

CLOVIS CITY COUNCIL MEETING

February 14, 2022

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Flores at 6:01 p.m.
Flag Salute led by Councilmember Bessinger

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Whalen
Mayor Flores

PUBLIC COMMENTS – 6:03

Cheryl Medrano, resident, shared an update on the status of her complaint to the City regarding her home that was impacted by the water main break on Sunnyside Avenue just north of Third Street.

CONSENT CALENDAR – 6:07

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

1. Administration - Approved - Minutes from the February 7, 2022 Council Meeting.
2. Administration - Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, October-December 2021.
3. Administration – Approved – Street Closure Requests for Special Events in Dry Creek Industrial Park.
4. Administration - Approved – Request from Business Organization of Old Town for Temporary Street Closure of Various Old Town Streets to Hold the Annual Glorious Junk Days Antique and Collectible Show on September 18, 2022.
5. General Services - Approved - **Res. 22-14**, Authorizing Amendments to the City's Classification and Compensation Plans to Adopt the Landfill Supervisor Classification and Salary Range of \$7,875 to \$9,572 per month.
6. Public Utilities – Approved – Bid Award for SPR 1987-048A, 79 N. Sunnyside Avenue Site Improvements, and Authorize the City Manager to Execute the Contract on Behalf of the City.
7. Public Utilities – Approved – **Res. 22-15**, Approving and Authorizing Staff to Proceed with Submitting a Notice of Intent to CalRecycle to Comply with SB 1383 Regulations via SB 619.1.

ADMINISTRATIVE ITEMS – 6:09

6:09 – ITEM 8 - APPROVED – MASTER CLOVIS TRAILS AND RIGHT-OF-WAY USE AGREEMENT AND THE MEMORANDUM OF INTERPRETATION BETWEEN THE CITY OF CLOVIS AND FRESNO IRRIGATION DISTRICT

Tom Krazan, Fresno County Resident, shared his concerns regarding the trailway if the canal bank behind his property is opened for the public and possible liability issues. He is also concerned about littering and homeless encampments on the canal banks.

Yvette Sanchez, Fresno County Resident, shared her concerns regarding a high volume of traffic on the canal banks should it be opened up for public use as trailway.

Carrie Bricks, Fresno County Resident, shared her concerns regarding a lack of privacy if the canal bank was opened for public use as a trailway.

Adam Clays, FID Representative, thanked the City of Clovis for establishing a city-wide agreement with FID.

Mark Keppler, addressed residents' concerns regarding liability issues and potential options for trailway agreement as well as funding options.

Motion for approval by Councilmember Whalen, seconded by Councilmember Mouanoutoua. Motion carried by unanimous vote.

7:52 – ITEM 9 - APPROVED – CONSIDER AN ASSESSMENT INCREASE ELECTION IN LANDSCAPE MAINTENANCE DISTRICT NO. 1.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 8:09

8:09 – ITEM 10 - COVID-19 Update.

COUNCIL COMMENTS – 8:12

CLOSED SESSION – 8:20

ITEM 11. GOVERNMENT CODE SECTION 54956.9(D)(2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION THREE POTENTIAL CASES

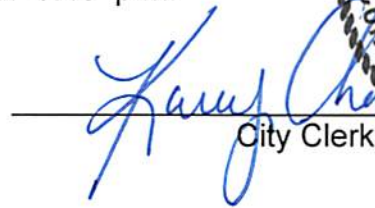
ITEM 12. GOVERNMENT CODE SECTION 54956.9(D)(4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION DECIDING WHETHER TO INITIATE LITIGATION ONE POTENTIAL CASE

Mayor Flores adjourned the meeting of the Council to March 7, 2022

Meeting adjourned: 9:48 p.m.



Mayor



City Clerk



Karey Cha

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, February 14, 2022 12:38 PM
To: Karey Cha; Andrew Haussler
Subject: [External] Public Comment for City Council

Council Meeting Date: 2022-02-14

Item Number (put "0" if your comment is regarding an item not on the agenda): 8

Full Name: Hal Bricks

Email: halbricks@yahoo.com

Comment: Good afternoon. My name is Hal Bricks and I am a property owner at 5095 E Shepherd Ave for 22 years. Location is east of Sunnyside and west of Fowler. My property backs up to Enterprise Canal, and I own to midline of Enterprise Canal. A brief history for context. A few years back we collectively as the 4 private property owners on Shepherd noticed a tremendous increase of foot traffic along the canal. With this increase of foot traffic came other concerns as it relates to our safety and exposure. As a point of reference the Drycreek Trailhead is west of one of the gates on Sunnyside Avenue. As you can imagine the foot traffic on Enterprise Canal literally had hundreds of people walking on our properties on a daily basis. We as the 4 property owners elected to close an existing gate that has been there for over 30 years. This was within our rights as property owners. We worked with FID to assure that gates meet their specific requirements and accessibility. Gates were closed on north side of canal prior to property owners installing on south side of Enterprise Canal. So foot traffic was temporarily on the south side of canal prior to the gates being installed on that side. While we were enjoying our backyard people would be yelling from the south side of canal profanities that were directed at my family. Certain ones made sure we were watching while they "saluted us". On numerous occasions we had to have the Sheriffs Office out. All of this because we exercised our rights as property owners to erect a gate. This situation was fueled by a particular social media app. My safety concerns remain. Normally an easement is limited to the scope defined in the agreement, anything more is constituted as trespass. There is a huge difference between a FID ditch tender driving by a few times a month as opposed to hundreds of people walking by and looking directly into my backyard while on my property. Our 9 grandchildren play in our yard on a regular basis and I am concerned with for their safety. I understand the intent to preserve access along other sections, such as along the canal banks in Heritage Grove and other communities, where the developer would own the access and could grant the right to access subject to the easement. It's the language about removal of gates and cross-indemnification, as well as the SOI language that has me concerned. It is still private property though and we still have all of the rights - including the right to exclude. I understand the City is facing huge pressure from people who will want to use the trailhead, in addition to the fact people are starting to move into Heritage Grove and Woodside tracts nearby and wanting to use the trails. I personally am willing to work with the City for a solution to connect the trail system as it relates to my specific property. I am also willing to fully exercise my rights as a property owner.

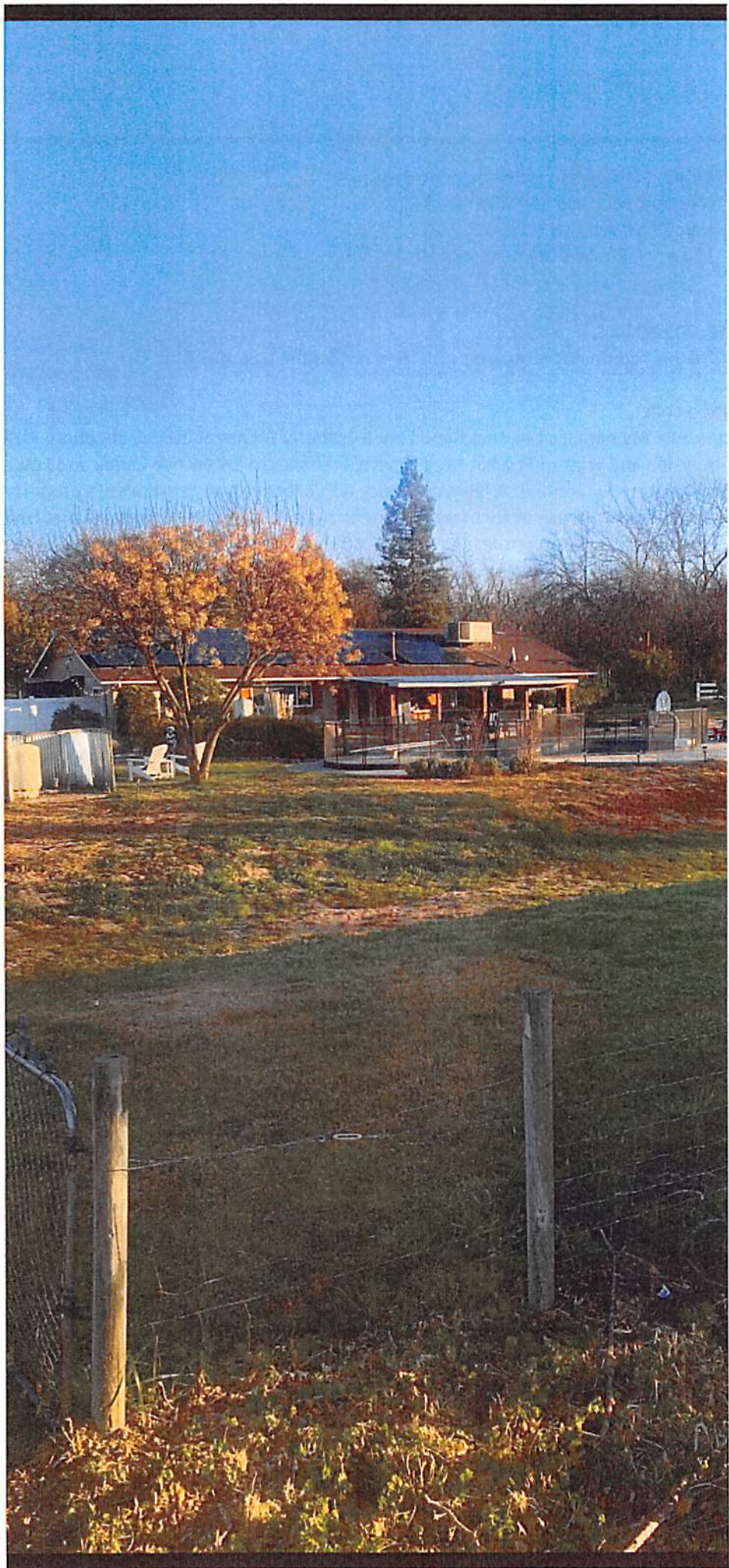
Thank you,
Hal Bricks

Supporting Files (2 Max.):

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Date: February 14, 2022
Time: 1:37 pm
Remote IP: 172.58.33.36

Public Comments
February 14, 2022



Karey Cha

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, February 14, 2022 2:19 PM
To: Karey Cha; Andrew Haussler
Subject: [External] Public Comment for City Council

Council Meeting Date: 2022-02-14

Item Number (put "0" if your comment is regarding an item not on the agenda): 8

Full Name: Thomas P Krazan, Property Owner at 5029 E Shepherd Ave, Clovis, CA 93619

Email: TomKrazan@gmail.com

Comment: Clovis City Council Meeting (February 14, 20220

Has language in

Item 8. Consider Approval – Master Clovis Trails and Right-of-Way Use Agreement and the Memorandum of Interpretation between the City of Clovis and Fresno Irrigation District.

which is contradictory to verbal commitments made inside my residence at 5029 E. Shepherd Ave, Clovis CA 93619 by the following individuals:

Kathy Millison, City Manager for Clovis

and

Alan Weaver, Dir of Public Works for the City of Clovis.

Both parties told me and my three neighbors along Shepherd Avenue that the Enterprise Trailway would not go behind our residences on the canal bank. This can be seen by the design of the Dry Creel Trailhead parking facility layout. Please see the attached pages.

Tom Krazan

Property Owner

5029 E. Shepherd Ave

Clovis CA 93619

559-994-0653

TomKrazan@gmail.com

Supporting Files (2 Max.):

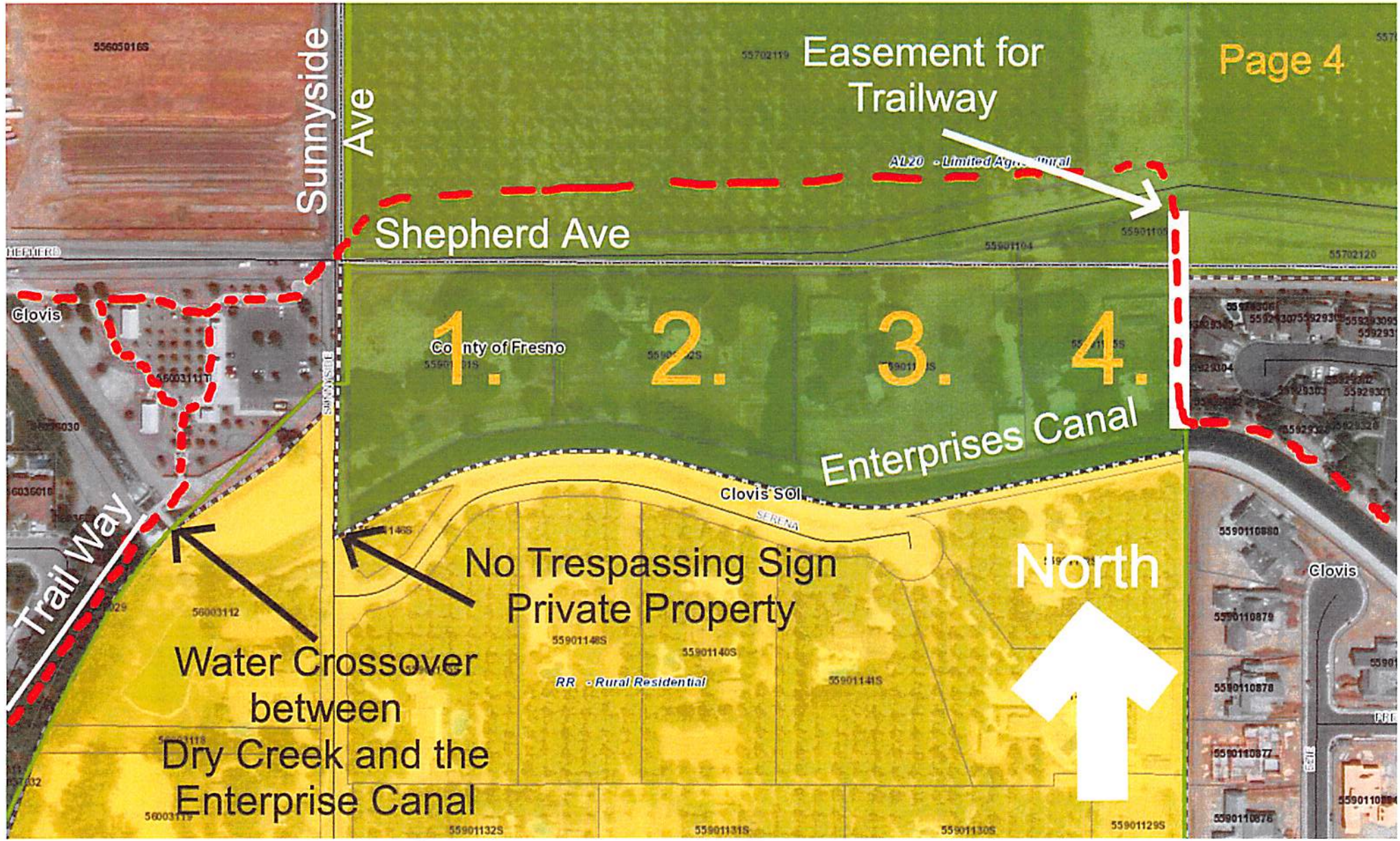
https://link.edgepilot.com/s/92fc96cc/zzMyppejPU_pEeN6KEVelw?u=https://cityofclovis.com/wp-content/uploads/elementor/forms/620ad5398e87d.pdf

Date: February 14, 2022

Time: 3:18 pm

Remote IP: 67.204.61.163

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Sunnyside Ave

Easement for Trailway

Shepherd Ave

Clovis

1. 2. 3. 4.

Enterprises Canal

Trail Way

No Trespassing Sign
Private Property

North

Water Crossover
between
Dry Creek and the
Enterprise Canal

Clovis

55605016S

55702119

557

AL20 - Limited Agricultural

55901104

55901105

55702120

County of Fresno

55901125

55901135

55901155

Clovis SOL

SERENA

1455

55901148S

55901140S

RR - Rural Residential

55901141S

5590110880

5590110879

5590110878

5590110877

5590110876

5590110881

5590110880

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MEYERD

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56003030

56036010

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56003114

56003115

55901132S

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Karey Cha

From: Karey Cha
Sent: Monday, February 14, 2022 3:23 PM
To: Karey Cha (kareyc@ci.clovis.ca.us)
Subject: RE: [External] City Clovis meeting Feb. 14, 2022

From: Yvette Sanchez <ydsanchez65@gmail.com>
Sent: Monday, February 14, 2022 2:37 PM
To: Rebecca Simonian <rebeccas@ci.clovis.ca.us>
Subject: [External] City Clovis meeting Feb. 14, 2022

Dear Council,

We have been as a residents of the county very interested in your considerations of a city sphere of influence and many encroaching possibilities that you might inflict on our property here in a county island. At this point it seems as if your relationship with F ID is once again encouraging those types of encroachments. After we have gone to great lengths to communicate our fear of individuals in our backyards creating hazards liabilities and outright lack of respect. We find the language in your proposal to be very open ended and unable to protect our interests as you again attempt to open up our personal properties. Our interest in following through with the county to find solutions is where we leave our alliance. At this point we are not in support of you opening up gates. Especially gates that put the public on our property. We once again find your last minute postings as this to be unacceptable. It's so unfortunate that we cannot be neighborly and have an open dialogue without feeling like you can't wait to sneak something by.

Thank you,
Yvette and Albert Sanchez