Council to approve a resolution annexing territory (Annexation #59 – T6200- Northwest Corner of Shepherd and Sunnyside) 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 #59) 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 two ballots representing 169 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 19-148, 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.

- 9A. 7:19 - APPROVED - **RES. 19-149**, A REQUEST TO ADOPT AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2019-004, REZONE R2019-005, REZONE R2019-006, VESTING TENTATIVE TRACT MAP TM6264, AND VESTING TENTATIVE TRACT MAP TM6239; AND
- 9B. APPROVED - **RES. 19-150**, GPA2019-004, A REQUEST TO AMEND THE GENERAL PLAN AND HERNDON SHEPHERD SPECIFIC PLAN TO RE-DESIGNATE APPROXIMATELY 42.39 ACRES OF PROPERTY FROM VERY LOW DENSITY RESIDENTIAL (0.6 TO 2.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (4.1 TO 7.0 DU/AC) CLASSIFICATION; AND
- 9C. APPROVED INTRODUCTION - **ORD. 19-17**, R2019-005, AND A REQUEST TO APPROVE A REZONE OF APPROXIMATELY 5 ACRES OF PROPERTY FROM THE R-1-AH (SINGLE FAMILY RESIDENTIAL – 18,000 SQ. FT.) TO THE R-1-PRD (SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT) ZONE DISTRICT; AND
- 9D. APPROVED INTRODUCTION - **ORD. 19-18**, R2019-006, A REQUEST TO APPROVE A REZONE OF APPROXIMATELY 37.39 ACRES OF PROPERTY FROM THE R-1-AH (SINGLE FAMILY RESIDENTIAL – 18,000 SQ. FT.) TO THE R-1-PRD (SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT) ZONE DISTRICT; AND
- 9E. APPROVED - **RES. 19-151**, TM6264, AN APPEAL BY VALLEY COASTAL DEVELOPMENT OF THE PLANNING COMMISSION'S DENIAL OF A VESTING TENTATIVE TRACT MAP FOR A 36-LOT SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 5 ACRES OF PROPERTY; AND
- 9F. APPROVED - **RES. 19-152**, TM6239, AND A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP FOR A 169-LOT SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 37.39 ACRES OF PROPERTY.

Associate Planner Lily Cha presented a report on various items associated with approximately 42.39 acres of property within area bounded by Teague Avenue to the south, Powers Avenue to the north, between Temperance and DeWolf Avenues. The applicant is proposing two single-family planned residential developments on approximately 42.39 acres of property as shown in Figure 1 of the staff report. A 169-lot development (Vesting Tentative Tract Map TM6239) is proposed on approximately 37.39 acres of property located east of Locan Avenue between Powers and Teague Avenues,



and a gated 36-lot development (Vesting Tentative Tract Map TM6264) is proposed on approximately 5 acres of property located west of Locan Avenue between Moody and Teague Avenues. The Project involves a general plan amendment request to re-designate the subject sites from the Very Low Density Residential (0.6 to 2.0 DU/Ac), to the Medium Density Residential (4.1 to 7.0 DU/Ac) designation, a rezone on each of the project sites from the R-1-AH (Single-Family Residential 18,000 sq. ft.) Zone District to the R-1-PRD (Single-Family Planned Residential Development) Zone District, and approval of vesting tentative tract maps for a 169-lot single-family planned development and a 36-lot gated, single-family planned development.

Area resident, raised concerns about conserving the integrity of the neighborhood. She indicated that her home would back up to five separate homes. She also raised concerns with traffic on DeWolf Avenue. She indicated that the proposed development was incompatible with adjacent properties. Darius Assemi, applicant, commented on traffic calming on Loyola, covered the history of the project, discussed the internal trail system, housing affordability, cost of homes, and features the development will contain. Dora Gilgal, area resident, commented on infrastructure, and impact on the school system overcrowding, impact on future traffic, impact on roads. Judy Mitchell, area resident, commented on traffic, and schools. Carol Dogie, area resident, spoke in support of the project. Resident, commented on the cohesiveness of the neighborhood, indicating he recommended wider lots. Resident, commented on the smaller lots would reduce the value of his property, traffic, crime, rental units. Resident, not opposed, but would like wider lots. Antonio Morales, area resident, spoke in support of the project. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve Resolution 19-149, adopting an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-004, Rezone R2019-005, Rezone R2019-006, Vesting Tentative Tract Map TM6264, and Vesting Tentative Tract Map TM6239. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve Resolution 19-150, GPA2019-004, amending the General Plan and Herndon Shepherd Specific Plan to re-designate approximately 42.39 acres of property from Very Low Density Residential (0.6 to 2.0 DU/Ac) to Medium Density Residential (4.1 to 7.0 DU/Ac) classification. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the Introduction of Ordinance 19-17, R2019-005, rezoning of approximately 5 acres of property from the R-1-AH (Single family Residential – 18,000 Sq. Ft.) to the R-1-PRD (Single Family Planned Residential Development) Zone District. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the Introduction of Ordinance 19-18, R2019-006, rezoning of approximately 37.39 acres of property from the R-1-AH (Single family Residential – 18,000 Sq. Ft.) to the R-1-PRD (Single Family Planned Residential Development) Zone District. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve Resolution 19-151, TM6264, to grant the appeal by Valley Coastal Development of the Planning Commission's denial of a vesting tentative tract map for a 36-lot single family planned residential development on approximately 5 acres of property. Motion carried by unanimous vote. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve Resolution 19-152, TM6239, a request to approve a vesting tentative tract map for a 169-lot single family planned residential development on approximately 37.39 acres of property with additional direction to have the applicant continue to work with the area residents regarding the discussion that took place during the discussion of this tract map. Motion carried by unanimous vote.

### CITY MANAGER COMMENTS 9:00

City Manager Luke Serpa commented on a network outage the city experienced last week and the support received from Clovis Unified School District to support.

### COUNCIL COMMENTS


Councilmember Ashbeck commented on rocks painted in support of the Senior Center called Kindness rocks.

Councilmember Mouanoutoua commended staff on GIS Day last week, and the collaboration between departments. Attended Veterans Day dinner, and parade. He also wished all a happy Thanksgiving.

Mayor Bessinger commented on his comments last week regarding the buyout of Pacific, Gas, & Electric.

Mayor Bessinger adjourned the meeting of the Council to December 2, 2019

Meeting adjourned: 9:08 p.m.

  
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Mayor

  
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City Clerk

