

CLOVIS CITY COUNCIL MEETING

May 20, 2019

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Mayor Bessinger
Absent: Councilmember Whalen (arrived at 6:11 p.m.)

PRESENTATION

1. 6:02 p.m. - PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF MAY 19-25, 2019 AS NATIONAL PUBLIC WORKS WEEK

Councilmember Flores presented Public Utilities Director Scott Redelfs and staff a proclamation proclaiming the week of May 19–25, 2019 as National Public Works Week.

PUBLIC COMMENTS

6:09 – None

CONSENT CALENDAR 6:10

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

2. City Clerk – Approval - Minutes for the May 6, 2019 Council Meeting.
3. General Services - Approval – **Res. 19-59**, Adopting the FY2019-2020 Consolidated Transportation Service Agency (CTSA) Operations and Program Budget for Roundup Transit Services.
4. General Services – Approval – **Res. 19-60**, Authorizing Amendments to the Police Service Officer Classification.
5. Planning and Development Services - Approval - Waive normal bidding requirements and authorize the City Manager to enter into a sole source contract with Vanir Construction Management, Inc. for the Landmark Commons Project.
6. Public Utilities – Receive and File – Public Utilities Report for January 2019.

Councilmember Whalen arrived at 6:11 p.m.

PUBLIC HEARINGS

7. 6:12 - APPROVED - BID AWARD FOR CIP 15-16, WILLOW AVENUE WIDENING PROJECT - SHEPHERD TO COPPER; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY, AND APPROVE **RES. 19-61** AMENDING THE 2018-2019 COMMUNITY INVESTMENT PROGRAM BUDGET FOR SEWER DEVELOPER AND WATER DEVELOPER ACCOUNTS, WILLOW SEWER MAIN AND WILLOW WATER MAIN

City Engineer Mike Harrison presented a report on a request to award the bid for CIP 15-16, Willow Avenue widening project - Shepherd to Copper; and authorize the city manager to execute the contract on behalf of the city, and amend the 2018-2019 community investment program budget for sewer developer and water developer accounts, Willow sewer main and Willow water main. The Willow Avenue widening project from Shepherd Avenue to Copper Avenue is a Measure "C" funded project, augmented by State Local Partnership Program (SLPP) funds. The project includes construction of underground utilities (sewer and water) to prevent costly future street cuts and minimize substantial public inconvenience as the area is developed. Because the Measure "C" and SLPP funds must be used on transportation related facilities and not utilities, a funding advance for the sewer and water mains planned for Willow Avenue was included in the CIP budget. Bids were received on May 7, 2019 and overall, the result was good, the bid was within 2.5% of the engineer's estimate; however, the costs for the sewer and water construction items were significantly higher than the budget. Staff is recommending award of the project and amendment of the CIP budget to accommodate the increased cost of the sewer and water construction.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to award the bid for CIP 15-16, Willow Avenue widening project - Shepherd to Copper; and authorize the city manager to execute the contract on behalf of the city, and approve **Resolution 19-61**, amending the 2018-2019 community investment program budget for sewer developer and water developer accounts, Willow sewer main and Willow water main. Motion carried by unanimous vote.

8. 6:26 - APPROVED INTRODUCTION - **ORD. 19-08**, R2019-01, PREZONING APPROXIMATELY 208 ACRES OF PROPERTY LOCATED NORTHEAST OF BEHYMER AND WILLOW AVENUES AND TO ADOPT A MASTER PLAN FOR FOCUS AREA #11 OF THE GENERAL PLAN. MULTIPLE OWNERS, MAIN STREET PROMENADE, LLC, APPLICANT

City Planner Bryan Araki presented a report on a request to prezone approximately 208 acres of property located northeast of Behymer and Willow Avenues and to adopt a Master Plan for Focus Area #11 of the General Plan. The Clovis General Plan Update (GPU) adopted in August 2014, included two new urban village growth areas. The Northwest Growth Area, or Heritage Grove, is a four square mile area bounded by Willow, Copper, Sunnyside, and Shepherd Avenues. Heritage Grove is an urban village which provides a variety of land uses from very low density single-family homes, very high density multiple-family, to commercial and agriculture uses. The General Plan identified five Focus Areas within Heritage Grove, each requiring a Master Plan prior to development. Because of the unique nature of the Focus Areas, the Master Plans are intended to provide direction and guide development with precise standards that are not available in the standard Development Code. The City received an application to prezone approximately 208 acres of property located on the east side of Willow Avenue, north of Behymer Avenue, referred to as Focus Area #11 in the General Plan. The applicant provided a draft Master Plan including development standards for Focus Area #11, which if approved, would accommodate annexation and guide development as the City grows in northwest Clovis (Heritage Grove).

Manny Penn, applicant, spoke in favor of the master plan. Sean Beaty, senior pastor of Clovis Hills Community Church, adjacent the project, spoke in favor. Bill Smittcamp, resident and property owner, spoke in favor of the project and master plan. Arakel Arisian, representing the Ricchiuti family, commented on various projects they are working on in the area and spoke in opposition to annexing the entire area and spoke in support of contiguous annexation. Pastor Steve Parcerrian, Valley Christian Center, adjacent property owner, spoke in support of the prezone. Lori Bennett, Clovis Community College, commented on the growth of the school, and spoke in favor of the master plan. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to the introduction of **Ordinance 19-08**, rezoning approximately 208 acres of property located northeast of Behymer and Willow Avenues and to adopt a Master Plan for Focus Area #11 of the General Plan. Motion carried by unanimous vote.

CORRESPONDENCE

9. 7:36 - CONSIDERED - A REQUEST FROM CLOVIS COMMUNITY COLLEGE TO SUBMIT A LETTER TO GOVERNOR NEWSOM TO ALLOCATE PROPOSITION 51 FUNDING IN THE 2019-2020 STATE BUDGET FOR PROJECTS APPROVED IN THE BOARD OF GOVERNORS' 2019-2020 CAPITAL OUTLAY SPENDING PLAN, WHICH INCLUDES \$26 MILLION FOR CLOVIS COMMUNITY COLLEGE TO BUILD THE CAREER TECHNICAL EDUCATION/APPLIED TECHNOLOGY BUILDING

Councilmember Flores indicated that as an employee of the State Center Community College District and that he would recuse himself from deliberation on this item and left the dais at 7:36.

Clovis Community College President Lori Bennett addressed the Council on a request for a letter of support to Governor Newsom to allocate Proposition 51 funding in the 2019-2020 state budget for projects approved in the Board of Governors' 2019-2020 capital outlay spending plan, which includes \$26 million for Clovis Community College to build the career technical education/applied technology building. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Whalen, for the Council to authorize a letter of support. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

Councilmember Flores returned to the dais at 7:45.

ADMINISTRATIVE ITEMS

10. 7:46 – CONSIDERED - REVIEW AND INTRODUCTION OF THE 2019-20 CITY OF CLOVIS ANNUAL BUDGET, AND INFORMATION REGARDING THE CLOVIS SUCCESSOR AGENCY

City Manager Luke Serpa presented the introduction of the 2019-20 City of Clovis Annual Budget, and information regarding the Clovis Successor Agency. According to the Municipal Code, the City Manager is responsible for providing the City Council with a

recommended annual budget prior to commencement of the succeeding fiscal year and by no later than the third regular Council meeting in May. The Annual Budget is a plan for the financial operations of the City and includes a spending plan for all City operations, a five-year capital improvement program, and estimated revenues for the upcoming fiscal year. The purpose of the budget is to enable the City Council to make financial plans for current and long-term expenditure needs, to insure that executive management is administering the plans as set forth, and to allow citizens and investors an opportunity to form opinions about the financial policies and administration of the City.

The 2019-20 Annual Budget is the spending plan for community investment in local services such as public safety, parks and recreation, transit, streets, water and sewer, and repairs/maintenance of public facilities. The Annual Budget is also the spending plan for investment in infrastructure of the community. The Annual Budget provides for a range of public services and focuses on those services that are essential to our citizens. Continuing prudent fiscal decisions and ongoing economic development initiatives enable the City to continue to maintain service levels and remain fiscally sustainable. The budget also includes technology improvements that will increase security and reliability of City technology systems, economic development initiatives, and continued improvements within the City's rights of way, and public facilities to implement greater accessibility for disabled citizens. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

It was the consensus of City Council to continue this item to the meeting of June 10, 2019.

11. **CONSIDERED - VARIOUS ACTIONS RELATED TO THE CLOVIS FIRE DEPARTMENT.**

A. 8:03 - RECEIVED AND FILED – FIRE DEPARTMENT ANNUAL REPORT FOR 2018 WITH COUNCIL PRESENTATION.

B. **APPROVED - RES. 19-62, FINAL ACCEPTANCE OF THE 2018 CALIFORNIA STATE FIRE MARSHAL MANDATED INSPECTIONS.**

Fire Chief John Binaski presented various actions related to the Clovis Fire Department. John Binaski provided an overview of the 2018 Fire Department Annual Report. He also reported out on a requirement to have the City Council approve the California State Fire Marshal mandated inspections. The California State Fire Marshal mandates inspections to be performed annually in all public and private schools (Group E Occupancy), hotels, motels, lodging houses, apartments and certain residential care facilities serving non-ambulatory clients (Group R-1, R-2, R2.1, R-4 Occupancy). Jails and care facilities (Group I Occupancy) shall be performed every two years in accordance with Section 13146.4 of the Health and Safety Code. Those inspections must be reported to the governing body and acknowledged via resolution.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. It was the consensus of City Council to receive and file the 2018 Fire Department Annual Report.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 19-62**, approving the final acceptance of the 2018 California State Fire Marshal mandated inspections. Motion carried by unanimous vote.

12. 8:58 - APPROVED - **RES. 19-63**, ADOPTING THE FRESNO COUNTY MULTI-HAZARD MITIGATION PLAN (MJHMP) AND CITY OF CLOVIS LOCAL HAZARD MITIGATION PLAN (LHMP).

Life Safety Enforcement Manager Chad Fitzgerald presented a report on a request to adopt the Fresno County Multi-Hazard Mitigation Plan (MJHMP) and City of Clovis Local Hazard Mitigation Plan (LHMP). The Disaster Mitigation Act (DMA) of 2000 and 44 Code of Federal Regulations 201.6 requires a Local Hazard Mitigation Plan (LHMP) be prepared before a disaster to guide risk-reduction activities prior to an event. In coordination with Fresno County, Clovis followed the process required by the DMA to analyze both the County risk and City of Clovis risk from natural hazards. The MJHMP and LHMP are the result of that process. Specifically, these plans identify natural hazard risks faced regionally and locally, establish a means to coordinate available resources, and outline actions to reduce or eliminate risks. The Fresno County MJHMP and City of Clovis LHMP Annex have received tentative approval from the California Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA). In order to be fully executed and approved, Council must formally adopt each plan and direct staff to incorporate the City of Clovis LHMP into the Safety Element of the General Plan as part of the General Plan Update process. In addition, jurisdictions must adopt the plan if they wish to be eligible for various federal mitigation, preparedness or response grant funding. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve **Resolution 19-63**, adopting the Fresno County Multi-Hazard Mitigation Plan (MJHMP) and City of Clovis Local Hazard Mitigation Plan (LHMP). Motion carried by unanimous vote.

13. 9:04 - POLICY DIRECTION PROVIDED – FOR THE CITY COUNCIL TO PROVIDE POLICY DIRECTION TO SUPPORT OR OPPOSE PROPOSED HOUSING LEGISLATION;

RECOMMEND SUPPORT:

- AB 10 (STATE TAX CREDIT FUNDING)
- SB 5 (TAX INCREMENT FUNDING FOR AFFORDABLE HOUSING)

RECOMMEND OPPOSE:

- AB 1763 (LAND USE CONTROL)
- SB 48 (LAND USE CONTROL)
- SB 50 (LAND USE CONTROL)
- SB 330 (LAND USE CONTROL) straight oppose

City Manager Luke Serpa provided a brief overview of the proposed legislation and summarized the League of California Cities position to support or oppose certain housing legislation as noted above.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to authorize letters of opposition and support for the bills listed above as recommended by staff noting that SB 330 was "oppose" and AB 1763, SB 48, and SB 50 were "oppose unless amended". Motion carried by unanimous vote.

CITY MANAGER COMMENTS 9:08 - BRIEF UPDATE ON THE PROPOSED FRESNO COUNTY LIBRARY

City Manager Luke Serpa presented a brief update on the proposed Fresno County Library new architectural renderings.

COUNCIL ITEMS

14. Council Comments – 9:13

Councilmember Ashbeck commented on the Employee Appreciation Dinner and thanked staff.

Councilmember Mouanoutoua questioned if Dwight Kroll had been in attendance at meeting with the County when the new library architectural drawings were shown. Dwight Kroll responded affirmatively.

Councilmember Flores commented on the Employee Appreciation Dinner and noted that the longevity of the city's employees is a reflection of our city management team.

Mayor Bessinger commented on the Employee Appreciation Dinner and thanked staff.

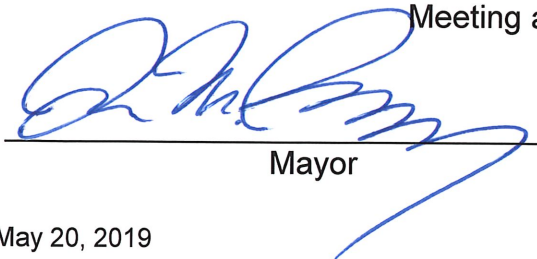
CLOSED SESSION 9:17

15. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Brianne Glick v. City of Clovis, et. al.;
Fresno County Superior Court case # 19CECG00122
16. Government Code Section 54956.9(d)(4)
CONFERENCE WITH LEGALCOUNSEL - ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9
(Deciding Whether to Initiate Litigation)
One Potential Case

Motion by Councilmember Flores, seconded by Councilmember Ashbeck for the City Council to authorize the initiation of litigation. Motion carried by unanimous vote

Mayor Bessinger adjourned the meeting of the Council to June 3, 2019

Meeting adjourned: 9:28 p.m.


Mayor


City Clerk

