

CLOVIS CITY COUNCIL MEETING

April 1, 2019

6:00 P.M.

Council Chamber

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

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

PRESENTATION

1. NONE.

PUBLIC COMMENTS 6:03

Juan Rodriguez, resident, spoke on behalf of his parents, complained about a neighbor whose awning drains onto his parent's property and requested council to direct staff to follow up on complaints raised over the past six months.

CONSENT CALENDAR 6:05 p.m.

Motion by Councilmember Flores, seconded by Councilmember Whalen, that the items on the Consent Calendar, except item number 5, be approved. Motion carried 4-0-1 with Councilmember Ashbeck absent.

2. City Clerk – Approved – Minutes from the March 18, 2019 and March 25, 2019 Council Meetings.
3. Finance - Approved – **Res. 19-36**, A Resolution of Intention (ROI) to Annex Territory (Annexation #57) (T6154-Northwest Corner of Teague and Fowler), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for May 6, 2019.
4. General Services – Approved - **Res. 19-37**, Amending the City's FY18-19 Classification and Compensation Plans to Adopt a Business Workflow Specialist and Salary Range, and Approved – **Res. 19-38**, Amending the City's FY 18-19 Position Allocation Plan.
6. Planning and Development Services - Approved – Final Acceptance for Tract 6144, located at the southwest area of Barstow and Leonard Avenues (Wilson Homes).
7. Planning and Development Services - Approved - Bid Award for CIP 19-01, Rubberized Cape Seal 2019, and; Authorize the City Manager to execute the contract on behalf of the City.
5. 6:07 - CONSENT CALENDAR ITEM (5) - GENERAL SERVICES – APPROVED – **RES. 19-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ACCEPTING THE FRESNO COUNTY REGIONAL LONG-RANGE TRANSIT PLAN 2019 – 2050

General Services Manager Amy Hance provided City Council a brief update on the plan. The General Services Department requests the Clovis City Council to accept The Fresno County Regional Long-Range Transit Plan 2019-2050. The Fresno Council of Governments has

developed a long-range transit plan based on a collaborative process that will be used to identify and prioritize potential projects and funding sources for public transportation projects over the next 30 years.

The Fresno County Regional Long-Range Transit Plan 2019-2050 is an inaugural document that is intended to guide transit and related multimodal investments and services in the Fresno region through the year 2050. The Plan seeks to integrate appropriate and effective public transportation planning and projects into the region's overall circulation networks and systems. The plan explains goals, objectives, and strategies that can be used to develop short- and long-term plans for public transportation. It was developed to align with state and federal transportation goals, guidance and funding programs that may enhance the opportunity for funding from higher government sources. It is intended to create a blueprint for sustainable, safe, innovative, integrated, and efficient transit systems. The plan will be updated as needed and is considered a living document.

Discussion by the Council. There being no comment, Mayor Bessinger closed the public portion. Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council to approve a Resolution **19-39** of the city council of the City of Clovis accepting the Fresno County Regional Long-Range Transit Plan 2019 – 2050. Motion carried 4-0-1 with Councilmember Ashbeck absent.

PUBLIC HEARINGS

8. 6:17 - APPROVED ITEMS ASSOCIATED WITH CIP14-30 SHAW AVENUE WIDENING PROJECT FROM DEWOLF AVENUE TO MCCALL AVENUE. (CONTINUED FROM THE MARCH 18, 2019 MEETING.)
 - A. APPROVED - **RES. 19-40**, 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. APPROVED - **RES. 19-41**, APPROVING A STREET PLAN LINE FOR SHAW AVENUE BETWEEN DEWOLF AND MCCALL AVENUES

Management Analyst Claudia Cazares presented a report on a request to approve various action items associated with CIP14-30 Shaw Avenue widening project from DeWolf Avenue to McCall Avenue. Consistent with the California Environmental Quality Act (CEQA), an EIR (Attachments "D," "E," and "F" collectively) was prepared to evaluate the environmental impacts of CIP14-30, Shaw Avenue Widening from DeWolf to McCall Avenues and any future construction needed to complete the planned street improvements.

Staff requests the City Council approve and certify the EIR. Staff also requests the City Council approve a plan line for Shaw Avenue between DeWolf and McCall Avenue to establish a basis for the street alignment for the current project and any future projects.

City staff is currently designing a project to widen the two-mile segment of Shaw Avenue between DeWolf Avenue and McCall Avenue from a two-lane rural road to a five-to-six-lane urban arterial road. The six-lane section would extend from De Wolf Avenue to the Highland Alignment and would have the same basic design as the nearby sections of Shaw Avenue

west of DeWolf Avenue. The five-lane section would extend from the Highland Alignment to McCall Avenue. The south side of the road would abut land planned by the City for urban development and, therefore, would have the same three-lane design as proposed for Shaw Avenue west of the Highland Alignment. The north side of the road would abut land planned by Fresno County for rural residential development and, therefore, would have two travel lanes instead of three.

Project components include, the vehicular travel lanes, bike lanes, median islands, curb and gutter, streetlights, several culverts, installation of an underpass between DeWolf and Leonard Avenue, and traffic signals. In general, additional right of way being acquired for this project within the City limits and the City's sphere of influence includes up to ten feet beyond the planned curb. Future development projects will complete the improvements beyond the curb. The right of way being acquired outside the City's sphere of influence (north side of Shaw Avenue, east of Highland) will include approximately twelve feet from the edge of the new pavement for a swale and road shoulder. The current project is funded through Measure C. Shaw Avenue is included on the list of priority regional transportation projects approved with the extension of the local Measure "C" sales tax program in 2006.

Ginger Devons, county resident, commented on the impact of the project and letter from Fresno Irrigation District indicating that Jefferson and Brown culverts are at the end of their life and requested they be considered for replacing now versus waiting until they have to be dealt with. Alan Weaver, county resident, commented on the tributaries that flow over Shaw Avenue, and the size of ditches on the north side of Shaw Avenue allowing sufficient flow. He commented on three issues in the EIR regarding noise (impact 1.2, page 3 of final EIR), requirements for timing of installing street lights, and the realignment of Thompson Avenue at Shaw Avenues not being considered at time of the Shaw Avenue widening. Discussion by the Council.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve Resolution **19-40**, 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. Motion carried 4-0-1 with Councilmember Ashbeck absent.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve Resolution **19-41**, approving a Street Plan Line for Shaw Avenue between DeWolf and McCall Avenues. Motion carried 4-0-1 with Councilmember Ashbeck absent.

9. 7:31 - APPROVED RE-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, WHICH INCLUDES SUPPLEMENTED INFORMATION CLARIFYING THE PROCESSING OF DENSITY BONUS REQUESTS SINCE THE INTRODUCTION OF OA2019-01 AT THE MARCH 18, 2019 CITY COUNCIL HEARING. CITY OF CLOVIS, APPLICANT

Associate Planner Ricky Caperton presented a report on a request to approve 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, which includes supplemented information clarifying the processing of density bonus requests since the introduction of OA2019-01 at the March 18, 2019 city council hearing.

On March 18, 2019, Ordinance Amendment 2019-01 (OA2019-01) was introduced for approval at a regularly scheduled City Council hearing. Following the March 18, 2019, introduction, a discrepancy was discovered in the amendment resulting in a required correction regarding the processing procedure of Density Bonus Requests in order to comply with recent updates to State law regarding density bonuses. These clarifying edits are reflected in Attachment B and Attachment C, as amended, and summarized below. The clarifications do not change the overall intent, content, or subject of OA2019-01 as presented at the March 18, 2019 City Council hearing. Therefore, staff recommends approval of OA2019-01, as amended. As a result of the modifications, the second reading of the Ordinance Amendment will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve 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, which includes supplemented information clarifying the processing of density bonus requests since the introduction of OA2019-01 at the March 18, 2019 city council hearing. Motion carried 4-0-1 with Councilmember Ashbeck absent.

10. 7:35 - APPROVED OF VARIOUS ACTIONS RELATED TO PURCHASING AND SETTLEMENTS.
 - A. APPROVED INTRODUCTION - **ORD 19-06**, AMENDING SECTIONS 2.7.06 AND 2.7.08 OF CHAPTER 2.7 AND SECTION 2.9.03 OF CHAPTER 2.9 OF TITLE 2 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE CITY PURCHASING SYSTEM AND PROCUREMENT PROCEDURES FOR PUBLIC PROJECTS.
 - B. APPROVED – **RES.19-42**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING REVISED PURCHASING MANUAL.
 - C. APPROVED – **RES. 19-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ESTABLISHING SETTLEMENT AND CLAIMS DENIAL AUTHORITY FOR VARIOUS TYPES OF CLAIMS FILED WITH THE CITY.

General Services Director Shonna Halterman presented a report on a request to approve various actions related to purchasing and settlements. Amendments to the CMC and related policies and procedures are recommended in order to reflect updates in

purchasing limits and claim settlement/denial authority. The primary change will be to increase the thresholds where Council approval is required for the purchases of goods and services from \$45,000 to \$60,000, which is also consistent with new thresholds under the Uniform Public Construction Cost Accounting Act when bidding is required for public works projects. The City has historically tied the purchasing limits together to avoid confusion. Additional technical changes are recommended to more accurately reflect current practices in purchasing.

In 2013, the City adopted procedures to implement the Uniform Public Construction Cost Accounting Act ("Act") (CMC Chapter 2.9). The Act allows the City to increase the limits when formal bidding is required for public works projects. Without the Act, the City would need to formally bid any public works project over \$5000. The City's ordinance, consistent with prior Act limits, allows the City to utilize an informal bidding process for projects under \$175,000 and negotiate contracts for projects under \$45,000. \$45,000 is also the limit when Council approval is required.

The Act has recently been updated to change the thresholds from \$175,000 to \$200,000 and \$45,000 to \$60,000. The City's Purchasing Ordinance (CMC Chapter 2.7) and claim settlement/denial authority are tied to the Act's lower limit threshold. Formal bidding or an RFP process and Council approval are required for purchases and settlements over \$45,000. The reason for tying the purchasing and claims settlement authority with public works project authority is to avoid confusion and have consistency.

During staff review of the Purchasing Ordinance and Manual, staff determined that other technical changes would be appropriate to reflect current practices. These include clarification regarding the process for selecting architects and engineers, the use of Master Service Agreements, and including an express provision that the purchasing limit authority includes the authority to execute contracts at those limits. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve the introduction of **Ordinance 19-06**, amending sections 2.7.06 and 2.7.08 of Chapter 2.7 and Section 2.9.03 of Chapter 2.9 of Title 2 of the Clovis Municipal Code pertaining to the city purchasing system and procurement procedures for public projects. Motion carried 4-0-1 with Councilmember Ashbeck absent.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve Resolution **19-42**, a resolution of the City Council of the City of Clovis approving revised purchasing manual. Motion carried 4-0-1 with Councilmember Ashbeck absent.

Motion by Councilmember Whalen, seconded by councilmember Flores, for the Council to approve Resolution **19-43**, a resolution of the City Council of the City of Clovis establishing settlement and claims denial authority for various types of claims filed with the city. Motion carried 4-0-1 with Councilmember Ashbeck absent.

CORRESPONDENCE

11. NONE.

ADMINISTRATIVE ITEMS

12. 7:50 - RECEIVED AND FILED – 2019 COMMUNITY INVESTMENT PROGRAM PROMOTIONAL VIDEO PRESENTATION AND UPDATE ON CURRENT AND FUTURE USE OF MEDIA TO COMMUNICATE WITH CITY RESIDENTS.

Assistant Engineer Kevin Gross provided an overview of the 2019 Community Investment Program promotional video. Public Affairs and Information Supervisor Chad McCollum presented an update in the current and future use of media to communicate with city residents. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. It was the consensus of Council, with Councilmember Ashbeck absent, for the Council to receive and file the update.

CITY MANAGER COMMENTS 7:59

City Manager Luke Serpa thanked staff for their video presentation update.

COUNCIL ITEMS 8:00

13. 8:01- APPROVED – LETTER OF SUPPORT FOR SB 230 AND LETTER OF OPPOSITION FOR AB 392 RELATING TO POLICIES FOR LAW ENFORCEMENT USE OF DEADLY FORCE

Police Chief Matt Basgall presented a report on a request to submit a letter of support for SB 230 and letter of opposition for AB 392. Chief Basgall provided reasoning for the support of SB 230 and opposition and AB 392.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council approve a letter of support for support for SB 230 and letter of opposition for AB 392. Motion carried 4-0-1 with Councilmember Ashbeck absent.

14. 8:07 - Council Comments

Mayor Bessinger thanked the other councilmembers for their assistance. He also commented on certain legislation that would penalize local jurisdictions for not meeting certain housing targets.

Councilmember Mouanoutoua attended League of California Cities Environmental Committee meeting last week and reported out. He also commented on a median on Villa north of Bullard Avenue and if any changes need to be made.

Councilmember Flores reported out on attending a North Kings River GSA meeting.

Councilmember Whalen reported out on the League Public Safety meeting recently attended.

CLOSED SESSION

15. None.

Mayor Bessinger adjourned the meeting of the Council to April 8, 2019

Meeting adjourned: 8:16 p.m.



Mayor



City Clerk

