

CLOVIS CITY COUNCIL MEETING

March 18, 2019

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: None

PRESENTATION – 6:03

1. PRESENTATION OF PROCLAMATION DECLARING MARCH 20, 2019 AS SMALL BUSINESS DEVELOPMENT DAY

Councilmember Flores presented a proclamation to Clovis Community College President Lori Bennett declaring March 20, 2019 as Small Business Development Day.

PUBLIC COMMENTS 6:08

None

CONSENT CALENDAR 6:09

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar, except item 13, be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

2. City Clerk – Approved – Minutes from the March 4, 2019 Council Meeting.
3. City Clerk – Adopted - Ord. 19-04, An Ordinance of the City Council of the City of Clovis adding Article 6 (Not Currently Used), and Sections 2.2.601, 2.2.602, 2.2.603, 2.2.604, and 2.2.605 of Chapter 2.2 (Officers and Employees) to the Clovis Municipal Code Pertaining to the Position of City Engineer. (Vote 5-0)
4. Community and Economic Development - Received and Filed – Community and Economic Development Department July – December 2018 Report and Department Overview.
5. Community and Economic Development - Approved – **Res. 19-29**, Authorizing Submission of an Application to the Fresno Council of Governments for Funding under the Fresno County Measure C Transit Oriented Development (TOD) Program.
6. Finance - Received and Filed – Investment Report for the month of January 2019.
7. Finance - Received and Filed - Receive and File – Treasurer's Report for the month of January 2019.
8. General Services - Approved – **Res. 19-30**, Amending the FY2018-2019 Transit Budget to reflect receipt of \$407,283.00 of Measure C New Technology Reserve Subprogram funds.
9. Planning and Development Services - Approved – **Res. 19-31**, Adopt a Policy Related to the Provision of Water and Sewer Services Pursuant to Government Code Section 65589.7.
10. Planning and Development Services - Approved – Final Acceptance for CIP 16-05, Treasure Ingmire Park Restrooms Replacement.

11. Planning and Development Services - Approved – Authorize the City Manager to Execute a Consultant Agreement between the City of Clovis and Blair, Church & Flynn Consulting Engineers, for engineering services for the Herndon Avenue Widening Project – Temperance to De Wolf Avenues (CIP 16-09).
12. Planning and Development Services - Received and Filed – Planning and Development Services annual newsletter.

6:08 - CONSENT CALENDAR ITEM 13 - PUBLIC UTILITIES – APPROVED – AUTHORIZE FUNDING FROM THE COMMUNITY SANITATION AND WATER ENTERPRISE ACCOUNTS FOR AN ALLOCATED POLICE OFFICER POSITION; AND APPROVED – **RES. 19-32**, AMENDING THE 2018-2019 COMMUNITY SANITATION AND WATER ENTERPRISE ACCOUNTS TO ALLOCATE THE FUNDS FOR THIS POSITION.

Mayor Whalen requested this item be pulled from the Consent Calendar to allow further discussion. Public Utilities Director Scott Redelfs provided an overview and addressed questions of City Council. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve a request to authorize funding from the Community Sanitation and Water Enterprise Accounts for an Allocated Police Officer Position; and Approved – **Res. 19-32**, Amending the 2018-2019 Community Sanitation and Water Enterprise accounts to allocate the funds for this position. Motion carried by unanimous vote.

CORRESPONDENCE

With the consensus of City Council, Mayor Whalen moved item 18 up on the agenda.

18. 6:27 p.m. APPROVED – **RES. 19-XX**, A LETTER OF SUPPORT FOR THE CONCEPT OF THE CLOVIS BOTANICAL GARDEN PARTNERING WITH THE FRESNO WILDLIFE REHABILITATION SERVICE FOR THE DEVELOPMENT OF A REGIONAL NATURE CENTER ON 4.16 ACRES NEAR THE NORTHEAST CORNER OF CLOVIS AND ALLUVIAL AVENUES

Councilmember Bessinger indicated that he may have a conflict of interest due to property he owns and would recuse himself from deliberation on this item and left the dais at 6:27.

Planning and Development Services Director Dwight Kroll presented a report on request for a resolution of support for the concept of the CBG partnering with the Fresno Wildlife Rehabilitation Service for the development of a regional nature center on 4.16 acres near the northeast corner of Clovis and Alluvial Avenues. Staff is in receipt of a request from the Clovis Botanical Garden (CBG) for the Council to approve a resolution of support for the concept of the CBG to partner with the Fresno Wildlife Rehabilitation Service for the development of a Regional Nature Center on 4.16 acres near the northeast corner of Clovis and Alluvial Avenues. This is the current footprint of the CBG, they are not proposing any expansion.

CBG has filed a preliminary conceptual application for a Cultural, Community, and Natural Resources Grant from the State of California under Proposition 68, the Parks Initiative. CBG is asking for a \$400,000 grant and submitted a preliminary application in

February. If the State approves their preliminary application, they will formally apply for the grant. The CBG Board feels that if the City Council would approve in concept to what is being proposed, it would enhance their chances of being awarded. CBG and Fresno Wildlife Rehabilitation Service (FWRS) have agreed to collaborate on the construction of a visitor/education center to become a Regional Nature Center designed to continue to strengthen their emphasis of nature education and sustainability.

If awarded, the grant would help provide funding for construction, landscaping, additional parking and educational displays. The Regional Nature Center would be constructed as two buildings, one for CBG and one for FWRS. Both organizations are 501c3 community benefit organizations. Each building would be 2,000 square feet, with space between them designed for events. At this point in time, the CBG Committee is only asking the City Council to approve a resolution of support for the CBG to partner with the Fresno Wildlife Rehabilitation Service for the development of a Regional Nature Center.

Pat Wynne, representing the CBG Committee, commented, and spoke in support of a resolution of support for the concept of the CBG partnering with the Fresno Wildlife Rehabilitation Service for the development of a Regional Nature Center at the current location. Kathy Garner, representing Fresno Wildlife, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a letter of support, versus a resolution, for the concept of the CBG partnering with the Fresno Wildlife Rehabilitation Service for the development of a regional nature center on 4.16 acres near the northeast corner of Clovis and Alluvial Avenues and direct staff to do some preliminary work to determine if the joint use is possible at that location. Motion carried 4-0-0-1 with Councilmember Bessinger abstaining. Councilmember Bessinger returned to the dais at 7:13

PUBLIC HEARINGS

14. 7:14 p.m. - APPROVED – **RES. 19-33**, ACCEPTING THE 2018 HOUSING ELEMENT ANNUAL PERFORMANCE REPORT AND AUTHORIZING SUBMISSION OF THE REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Community and Economic Development Director Andy Haussler presented a report on a request to approve a resolution accepting the 2018 Housing Element Annual Performance Report and authorizing submission of the report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. The City adopted a Housing Element for the period of December 31, 2015 to December 31, 2023, and is required to prepare an annual progress report (APR) per Government Code Section 65400 on its progress and program status in implementing its housing element. The APR includes information on the City's progress in meeting its assigned allocation from the regional housing needs assessment (RHNA).

The State requires jurisdictions to hold a public hearing at a meeting of the City Council to accept written and oral comment prior to submitting its APR. The notice for this public hearing was published in The Business Journal on March 8, 2019. Per the notice, the

APR became available for public review on Monday, March 11, 2019, at Clovis City Hall and on the City's website as an attachment to the staff report on March 15, 2019.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution accepting the 2018 Housing Element Annual Performance Report and authorizing submission of the report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. Motion carried by unanimous vote.

15. 7:32 p.m. CONTINUED - ITEMS ASSOCIATED WITH CIP14-30 SHAW AVENUE WIDENING PROJECT FROM DEWOLF AVENUE TO MCCALL AVENUE. (TO BE CONTINUED TO A DATE UNCERTAIN.)
 - A. CONTINUED - RES. 19-XX, REVIEW AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT, ADOPT STATEMENTS OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING/REPORTING PROGRAM FOR CIP PROJECT 14-30 SHAW AVENUE WIDENING PROJECT FROM DEWOLF AVENUE TO MCCALL AVENUE.
 - B. CONTINUED - RES. 19-XX, A REQUEST TO APPROVE A STREET PLAN LINE FOR SHAW AVENUE BETWEEN DEWOLF AND MCCALL AVENUES.

Mayor Whalen indicated this item was being continued to a date uncertain. 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 move this item to a date uncertain. Motion carried by unanimous vote.

16. 7:33 p.m. APPROVED - **RES. 19-34**, INITIATION TO PREZONE FOUR PROPERTIES LOCATED ON THE NORTH SIDE OF BEHYMER AVENUE EAST OF WILLOW AVENUE, WITHIN MIXED USE #11 IN THE HERITAGE GROVE PLAN AREA. MAIN STREET PROMENADE, LLC; APPLICANT.

City Planner Bryan Araki presented a report on a request to approve a resolution initiating a prezone four properties located on the north side of Behymer Avenue east of Willow Avenue, within Mixed Use (MU) #11 in the Heritage Grove Plan Area. The City is in receipt of a request to prezone and approve a Master Plan for MU #11 in the Heritage Grove Master Plan Community. The applicant (Mr. Penn of Main Street Promenade, LC) has reached out to all of the property owners, obtaining owner consent on 12 of the 16 properties within MU #11. Mr. Penn has not been able to connect with four of the property owners and is asking the Council to initiate the prezone on their behalf.

Manny Penn, representing Main Street Promenade, spoke in support. Discussion by the Council. Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve a request to approve a resolution initiating a prezone four properties located on the north side of Behymer Avenue east of Willow Avenue, within Mixed Use #11 in the Heritage Grove Plan Area. Motion carried 4-1 with Councilmember Ashbeck voting no.

17. 7:51 p.m. APPROVED INTRODUCTION – **ORD. 19-05**, OA2019-01, 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, TO MAKE THE "COTTAGE HOME PROGRAM" AVAILABLE CITYWIDE TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS WHERE ALLEY ACCESS IS PROVIDED, AND TO MAKE THE NECESSARY MODIFICATIONS TO REFLECT RECENT CHANGES TO STATE HOUSING LAW. CITY OF CLOVIS, APPLICANT.

Senior Planner Ricky Caperton presented a report on a request to approve the introduction of an ordinance 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, to make the "Cottage Home Program" available citywide to single-family residential zoning districts where alley access is provided, and to make the necessary modifications to reflect recent changes to State housing law.

This Ordinance Amendment would modify the Development Code to allow for the City of Clovis "Cottage Home Program" to be available citywide for properties in single-family residential zoning districts having access to an alley and to allow Accessory Residential Dwelling Units as permitted uses, no longer requiring an Administrative Use Permit. Further, this Ordinance Amendment would modify the Development Code to modify existing sections of the Code for compliance with recent State law regarding the processing of applications requesting a density bonus for affordable housing.

Paul Hinkle, Clovis Planning Commissioner, commented on recent training he had and provided an update to Council on proposed legislation affecting auxiliary dwelling units. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of an ordinance 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, to make the "Cottage Home Program" available citywide to single-family residential zoning districts where alley access is provided, and to make the necessary modifications to reflect recent changes to State housing law. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

19. NONE.

CITY MANAGER COMMENTS 8:05

City Manager Luke Serpa introduced Chad McCollum as the city's new Public Information Officer.

COUNCIL ITEMS

20. 8:06 p.m. APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE

City Manager Luke Serpa presented a report on a request to add the meeting of March 25, 2019. 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 add the meeting of March 25, 2019. Motion carried by unanimous vote.

21. 8:07 p.m. Council Comments

Councilmember Ashbeck commented on being out for the April 1, 2019 Council meeting. She also requested an update from the Police Chief on the new position Behavioral Clinician.

Councilmember Flores commented on proposed legislation AB 392 and SB 230, both related to law enforcement use of deadly force, and requested a letter of support from the Police Chief supporting SB 230.

Councilmember Mouanoutoua commented on American Legion dinner last week and how well done it was. He also indicated he would be out of town for the council meetings of April 8 and 15, 2019.

CLOSED SESSION 8:10

22. Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: L. Serpa, S. Halterman, L. Shively

Employee Organization: Clovis Police Officers Association, Clovis Firefighters Association, Clovis Employees Association, Clovis Public Works Employees Association, Clovis Public Safety Employees Association, Clovis Professional and Technical Employees Association, Clovis Transit Employees Bargaining Unit, Clovis Technical and Financial Professionals Association

Unrepresented Employee: Management Employees

Councilmember Flores indicated that he would recuse himself from consideration on Closed Session Item 23 due to a potential conflict of interest due to property his family owns and left the building at 9:06 p.m.

23. Government Code Section 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Properties: 1403 Fourth Street (APN 491-191-18)

1423 Fourth Street (APN 491-191-17)

Agency Negotiators: L. Serpa, A. Haussler

Negotiating Parties: Xavier Flores, Trustee

Under Negotiation: Price & Terms

Mayor Whalen adjourned the meeting of the Council to March 25, 2019

Meeting adjourned: 9:15 p.m.

Mayor

City Clerk

Councilmember Flores, for the Council to add the meeting of March 25, 2019. Motion carried by unanimous vote.

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