

## CLOVIS CITY COUNCIL MEETING

**July 2, 2018**

**6:00 P.M.**

**Council Chamber**

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

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

### 6:02 - CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar, except item F3, be approved. Motion carried by unanimous vote.

- A1) Adopted – **Ord. 18-15**, R2018-05, A request to rezone approximately 4.20 acres of property located north of Sierra Avenue between Fowler and Armstrong Avenues, from R-A (Single-Family Residential Very Low Density) Zone District to the R-1-MD (Single-Family Residential Medium Density) Zone District. De Young Properties, applicant/owner; Scott Zaayer, representative. (Vote: 5-0)
- A2) Approved – Award Request for Proposals to Hypertec Direct, Inc. for the purchase of eleven (11) Mobile Data Computers.
- D1) Approved - **Res. 18-86**, Measure C Extension Local Transportation Pass through Revenues Certification and Claim Forms for 2018-19.
- F1) Approved – Bid Award for CIP 17-23, Police/Fire HQ Reroof – Phases 2 and 3; and Authorize the City Manager to execute the contract on behalf of the City.
- F2) Approved – Final Acceptance for Tract 6143, located at the southeast area of Ashlan and Leonard Avenues (Wilson Homes).
- H1) Approved – Award non-exclusive franchise agreement for hauling of construction and demolition debris to: Clovis Recycling, Inc.; F-N-F Roll Off Service; HD Matthews Demolition & Excavation; Granite Solid Waste, Inc.; Hinojosa Cleanup Service; and Kochergen Farms Composting, Inc.

### 6:03 - CONSENT CALENDAR ITEM (F3) - CONTINUED – A REQUEST TO AUTHORIZE THE DESIGN DEVELOPMENT PHASE OF THE LANDMARK COMMONS PROJECT TO PROCEED PER THE ARCHITECTURAL SERVICES CONTRACT WITH PAUL HALAJIAN ARCHITECTS

Economic Development Director Andy Haussler indicated that staff was recommending to continue this item to a date uncertain to allow staff to further work with the architect on questions raised regarding compensation. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to continue the item to a date uncertain. Motion carried by unanimous vote.

### 6:04 - ITEM 1A1 - APPROVED - **RES. 18-87**, REVIEW AND CERTIFICATION OF A SUBSEQUENT FOCUSED ENVIRONMENTAL IMPACT REPORT, ADOPT STATEMENTS OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING/REPORTING

PROGRAM FOR THE PROPOSED UPDATES TO THE CITY'S WATER, WASTEWATER, AND RECYCLED WATER MASTER PLANS, AND ITEM 1A2 - APPROVED - **RES. 18-88**, A REQUEST TO APPROVE THE PROPOSED UPDATES TO THE CITY'S WATER, WASTEWATER, AND RECYCLED WATER MASTER PLANS

City Engineer Mike Harrison presented a report on a request to review and certify a subsequent focused Environmental Impact Report (EIR), adopt statements of overriding considerations, and adopt a mitigation monitoring/reporting program for the proposed updates to the city's water, wastewater, and recycled water master plans, and item 1A2 - approved - res. 18-87, a request to approve the proposed updates to the city's water, wastewater, and recycled water master plans. Following approval of the 2014 Clovis General Plan, staff commenced the process of updating the Water, Wastewater and Recycled Water Master Plans (Master Plans). The purpose of the update is to synchronize the Master Plans with the growth projections and future service areas envisioned in the General Plan. The area encompassed by the Master Plan updates follows the General Plan's approximately 74-square mile planning area. The three Master Plans anticipate the construction of new facilities to serve the community. These include pipelines, trunks, mains, laterals, pump stations, and, in the case of the Water Master Plan, storage tanks. The Subsequent Focused EIR examines the potential impacts of the proposed changes to the Master Plans. Terry Rivasplata, consultant ICF, presented the EIR. Karl Kienow, Blair, Church, and Flynn, presented the Sewer Master Plan. Brian Ehlers, Provost and Pritchard, presented the Water and Recycled Water Master Plans. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution certifying a subsequent focused Environmental Impact Report, adopt statements of overriding considerations, and adopt a mitigation monitoring/reporting program for the proposed updates to the city's Water, Wastewater, and Recycled Water Master Plans. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution to approve the proposed updates to the city's Water, Wastewater, and Recycled Water Master Plans. Motion carried by unanimous vote.

7:29 - ITEM 2B – APPROVED - INTRODUCTION – **ORD. 18-16**, AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE RELATING TO DEVELOPMENT FEES, AND APPROVED - **RES. 18-89**, REVISING THE MASTER DEVELOPMENT FEE SCHEDULE AND PROVIDING A DESCRIPTION OF FEES TO BE REQUESTED FOR COUNTY ADOPTION

Associate Engineer Sean Smith presented a report on amending various sections of the municipal code relating to development fees, and revising the master development fee schedule and providing a description of fees to be requested for county adoption; and approve the introduction of an ordinance of the city council of the city of clovis amending chapter 3.1 of title 3 of the clovis municipal code pertaining to business registration and tax certificates. Staff proposes a new ordinance section to allow all of the rates in the Development Impact Fee program to be adjusted either by a percentage equal to the Engineering News Record Index for the California Cities (CCI) for the twelve (12) month period preceding December or by an evaluation of the actual construction and acquisition costs. This will provide consistency among all of the various ordinance sections related to the Development Impact Fee program.

The City's current General Plan update began in 2009 and was adopted by Council in August 2014. An update of the Master Plans for the sewer, water, and recycled water systems in support of the adopted General Plan began shortly thereafter and was completed in 2017. Willdan Financial Services was hired by staff as a consultant for the financial analysis of the Sewer Major Facilities fee. Staff worked closely with Willdan while concurrently working on the analysis of the Water Major Facilities fee and the Recycled Water fee. The remainder of the Development Impact Fee program was also being evaluated and updated at the same time as the Master Plans. The proposed rate revisions and the new Highway Impact Fee represent work that began in late 2016. The latest update of the fee rates was effective May 2015. Pursuant to the studies, staff is recommending approval of ordinance changes necessary to implement the CCI adjustment, the Highway Impact Fee and the new fee rates.

Josh Pederson, Wathen-Castanos, spoke in support of the proposals and requested that citywide fees be considered to be broken out in the future. He does not support the Highway Impact Fee. Mike Prandini, representing the Building Industry Association, indicated that fees are acceptable except for the proposed contingency fees. Darius Assemi, Granville Homes, requested staff look at fees more often than five years. Arakel Arisian, spoke in support of the proposed fees with the exception of proposed contingency fees. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the introduction of an ordinance amending various sections of the municipal code relating to development fees, and removing the proposed Highway Impact Fee, by eliminating Sections 1, 3, 4, and 5 of the draft ordinance; and provide direction to return to City Council in twelve months to report out on any actual data associated with contingency fees. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution revising the master development fee schedule and providing a description of fees to be requested for county adoption, and removing reference to a proposed Highway Impact Fee. Motion carried by unanimous vote.

9:51 - ITEM 2A1 - APPROVED INTRODUCTION - ORD. 18-17, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING CHAPTER 3.1 OF TITLE 3 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO BUSINESS REGISTRATION AND TAX CERTIFICATES

Deputy Finance Director Haley Lyncy presented a report on a request to amend an ordinance of the City Council of the City of Clovis amending Chapter 3.1 of Title 3 of the Clovis Municipal Code pertaining to business registration and tax certificates. The City's business license ordinance (Chapter 3.1 of the Municipal Code) is designed for revenue raising purposes and is not regulatory. A business license is for the most part ministerial. Other Municipal Code provisions regulate the operation of businesses. There is sometimes confusion in the business community over this distinction. Before businesses can open they still must be in the correct zone, obtain any required land use permits, and be in compliance with building and fire codes. When business owners receive their "business license", they often assume they are able to open and operate their business even before they checked for compliance with other Municipal Codes. In addition, there was a period of time when the City treated the business license ordinance as a regulatory ordinance, holding up issuance of a business license until all codes were met. Some of those businesses would then operate illegally while the City went through a lengthy code enforcement process but pay no revenue because the Finance Department would not issue a business license. The purpose of the proposed ordinance amendment is to reflect

the true nature of the City's business license by changing the terminology to state "business registration" and "tax certificate". No substantive changes are being proposed and the tax rates are not changing.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the introduction of an ordinance amending Chapter 3.1 of Title 3 of the Clovis Municipal Code pertaining to business registration and tax certificates. Motion carried by unanimous vote.

#### 9:56 - ITEM 4 - COUNCIL ITEMS

Councilmember Bessinger commented on his first day as Chief of Police for City of Atwater and reported out on a Council of Government Meeting and the League of California Cities conference.

Councilmember Mouanoutoua reported out on attending the League of California Cities conference.

Councilmember Flores reported out on a meeting attended for the North Kings Groundwater Sustainability Agency.

Mayor Whalen reported out on attending the League of California Cities conference.

#### 10:03 ITEM 5 - CLOSED SESSION

Closed Session was held at 1033 Fifth Street, Clovis, CA 93612, City Hall - Administration Department, Yosemite Conference Room

- A. Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

#### ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to July 9, 2018

Meeting adjourned: 10:30 p.m.

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Mayor

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City Clerk