



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

January 9, 2023

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.

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/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 and mic check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic

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 wanting to make a verbal comment via call will need to ensure that they accessed the WebEx meeting with audio and microphone transmission capabilities.

CALL TO ORDER

FLAG SALUTE - Councilmember Pearce

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation declaring January as National Slavery and Human Trafficking Prevention Month.

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 the December 19, 2022, Council Meeting.
- [3.](#) Administration - Approval – Award the Request for Proposals and approve the purchase of the three-year VMWare Subscription to Saitech, Inc. for the amount of \$59,788.
- [4.](#) Planning and Development Services – Approval – Bid Award for CIP 21-13 Alley Improvements; and Authorize the City Manager to Execute the Contract on behalf of the City.
- [5.](#) Public Utilities – Approval – Final Acceptance for CIP 22-03, Dry Creek Playground Resurfacing. (Councilmember Bessinger has a conflict of interest on this item)

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.

- [6.](#) Consider Approval - Res. 23-___, CUP2022-005 Appeal. Consideration of a resolution denying a request by George Beal to overturn the Planning Commission's approval of CUP2022-005, which allows a 24-hour convenience store and the sale of liquor and alcoholic beverages for off-site consumption on property located on the northeast corner of N. Temperance Avenue & Owens Mountain Parkway. Dave Virk, LLC, owner/applicant; Bottom Line Group LLC – Seth Ramirez, owner's representative; George Beal – Beal Developments LLC; applicant of appeal. (Continued from the December 19, 2022 meeting.)

Staff: Marissa Jensen, Assistant Planner

Recommendation: Continue item to the January 17, 2023 Meeting

ADMINISTRATIVE ITEMS - Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

- [7.](#) Consider Approval – 2023 Street Closure Requests; and Approval – Res. 23-___, Declaring Certain Events as Old Town Special Events and Setting Precise Boundaries for Those Old Town Special Events.

Staff: Shawn Miller, Business Development Manager

Recommendation: Approve

- [8.](#) Receive and File – City Attorney Update.

Staff: Scott G. Cross, City Attorney

Recommendation: Receive and File

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.

9. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Case Name: Desiree Martinez v. City of Clovis, et al., Case No. F082914

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:

Jan. 17, 2023 (Tue.)
Feb. 6, 2023 (Mon.)
Feb. 13, 2023 (Mon.)
Feb. 21, 2023 (Tue.)

CITY *of* CLOVIS
PROCLAMATION

**Declaring January 2023 as National Slavery
and Human Trafficking Prevention Month**

WHEREAS, Fresno Economic Opportunities Commission Sanctuary and Support Services Central Valley Against Human Trafficking project assisted and identified over 1,550 victims of human trafficking from our local communities; and

WHEREAS, the Central Valley Against Human Trafficking project provides resources to empower self-sufficiency, restore dignity, and support recovery from trauma for survivors; and

WHEREAS, the International Labor Organization recognizes there are an estimated 50 million people in modern-day slavery globally where one in three victims are children; and

WHEREAS, the National Center for Missing and Exploited Children estimates one out of six endangered runaways were likely child sex trafficking victims; and

WHEREAS, the U.S. Department of Labor identified 158 goods from 77 countries made by forced and child labor; and

WHEREAS, the City of Clovis recognizes the need for greater awareness and accountability in regard to modern-day slavery.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council does hereby proclaim January 2023 to be

**National Slavery and Human Trafficking
Prevention Month**

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 9th day of January, 2023.



Mayor

CLOVIS CITY COUNCIL MEETING

December 19, 2022

6:02 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Basgall, Bessinger, Mouanoutoua, Pearce
Mayor Ashbeck

PUBLIC COMMENTS – 6:03

CONSENT CALENDAR – 6:03

Councilmember Mouanoutoua abstained from voting on Item 6 due to owning property within 1000 feet of the project site.

Motion by Councilmember Bessinger, seconded by Councilmember Pearce, that the items on the Consent Calendar, with the exception of Item 6, be approved. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the December 12, 2022, Council Meeting.
2. Finance – Received and Filed – Investment Report for the Month of August 2022.
3. Finance – Received and Filed – Treasurer’s Report for the Month of August 2022.
4. General Services – Approved - **Res. 22-148**, Authorizing Amendments to the City’s Classification and Compensation Plans to Adopt a Communications and Marketing Analyst with a Salary Range of \$7,711 - \$9,373 per month; and Approved – **Res. 22-149**, Amending the City’s FY 2022-23 Position Allocation Plan by deleting one (1) Public Affairs and Information Manager and adding one (1) Communications and Marketing Analyst.
5. General Services – Approved – **Res. 22-150**, Amending the City’s FY 2022-2023 Position Allocation Plan by deleting one (1) Principal Office Assistant and adding one (1) Administrative Assistant position within the Police Department.

6:05 – ITEM 6 - Planning and Development Services – Approved – Final Acceptance for Final Map for Tract 6221, located at the northwest corner of Ashlan Avenue and Locan Avenue (Wilson Premier Homes, Inc.) (Councilmember Mouanoutoua has a conflict of interest on this item)

Motion for approval by Councilmember Bessinger, seconded by Councilmember Pearce. Motion carried 4-0-0-1 with Councilmember Mouanoutoua abstaining.

PUBLIC HEARINGS – 6:06

6:06 – ITEM 7 - CONTINUED - **RES. 22-XX**, CUP2022-005 APPEAL. CONSIDERATION OF A RESOLUTION DENYING A REQUEST BY GEORGE BEAL TO OVERTURN THE PLANNING COMMISSION’S APPROVAL OF CUP2022-005, WHICH ALLOWS A 24-HOUR CONVENIENCE STORE AND THE SALE OF LIQUOR AND ALCOHOLIC BEVERAGES

FOR OFF-SITE CONSUMPTION ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. TEMPERANCE AVENUE & OWENS MOUNTAIN PARKWAY. DAVE VIRK, LLC, OWNER/APPLICANT; BOTTOM LINE GROUP LLC – SETH RAMIREZ, OWNER'S REPRESENTATIVE; GEORGE BEAL – BEAL DEVELOPMENTS LLC; APPLICANT OF APPEAL.

Seth Ramirez, owner/applicant representative, commented that the applicant accepts the continuance of this item to the January 9, 2023, City Council meeting.

George Beal, appellant, commented that he accepts the continuance of this item to the January 9, 2023, City Council meeting.

Motion to continue this item to the January 9, 2023, City Council meeting by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

6:10 – ITEM 8 - CONTINUED – **RES. 22-XX**, AC2022-001, A RESOLUTION OF THE CITY OF CLOVIS MAKING FINDINGS AND A DETERMINATION TO AUTHORIZE A CERTIFICATE OF TENTATIVE CANCELATION FOR LAND CONSERVATION CONTRACT NO. 6273, FOR PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF SHAW AND DE WOLF AVENUES. PRECISION CIVIL ENGINEERING, INC., APPLICANT; FRANK AND GEORGIA W. SORRENTI, PROPERTY OWNERS.

Motion to continue this item to a date uncertain by Councilmember Basgall, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS – 6:12

6:12 – ITEM 9 - RECEIVED AND FILED - FINANCE DEPARTMENT UPDATE.

6:24 – ITEM 10 - APPROVED – **RES. 22-151**, FINAL AMENDMENTS TO THE 2021-22 BUDGET IN CONFORMANCE WITH THE BUDGET ORDINANCE; AND RECEIVE AND FILE – YEAR-END REPORT FOR ALL FUNDS AS OF JUNE 30, 2022.

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

6:39 – ITEM 11 - APPROVED - 2021-22 ANNUAL COMPREHENSIVE FINANCIAL REPORT.

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

6:56 – ITEM 12 - APPROVED - MODIFICATIONS TO THE 10-DAY PUBLIC NOTICE PROCEDURES FOR LAND USE AND PLANNING PROJECTS FROM PLANNING AND DEVELOPMENT SERVICES.

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

COUNCIL ITEMS – 7:23

7:23 – ITEM 13 - APPROVED – VARIOUS CITY COUNCIL COMMITTEE APPOINTMENTS.

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

7:36 – ITEM 14 - APPROVED – 2023 ANNUAL SCHEDULE FOR CITY COUNCIL MEETINGS AND CANCELLATION OF THE JANUARY 3, 2023, CITY COUNCIL MEETING.

Motion for approval to cancel the January 3, 2023, City Council meeting by Councilmember Bessinger, seconded by Councilmember Pearce. Motion carried by unanimous vote.

Motion for approval of the 2023 City Council meeting schedule by Councilmember Bessinger, seconded by Councilmember Pearce. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 7:44

COUNCIL COMMENTS – 7:44

CLOSED SESSION – 7:52

ITEM 15 - GOVERNMENT CODE SECTION 54956.9(D)(2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION THREE POTENTIAL CASES BASED ON CLAIMS RECEIVED FOR THE SUNNYSIDE AVENUE WATER MAIN BREAK AND PROPERTY FLOODING INCIDENT ON JANUARY 3, 2022.

Mayor Ashbeck adjourned the meeting of the Council to January 9, 2023

Meeting adjourned: 8:40 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 9, 2023

SUBJECT: Administration - Approval – Award the Request for Proposals and approve the purchase of the three-year VMWare Subscription to Saitech, Inc. for the amount of \$59,788.

ATTACHMENTS: None

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

For the City Council to award the RFP and approve the purchase of the three-year subscription agreement for the VMWare Virtualization platform from Saitech, Inc. in the amount of \$59,788 per year for three years.

EXECUTIVE SUMMARY

Included in the 2022-2023 Budget are funds to renew the existing licensing and support agreement for VMWare, the City's server virtualization system. Staff has implemented virtualized servers and infrastructure in its datacenters to consolidate its servers. This has proven to be an effective replacement model for most servers – instead of purchasing individual servers for each program or application, a virtual infrastructure (consisting of host servers and a Storage Area Network (SAN) system) was purchased. This has provided a significant cost savings and a great return on investment.

Staff went out with a Request for Proposals using the City's online bid system and is recommending the purchase of the three-year agreement from Saitech, Inc. based on them submitting the lowest-cost responsible proposal.

BACKGROUND

In the City's five datacenters there are 18 host servers that support over 280 virtual servers using the VMWare Virtualization system. This model provides a significant cost savings by not having

to purchase individual hardware for each of the 280 servers currently being used to support City operations. Instead, the 18 servers are virtualized (partitioned) to provide a shared resource pool and a lower cost for hardware, power, cooling, etc. This has proven to be a great return on investment.

VMWare is moving to a subscription model for most of its software. This change to subscriptions is consistent with the enterprise software industry as a whole. In order maintain compliance with their licensing terms and to provide a consistent/fixed cost, staff requested proposals for a three-year subscription from vendors using the City’s online bidding system on December 1, 2022.

There were 353 vendors notified and staff received seven (7) responses.

Vendor Name	1-Year	3-Year
Saitech, Inc.	\$59,788.00	\$179,364.00
Axelliant, LLC	\$59,883.40	\$179,650.20
vCloud Tech, Inc.	\$59,925.23	\$179,775.69
Diltex, Inc.	\$60,168.46	\$180,505.38
Kambrian Corp.	\$60,826.26	\$182,478.78
Software One, Inc.	\$61,161.13	\$183,483.39
Hypertech USA, Inc.	\$61,398.64	\$184,195.91
vPrime Tech, Inc.	\$61,832.35	\$185,497.05

In the ‘apples to apples’ comparison, Saitech, Inc. submitted the lowest responsible proposal for the three-year term of this VMWare licensing renewal. This would be paid annually at \$59,788.

FISCAL IMPACT

Funds have been allocated in FY22-23 for the renewal of our VMWare licensing and support agreement.

REASON FOR RECOMMENDATION

The City is required by State and Federal law to properly license the software used on City desktop computers and servers. The VMWare license / subscription agreement is the most appropriate and cost-effective program. Saitech, Inc. submitted the lowest cost proposal.

ACTIONS FOLLOWING APPROVAL

The City will enter into the three-year VMWare licensing and subscription agreement provided by Saitech, Inc.

Prepared by: Jesse Velez, I.T. Deputy Director

Reviewed by: City Manager *AH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: January 9, 2023

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 21-13 Alley Improvements; and Authorize the City Manager to Execute the Contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

1. For the City Council to award a contract for CIP 21-13 Alley Improvements, to Asphalt Design by Juan Gomez, in the amount of \$644,000.00; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract to Asphalt Design by Juan Gomez, who was the lowest responsible bidder from a bid opening that took place on December 20, 2022.

The project is reconstructing six alleys located in the southwest area of Barstow and Clovis Avenues. The project shall include, but not be limited to, clearing and grubbing, removal of existing concrete and asphalt concrete materials, installation of concrete valley gutter, concrete drive approaches, asphalt concrete, and aggregate base material. Sewer manholes & water meter boxes shall also be adjusted to grade.

BACKGROUND

The following is a summary of the bids received on December 20, 2022:

BIDDERS	BASE BID
Asphalt Design by Juan Gomez	\$644,000.00
Terra West Construction	\$753,908.00
Bush Engineering, Inc.	\$764,036.00
Emmett's Excavation, Inc.	\$764,093.00
Harris Dev. Corp, DBA HBC	\$767,438.18
Seal Rite Paving & Grading	\$823,079.00
Central Valley Asphalt	\$836,650.00
American Paving	\$932,108.00
ENGINEER'S ESTIMATE	\$801,570.00

All bids were examined, and the bidder's submittals were found to be in order except for a few minor arithmetic errors on a bid which did not change the order of the bidders. Asphalt Design by Juan Gomez is the lowest responsible bidder. Staff has validated the lowest bidder contractor's license status, bid bond and completeness of grant funding paperwork.

FISCAL IMPACT

This project was budgeted in the 2022-2023 Community Investment Program. The project is supported by Community Development Block Grant (CDBG) funding.

REASON FOR RECOMMENDATION

Asphalt Design by Juan Gomez is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

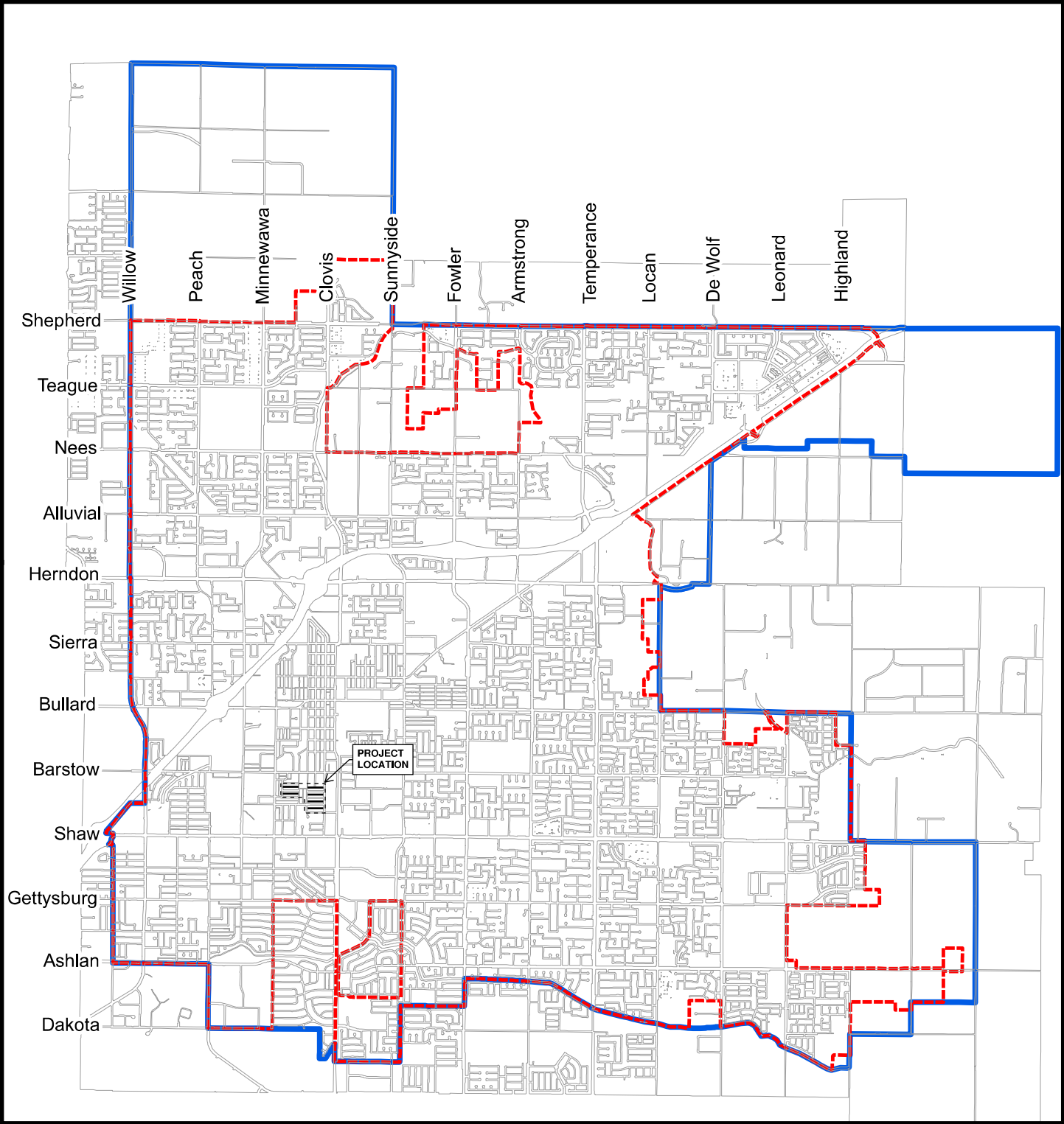
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction shall begin approximately two (2) weeks after contract execution and be completed in sixty (60) working days thereafter.

Prepared by: Nate Stava, Project Civil Engineer

Reviewed by: City Manager *AA*

VICINITY MAP

CIP 21-13 Alley Improvements



ATTACHMENT 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: January 9, 2023

SUBJECT: Public Utilities – Approval – Final Acceptance for CIP 22-03, Dry Creek Playground Resurfacing. (Councilmember Bessinger has a conflict of interest on this item)

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmember Drew Bessinger owns property within 1,000 feet of the subject property and, pursuant to law, must abstain from participation and decision regarding this item.

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

For the City Council to accept the work performed as complete and authorize recording of the notice of completion.

EXECUTIVE SUMMARY

This maintenance project was undertaken to address the deteriorated condition of the playground surfacing material at Dry Creek Park. The project included refurbishing the playground surface and making the play equipment fall zones more safety compliant. The work consisted of site security, removal and disposal of the existing pour-in-place rubber surface, removal and relocation of the rubber bark, and installation of new pour-in-place rubber surfacing and engineered wood fiber at Dry Creek Park. The work also included removal and replacement of the pour-in-place rubber surfacing at the exercise stations along the Dry Creek Trail. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

Staff is recommending that Council accept the work as performed by the contractor, SpectraTurf, and authorize the recording of the notice of completion.

BACKGROUND

Dry Creek Park was originally constructed in 2008. The park includes multiple playground areas that utilize pour-in-place rubber surfacing and rubber bark. The surfacing material aged significantly from the time of construction and needed to be replaced.

Pour-in-place rubber surfacing is a playground surface that is made up of small rubber granules stuck together with an adhesive binder. It is a two-layer system, comprised of a durable wearing surface over a shock-absorbing rubber base cushion layer. This type of material provides a seamless, flat, safe, and durable playground surface that is accessible. This project replaced the existing pour-in-place rubber surface with SpectraPour Supreme surfacing, which is the highest quality product from SpectraTurf. This increases the playground surface’s life expectancy and decreases the overall maintenance costs. This surface also conforms with ADA (Americans with Disabilities Act) requirements and is IPEMA (International Play Equipment Manufacturer’s Association) certified, where the supplier meets the play industry’s highest standards for safety and accessibility.

The project also replaced the existing rubber bark with engineered wood fiber (engineered wood chips), because rubber bark was difficult to maintain and the City received odor complaints from the residents during the summertime. The engineered wood fiber is a good alternative for playground surfacing because it’s durable, meets playground safety requirements, and has a low maintenance cost. The wood chips are made from recycled softwoods and the size and consistency of the materials allows it to knit together to form a uniform padded surface.

On June 6, 2022, City Council awarded the project contract to SpectraTurf in the amount of \$316,558. During the course of the construction, it was determined that additional rubber surfacing was needed to improve safety and ease of maintenance. Therefore, Contract Change Order No. 1 was issued to address the additional work. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

1. Award	\$ 316,558.00
2. Contract Change Orders CCO No. 1	\$ 35,907.78
3. Liquidated Damages Assessed	<u>\$ 0.00</u>
Final Contract Cost	\$ 352,465.78

The fiscal year 2022-2023 Parks Maintenance budget includes sufficient funds for all project costs, including the project contract change order.

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the Engineering Inspector, and the Project Engineer agree that the work performed by the contractor is in accordance with the project plans

and specifications and has been deemed acceptable. The contractor, SpectraTurf, has requested final acceptance from City Council.

ACTIONS FOLLOWING APPROVAL

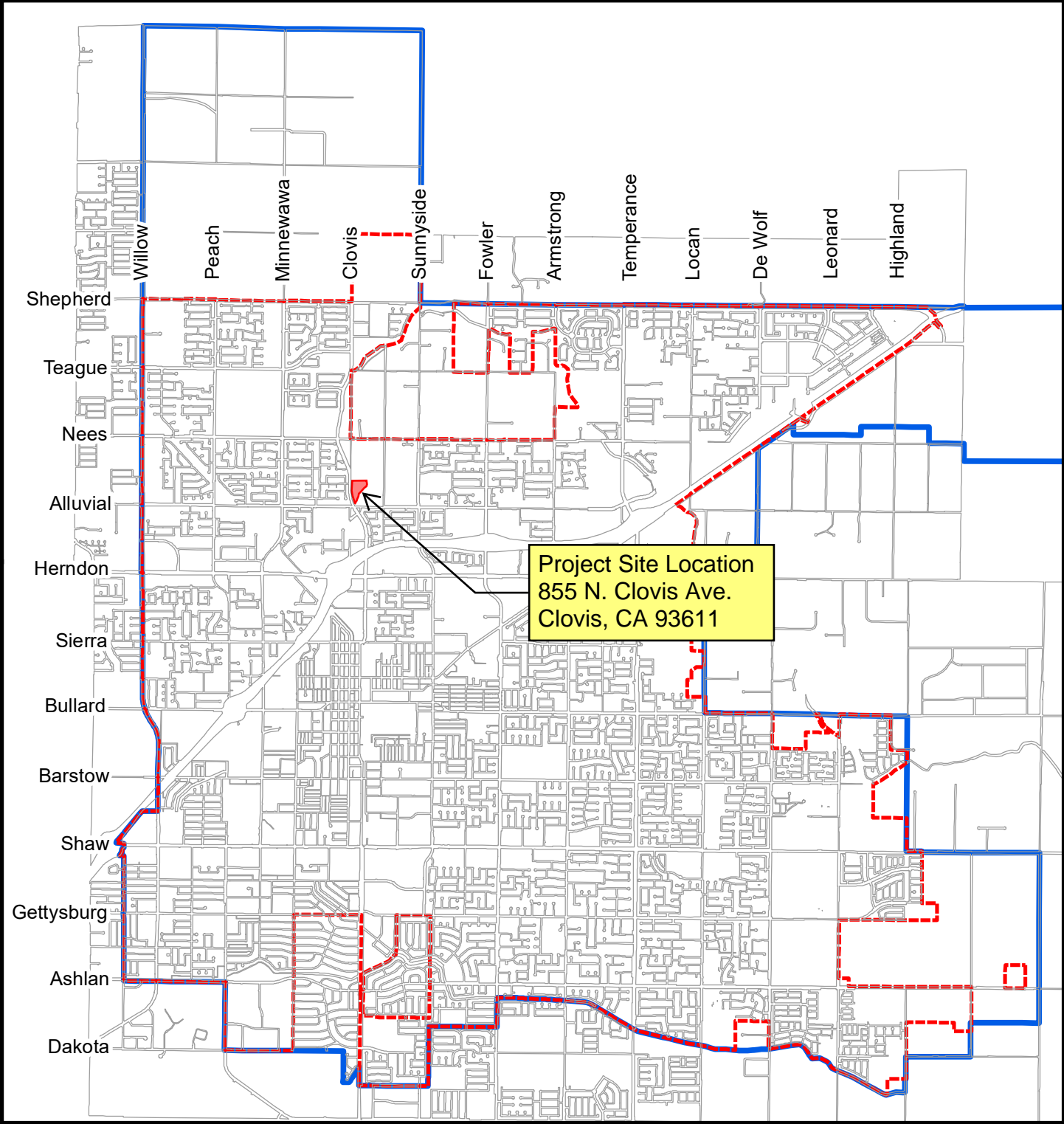
1. The notice of completion will be recorded; and
2. All remaining retention funds will be released 35 calendar days following recordation of the notice of acceptance, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either: (a) beneficial use and occupancy and cessation of labor; or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

Prepared by: Sarai Yanovsky, Civil Engineer

Reviewed by: City Manager *AH*

VICINITY MAP

CIP 22-03 Dry Creek Park Playground Resurfacing



ATTACHMENT 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 9, 2023

SUBJECT: Consider Approval - Res. 23-____, CUP2022-005 Appeal. Consideration of a resolution denying a request by George Beal to overturn the Planning Commission's approval of CUP2022-005, which allows a 24-hour convenience store and the sale of liquor and alcoholic beverages for off-site consumption on property located on the northeast corner of N. Temperance Avenue & Owens Mountain Parkway. Dave Virk, LLC, owner/applicant; Bottom Line Group LLC – Seth Ramirez, owner's representative; George Beal – Beal Developments LLC; applicant of appeal. (Continued from the December 19, 2022 meeting.)

Staff: Marissa Jensen, Assistant Planner

Recommendation: Continue item to the January 17, 2023 Meeting

ATTACHMENTS: None

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

BACKGROUND

The appeal of CUP2022-005 was originally scheduled to be heard by the City Council on December 19, 2022. On December 16th, new information was received from the Fresno Division of Alcoholic Beverage Control (ABC) indicating that the subject property's census tract is overconcentrated by two existing licenses. This information led to the Police Department to provide new comments stating that they are opposed to the sale of alcohol in conjunction with the project. Due to the last-minute information, the applicant requested that the Council continue the item from December 19, 2022, to the January 9, 2023, meeting. The Council granted the continuance at its December 19, 2022, meeting.

Due to scheduling conflicts around the holidays, staff and the applicant were unable to meet until January 3, 2023. On that date, the applicant met with Planning and Police Department staff to discuss the issue of overconcentration of ABC licenses and to propose changes to the project which might reduce the Police Department's concerns. The Police Department agreed to evaluate the information discussed during the meeting and requested that the hearing on the appeal be moved to the January 17, 2023 meeting to allow them ample time to conduct their review. The applicant is in agreement with the continuance. The appellant, George Beal, was also notified of the continuance and offered no opposition to the new meeting date.

Prepared by: Marissa Jensen, Assistant Planner

Reviewed by: City Manager *AH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 9, 2023

SUBJECT: Consider Approval – 2023 Street Closure Requests; and Approval – Res. 23-___, Declaring Certain Events as Old Town Special Events and Setting Precise Boundaries for Those Old Town Special Events.

Staff: Shawn Miller, Business Development Manager
Recommendation: Approve

ATTACHMENTS:

1. Resolution 23-___
2. Matrix of Old Town Events
3. Letter to PBIA
4. Summary of Old Town Special Events Ordinance

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

That the City Council approve the requests from BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Fleet Feet Sports, Grill Masters, and Clovis Senior Center for street closures in the City of Clovis for the calendar year 2023; and approve Res. No. 23-___ declaring certain events as Old Town Special Events and setting precise boundaries for those Old Town Special Events.

EXECUTIVE SUMMARY

Staff requests street closure simultaneously, and in advance, to allow for proper event planning. A resolution (Attachment 1) is required by Ordinance 00-03, adopted January 10, 2000, declaring certain events as Old Town Special Events and the setting of precise boundaries. Requests for street closure are attached.

BACKGROUND

Attached is a matrix of the events (Attachment 2), sponsored by BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Fleet Feet

Sports, Grill Masters, and Clovis Senior Center for closure of streets in Clovis during the calendar year 2023. Each activity has a unique street closure request. The boundaries and time of street closure remain the same as 2022 for all returning events with one exception, the promoters of the “Tailgate BBQ Throwdown” event, proposed for November 11, 2023, have requested a portion of Woodworth Avenue to be closed to accommodate this growing event.

A letter was sent to Old Town merchants and property owners on December 21, 2022 (Attachment 3), soliciting comments/concerns regarding the 2023 street closures. Staff has received no comments or concerns on these events.

The Old Town Special Events Ordinance was adopted by Council on January 10, 2000, and provides guidelines for the operation of Old Town Special Events. A summary of the Old Town Special Events Ordinance is attached (Attachment 4). A resolution (Attachment 1) is required by Ordinance 00-03, adopted January 10, 2000, declaring certain events as Old Town Special Events and the setting of precise boundaries.

Additionally, staff requests the ability to implement street closures at Centennial Plaza and Clovis Veterans Memorial District (CVMD) with less than 60-day lead time. If approved, this method of processing street closure request(s) will require staff review; Special Event Committee Review; written notification distribution to all residents, property owners, and business operators who may be affected by the street closure/event – giving them ten calendar days to respond; Traffic control plan; ABC license application (if necessary); insurance documents; and appropriate permit applications. Like all other street closure requests, staff will continue to work with neighbors and applicant to assure a safe and successful event.

FISCAL IMPACT

The City of Clovis is positively impacted by the proposed events. Local businesses benefit from large numbers of people visiting their neighborhood and the City of Clovis benefits from the increased tax revenue.

Some events require additional City services. Per Council’s decision of November 16, 2009, and starting July 1, 2010, the City of Clovis will help offset the costs of certain events. These include, and are limited to: Big Hat Days, Clovis Rodeo Parade, Farmers Market, Freedom Fest, Clovis Fest, Antique and Collectible Fair, and Children’s Electrical Parade.

REASON FOR RECOMMENDATION

In previous years, more than 300,000 people have attended the various events held in Clovis annually, many of whom have returned to Clovis to patronize local businesses. In the past, BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, Fleet Feet Sports, Grill Masters, and Clovis Senior Center requested street closures to hold events in Old Town on an individual basis, prior to the event. There have been several occasions where the requests were not processed in time to allow for proper planning from the City’s perspective. Therefore, staff is requesting street closure simultaneously for all the special events to ensure adequate time for event planning.

ACTIONS FOLLOWING APPROVAL

1. Staff will notify BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Fleet Feet Sports, Grill Masters, and Clovis Senior Center of Council's decision.
2. Staff will work with BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Fleet Feet Sports, Grill Masters, and Clovis Senior Center to ensure that the sponsors provide security and cleanup of the events on an individual basis.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager *AM*

RESOLUTION 23-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DECLARING CERTAIN EVENTS AS OLD TOWN SPECIAL EVENTS

WHEREAS, BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, Fleet Feet Sports, Grill Masters, and Clovis Senior Center have requested public street closures in the City of Clovis for the 2023 calendar year to conduct such special events as listed in 2023 City of Clovis Special Events Request for Old Town Street Closures; and

WHEREAS, the special events sponsored by BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, Fleet Feet Sports, Grill Masters, and Clovis Senior Center shall be declared Old Town Special Events; and

WHEREAS, the City Council of the City of Clovis approves and authorizes the closure of public streets to be used for the attached listed special events.

NOW, THEREFORE BE IT RESOLVED that the City of Clovis hereby declares that the events as described in the 2023 City of Clovis Special Events Request for Old Town Street Closures be declared as Old Town Special Events.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 9, 2023, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: January 9, 2023

Mayor

City Clerk

**2023 CITY OF CLOVIS SPECIAL EVENTS
REQUEST FOR OLD TOWN STREET CLOSURES**

AGENDA ITEM NO. 7.

DATE	TIME	EVENT	SPONSOR	STREETS
Every Saturday	7 AM to 12:30 PM	Year Round Farmers Mkt	BOOT	Pollasky (5 th to 7 th); Bullard (Woodworth to Pollasky)
March 19 (Sunday)	12 PM to 10 PM	Craft Beer Crawl	BOOT	Pollasky (4 th to 7 th) Fifth Street to remain open
March 26 (Sunday)	2 AM to 8 PM	Vintage Market	BOOT	Pollasky (3 rd to 7 th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
April 1 & 2 (Sat.& Sun.)	Sat @ 3 AM to Sun @ 11:45 PM	Big Hat Days	Chamber of Commerce	Parking lots #1, #2, & #3. Pollasky (3 rd to 9 th); Bullard (Dewitt to Clovis); 4 th (Clovis to Woodworth); 7 th (Clovis to Woodworth); Woodworth (5 th to 7 th); 8 th (Clovis to Woodworth); 5 th (Clovis to Woodworth) 5AM – 9PM each day only. Set-up will take place on Friday, April 6 on 4 th starting at 3PM and on Bullard (Woodworth to Pollasky) starting at 8PM.
April 29 (Saturday)	8 AM to 12 PM	Rodeo Parade	Rodeo Association	Clovis (3 rd to Barstow); Pollasky (3 rd to Barstow); 3 rd , 4 th , 5 th , Bullard, 7 th , 8 th , 9 th , 10 th , Lincoln, Barstow (Pollasky to Clovis); Jefferson (Clovis to Brookhaven); San Jose (Cole to Railroad); Railroad (Jefferson to San Jose).
May 5 thru Oct 27 (Friday Nights)	4:00 PM to 11:00 PM	Friday Night Farmer's Market	BOOT	Pollasky (3 rd to 7 th); 5 th OPEN; Bullard (Pollasky to Woodworth); 4 th (Woodworth to Pollasky/Clovis alley).
May 6 (Saturday)	3:30 PM to 10 PM	Old Town Wine Walk	BOOT	Pollasky (4 th to 5 th).
May 20 (Saturday)	5 AM to 5 PM	Old Town Car Show	BOOT	Pollasky (3 rd to 8 th); Parking Lot #1; 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky)
May 28 (Sunday)	2 AM to 8 PM	Glorious Junk Days	BOOT	Pollasky (3 rd to 7 th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
June 14 (Wednesday)	10:30 AM to 1:30 PM	Flag Day Observation	Clovis Elks Lodge	Pollasky (5 th to 7 th); Bullard (Woodworth to Pollasky).
August 12 (Saturday)	Sat: 5 AM to 3 PM	Hot August Daze	Clovis Elks Lodge	Woodworth (Bullard to 5 th), Parking Lot #3).
September 17 (Sunday)	2 AM to 8 PM	Glorious Junk Days	BOOT	Pollasky (3 rd to 7 th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
September 23 & 24 (Sat.& Sun.)	Sat @ 3 AM to Sun @ 11:45 PM	Clovis Fest	Chamber of Commerce	Parking lots #1, #2, & #3. Pollasky (3 rd to 8 th); Bullard (Dewitt to Clovis); 4 th (Clovis to Woodworth); 7 th (Clovis to Woodworth); Woodworth (5 th to 7 th); 8 th (Clovis to Woodworth); 5 th (Clovis to Woodworth) 5AM – 9PM each day only. Set-up will take place on Friday, October 26 on 4 th starting at 3PM and on Bullard (Woodworth to Pollasky) starting at 8PM.
October 14 (Saturday)	6 AM to 12 PM	CSAC Car Show	CSAC	4 th (Veterans Parkway to Baron)
October 21 (Saturday)	3:30 PM to 10 PM	Old Town Wine Walk	BOOT	Pollasky (4 th to 5 th).
October 29 (Sunday)	2 AM to 8 PM	Vintage Market	BOOT	Pollasky (3 rd to 7 th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
November 5 (Sunday)	6 AM to 11 AM	2 Cities Marathon	Fleet Feet Sports	Various Old Town Streets
November 11 (Saturday)	10 AM to 3 PM	BBQ Contest	Grill Masters	Parking Lot @ Elks Lodge; Woodworth (Bullard to Fifth); Bullard (east of Woodworth to alley)
November 16 (Thursday)	4 PM to 9 PM	One Enchanted Evening	BOOT	Pollasky (3 rd to 7 th); 5 th OPEN; 4 th (Clovis to Woodworth); Bullard (Pollasky to Woodworth). Fifth street to remain open.
December 2 (Saturday)	5 PM to 8 PM	Children's Electric Christmas Parade	Old Town Clovis Kiwanis	Clovis Ave. (3 rd to 9 th); Pollasky (3 rd to 9 th); 3 rd , 4 th 5 th 7 th Bullard, 8 th (Pollasky to Clovis).



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

December 21, 2022

Subject: 2023 Old Town Street Closures

Dear Old Town Merchant, Resident and/or Property Owner:

Attached is a list of requested street closures for calendar year 2023. The Clovis City Council will consider these requests in January.

Please review and forward any concerns, in writing, to my attention by Tuesday, January 3, 2023.

If you have any questions or need further information, Please feel free to contact me at 324-2083, or by email at shawnm@cityofclovis.com.

Sincerely,

Shawn A. Miller, Business Development Manager
City of Clovis

ATTACHMENT 3

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING
CHAPTER 20, OF TITLE 5, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO
OLD TOWN SPECIAL EVENTS**

THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 20, of Title 5, of the Clovis Municipal Code is added to read as follows:

Chapter 20: OLD TOWN SPECIAL EVENTS

Section 5.20.01 Findings and declaration of intent.

The City Council finds and declares that it has historically closed City streets in portions of the downtown area, commonly referred to as Old Town Clovis, for the purpose of assisting certain community and regional events benefitting Old Town Clovis, the community at large and non-profit business organizations operating in the City. Control over the operation of these community and regional events has traditionally been turned over to the entity sponsoring the event. The City Council finds and declares that there is a need to provide written guidelines and regulations on how these Old Town community and regional events shall operate. In enacting this chapter, it is not the intent of the Council to declare all events held in Old Town Clovis a declared "Old Town Special Event." Events not declared "Old Town Special Events" shall be subject to other applicable City ordinances. (§ 1, Ord. 00-02, eff. February 17, 2000)

Section 5.20.03 Old Town Special Event.

(a) "Old Town Special Event" means any outdoor public event utilizing public areas, including streets and parking lots temporarily closed by the City Council, in the vicinity of Old Town Clovis, and which event has been declared an Old Town Special Event by resolution of the City Council. The outside maximum boundaries for a declared Old Town Special Event shall consist of the eastern line of the Clovis Old Town Trail (former railroad right-of-way corridor), the southern line of Barstow Avenue, the western line of Woodworth Avenue, and the northern line of Second Avenue.

Old Town Special Events include, but are not limited to, the following:

- (1) Farmers' Market, generally held from May to September;
- (2) Antique and Collectible Fair, generally held several times a year;
- (3) Clovisfest Musicale, generally held in September;
- (4) Big Hat Days, generally held in April;
- (5) Children's Christmas Parade, generally held in December.

(b) Any person seeking to have a public event declared an Old Town Special Event shall seek a declaration from the City Council at least ninety (90) days prior to the event. If a street closure is required in connection with the proposed Old Town Special Event, such request shall be made at the same time.

(c) The declaration of the City Council shall establish the precise boundaries of the Old Town Special Event and designate an event sponsor.

(d) The City Council may by resolution delegate the authority to declare an Old Town Special Event, and to temporarily close City streets in connection therewith, to the City Manager and the City Manager's designee. (§ 1, Ord. 00-03, eff. February 17, 2000)

Section 5.20.04 Permit required.

(a) The sponsor (event sponsor) of an Old Town Special Event shall obtain an Old Town Special Event permit from the City Clerk.

(b) Application for the permit shall be made not less than sixty (60) days prior to the event and shall contain the information required by the City Clerk. The application shall also be accompanied by a street plan showing the proposed location of planned activities and vendor booths.

(c) Upon receipt of an application, the City Clerk shall circulate the application to the following departments for comments and approval: Police Department, Fire Department, Planning and Development Services Department, Public Works Department, and Risk Management Department. These departments may impose terms and conditions upon the Old Town Special Event permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the City harmless, maintaining minimum limits of liability insurance in accordance with City standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of City services.

(d) The Old Town Special Event permit may be revoked for noncompliance with the conditions of the permit and the provisions of this chapter. Revocation may be made by the City Manager, the Chief of Police, or their designees. If the grounds for revocation occur during the Old Town Special Event, the City Manager, the Chief of Police, or their designee, shall first advise the event sponsor of the grounds for revocation and provide an opportunity to correct the same.

(e) The Old Town Special Event permit may also be revoked during the event if fire or another emergency requires the event to be terminated to protect the public safety. When the Old Town Special Event permit is revoked for this reason, all event participants must immediately comply with instructions from any City Police Officer or Fire Department personnel. (§ 1, Ord. 00-02 eff. February 17, 2000)

Section 5.20.07 Minimum requirements.

(a) The event sponsor shall abide by the following minimum requirements:

(1) Maintain openings between vendor booths of sizes, and at locations and distances, required by the City. The required openings shall be specified in the terms and conditions of the Old Town Special Event permit and be identified on the event sponsor's street plan;

(2) Not use any permanent or semi-permanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot;

(3) Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin or familial association;

(4) Require that all vendors obtain and display all appropriate permits, licenses and certificates, and comply with all applicable federal, state and local laws, ordinances and regulations.

(5) Require that vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area;

(6) Require that vendors take sufficient measures to keep the City storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots;

(7) Provide on-site personnel who can be contacted by appropriate City officials for immediate corrective action either for noncompliance with this chapter or the permit conditions, for emergencies, or for actions deemed necessary by the City official. Such personnel shall be equipped with appropriate means of communication to be made known to the City by the event sponsor prior to the event;

(8) Distribute the rules and regulations to each person participating in the Old Town Special Event.

(b) These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the City Council. (§ 1, Ord. 00-02, eff. February 17, 2000)

Section 5.20.08 Cost of special event.

(a) The event sponsor will be responsible for the costs associated with the Old Town Special Event, including, but not limited to:

(1) The cost of City services related to the Old Town Special Event;

(2) The cost to repair any damage caused to any public property and rights-of-way, including landscaping.

(b) The event sponsor may apply to the City Council for cooperation in presenting an Old Town Special Event and request financial assistance for some or all of the costs of City services related to the Old Town Special Event. (§ 1, Ord. 00-02, eff. February 17, 2000)



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Administration Department
DATE: January 9, 2023
SUBJECT: Receive and File – City Attorney Update.

Staff: Scott G. Cross, City Attorney
Recommendation: Receive and File

ATTACHMENTS: 1. None.

City Attorney Scott G. Cross will provide a verbal presentation on this item.

Please direct questions to the City Manager's office at 559-324-2060.