

# MINUTES

## PLANNING COMMISSION

155 W. Durian, Coalinga, CA 93210  
Tuesday, February 12, 2019

*The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.*

### CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

### CHANGES TO THE AGENDA

None.

### ROLL CALL

Commissioners:

*Chairman Sailer  
Vice Chairman Jacobs  
Commissioner Helmar  
Commissioner Garza  
Commissioner Pruitt*

Staff:

*Community Development Director, Sean Brewer  
City Clerk, Shannon Jensen*

### PUBLIC COMMENTS

*Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.*

### INFORMATION/CONSENT CALENDAR

1. Minutes - January 22, 2019

*Motion by Helmar, Second by Jacobs to Approve Consent Calendar Item No. 1. Motion **Approved** by a 5/0 Majority Voice Vote.*

## PUBLIC HEARINGS

1. Adoption of Resolution 019P-002 Recommending to the City Council Consideration and Approval of an Ordinance Amending the Planning and Zoning Code Related to Regulating Street Vendors (Zoning Text Amendment Application ZTA 19-01)

Community Development Director Sean Brewer gave a brief overview of the item.

Chairman Sailer opened the Public Hearing.

Comments:

Commissioner Helmar, referencing Specific Regulations under Section 5(d)b "Stationary sidewalk vendors are strictly prohibited in areas zoned exclusively residential.", asked if this would prohibit neighborhood kids from setting up a lemonade stand?

Community Development Director Sean Brewer indicated a lemonade stand would fall under the exemptions. We could specifically say lemonade stands would be exempt.

Commissioner Helmar asked how a kid would know they needed to ask for an exemption. Or would they need to do that?

Mr. Brewer answer technically, yes.

Commissioner Helmar mentioned, with regard to 'stationary sidewalk vendors', kids setting up to sell Girl Scout cookies and asked if that would fall under non-profit?

Mr. Brewer answered yes, Girl Scout cookies would be non-profit. Pointing out that these are new regulations, the language that has been drafted is consistent with what staff has seen with other jurisdictions. And regarding stationary vendors, the law will only allow local agencies to prohibit these types of vendors in residential areas, but we cannot do so in commercial areas at all. It is up to the Commission to decide whether they want to allow that or not.

Commissioner Helmar is opposed to eliminating lemonade stands and other similar types of businesses commonly owned and operated by a child or children.

Mr. Brewer stated he would look into some specific language for lemonade stands and similar types of operations.

Commissioner Helmar, referencing Section 5(d)4 "Vending within 500 feet of any public school is prohibited from 7:00 a.m. through 4:00 p.m. on the days the public school is in session", asked why not any school?

Mr. Brewer stated public schools have much higher restriction requirements on nutrition and there are State laws prohibiting vending near schools and this will basically give us the ability to monitor that.

Commissioner Helmar explained said she thought it had to do with interfering with access to the school, which would be applicable to any school.

Mr. Brewer stated the language could be amended to include private schools and indicated the schools did not provide any comments regarding the ordinance.

Commissioner Pruitt remarked that 500 feet was a lot, indicating the Mexican restaurant on the corner of Sunset and Van Ness is within 500 feet of the school and asked why the restaurant is permitted, but the guy who sells popsicles at the fountain across the street is not?

Mr. Brewer replied this could be amended. There could be competing statutes on the education side that may prohibit it and perhaps we can amend the language to say they must adhere to the State standards when vending near schools.

Commissioner Pruitt asked if the location of the restaurant didn't comply with State statutes about food availability near a school, why was it allowed?

Mr. Brewer answered that it could be specific to vending. The State wouldn't be able to dictate what we zone and where we place businesses. We could just eliminate it from the draft ordinance. Or we could change the verbiage to say they must adhere to any applicable state rules regarding vending around schools.

Vice Chairman Jacobs asked if this would affect a person who is having a yard sale?

Mr. Brewer said that would not fall under sidewalk vending.

Consensus of the Commission is to eliminate Section 5(d)4 from the draft ordinance.

Commissioner Pruitt, referencing Section 5(a)8 "Background (fingerprinting)", asked if we don't require fingerprinting for businesses why should we require it for this?

Mr. Brewer indicated the fingerprinting requirement stemmed from the fact vendors are now allowed in our residential districts and noted the Police Department receives a large amount of complaints about people roaming the neighborhoods and knocking on resident's doors. The Commission could eliminate the requirement as vendors would still be required to have an ID and Business License.

Commissioner Pruitt asked what if someone doesn't have proper documentation (i.e. an illegal citizen)? Commissioner Pruitt is concerned an undocumented person would probably continue vending without obtaining the proper licensing, which goes against the spirit of the law passed by the State of California.

Commissioner Helmar asked what the City would do with the results of the Live Scan? Are we going to select crimes that are ok and others that are not?

Commissioner Pruitt asked if it would be appropriate to run vendors through the registered sex-offenders database?

Vice-Chairman Jacobs asked, what if there is someone has an outstanding warrant?

Chairman Sailer stated that it all depends on what you're going for in the Live Scan.

Vice-Chairman Jacobs commented that most people have something in their past. If it comes up on a Live Scan and it's been taken care of then I don't see why the City would get involved with that, but if its something that is outstanding that would be a concern and they aren't taking care of it.

Commissioner Helmar stated we don't Live Scan other people who are conducting business.

Vice-Chairman Jacobs replied, but other businesses aren't not knocking on someone's front door.

Mr. Brewer stated, yes, the peddlers are the ones that enter private property. The Commission has a good point, if you are going to fingerprint you have to have some kind of scope in terms of what you're looking for.

Commissioner Helmar stated she would like to remove the Live Scan requirement from the draft ordinance.

The consensus of the Commission is to strike the fingerprinting from the draft ordinance.

Commissioner Pruitt, referencing Section 5(c)1 "General Regulations", asked about the language outlining the requirements of sidewalk vendors maintaining ADA compliance.

Mr. Brewer stated we all know there are people who go around suing businesses for not having proper ADA, this is kind of an area where what happens is that you have someone setup blocking the sidewalk and then you have someone who needs accessibility who cannot get around that individual.

Commissioner Pruitt expressed concern that no sidewalk would allow someone to setup a portable table and still have 48" for someone to get around them?

Mr. Brewer agreed and stated that State statutes sometimes don't make sense. Most of our commercial areas meet the standards for commercial sidewalks, which is 10', which would be ample room for someone to go around it. However not every sidewalk in the downtown area is 10'. These are things that require discussion and practicality. We are required to ensure vendors maintain pay of travel if someone is on the sidewalk.

Mr. Nathan Vosburg suggested you change the ordinance to read, "vendors do not block accessibility." This would meet the statute of the law and at the same time allow for some type of movement.

Mr. Brewer agreed; we can use the terms "Maintain path of travel." That way if they do come across somebody that is there then they must move or at least provide them accessibility.

Consensus of the Commission is to change the language to "To maintain accessibility path of travel standards as prescribed by State and Federal law."

Commissioner Pruitt expressed concerns with the specific requirements outlined in Section 5(c)2 regarding the prevention of food borne illness and protecting the health and safety of residents. Can the language be simplified to state that vendors must meet Health Department standards?

Consensus of the Commission is to eliminate section 5(c)2. from the draft ordinance as vendors will continue to be held to Fresno County Department of Public Health requirements as prescribed by State and Federal law.

Commissioner Pruitt asked about the hours of operation referenced in Section 5(d)2. Why limit vendors to hours when most people are at work?

Commissioner Garza asked if the language could be changed to go along with the time change.

Mr. Brewer suggested we use "from dawn to dusk."

Chairman Sailer stated dawn may be too early from some people.

Consensus of the Commission is to change the language for operating hours of roaming sidewalk vendors in residential zones to "from 9:00am until dusk."

Commissioner Pruitt asked why all nonprofits are exempt from the permit requirements?

Mr. Brewer explained that nonprofits do not pay for business licenses. They are required to have a business license, but they don't pay taxes like other businesses. The business license is just a formality that allows them to operate.

Mr. Nathan Vosburg applauds the Commission for their work on this ordinance as he believes this will promote business.

Commissioner Pruitt expressed concern with business license fees for sidewalk vendors and requests language be added to avoid high fees that would price them out of business.

Consensus of the Commission is to change the language of section 5(a)9 to "Payment of a business license fee established by resolution by the City Council and not to exceed the cost of a general business license application."

Commissioner Sailer closed the Public Hearing.

*Motion by Pruitt, Second by Garza to Adopt Resolution No. 019P-002 with the Commissions Requested Changes. **Approved** by a 5/0 Majority Roll-call Vote.*

### **DISCUSSION AND/OR POTENTIAL ACTION ITEMS**

NONE

### **DEPARTMENT REPORTS**

NONE

### **COMMUNICATIONS**

1. Staff Announcements

Community Development Director Sean Brewer announced the next Planning Commission meeting will be held on February 26, 2019.

2. Commissioner Announcements

NONE

3. Chairman Announcements

NONE

**ADJOURN 6:51 PM**

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Chairman / Vice-Chairman

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Shannon Jensen, City Clerk

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Date