

## CLOVIS CITY COUNCIL MEETING

February 19, 2019

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Whalen  
Flag Salute led by Christopher and Nicholas Mizyed

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

### PRESENTATION 6:01 p.m.

1. PRESENTATION OF LIFESAVING AWARDS TO CITIZENS CHRISTOPHER AND NICHOLAS MIZYED FOR THEIR HEROIC ACTIONS TAKEN ON NOVEMBER 9, 2018

Mayor Whalen presented lifesaving awards to citizens Christopher and Nicholas Mizyed for their heroic actions taken on November 9, 2018.

### PUBLIC COMMENTS

### CONSENT CALENDAR 6:10

Motion by Councilmember Flores, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

2. City Clerk – Approved – Minutes from the February 11, 2019 Council Meeting.
3. General Services - Approved - Claim Rejection of General Liability claim for Steven Michael Stock.
4. General Services – Approved – **Res. 19-15**, Amending the City's FY18-19 Position Allocation Plan by deleting one (1) Office Assistant position and adding one (1) Principal Office Assistant position within the Public Utilities Department.
5. Public Utilities – Approved - Waive Formal Bidding Requirements and Authorize the Purchase of three Street Sweepers off of the HGACBuy Contract from TYMCO, Inc.; and Approved – **Res. 19-16**, Amending the 2018-2019 Fleet Replacement budget to allocate funds for purchase of the sweepers.

### PUBLIC HEARINGS

6. 6:11 - APPROVED INTRODUCTION – **ORD. 19-02**, AMENDING SECTIONS 4.7.03(G) AND 4.7.05 OF CHAPTER 4.7 OF TITLE 4 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE NUMBER OF FIREWORKS STANDS ALLOWED AND APPLICANT PERMITTING PROCESS

Life Safety/Enforcement Manager Chad Fitzgerald presented a report on a request to amend Sections 4.7.03(g) and 4.7.05 of Chapter 4.7 of Title 4 of the Clovis Municipal Code pertaining to the number of fireworks stands allowed and applicant permitting process. In 2009 the City Council approved the current Municipal Code language that allows one stand for every 3,000 residents with a maximum of 31 stands. The proposed amendment would change the calculation to one stand for every 4,000 residents as



reflected in the population estimate in any one year as provided by the California Department of Finance and remove the maximum number allowed. Further amendment is recommended to 4.7.03(g) which would establish a random selection process to provide parity and opportunity to new non-profit entities to enter into sales within Clovis in the event that there are two (2) vacancies within the existing roster or population growth using the aforementioned formula. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Bessinger, for the Council to approve the introduction of Ordinance 19-01, amending Sections 4.7.03(g) and 4.7.05 of Chapter 4.7 of Title 4 of the Clovis Municipal Code pertaining to the number of fireworks stands allowed and applicant permitting process. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

7. **6:19 - APPROVED INTRODUCTION - ORD. 19-03, R2018-13, APPROVING A REZONE OF APPROXIMATELY 2.75 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF N. CLOVIS AND DAKOTA AVENUES FROM THE C-M (COMMERCIAL – LIGHT MANUFACTURING) AND R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL - 1 UNIT/3,000 SQ. FT.) ZONE DISTRICTS TO THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT. CITY OF CLOVIS, CLOVIS COLONY INVESTORS, LLC, OWNERS; JEAY DAKOTA, LLC, APPLICANT**

Assistant Planner George Gonzalez presented a report on a request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (low density multiple family residential - 1 unit/3,000 sq. ft.) zone districts to the C-2 (Community Commercial) Zone District. On October 20, 2014, the City Council approved Rezone R2014-06, Conditional Use Permit CUP2014-07 and Tentative Tract Map TM6076 for a 144-unit multiple-family development on approximately 20 acres. Since the approval of the project, the applicant attempted to secure funding for the construction of the project, but had been unsuccessful. The project became financially unfeasible for the applicant and the applicant hopes that with the sale of the subject 2.75 acres, rezoning of the Project site may increase the viability of development of the remaining vacant parcel.

The site is located within a mixed use area which allows commercial and specialty office as a primary use and up to 60% residential with a density of 7 to 15 units per acre. The previous rezone and conditional use permit approval permitted multiple-family housing at 7.35 units per acre on approximately 20 acres. The loss of multiple-family land was analyzed relative to the City's Regional Housing Needs Allocation (RHNA). Because the mixed use area permits multiple-family housing within 60% of the mixed use area as a secondary use, and the mixed use area is primarily vacant, the opportunity for replacement at the same or higher density remains. Therefore, there is no impact to the City's RHNA.

Dominick McAndrews, resident, raised concerns with traffic control, lack of proper noticing to the entire neighborhood, and concern with alcohol sales. Stephanie Santos, area resident, raised concerns with increased traffic around a bus stop that her kids use for school. Eric Tinkin, applicant, spoke in support of the rezone and proposed project. Discussion by the Council.



Motion by Councilmember Flores, seconded by Councilmember Bessinger, for the Council to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (low density multiple family residential - 1 unit/3,000 sq. ft.) zone districts to the C-2 (Community Commercial) Zone District. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

## **CORRESPONDENCE**

8. NONE.

## **ADMINISTRATIVE ITEMS**

9. **6:45** - CONTINUED - ADOPTION - **ORD. 19-01**, R2018-14, A REQUEST TO APPLY DEVELOPMENT STANDARDS TO AN EXISTING M-U (MIXED USE) ZONE DISTRICT FOR 28.6 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN SIERRA AVENUE AND FIFTH STREET ALONG THE VETERANS PARKWAY ALIGNMENT (PLANNING AREA #9) OF THE CENTRAL SPECIFIC PLAN, AND CONSIDER UPDATE ON THE NAMING OF "LANDMARK COMMONS". CITY OF CLOVIS, OWNER/APPLICANT. (VOTE: 4-0-1 WITH COUNCILMEMBER FLORES ABSTAINING)

It was the consensus of Council, with Councilmembers Ashbeck and Mouantoua absent, to continue this item to the meeting of March 4, 2019.

10. **6:47** - APPROVED – **RES. 19-17**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS RESTRUCTURING AND ESTABLISHING MANAGEMENT RETIREE HEALTH SAVINGS PLANS

Personnel and Risk Manager Lori Shively presented a report on a request to approve a resolution restructuring and establishing management retiree health savings plans. Amendment and restructuring of the Retiree Health Savings (RHS) Plans VantageCare was approved by Council on May 14, 2018 to be compliant with Internal Revenue Service (IRS) mandates. However, subsequent to the period for Management retirees to elect to remain in the new Management Retiree RHS Plan or to unwind their participation, it was determined that the taxability of distributions from that plan may be less than previously determined, which might have impacted the Management retirees' choice to remain in the plan or to unwind their participation. Therefore, it is appropriate to provide a second opportunity to unwind the retiree plan. The attached resolution is the first step in this process. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Bessinger, for the Council to approve a resolution restructuring and establishing management retiree health savings plans. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

## **CITY MANAGER COMMENTS 6:49**

City Manager Luke Serpa reported out on a letter received from Department of Housing and Community Development for a \$1 million grant for Home Funding.

## COUNCIL ITEMS 6:50

### 11. Council Comments

Councilmember Bessinger reported out that tomorrow is his last day with City of Atwater.

Mayor Whalen showed a picture of Councilmember Mouanoutoua and Governor Gavin Newsom while attending a meeting in Long Beach.

## CLOSED SESSION 6:52

### 12. Government Code Section 54956.9

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9

One case (Threat of litigation by DeBenedetto Properties, LP as reflected in 1/8/19 Letter)

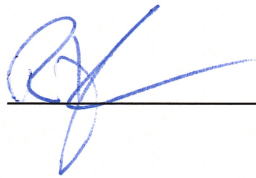
### 13. Government Code Section 54956.9(d)(1)

#### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Lionel Hawkins v. City of Clovis

Mayor Whalen adjourned the meeting of the Council to March 4, 2019

Meeting adjourned: 7:21 p.m.



Mayor



City Clerk

