

## CLOVIS CITY COUNCIL MEETING

August 6, 2018

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Flores, Mouanoutoua  
Mayor Whalen  
Absent:

### 6:01 - RECOGNITION OF WILLIAM "BILLY" TERRENCE FOR HIS SERVICE TO THE PLANNING COMMISSION

Mayor Whalen recognized William "Billy" Terrence for his service to the Planning Commission.

### 6:12 - PUBLIC COMMENTS

Steve Menalski, JR Oviedo, Sam Salhaven, Andre Benson, Martha Peterson, Chuck Guest, Rebecca Tafoya, Richard Braden, Lori Silva, residents, spoke in opposition to planned group home on Deauville Circle due to concerns of lack of proper noticing, traffic concerns, concern of safety and incompatible use, concerns of safety of children, general safety of the neighborhood, change in the chemistry of the neighborhood, danger from patients, concern with an open facility where patients can leave the facility, impact on property values, and possible conflicting issues with the deed of trust. Dr. Matthew Tatum, owner of proposed facility, commented on the planned group home on Deauville Circle. Linda Richardson, resident, thanked staff for the professional management of Fourth of July Freedom Fest over this past year.

### 6:49 - CONSENT CALENDAR

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

- A1) Approved - Minutes for the July 16, 2018 Council meeting.
- A2) Approved – Waive Normal Purchasing Process and approve the purchase of replacement desktop computers and servers using competitively bid contracts with purchasing provisions for California State and Local government agencies.
- B1) Approved – **Res. 18-101**, Amending the Conflict of Interest Code list of Designated Employees.
- C1) Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, April – June 2018.
- D1) Received and Filed – Investment Report for the month of May 2018.
- D2) Received and Filed – Treasurer’s Report for the month of May 2018.
- E1) Approved - One-year Contract Extension with Environment Control for Janitorial Services.
- E2) Approved – **Res. 18-102**, Amending the City’s FY18-19 Position Allocation Plan by deleting one (1) Principal Office Assistant and adding one (1) Administrative Assistant within the Police Department.
- E3) Approved – **Res. 18-103**, Amending the City’s FY18-19 Classification and Compensation Plans to Adopt a Public Affairs and Information Supervisor Classification and Salary

Range; and Approval – **Res 18-104**, Amending the City’s FY 18-19 Position Allocation Plan.

- E4) Received and Filed - 4th Quarter FY 2017-18 General Services Department Report.
- F1) Approved – Final Acceptance Tract 6040, located at the northeast corner of Barstow and DeWolf Avenues (Wathen-Castanos Homes).
- F2) Approved – Final Acceptance Tract 5720A, located at the southwest corner of DeWolf and Loyola Avenues (6121 Teague, LLC).
- F3) Approved – Final Acceptance Tract 6128, located at the southwest corner of Locan and Teague Avenues (Wilson Premiere Homes).
- F4) Approved – Authorize the City Manager to Execute a Consultant Agreement between the City of Clovis and Property Specialists, Inc., dba CPSI, for Right-of-Way Acquisition services for the Shaw Avenue Widening Project - DeWolf to McCall Avenue (CIP 14-30).
- G1) Approved – **Res. 18-105**, Confirming Weed and Rubbish Abatement Charges for 2018.
- H1) Approved – Authorize the City Manager to execute an Agreement with C2Logix for the implementation of a Solid Waste Routing Optimization and Management System.
- H2) Approved - Bid Award for Alluvial/Minnewawa Traffic Signal Pole Replacement, and; Authorize the City Manager to execute the contract on behalf of the City.
- H3) Approved – Authorize the City Manager to execute an Agreement with the County of Fresno for the Cost of Collecting Assessments for Landscape Maintenance District No. 1.

6:50 **ITEM 2A1** - DENIED - AN APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF A FINDING OF A MITIGATED NEGATIVE DECLARATION FOR CONDITIONAL USE PERMIT CUP2017-16, FOR AN AUTO TIRE SERVICE CENTER AND FUEL STATION RELATED TO A COSTCO WHOLESALE FACILITY; AND **ITEM 2A2** - DENIED - AN APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF CONDITIONAL USE PERMIT CUP2017-16, FOR AN AUTO TIRE SERVICE CENTER AND FUEL STATION RELATED TO A COSTCO WHOLESALE FACILITY

City Planner Bryan Araki presented a report on various items associated with property located at the northwest corner of Santa Ana and Clovis Avenues. The applicant (Costco) submitted a request for a tire service center located within a proposed Costco Wholesale facility and vehicle fueling station for property located at the northwest corner of Santa Ana and Clovis Avenues. The Code requires a conditional use permit (CUP) for tire service centers and fuel station within the C-2 Zone District. The Costco Wholesale building and site plan is a permitted use in the C-2 Zone District and is permitted through a ministerial site plan review. The CUP was considered by the Planning Commission at their June 28, 2018 meeting and was approved 4-0 (four member Commission). The related Mitigated Negative Declaration (MND) was adopted as well.

On July 19, 2018, the City received two letters of appeal (one for the CUP and one for the MND) from Lozeau Drury, LLP representing Laborers’ International Union of North America Local Union No. 294. The letter stated that the project should have required an Environmental Impact Report (EIR) because there is a fair argument that the proposed project may have significant adverse environmental impacts, including traffic, air quality, and biological resources, and as such the MND was inadequate.

Staff has reviewed the MND analysis and does not find inadequacies related to the disclosure of impacts, nor inadequacies in the findings stating that impacts have been reduced to a level of less than significant.

A Costco traffic consultant addressed questions of traffic in and around the project. Mike Lacuma, Costco representative, spoke in support and requested Council deny the appeals. Dave Rand, attorney representing Costco, commented and spoke in support of the project and denying the appeal. Doug Churmack, attorney representing appellant, spoke in support of the request to approve the appeal. Jerry Cook, resident, spoke in support of the project and requested Council deny the appeal. Greg Newman, Executive Director of the Clovis Chamber of Commerce, spoke in support of the project and requested Council deny the appeal. Susan Bates, owner of properties near the project, spoke in opposition due to negative impact on property values. George Goddard, resident, and contractor who works for Clovis, spoke in support of the project and requested Council deny the appeal. Dave Rand, attorney representing Costco, was allowed to rebut certain comments made. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to deny an appeal of the Planning Commission's approval of a finding of a Mitigated Negative Declaration for Conditional Use Permit CUP2017-16, for an auto tire service center and fuel station related to a Costco Wholesale facility. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to deny an appeal of the Planning Commission's approval of Conditional Use Permit CUP2017-16, for an auto tire service center and fuel station related to a Costco Wholesale facility. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 18-106**, a Resolution of the City Council of the City of Clovis approving a Mitigated Negative Declaration for Conditional Use Permit CUP2017-16, pursuant to CEQA Guidelines. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve **Resolution 18-107**, a Resolution of the City Council of the City of Clovis approving a Conditional Use Permit for a tire and fuel service facility proposed at the Northwest corner of Santa Ana and Clovis Avenues. Motion carried by unanimous vote.

8:49 **ITEM 2B1** - APPROVED - **RES. 18-108**, APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2017-07, PREZONE R2017-18, CONDITIONAL USE PERMIT CUP2017-17, AND VESTING TENTATIVE TRACT MAP TM6200; AND **ITEM 2B2** - APPROVED - **RES. 18-109**, GPA2017-07, A REQUEST TO AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND HERITAGE GROVE DESIGN GUIDELINES, FOR PLACEMENT OF A SHEPHERD AVENUE ACCESS POINT ON THE NORTH SIDE OF SHEPHERD AVENUE, WEST OF SUNNYSIDE AVENUE FOR FUTURE DEVELOPMENT. ADDITIONALLY, A REQUEST TO RECLASSIFY APPROXIMATELY FOUR ACRES OF OPEN SPACE TO MIXED USE AND RELOCATE THE REQUIRED OPEN SPACE WITHIN THE PROJECT SITE; AND **ITEM 2B3** - APPROVED INTRODUCTION - **ORD. 18-20**, R2017-18, APPROVING A PREZONE FROM THE AE20 (AGRICULTURAL EXEMPT) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) AND P-F (PUBLIC FACILITIES) ZONE DISTRICT; AND **ITEM 2B4** - APPROVED - **RES. 18-110**, CUP2017-17, APPROVING A 586-LOT PLANNED RESIDENTIAL DEVELOPMENT

WITH PUBLIC STREETS; AND **ITEM 2B5** - APPROVED - **RES. 18-111**, TM6200, A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP FOR A 586-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT

Assistant Planner Orlando Ramirez presented a report on various items associate with approximately 168 acres of land located on the northwest corner of Shepherd and Sunnyside Avenues. The applicant is requesting to amend the General Plan Circulation Element, reclassify the designated Open Space area, and relocate the Open Space within the Project site for approximately 168 acres located at the northwest corner of Shepherd and Sunnyside Avenues. Amendment to the Circulation Element will provide for placement of an access point on the Shepherd Avenue Expressway for future development. Additionally, the applicant proposes a land use change of approximately four acres to a Mixed Use classification to allow for Commercial, Office and potential Residential opportunities. Based on the applicant's justification, the proposed relocation of required Park area would provide more continuity and balance along the Enterprise Canal.

The proposed request does not include a change in density, keeping the land use goals of the General Plan and Heritage Grove Design Guidelines as adopted. The request includes zoning to the R-1 Zone District, consistent with the designated classifications. The Project also includes a request to approve a conditional use permit and vesting tentative tract map for a 586-lot single-family planned residential development with public streets, sidewalks on both sides of the streets, reduced setbacks and a minimum lot size of 3,750 square feet, a maximum of 17,554 square feet, with an average of 6,850 square feet. The applicant is proposing a Homeowner's Association with this project. Approval of this Project would allow the developer to continue processing a residential site plan review and development drawings.

Arakel Arisian, representing Ricchiuti family and Lennar Homes, highlighted the features of the project and spoke in support. Norman Morrison, area resident, raised concerns regarding traffic, water, negative impact of the wells. Mike Slater, attorney representing the applicant, responded to comments made by Mr. Morrison. Jerry Callister, area resident living adjacent the project, raised concerns about buffering and transition of rural residential and the density of the project, traffic, and water. A representative of Yamabe Horn, Engineer for the Project, answered questions about traffic impacts of the project. Patricia Cullins, area resident, commented on using Sunnyside down to the freeway being faster than Clovis Avenue. She also commented on traffic on Shepherd Avenue during school hours and an inadequate water supply. Arakel Arisian was allowed to rebut some of the comments made regarding water, traffic, transitioning and buffering. Jerry Callister provided comments that the while there has been significant discussion, the map has not changed significantly. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Res. 18-108**, approving an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2017-07, Prezone R2017-18, Conditional Use Permit CUP2017-17, and Vesting Tentative Tract Map TM6200. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Res. 18-109**, GPA2017-07, amending the circulation element of the General Plan and Heritage Grove Design Guidelines, for placement of a Shepherd Avenue

access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to reclassify approximately four acres of Open Space to Mixed Use and relocate the required Open Space within the Project site. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the introduction of **Ord. 18-20**, R2017-18, rezoning from the AE20 (Agricultural Exempt) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Res. 18-110**, CUP2017-17, approving a 586-lot Planned Residential Development with public streets. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve - **Res. 18-111**, TM6200, approving a vesting tentative tract map for a 586-lot single-family planned residential development. Motion carried by unanimous vote.

10:52 ITEM 2C - APPROVED - **RES. 18-112**, RO297, A RESOLUTION OF APPLICATION FOR THE ANNEXATION OF THE TERRITORY KNOWN AS THE SHEPHERD-SUNNYSIDE NORTHWEST REORGANIZATION LOCATED AT THE NORTHWEST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES

Associate Planner George Gonzales presented a report on a resolution of application for the Annexation of the Territory known as the Shepherd-Sunnyside Northwest Reorganization located at the northwest corner of Shepherd and Sunnyside Avenues. The total area of the annexation is approximately 157 acres located at the northwest corner of Shepherd and Sunnyside Avenues. The Project site includes an approved Vesting Tentative Tract Map TM6200, for a 586-lot single-family planned residential development. The Project area has been rezoned to the R-1 and P-F Zone Districts under Prezone R2017-18, consistent with the General Plan Land Use Diagram and Heritage Grove Design Guidelines. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to approve a resolution of application for the Annexation of the Territory known as the Shepherd-Sunnyside Northwest Reorganization located at the northwest corner of Shepherd and Sunnyside Avenues. Motion carried by unanimous vote.

10:57 P.M. ITEM 2D - APPROVED INTRODUCTION – **ORD. 18-21**, AMENDING CLOVIS MUNICIPAL CODE SECTION 2.1.32 ESTABLISHING SALARIES OF CITY COUNCILMEMBERS AND INCREASING THE PRESENT SALARY TO BECOME EFFECTIVE AFTER THE MARCH 2019 MUNICIPAL ELECTION

Assistant City Manager John Holt presented a report on amending Clovis Municipal Code Section 2.1.32 establishing salaries of City Councilmembers and increasing the present salary to become effective after the March 2019 municipal election. City Council salaries were last adjusted in 2016 and should be reviewed periodically to provide reasonable compensation for City Council duties as provided by law. Staff is recommending the City Council consider an adjustment to the current monthly salary set at \$1,366.

Staff is recommending Council consider two options:

1. Currently the salary is \$1,366 and could be increased by 10% per state law which would increase the monthly salary to \$1,502.
2. A similar proposal for what Council approved in 2016 would increase salaries 6.5% (staff received a 3% increase on July 1, 2017, and a 3.5% increase on July 1, 2018). If Council chose this option, their salary would increase from \$1,366 to \$1,455 (6.5% increase).

Norman Morrison, county resident, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of Ordinance 18-21, amending the Clovis Municipal Code Section 2.1.32 establishing salaries of City Councilmembers and increasing the present salary by 6.5% from \$1,366 to \$1,455 per month to become effective after the March 2019 municipal election. Motion carried by unanimous vote.

11:01 ITEM 3A1 - ADOPTED – **ORD. 18-18**, R2018-06, APPROVING A REZONE OF APPROXIMATELY 5.99 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF ASHLAN AND LOCAN AVENUES FROM THE R-A (SINGLE-FAMILY RESIDENTIAL – 24,000 SQ. FT.) ZONE DISTRICT TO THE R-1 (SINGLE-FAMILY RESIDENTIAL – 6,000 SQ. FT.) ZONE DISTRICT. MARILYN ISHIMARU, MASAJI MIYAKE, MASATO MIYAKE, AND TOM MIYAKE, OWNERS; 2M DEVELOPMENT, APPLICANT; HARBOUR & ASSOCIATES, REPRESENTATIVE. (VOTE: 3-0-2 WITH MAYOR WHALEN AND COUNCILMEMBER ASHBECK ABSENT)

Mayor Whalen indicated this item was on the regular agenda because at introduction on July 16, 2018, it was approved 3-0-2 with Mayor Whalen and Councilmember Ashbeck absent. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council to adopt Ord. 18-18, R2018-06, approving a rezone of approximately 5.99 acres of land located at the northwest corner of Ashlan and Locan Avenues from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-1 (Single-Family Residential – 6,000 Sq. Ft.) Zone District. Motion carried 3-0-0-2 with Mayor Whalen and Councilmember Ashbeck abstaining.

11:03 ITEM 3A2 - ADOPTED – **ORD. 18-19**, OA2018-01, AMENDING THE CLOVIS DEVELOPMENT CODE AS A SEMI-ANNUAL CLEANUP TO ADDRESS TYPOGRAPHICAL, GRAMMATICAL, AND CONTENT ERRORS AS A RESULT OF THE 2014 DEVELOPMENT CODE UPDATE. CITY OF CLOVIS, APPLICANT. (VOTE: 3-0-2 WITH MAYOR WHALEN AND COUNCILMEMBER ASHBECK ABSENT)

Mayor Whalen indicated this item was on the regular agenda because at introduction on July 16, 2018, it was approved 3-0-2 with Mayor Whalen and Councilmember Ashbeck absent. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council to adopt Ord. 18-19, OA2018-01, amending the Clovis Development Code as a semi-annual cleanup to address typographical, grammatical, and content errors as a result of the 2014 Development Code Update. Motion carried 3-0-0-2 with Mayor Whalen and Councilmember Ashbeck abstaining.

11:04 ITEM 4 - CITY MANAGER COMMENTS

City Manager Luke Serpa indicated that he would be on vacation next week.

11:04 ITEM 5A - APPROVED – APPOINTMENT TO PLANNING COMMISSION

City Manager Luke Serpa presented a report on the appointment of a planning commissioner. Planning Commissioner William Terrence resigned effective June 28, 2018. Mayor Bob Whalen conducted interviews with citizens who made application and expressed interest in serving on the Planning Commission. Mayor Whalen recommends the appointment of Brandon Bedsted to the Planning Commission to replace Mr. Terrence. Mr. Bedsted’s appointment would become effective on August 6, 2018 and his proposed term of office would end in May 2021.

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 confirm the appointment of Brandon Bedsted as a Planning Commissioner effective August 6, 2018 for a term through May 2021.

11:04 ITEM 5B – COUNCIL COMMENTS

Councilmember Ashbeck commented on how great the Friday Pole Vault event went.

Councilmember Mouanoutoua thanked staff for responding to his requests to the public.

11:08 ITEM 6A - Closed Session

GOVERNMENT CODE SECTION 54956.8

Conference with Real Property Negotiators

Property: Property at the northeast corner of Clovis and Dakota Avenues

(APN: 495-220-12T)

Agency Negotiators: L. Serpa, A. Haussler, D. Wolfe

Negotiating Parties: Don Picket & Associates

Under Negotiation: Price & Terms

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to September 4, 2018

Meeting adjourned: 11:30 p.m.

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Mayor

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