

CLOVIS CITY COUNCIL MEETING

July 15, 2019

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Pro Tem Flores
Flag Salute led by Councilmember Whalen

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

PRESENTATION

1. NONE.

Councilmember Ashbeck arrived at 6:04 p.m.

PUBLIC COMMENTS 6:04

Resident Marcus, lives by the indoor gun range commented. He indicated that the gun range is exceeding what was approved by the City Council in 2012 regarding the noise ordinance. He is requesting to meet with his councilmember on how to deal with the negative impact he believes the gun range has had on his neighborhood.

CONSENT CALENDAR 6:12

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

2. City Clerk – Approved - Minutes for the July 1, 2019 Council Meeting.
- 2a. Community and Economic Development – Approved - Authorizing the City Manager to execute the Sierra Vista Mall Assignment and Assumption Agreement between the City of Clovis and Comm 2006-C8 Shaw Avenue Clovis, LLC and Sierra Vista Realty, LLC, Sierra Vista CHC LLC, and Sierra Vista Nassim, LLC, as represented by Namdar, LLC.
3. General Services - Approved - **Res. 19-95**, Amending the Management Benefit Summary, the Executive Management Benefit Summary, and the Represented Employees Benefit Summary.
4. General Services – Approved – **Res. 19-96**, Authorizing Amendments to the Senior Fire Prevention Officer Classification.
5. General Services – Approved – A One-Year Contract Extension with Environment Control for City-wide Janitorial Services from September 22, 2019 through September 21, 2020.
6. General Services – Approved – **Res. 19-97**, Authorizing the Execution of the Certifications and Assurances for the FY 2019-20 California State of Good Repair Program.
7. General Services – Approved - Claim Rejection of General Liability Claim for Stacey Lynn Horne.
8. General Services – Approved - Claim Rejection of General Liability Claim for Tyler A. Horne.
9. Planning and Development Services - Approved – Final Acceptance for CIP 19-05, ADA Ramp Project 2019.

10. Planning and Development Services - Approved – Partial Acceptance for Final Map for Tract 6080, located at the southwest area of Ashlan and Highland Avenues (Ashlan/Highland No.1, LP – McCaffrey Homes).
11. Public Safety - Approved – Waive the City's usual purchasing requirements and authorize the purchase of the Tyler New World Brazos mobile phone application to allow more efficient workflows and integration with the court system.

PUBLIC HEARINGS

12. 6:13 - APPROVED - **RES. 19-98**, CUP2019-005, APPROVING A CONDITIONAL USE PERMIT FOR A 23-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT WITH PUBLIC STREETS, REDUCED SETBACKS AND INCREASED LOT COVERAGE FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ASHLAN AND LOCAN AVENUES. WILSON PREMIER HOMES, INC., OWNER/APPLICANT; HARBOUR & ASSOCIATES, REPRESENTATIVE.

Associate Planner George Gonzalez presented a report on a request to approve a conditional use permit for a 23-lot single-family planned residential development with public streets, reduced setbacks and increased lot coverage for property located at the northwest corner of Ashlan and Locan Avenues. The applicant is requesting approval of a conditional use permit for a 23-lot planned residential development with public streets, reduced setbacks and increased lot coverage for a previously approved vesting tentative tract map. The applicant is not proposing a Homeowner's Association with this project. Approval of this Project would allow the developer to continue processing a residential site plan review and development drawings.

Stan Harbour, engineer representing the applicant, commented on and spoke in favor of the project. Leo Wilson, Wilson Homes, commented on the remaining parcel and possible disposition of it. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve a conditional use permit for a 23-lot single-family planned residential development with public streets, reduced setbacks and increased lot coverage for property located at the northwest corner of Ashlan and Locan Avenues. Motion carried 4-0-1 with Mayor Bessinger absent.

CORRESPONDENCE

13. NONE.

ADMINISTRATIVE ITEMS

14. 6:35 - APPROVED ADOPTION - ORD. 19-09, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 5.6.09, SUBSECTION (A) OF CHAPTER 5.6 OF TITLE 9 OF THE CLOVIS MUNICIPAL CODE REGARDING THE MAXIMUM NUMBER OF CARD TABLES ALLOWED IN A CARD ROOM. (VOTE: 4-1 WITH COUNCILMEMBER WHALEN VOTING NO)

Assistant City Manager John Holt presented a report on a request for Council to adopt an ordinance amending Section 5.6.09, subsection (a) of Chapter 5.6 of Title 9 of the Clovis Municipal Code increasing the maximum number of authorized card tables at the 500 Club from 18 to 20. The new owners of the 500 Club (K & M Casinos, Inc.) took over operations on March 1, 2019. Staff is in receipt of a request from the owners to increase the number of card tables allowed to operate in a card room from eighteen (18) to twenty (20). The City Attorney's office reviewed the request and found that Chapter 5 of the Gambling Control Act, Business and Professions Code, Section 19961.6 subdivision (b), allows for a one time increase of two tables without requiring voter approval. Attachment (A) is the draft ordinance amending Section 5.6.09, subsection (a) increasing the maximum number of authorized card tables in a Card Room from 18 to 20. Attachment (B) is a staff report from 2011 providing some background on prior actions taken with the relocation and expansion of the 500 Club. There being no public comment, Mayor Pro Tem Flores closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to adopt an ordinance amending Section 5.6.09, subsection (a) of Chapter 5.6 of Title 9 of the Clovis Municipal Code increasing the maximum number of authorized card tables at the 500 Club from 18 to 20. Motion carried 3-1-1 with Councilmember Whalen voting no and Mayor Bessinger absent.

15. 6:38 - APPROVED ADOPTION - ORD. 19-10, AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE RELATING TO DEVELOPMENT FEES. (VOTE: 3-0-2 WITH COUNCILMEMBER FLORES AND COUNCILMEMBER WHALEN ABSENT)

Associate Engineer Sean Smith presented a report on a request to adopt Ordinance 19-10, amending various sections of the Municipal Code relating to Development Fees. On July 1, 2019, City Council approved a resolution related to Development Impact Fees (DIF) and also approved the introduction of Ordinance 19-10, amending the Municipal Code relating to Development Fees. At the July 1, 2019 meeting, the introduction of the ordinance was approved with less than a unanimous vote due to two council absences from that meeting. Therefore the adoption of the ordinance is being considered on the regular agenda versus the consent calendar.

The Municipal Code provides for reimbursements of specific DIF's when a project exceeds its fee obligation. A few of these are Sewer, Water, Major Street, Undergrounding of Overhead Utilities, and Parks. The Major Street section is the only DIF that requires the payment of interest on reimbursements when the City does not have an adequate fund balance. The City Attorney's Office has found no other requirement for the City to pay interest besides the City's Municipal Code. Staff is recommending approval of the ordinance change necessary to implement the interest revision as a clean-up action to make the Major Street section consistent with other reimbursement sections of the Municipal Code.

Darius Assemi, Granville Homes, indicated that he was not in town on July 1 for the consideration of the adoption of fees. He indicated that charging a one bedroom apartment the same park fee as a 5 bedroom home does not seem to be fair. Mike Cunningham, resident, commented on having Councilmember Whalen and Flores ability to vote on the item as they were absent during the July 1, 2019 meeting. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve a request to adopt Ordinance 19-10, amending various sections of the Municipal Code relating to Development Fees. Motion carried 4-0-1 with Mayor Bessinger absent.

16. 7:05 - APPROVED – REVISED, AMENDED, AND RESTATED COOPERATIVE AGREEMENT BETWEEN FRESNO IRRIGATION DISTRICT AND CITY OF CLOVIS FOR WATER UTILIZATION AND CONVEYANCE, AND MAKING THE DETERMINATION THAT THE AGREEMENT IS EXEMPT FROM CEQA; AND CONSIDER APPROVAL – FIRM SURFACE WATER SUPPLY AND PURCHASE AGREEMENT.

Public Utilities Director Scott Redelfs and Assistant Public Utilities Director Paul Armendariz presented Council a proposed Cooperative Agreement between Fresno Irrigation District and City of Clovis for Water Utilization and Conveyance. City of Clovis staff began negotiations with the Fresno Irrigation District (FID) in late 2017 to discuss the terms of revising and updating the Cooperative Agreement between FID and Clovis that specifies the contractual arrangement for the City to receive Kings River Water Supply. The attached agreements represent the final proposed language and terms for the City to continue receiving Kings River water and include the addition of a new water supply to meet future City growth and support implementation of the Sustainable Groundwater Management Act (SGMA). The original Conveyance Agreement, which was signed in 1972, needed to be revised and updated for current and future operations.

The revised and updated Conveyance Agreement provides the City the certainty of receiving its current allocation of Kings River water and allows for an additional 1% allocation as lands within the FID service area annex to the City upon development. Currently, in an average water year, FID is entitled to approximately 450,000 acre feet of Kings River water. Of that amount, the City of Clovis currently receives 6.12%, which is about 27,500 acre feet of allocated Kings River water. The additional 1% will add about 4,500 acre feet, totaling approximately 32,000 acre feet of allocated water in an average water year.

To meet expected growth in relationship to the City of Clovis General Plan and the 2015 Urban Water Management Plan (UWMP), and to assist in compliance with SGMA, a supplemental agreement for a new water supply has been negotiated. The supplemental agreement is for a firm 7,000 acre feet of water available to the City annually and is not dependent on seasonal conditions. This water supply will be extremely valuable in multiple drought years. This new water supply will also provide for City growth.

Staff believes that the combination of secured water supply and enacted State legislation will provide the City the necessary means to serve growth as defined in the General Plan. The 2020 UWMP update, expected to be completed next year, will provide the City with an updated look at current and future water needs. The following is a list of water supply that is and will be available to meet City water needs:

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| • FID Conveyance Agreement (average water year) | 32,000 acre feet |
| • Firm Water Supply Agreement | 7,000 acre feet |
| • Waldron Pond Banking Facility | 9,000 acre feet |
| • Jameson-Boswell Banking Facility | 4,500 acre feet |
| • Garfield Water District allocation (average water year) | 1,170 acre feet |
| • International Water District allocation (average water year) | 600 acre feet |

Senate Bill SB 606 and Assembly Bill 1668 require cities to set strict annual water budgets. Under the bills, each urban water provider will be required to come up with a target for water use by 2022. Fines for agencies failing to meet their goals can begin in 2027. Standards will be based on a formula that is made up of three main factors: an allowance of 55 gallons per person per day for indoor water use, dropping to 50 gallons by 2030; a yet-to-be determined amount for residential outdoor use that will vary depending on regional climates; and a standard for water loss due to leak rates in water system pipes.

Bill Stretch, General Manager, Fresno Irrigation District, introduced Jerry Prieto and Gary Serrato, and commented on the agreement. Gary Serrato, former General Manager, and lead negotiator, commented on the proposed agreement. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to:

- Approve the Revised, Amended and Restated Cooperative Agreement between Fresno Irrigation District and City of Clovis for Water Utilization and Conveyance; and
- Determine that the Revised, Amended and Restated Cooperative Agreement between FID and the City is exempt from CEQA pursuant to CEQA Guideline Section 15061(b)(3).

Motion carried 4-0-1 with Mayor Bessinger absent.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve the Firm Surface Water Supply and Purchase Agreement.

Motion carried 4-0-1 with Mayor Bessinger absent.

17. 8:12 - DENIED – A REQUEST FROM A RESIDENT FOR THE CITY TO ALLOW COMFORT ANIMALS IN THE CLOVIS SENIOR ACTIVITY CENTER.

General Services Manager Amy Hance presented a report on a request to consider a request from resident Judy Moffett for the City to allow comfort animals in the Clovis Senior Activity Center. The City has received a request from resident Judy Moffett for the City to allow comfort animals in the Clovis Senior Activity Center. Currently, the Clovis Senior Activity Center along with all City facilities, adheres to the Federal standards of the Americans with Disabilities Act (ADA) and the California Unruh Act by allowing disabled individuals and their service animals to have full access to public places. Emotional support animals are not covered by the ADA or Unruh Act and do not require accommodation, except under the Fair Housing Act and the Air Carrier Access Act (ACAA). Amy Hance indicated that staff was recommending denial of the request.

Judy Moffett, resident, commented on and spoke in support of her request. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to deny the request to allow emotional support animals in the Clovis Senior Activity Center. Motion carried 4-0-1 with Mayor Bessinger absent.

CITY MANAGER COMMENTS 8:39

City Manager Luke Serpa commented on early renewal of the Measure C that was discussed at the Fresno Council of Governments meeting on Friday.

COUNCIL ITEMS 8:40

18. Council Comments

CLOSED SESSION 8:42

19. Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNCIL-ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54946.9
(Deciding Whether to Initiate Litigation): 1 Case

Mayor Pro Tem Flores reconvened the regular meeting of the Council and requested the City Attorney report out on the action taken.

David Wolfe indicated that on a motion by Council member Ashbeck, seconded by Council member Whalen, and a 4-0 vote with Mayor Bessinger absent, the Council authorized the initiation of litigation. Details will be available once the action is commenced.

Mayor Pro Tem Flores adjourned the meeting of the Council to August 5, 2019

Meeting adjourned: 8:55 p.m.



Mayor Pro Tem



City Clerk

