

CLOVIS CITY COUNCIL MEETING

September 4, 2018

6:00 P.M.

Council Chamber

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

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

PRESENTATIONS/PROCLAMATIONS

1. 6:02 P.M. - RECOGNITION OF NEW PLANNING COMMISSIONER BRANDON BEDSTED.

City Council recognized new Planning Commissioner Brandon Bedsted.

2. 6:05 P.M. - PRESENTATION OF PROCLAMATION HONORING THE KIWANIS CLUB OF OLD TOWN CLOVIS.

Councilmember Bessinger presented a proclamation honoring the Kiwanis Club of Old Town Clovis.

PUBLIC COMMENTS – 6:10

None

CONSENT CALENDAR - 6:10

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

3. City Clerk – Approved - Minutes for the August 6, 2018 Council meeting.
4. City Clerk - Adopted - **Ord. 18-20**, R2017-18, A request to approve a prezone from the AE20 (Agricultural Exempt) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District. (Vote 5-0)
5. City Clerk - Adopted – **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. (Vote 5-0)
6. Community and Economic Development - Received and Filed – Business Organization of Old Town (BOOT) Fourth Quarter Report, April through June 2018.
7. Community and Economic Development - Approved - Agreement between City of Clovis and the Business Organization of Old Town for Fiscal Year 2018-2019.
8. Finance - Approved - **Res. 18-113**, A Resolution of Intention (ROI) to Annex Territory (Annexation #53) (T6193-South West Corner of Ashlan and Highland, T6202-Southside of Alluvial between Fowler and Armstrong), to the Community Facilities District (CFD)

2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for October 8, 2018.

9. Finance - Received and Filed – Investment Report for the month of June 2018.
10. Finance - Received and Filed – Treasurer’s Report for the month of June 2018.
11. Finance - Received and Filed – Findings & Recommendations from Community Facilities District Citizens Committee.
12. General Services - Approved - **Res. 18-114**, Authorizing the Execution of the Certifications and Assurances for the FY2018-2019 California State of Good Repair Program Transportation Funding.
13. General Services – Approved – **Res. 18-115**, Amending the City’s FY 18-19 Position Allocation Plan by deleting one (1) Principal Office Assistant position and adding one (1) Administrative Assistant position within the Police Department.
14. General Services – Approved - Claim Rejection of General Liability claim for LaFrance Brown.
15. Planning and Development Services - Approved – Final Acceptance for CIP 17-26, ADA Curb Return Ramps, Phase 11.
16. Planning and Development Services - Approved – Final Acceptance for CIP 18-02, Trail Pavement Maintenance 2018.
17. Planning and Development Services - Approved – Partial Acceptance for Tract 6114, located at the northwest area of Dakota and Leonard Avenues (Wilson Homes).
18. Planning and Development Services - Approved – Reduction of Performance and Payment Securities for Final Map for Tract 6170, located at the southwest corner of Santa Ana Avenue and Sierra Vista Parkway (BN Micro LP – Bonadelle Neighborhoods).
19. Public Safety – Approved - Newly drafted Fire Training Facility Master Use Agreement and designation of the Fire Chief as the Executing Authority for said contract.
20. Public Safety - Approved - **Res. 18-116**, Waive normal purchasing process and approve the purchase of Project 7 Armor to replace ballistic entry vests for SWAT members.
21. Public Safety - Approved - **Res. 18-117**, Authorizing Clovis Police Department’s renewal in the State of California program to acquire surplus inventory from the Department of General Services.
22. Public Utilities - Approved – **Res. 18-118**, Authorizing the City Manager to execute a successor MOU with Fresno County and all 15 Cities within the County for the administration and operation of various AB939 related programs.
23. Public Utilities - Received and Filed – Public Utilities Report for the month of May 2018.
24. Public Utilities - Approved - Waive Formal Bidding Requirements and Authorize the Purchase of Equipment off the Sourcewell Purchasing Contract from Sequoia Equipment Company, Inc.

PLANNING AND DEVELOPMENT SERVICES

25. 6:11 P.M - RECEIVED AND FILED – UPDATE ON GROUP HOME REGULATIONS (6 OR FEWER RESIDENTS) IN RESPONSE TO PUBLIC COMMENTS RECEIVED REGARDING 2343 DEAUVILLE CIRCLE, CLOVIS, CA 93619

Planning and Development Services Director Dwight Kroll presented a report on an update on group home regulations (6 or fewer residents) in response to public comments received regarding 2343 Deauville Circle, Clovis, CA 93619. The City recently received inquiries regarding the rules governing small group homes in Clovis. The City addressed group homes in 2009 with a comprehensive code update, categorizing various group

home types and manner of review if applicable or allowable under State law. Staff was made aware of an operator planning to utilize a home located at 2343 Deauville Circle as a Social Rehabilitation Facility. This item was brought before the City Council under public comments at the regular City Council meeting of August 6, 2018. As this was not on the agenda so no action could be taken; however, staff indicated that they would follow up on the proposal, specifically identify the type of use being considered and determine the status of the use as it relates to City ordinances and State regulations. Following discussion with the operator, Dr. Matthew Tatum, it was found that an application is pending with the State to operate a licensed Social Rehabilitation Facility on the property housing 6 or fewer persons. This facility would replace a currently operating Sober Living Facility.

Property owner Dr. Matthew Tatum provided an overview of the proposed use and answered questions of City Council. Tim Garver, Romero Cruz, Steven Manowski, Maureen Hennesy, Melissa Garver, area residents, spoke in opposition to the proposed use at this location due to concerns of safety, negative impact on the neighborhood, and belief that this use would be better suited in the County versus City. Resident, suffering from autism, commented on the need for such facilities. Amber, resident, spoke in support as she lives near a group home without being impacted. Sharon Vargas, spoke in support, whose sixteen year old daughter is in need of mental health support. John Wyco, nineteen months sober, spoke in support. Katy, survivor of suicide, spoke in support. Martha Espinoza, resident, spoke in support of mental health, struggles with her ten year son's mental health, and spoke in support. Oscar Santero, suffers from anxiety and depression, spoke in support. Resident, works in drug and alcohol facility, spoke in support. Ken Row, resident, 30 years in mental health field, spoke in support. Jason, pastor of a local church, spoke in support. Discussion by the City Council. It was the consensus of City Council to receive and file the report.

Recess: 8:24

Reconvene: 8:34

PUBLIC UTILITIES

26. 8:34 P.M. - APPROVED – CONTRACT AMENDMENT FOR LANDSCAPE MAINTENANCE DISTRICT (LMD) SERVICES IN LMD ZONE 1 AND LMD ZONE 3

Public Utilities Director Scott Redelfs presented a report on Contract Amendment for Landscape Maintenance Services in LMD Zone 1 and LMD Zone 3. All Commercial Landscape Service (ACLS) notified the City that they will no longer be able to serve as one of the City's landscape contractors due to inadequate compensation in these zones. ACLS is currently being compensated at \$0.1068 per square foot per year for their landscape service. City staff met with ACLS to discuss this situation. City staff also solicited proposals from two other landscape contractors that are currently maintaining other City landscapes.

ACLS submitted an amended proposal of \$0.1275 per square foot per year for the first of the remaining two terms of the contract. They proposed \$0.1313 per square foot per year for the second term. The City's contractor, who maintains the Loma Vista Area, Elite Maintenance and Tree Service (EMTS), submitted a proposal of \$0.13 and \$0.135 per square foot per term for the next two terms respectively. In addition, Evergreen Lawn

Care & Maintenance submitted a two-term cost of \$0.10 per square foot per year and \$0.11 per square foot per year respectively. Evergreen Lawn Care & Maintenance is not being considered for this contract, because they did not score high enough during the original Request for Proposal selection process. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a contract amendment for Landscape Maintenance Services in LMD Zone 1 and LMD Zone 3. Motion carried by unanimous vote.

ADMINISTRATION (City Manager, City Clerk, Finance)

27. 8:41 P.M. - APPROVED – RES 18-119, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CONFIRMING ASSESSMENT FOR COSTS FOR ABATEMENT OF NUISANCE, 1029 MINNEWAWA AVENUE, CLOVIS, CA, APN NO: 497-101-30.

Building Official Doug Stawarski presented a report confirming assessment for costs for abatement of nuisance, 1029 Minnewawa Avenue, Clovis, CA, APN No: 497-101-30. The City has assessed administrative citations and incurred related property nuisance abatement costs in the combined amount of Sixty Six Thousand Six Hundred Forty One Dollars and Zero Cents (\$66,641.00) related to the general condition of the property, and to repair of a hazardous exterior staircase, located at 1029 Minnewawa Avenue (“Property”). The Property owner, Thomas Gongora, has ignored these citations and demands to repair the Property for well over one year. At this time the City is entitled to recover its abatement costs and administrative penalties from Mr. Gongora and the Property. Approval of this resolution will confirm these costs and penalties as an assessment and regular lien against the Property if not paid within 15 days of the passage of the Resolution. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution of the City Council of the City of Clovis confirming assessment for costs for abatement of nuisance, 1029 Minnewawa Avenue, Clovis, CA, APN no: 497-101-30. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 9:00

City Manager Luke Serpa updated Council on the new formatting of the agenda.

COUNCIL ITEMS

28. 9:05 P.M. - APPROVED THE LEAGUE OF CALIFORNIA CITIES’ ANNUAL RESOLUTIONS SET FOR APPROVAL AT THE ANNUAL CONFERENCE SEPTEMBER 12-14, 2018.

City Manager Luke Serpa presented a report on a request to approve the League of California Cities’ Annual Resolutions set for Approval at the Annual Conference September 12-14, 2018. Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolutions and provide policy direction to the City’s voting delegate. On July

16, 2018, Council assigned Mayor Whalen as the voting delegate and Councilmember Mouanoutoua as the alternate.

The first resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy. Staff recommends City Council Approve the proposed resolution.

The second resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels, and direct emergency medical response within their jurisdictions. Staff recommends City Council take no action on the proposed resolution.

Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to vote in favor of both resolutions. Motion carried by unanimous vote.

29. COUNCIL COMMENTS – 9:20

Councilmember Ashbeck commented on 10/1/2018 absence due to travel, and commented on resident Kari Colton, who has requested the City to consider a program for lower income residents for utility bills and late penalties, and reported out on a Fresno County Transportation Authority meeting.

Mayor Whalen commented on fitness equipment at Dry Creek Park being repaired. He also commented on the naming of Heritage Grove.

CLOSED SESSION

30. 9:22 p.m. - Government Code Section 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Properties: 79 N. Sunnyside Ave (APN 491-140-44S, 491-140,45S)
1433 Menlo Ave (APN 491-140-61S),
350 Park Creek Drive (APN 562-220-10),
1535 Menlo Ave (APN 491-140-59S),
1549 Menlo Ave (APN 491-140-54S),
1579 Menlo Ave (APN 491-140-55S),
500, 510 & 530 Dewitt Ave (APN 562-250-27, 28 & 29)

Agency Negotiators: Luke Serpa, Scott Redelfs
Negotiating Parties: Lorenzo and Rosemary Lopez,
John E. Roberto, Trustee,
William Bennett,
Michael A. (TE) & Robin L. (TE) De Benedetto,
Robert A. & Julie A. Wyrick,
Margaret Sayah Trustee
Under Negotiation: Price & Terms

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to September 10, 2018

Meeting adjourned: 9:45 p.m.

Mayor

City Clerk