

## CLOVIS CITY COUNCIL MEETING

**December 2, 2019**

**6:00 P.M.**

**Council Chamber**

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

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

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

None

### **CONSENT CALENDAR 6:05**

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 18, 2019 Council Meeting.
2. Administration - Adopted - **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. (Vote: 5-0)
3. Administration - Adopted - **Ord. 19-17**, R2019-005, 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. (Vote: 5-0)
4. Administration - Adopted - **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. (Vote: 5-0)
5. General Services - Received and Filed – 1st Quarter FY 2019-20 General Services Department Report
6. General Services – Approved – **Res. 19-153**, Amending the City's FY 2019-20 Position Allocation Plan by adding one (1) Management Analyst Position within the Public Utilities Department.
7. Planning and Development Services Department - Approved - Final Acceptance for CIP 18-09, Ashcroft and Holland Alley.
8. Planning and Development Services – Approved - **Res. 19-154**, Final Map Tract 6186A, located at the southeast corner of Bullard Avenue and Leonard Avenue (Owner: Las Brisas Builders, Inc. and Developer: WC Clovis 6186, LLC.).
9. Planning and Development Services - Approved - **Res. 19-155**, Annexation of Proposed Tract 6186A, located at the southeast corner of Bullard Avenue and Leonard Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Owner: Las Brisas Builders, Inc. and Developer: WC Clovis 6186, LLC).

10. Planning and Development Services – Approved – **Res. 19-156**, Final Map Tract 6200, located at the northeast corner of Shepherd Avenue and Clovis Avenue (Lennar Homes of California, Inc.)
11. Planning and Development Services - Approved – **Res. 19-157**, Annexation of Proposed Tract 6200, located at the northeast corner of Shepherd Avenue and Clovis Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (Lennar Homes of California, Inc.).

## **PUBLIC HEARINGS**

12. 6:06 - ADOPTED - **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. (VOTE: 5-0) NOTING THE FOUR AMENDMENTS NOTED ABOVE AND SPECIFIC DIRECTION TO HAVE THIS ITEM PLACED ON THE REGULAR AGENDA FOR ADOPTION. (VOTE: 5-0)

Assistant City Manager John Holt presented a report on 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. This ordinance was introduced at the council meeting of November 18, 2019. It was approved by unanimous vote. Adoption of the ordinance would normally be placed on the consent calendar, but staff received direction from Council to have this item placed on the regular agenda due to changes that were made that evening. John Holt summarized the four changes made as follows:

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.”

Clarified when a Temporary Use Permit would be required versus an Administrative Use Permit.

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.”

Allowed some discretion for the Director to amend shorter or longer hours during the permitting process.

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.”

Removed to eliminate requirement for approval of an area restaurant to allow food truck, and under 5.34.07(a) requires written permission from property owner.

4. Amend 5.34.07(b)(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.”

Removed the word “paved” to allow operation on non-paved surface.

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 adopt Ordinance 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. Motion carried by unanimous vote.

- 13a. 6:10 - APPROVED - **RES. 19-158**, A REQUEST TO APPROVE AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR THE 2019 CITY OF CLOVIS DOG PARK MASTER PLAN, TO INCLUDE THE REQUIRED MITIGATION AND MONITORING REPORTING PROGRAM; AND **Item 13b** - APPROVED - **RES. 19-159**, A REQUEST TO APPROVE THE 2019 CITY OF CLOVIS DOG PARK MASTER PLAN

Management Analyst Claudia Casarez provided an update on actions associated with the review and approval of the 2019 City of Clovis Dog Park Master Plan in accordance with the California Environmental Quality Act. The development of a Citywide Dog Park Master Plan was found to be of high priority during the 2018 Parks Master Plan development process. Over the last year, staff, in collaboration with the plan consultant (O’Dell Engineering), has developed the Plan through a community-driven process. The Plan establishes best practice methodology, design standards, and planning recommendations for the long-term expansion of a dog park system in the City of Clovis. It also addresses funding, partnerships, and necessary revisions to City Code to allow for off-leash use of municipal parks. Three key locations within existing parks have been selected by the community, the consultant, and staff for potential development of Dog Parks: Sierra Bicentennial (which already has a temporary dog park in place), Letterman Park and Pasa Tiempo Park.

Adjourn - 6:20 p.m. Break for Tree Lighting Ceremony / Reconvene – 6:44

Joseph Flores, resident, commented on maintenance of the grass areas and rest period areas. Mike Cunningham, resident, commented on Dog Park, type of fencing, and options for fencing at other locations.

Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve an environmental finding of a Mitigated Negative Declaration for the 2019 City of Clovis Dog Park Master Plan, to include the required Mitigation and Monitoring Reporting Program. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve the 2019 City of Clovis Dog Park Master Plan. Motion carried by unanimous vote.

- 14a. 7:12 - APPROVED – WAIVE THE CITY’S FORMAL BIDDING REQUIREMENTS AND AUTHORIZE THE SOLE SOURCE PURCHASE OF TWO PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS FROM GOLDEN STATE FIRE APPARATUS IN SACRAMENTO, CA IN THE AMOUNT OF \$717,475.80 EACH FOR A TOTAL PURCHASE PRICE OF \$1,434,951.60; AND **ITEM 14b** - APPROVED – **RES. 19-160**, AMENDING THE PUBLIC UTILITIES DEPARTMENT BUDGET TO PROVIDE FUNDING FOR THE PURCHASE OF TWO PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS AND REQUIRED FIREFIGHTING EQUIPMENT, AUTHORIZE THE CITY MANAGER TO SIGN THE LEASE/PURCHASE AGREEMENT FOR ONE APPARATUS, AND THE RELATING FINANCING DOCUMENTS FOR ONE PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS AND EQUIPMENT; AND **ITEM 14c** - APPROVED – **RES. 19-161**, DECLARING THE CITY’S INTENT TO REIMBURSE EXPENDITURES RELATED TO THE PURCHASE OF A FIRE APPARATUS WITH PROCEEDS FROM THE LEASE/PURCHASE FINANCING.

Fire Chief John Binaski and Battalion Chief Jim Damico presented a report on various actions associated with the acquisition of Fire Apparatus. Staff requests City Council approve the sole source purchase of two 2020 Pierce Triple Combination Pumper Fire Apparatus as per the Clovis Fire Department’s apparatus specifications. This purchase would replace two frontline fire engines, placing the existing engines in reserve status for a minimum of 5 years, and eliminating the two oldest fire engines in the fleet. The two fire engines that will be removed from service were purchased in 1996 and 1998. One new fire engine will be placed in service at Fire Station 5 and funding will come from Developer Impact Fees. After a review of the past twenty years of Developer Impact Fees, it was recognized that a fire engine for this fire station was never purchased, but funds were collected for this purpose. The second fire engine will be placed in service at Fire Station 4 and funded with General Fund dollars. In order to allocate the cost of this engine over its useful life, lease/purchase financing is recommended for this purchase. The lease/purchase structure is also appropriate for this purchase due to the attractive interest rates available for tax-exempt financings. To attain the pre-payment discount pricing for the new fire engines, the City will purchase the fire engines and related equipment. Lease financing will then be obtained upon delivery of the new fire engines estimated to be in late summer 2020. Per IRS regulations, in order to pay the invoices prior to lease funding becoming available, the Council will need to approve an “Intent to Reimburse” Resolution to keep the tax-exempt status of the financing.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to waive the City’s formal bidding requirements and authorize the sole source purchase of two Pierce Triple Combination Pumper Fire Apparatus from Golden State Fire Apparatus in Sacramento, CA in the amount of \$717,475.80 each for a total purchase price of \$1,434,951.60. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a request to amend the Public Utilities Department budget to provide funding for the purchase of two Pierce Triple Combination Pumper Fire Apparatus and required firefighting equipment, authorize the City Manager to sign the Lease/Purchase agreement

for one apparatus, and the relating financing documents for one Pierce Triple Combination Pumper Fire Apparatus and equipment. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution declaring the City's intent to reimburse expenditures related to the purchase of a Fire Apparatus with proceeds from the lease/purchase financing. Motion carried by unanimous vote.

### **CITY MANAGER COMMENTS 7:29**

City Manager Luke Serpa commented on the Holiday Management Party on Friday and Children's Electric Parade on Saturday.

### **COUNCIL COMMENTS 7:30**

Councilmember Ashbeck commented on a recent visit to Hershey Pennsylvania and how much she enjoyed it. She also brought chocolate gifts for Council.

Councilmember Flores reported out on the recent adoption of the Groundwater Sustainability Plan for the North Kings Groundwater Sustainability Agency.

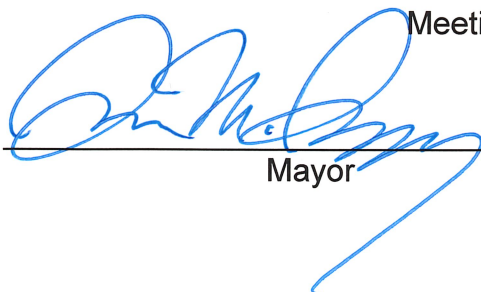
Mayor Bessinger reported out on a Council of Governments meeting last week and noted that they did not have a quorum.

### **CLOSED SESSION 7:33**

15. Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager
  
16. 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 9, 2019

Meeting adjourned: 8:05 p.m.

  
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Mayor

  
\_\_\_\_\_  
City Clerk

