

CLOVIS CITY COUNCIL MEETING

November 6, 2023

6:01 P.M.

Council Chamber

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

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

COUNCIL ITEMS – 6:02

6:02 ITEM 15 - APPROVED - CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF FIRE CHIEF.

Motion for approval by Mayor Ashbeck seconded by Councilmember Basgall. Motion carried by unanimous vote.

PUBLIC COMMENTS – 6:11

Jeni-Ann Kren, resident, commented on the Desiree Martinez v. City of Clovis case regarding affordable housing and encouraged the City Council to provide updates to the public.

Malcolm Gibson, resident, commented on the Desiree Martinez v. City of Clovis case regarding affordable housing and encouraged the City Council to provide updates to the public.

Steven Trevino, resident, shared concerns regarding view setting of the YouTube broadcast and recording of City Council meetings.

CONSENT CALENDAR – 6:18

Motion by Councilmember Bessinger, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar, with the exception of items 11 and 13, be approved. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the October 9, 2023, Council Meeting.
2. Administration – Approved – Waive Formal Bidding Requirements and Authorize a Service Contract Amendment #1 with The Lew Edwards Group for Phases 2 and 3 to Conduct Polling and Feasibility Analysis of Revenue Options for \$117,000.
3. Fire – Approved – **Res. 23-95**, Confirming Weed and Rubbish Abatement Charges for 2023.
4. General Services – Approved – **Res. 23-96**, Amending the City's FY 23-24 Position Allocation Plan by adding one (1) Lead Bus Driver, one (1) Senior Custodian and one (1) Staff Analyst position within the General Services Department.

5. General Services - Approved – **Res. 23-97**, Authorizing Amendments to the City's Classification and Compensation Plans to Adopt the Solid Waste Supervisor Classification with a Salary Range of \$8,517 to \$10,353 per month, and Approved – **Res. 23-98**, Amending the City's FY 23-24 Position Allocation Plan.
6. General Services – Approved - Claim Rejection of the General Liability Claim on behalf of Marcus Okutsu.
7. Planning and Development Services - Approved – Final Acceptance for CIP 20-05, Video Vehicle Detection Replacement.
8. Planning and Development Services – Approved – Bid Award for CIP 22-09 Santa Ana Avenue Sewer and Water Mains; and Authorize the City Manager to execute the contract on behalf of the City.
9. Planning and Development Services – Approved – Partial Acceptance for Final Map for Tract 6230, located at the southeast corner of Leonard Avenue and Bullard Avenue (Wathen Castanos, WC Clovis 6186, LLC).
10. Planning and Development Services – Approved – Final Acceptance for Final Map for Tract 6186A, located at the southeast corner of Leonard Avenue and Bullard Avenue (Wathen Castanos, WC Clovis 6186, LLC).
12. Planning and Development Services – Approved – Waive formal bidding or proposal requirements and authorize maintenance work for the purchase and installation of new carpet throughout the Planning and Development Services building through Cooperative Purchase Contract between Sourcewell and Innovation Flooring in the amount of \$142,024.76.
14. Public Utilities – Approved – Waive Formal Bidding Requirements and Authorize the Purchase of a TYMCO Model 600 Street Sweeper off the HGAC Cooperative Purchasing Contract from TYMCO, Inc., in the Amount of \$537,974.64.

- 6:18 ITEM 11 - PLANNING AND DEVELOPMENT SERVICES – APPROVED – **RES. 23-99**, AMEND THE 2023-2024 COMMUNITY INVESTMENT PROGRAM BUDGET FOR GENERAL GOVERNMENT FACILITIES, ADDITION OF SENIOR CENTER TENANT IMPROVEMENT IN THE AMOUNT OF \$1,500,000.

David Rall, resident, spoke in support of having a health clinic at the new Senior Activity Center.

Motion for approval by Councilmember Bessinger, seconded by Councilmember Mouanoutoua. Motion carried 3-2, with Mayor Ashbeck and Councilmember Basgall voting no.

- 6:38 ITEM 13 - POLICE - CONTINUED – **RES. 23-XX**, APPROVE AND AUTHORIZE THE CITY MANAGER AND POLICE CHIEF TO EXECUTE AN MOU WITH THE CITY OF FRESNO FOR THE ORGANIZED RETAIL THEFT PREVENTION GRANT PROGRAM, AND AMEND THE POLICE DEPARTMENT BUDGET TO REFLECT THE AWARD OF \$6,068,700.00.

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

PUBLIC HEARINGS – 6:40

- 6:40 ITEM 16 - CONDUCT PUBLIC HEARING AND CLOSE ELECTION REGARDING AN ASSESSMENT INCREASE IN LANDSCAPE MAINTENANCE DISTRICT NO. 1, BENEFIT ZONES 2 AND 5.

Motion to continue this item to the November 13, 2023, City Council meeting by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

- 6:47 ITEM 17 - APPROVED VARIOUS ITEMS ASSOCIATED WITH BLACKHORSE ASSESSMENT DISTRICT (AREA 1 - RENAISSANCE):

17A. RECEIVED AND FILED – UPDATE ON BLACKHORSE ASSESSMENT DISTRICT (AREA 1 – RENAISSANCE)

17B. CONSIDERED – OPTIONS AND PROCESS TO POTENTIALLY DISSOLVE (AREA 1 - RENAISSANCE) OF BLACKHORSE ASSESSMENT DISTRICT.

17C. APPROVED – DIRECTING STAFF TO PERFORM A PROPERTY OWNER PROTEST BALLOTING PROCEEDING FOR AREA 1 OF THE BENEFIT ASSESSMENT DISTRICT 95-1 (BLACKHORSE ESTATES) FOR THE 2024-25 FISCAL YEAR.

Steven Dougherty, resident, spoke in support of a Prop 218 election to increase the assessment

Sam Reed, resident, spoke in support of a Prop 218 election to increase the assessment.

Doug Stawarski, resident, spoke in support of a Prop 218 election to increase the assessment.

Paul Xiao, resident, spoke in support of a Prop 218 election to increase the assessment.

Frank Stafford, resident, spoke in support of a Prop 218 election to increase the assessment.

Brandon Young, resident, spoke in support of a Prop 218 election to increase the assessment.

Motion to direct staff to perform a property owner protest balloting proceeding for Area 1 of the Benefit Assessment District 95-1 (Blackhorse Estates) and to build in a proposed schedule of increases for the next five (5) fiscal years. Motioned by Councilmember Mouanoutoua, seconded by Councilmember Pearce. Motion carried 4-1 with Councilmember Bessinger voting no.

COUNCIL ITEMS – 7:39

7:39 ITEM 18 - APPROVED – THE ADOPTION OF CITY COUNCIL PROTOCOLS.

Motion to the approve the City Council Protocols as amended and to remove the last sentence in Section IV(a). Motioned by Councilmember Pearce, seconded by Councilmember Mouanoutoua. Motion carried 4-1, with Mayor Ashbeck voting no.

CITY MANAGER COMMENTS – 8:05

COUNCIL COMMENTS – 8:05

It was the consensus of the City Council to approve Mayor Ashbeck's request to place an item on a future City Council meeting agenda regarding an update on Measure C.

It was the consensus of the City Council to approve Mayor Ashbeck's request to place an item on a future City Council meeting agenda to discuss advocacy strategies.

It was the consensus of the City Council to approve Mayor Ashbeck's request to place an item on a future City Council meeting agenda to discuss a Clovis themed children's book.

CLOSED SESSION – 8:26

ITEM 19 - GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION CASE NAME: CITY OF CLOVIS V. 3M COMPANY, ET AL., U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA; CASE NO. 2:22-AV-55555-CIV

ITEM 20 - GOVERNMENT CODE SECTION 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS PROPERTY: 556-040-23 AND 556-010-39 AGENCY NEGOTIATORS: THAD AVERY, CITY ENGINEER, RYAN BURNETT, ENGINEERING PROGRAM MANAGER NEGOTIATING PARTIES: PATRICK VINCENT RICCHIUTI, TRUSTEE AND FRANCES RICCHIUTI, SUCCESSOR TRUSTEE (556-040-23) P.R. FARMS, INCORPORATED (556-010-39) UNDER NEGOTIATION: PRICE AND TERMS OF POTENTIAL REAL PROPERTY PURCHASE

ITEM 21 - 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

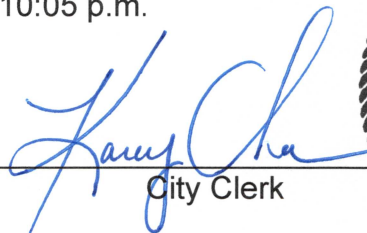
No action was taken by the City Council during the closed session.

Mayor Ashbeck adjourned the meeting of the Council to November 13, 2023

Meeting adjourned: 10:05 p.m.

A handwritten signature in blue ink, appearing to read "Lynne Ashbeck", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Karyn Cha", written over a horizontal line.

City Clerk



Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, November 6, 2023 10:00 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2023-11-06

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

Full Name: Chandler Hubbard

Email: nikaiwolf@gmail.com

Comment: Please see attached word doc file

Supporting Files (2 Max.):

<https://link.edgepilot.com/s/8dfea1e6/HslaW1kmqEuDtq7FRwoJrQ?u=https://cityofclovis.com/wp-content/uploads/elementor/forms/6549299360107.docx>

Date: November 6, 2023

Time: 9:59 am

Remote IP: 173.163.250.30

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.

PUBLIC COMMENTS
November 6, 2023

Chandler Hubbard

City of Clovis Resident

Roads for All

Dear City of Clovis Council,

I am a cyclist here in Clovis, and I bike to work and to Clovis Community College. My worrisome concern is safety for all pedestrians, especially cyclists. Speeding motorists and cell phones have increased the likelihood of a pedestrian being hit by a 2-ton metal box on wheels. I am hopeful that the City of Clovis will take this vision of pedestrian safety and make it A Way of Life.

As a cyclist here in Clovis and someone who has recently been run off the road by a motorist, cyclist safety is my concern to bring up to the City Council. I have lived in the Fresno/Tower area and recently moved out to Clovis East area this year. I was going to Fresno City College, and they had installed what is called a Permanent Quick Build Class IV Protected/Buffered Bike Lane¹ down Palm. This was a considerable improvement for cyclists' safety. The physical barrier of a car not only forces motorists to slow down and pay more attention to driving, but also provides a safety buffer for cyclists while also allowing cyclists to stay off the sidewalk, allowing pedestrians to still use them safely. "In the last 12 years, fatalities for people walking and biking have increased by 60%,"² shows that the lives of pedestrians are constantly in the hands of motorists. As I bike to Clovis Community College, I see a few cyclists here and there and do try to use the trails when possible. Using the trails does feel safer for me, but I am constantly worried about other pedestrians walking with their pets or children, so I tend to use roads more than the trails. The cyclists I do also see use the sidewalk, and not just cyclists but those on Personal Electric Vehicles (PEV). Other riders full well know that riding in the bike line on the roads could cost them their life. Protected cycling lanes can save lives.

Creating Protected Bike Lanes is not only good for cyclists and pedestrians, but also for the environment. Having protected bike lanes encourages people to ride their bikes because they feel safer. Providing education to the purpose and goal of the protected bike lanes shows people that they do not need to use their vehicle to get places. It should not just be on the pedestrian or cyclist to be aware of motorists, as a 2-ton metal box can cause more damage to anything or take lives with ease. Traffic deaths and accidents are 100% preventable and are not the pedestrians' fault. With pedestrian fatalities up 13% in 2021 from 2020³, it is important to create Complete Streets^{4,5}, advanced by the Bipartisan Infrastructure Law.

Other issues I find when riding around town is parking, trash cans in bike lanes, or bike lanes that go from super wide to just wide enough for my tires to fit in them. This is dangerous, and people need to be educated that they are putting cyclists and people using PEVs in the bike lane and to give way to the cyclist. Another issue is the trail crossings on Alluvial and Maple, I have witnessed and almost been hit because motorists do not slow down or stop for pedestrians.

I know that this is a little lengthy of a message, but I am hopeful that the City of Clovis can lead by example in the state of California with safe conditions for pedestrians and prioritizing pedestrians over motorists. A car can get anywhere much faster than any pedestrian, and prioritizing vehicles

promotes motorists to speed. If there was no sidewalk, would you want to walk in the bike lanes? Would you let children walk to school in these bike lanes if there was no sidewalk? We teach children to always look both ways when crossing roads, why?

Applying for the Safe Streets and Roads for All Grant Program could be a method to procure funds for community education and to reallocate space for pedestrians⁶.

Resources

1. https://www.calbike.org/our_initiatives/quick-build-bikeway-networks-for-safer-streets/
2. <https://www.peopleforbikes.org/news/better-bike-infrastructure-saves-lives>
3. <https://www.nhtsa.gov/press-releases/early-estimate-2021-traffic-fatalities>
4. <https://www.transportation.gov/mission/health/complete-streets-policies>
5. https://www.calbike.org/resources/fact_sheets_and_faqs/complete_streets_fact_sheet/#:~:text=Pedestrians%2C%20bicyclists%2C%20motorists%2C%20and,aren't%20clogged%20with%20cars.
6. <https://www.transportation.gov/grants/SS4A>

Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, November 6, 2023 9:47 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2023-11-06

Item Number (put "0" if your comment is regarding an item not on the agenda): 16

Full Name: John Szalay Jr

Email: johndash9@aol.com

Comment: I would like to comment on the Proposed Assessment increase for LMD #1 for Benefit Zones 2 & 5. I originally supported the early requests for increases for the zones. But my observation over the past 20 years has been that the landscaping has been deteriorating even with the earlier assessment increase. I then voted "NO" on the last increase in 2016 and 2022. It is very rare to see the city replace any dead vegetation. There are many areas in the zones that have many capped off sprinkler heads, half dead trees, stumps, shrubs, and large areas of dead turf. I would think that the earlier assessments provided the city with thousands of dollars to go to landscape maintenance. I haven't seen much improvement. For me to vote "YES" again, I need to see some attempt to bring the landscape up to a higher standard. Of course, there have been some areas that have been able to survive and flourish. Another item, something needs to be done with the median landscaping on Shaw Ave. It looks awful. Either replant or pave them over. Not a good introduction to the city. Thanks for your time.

Supporting Files (2 Max.):

Date: November 6, 2023

Time: 9:47 am

Remote IP: 162.238.234.212