

CLOVIS CITY COUNCIL MEETING

September 8, 2020

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen
Mayor Bessinger
Absent: None

PUBLIC COMMENTS: None

CONSENT CALENDAR 6:09

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the August 3, 2020 Council Meeting.
2. Administration - Approved – Agreement between City of Clovis and the Business Organization of Old Town for Fiscal Year 2020-2021.
3. Finance - Approved – **Res. 20-105**, A Resolution of Intention (ROI) to Annex Territory (Annexation #2) (Tract 6284-Northeast Corner of Teague and Sunnyside), to the Community Facilities District (CFD) 2020-1 (Dry Creek Preserve Sewer Facilities and Services) and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for October 19, 2020.
4. Fire - Approved - **Res. 20-106**, Amending the 2020-2021 Fire Department budget to reflect \$8,804 in grant funding awarded by the Special Assistance to Firefighters Grant (AFG-S) to fund emergency COVID-19 supplies.
5. Fire – Approved – Authorize the Fire Chief to execute a contract with the California Office of Emergency Services to take Possession of a new Type III Fire Engine.
6. General Services – Approved – **Res. 20-107**, Approving a Side-Letter to the Clovis Firefighters Association (CFFA) Memorandum of Understanding to amend the current Deputy Fire Marshal to Prevention Captain; and Training Officer to Training Captain; and to amend the four (4) year commitment for the Prevention Captain position to a two (2) year commitment; and Authorizing the City Manager to Execute the Agreement.
7. General Services - Received and Filed – 4th Quarter FY 2019-2020 General Services Department Report.
8. General Services – Approved - **Res. 20-108**, Approving a Side Letter Agreement with Transit Employees Bargaining Unit/Operating Engineers 3 to Adjust Lead Bus Driver Work Schedules to Include Weekend Rotations; and Authorizing City Manager to Execute Agreement.
9. General Services – Approved – **Res. 20-109**, Authorizing the Execution of the Certifications and Assurances for the FY 2020-2021 California State of Good Repair Program.
10. General Services - Approved – Waive Normal Bidding Procedures with Regards to Newspaper Public Notice and Accept Proposal from Janitorial Inc. for Janitorial Services; and Authorize the City Manager to Execute a 24-Month Service Contract.

11. Planning and Development Services - Approved - Final Acceptance for CIP 18-08, Minnewawa Avenue Street Improvements.
12. Planning and Development Services - Approved - **Res. 20-110**, Final Map Tract 6262, located at the northwest corner of Spruce Avenue and Peach Avenue (Lennar Homes of California, Inc.).
13. Planning and Development Services - Approved – **Res. 20-111**, Annexation of Proposed Tract 6262, located at the northwest corner of Spruce Avenue and Peach Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (Lennar Homes of California, Inc.).
14. Public Utilities – Approved – Final Acceptance for CIP 17-07 Well 1 Water Main Replacement.

PUBLIC HEARINGS

15. APPROVED – VARIOUS ACTIONS REQUIRED TO CONDUCT THE MARCH 2021 GENERAL MUNICIPAL ELECTION:
- 6:10 - **ITEM 15A** - APPROVED - **RES. 20-112**, CALLING THE MARCH 2, 2021 GENERAL MUNICIPAL ELECTION FOR THE PURPOSE OF ELECTING TWO MEMBERS OF THE CITY COUNCIL FOR THE TERM OF THREE YEARS AND EIGHT MONTHS THROUGH NOVEMBER 2024; AND **ITEM 15B** - APPROVED - **RES. 20-113**, ESTABLISHING CONDITIONS FOR THE FILING OF CANDIDATES' STATEMENTS; AND **ITEM 15C** - APPROVED - **RES. 20-114**, AUTHORIZING THE FRESNO COUNTY ELECTIONS DIVISION TO CONDUCT THE ELECTION

Deputy City Clerk Karey Cha presented a report on various actions required to conduct the March 2021 General Municipal Election in the City of Clovis. On March 2, 2021, an election will be held in the City of Clovis for two City Council seats. In accordance with the California Elections Code, several things must occur to successfully conduct the election. Approval of staff's recommendations and the three resolutions will call the election; establish conditions for filing of candidates' statements; and authorize the Fresno County Elections Division to conduct the election. City Council approved an ordinance in 2017 changing the election dates from March of odd years to November of even years beginning in 2022 to comply with SB 415.

SB 415, effective January 1, 2016, prohibits a city from holding an election on any date other than a statewide election date (i.e. March). If doing so in the past has resulted in turnout that was at least 25 percent below the average turnout in that jurisdiction in the last four statewide general elections. The City currently conducts its elections in March of odd years which is referred to as an "off-cycle election". Turnout for the City's off-cycle election is significantly below the threshold in SB 415 requiring the City to change to November even year elections beginning with the November 2022 election. The March 2021 election will continue to be held as a standalone election but the term of the election will need to be adjusted to accommodate the impact of SB 415. The term of office for the March 2021 elections will be approximately three years and eight months through November 2024. The standard four-year term will commence with the November 2022 Election. 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 a resolution calling the March 2021 General Municipal Election. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve a resolution establishing the conditions for filing of candidates' statements. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve a resolution authorizing the Fresno County Elections Division to conduct the election. Motion carried by unanimous vote.

6:15 – **ITEM 16A** - APPROVED - **RES. 20-115**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #63) (CURRENT APN: [558-020-05] LOT LINE ADJUSTMENT: PARCEL B PME 2020-004 - NORTHWEST CORNER OF DE WOLF AND HARLAN RANCH BLVD) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #63) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND **ITEM 16B** - APPROVED - **RES. 20-116**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of Territory (Annexation #63, current APN: [558-020-05] lot line adjustment: Parcel B PME 2020-004 - Northwest Corner of De Wolf and Harlan Ranch Blvd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #63. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-115**, for the Council to approve a resolution annexing territory (Annexation #63, current APN: [558-020-05] lot line adjustment: Parcel B PME 2020-004 - Northwest Corner of De Wolf and Harlan Ranch Blvd) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #63) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 2 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-116**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

6:21 ITEM 17 - APPROVED – **RES. 20-117**, RESOLUTION APPROVING A STREET PLAN LINE FOR CLOVIS AVENUE, FROM SHEPHERD AVENUE TO BEHYMER AVENUE, AND APPROVING ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT ADDENDUM TO THE 2014 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (EIR).

Engineering Manager Sean Smith presented a report on a request to approve a resolution approving the proposed street plan line for Clovis Avenue, between Shepherd and Behymer Avenues and approving the associated California Environmental Quality Act (CEQA) Addendum to the City of Clovis General Plan Environmental Impact Report (2014 General Plan EIR) for the Clovis Plan Line.

The City approved the Heritage Grove Master Plan in 2016, identifying planned land uses and circulation planning to establish the orderly development of the Heritage Grove planning area (Attachment 2 – Heritage Grove Circulation Plan). As a part of the planning processes for the area, the City is required to design and adopt Plan Lines (PL) to guide future build out and construction of the public roadway system. The Clovis Plan Line (Attachment 3 – Clovis Plan Line Vicinity Map and Attachment 1A – Clovis Avenue Plan Line Exhibit of the staff report) is the first in a series of plan lines that will be brought forth to Council for review and approval. The approval of the Clovis PL will allow for continued collaboration with the County in the acquisition of right-of-way within County jurisdiction, and future construction of the proposed street. 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 approve a resolution approving the proposed street plan line for Clovis Avenue, between Shepherd and Behymer Avenues and approving the associated California Environmental Quality Act (CEQA) Addendum to the City of Clovis General Plan Environmental Impact Report (2014 General Plan EIR) for the Clovis Plan Line. Motion carried by unanimous vote.

WORKSHOP

City Manager Luke Serpa provided City Council an update on the COVID-19 pandemic numbers and trends.

6:28 ITEM 18 - APPROVED – **RES. 20-118**, ADOPTION OF A RESOLUTION AMENDING THE 2019-2020 ANNUAL ACTION PLAN; AND AMENDING THE FY 2020-2021 HOUSING AND COMMUNITY DEVELOPMENT BUDGET TO INCREASE THE FUNDS BY \$60,000.

Community and Economic Development Manager presented a report on a request to adopt a resolution amending the 2019-2020 Annual Action Plan; and Amending the FY 2020-2021 Housing and Community Development Budget to Increase the Funds by \$60,000.

In order to provide additional funding for the Emergency Housing Payment (EHP) Program, staff is proposing to redirect 2019-2020 Community Development Block Grant (CDBG) funds from previously-approved activities to provide an additional \$147,829.87 of funding for the EHP Program, as follows:

FY2019 Administration	\$ 7,182.11
FY2019 Housing Rehabilitation	\$80,647.76
FY2019 ADA Improvements	\$60,000.00

The funds from Administration and Housing Rehabilitation are program savings from the 2019-2020 program year. The ADA Improvement project has not begun construction and would be cancelled. Staff is planning to return with a proposal to fund this activity in the future. This action would allow the City to further prevent, prepare for and respond to COVID-19. John Shore, Executive Director of the Community Housing Council, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution amending the 2019-2020 Annual Action Plan; and Amending the FY 2020-2021 Housing and Community Development Budget to Increase the Funds by \$60,000. Motion carried by unanimous vote.

7:26 - CITY MANAGER COMMENTS

City Manager Luke Serpa informed City Council that he had been invited to attend a virtual meeting by Fresno County Supervisors Brandau and Pacheco with other Fresno County Cities to discuss COVID-19 related expenditures.

Fire Chief John Binaski provided City Council an update on the Creek Fire.

7:27 - COUNCIL COMMENTS

Councilmember Ashbeck reported out on a Fresno County Transportation Authority meeting attended.

Councilmember Mouanoutoua reported out on a California Identification System (CAL-ID) meeting he recently attended. He also raised a question of the city's involvement in the Chamber of Commerce building. Councilmember Flores indicated that he had a conflict of interest in this discussion due to family property being owned by his family adjacent the Chamber of Commerce building and left the dais. No direction provided staff on city involvement in Chamber building discussion. Councilmember Flores returned to the dais.

Councilmember Flores reported out on at North Kings Groundwater Sustainability Agency meeting recently attended.

Mayor Bessinger commented on an email he had received from City of Torrance Councilmember Mike Griffiths requesting the City of Clovis adopt a resolution supporting

California Citizens for Local Control. There was a consensus of Council to direct staff to bring the item back for City Council consideration.

7:47 - CLOSED SESSION

19. Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Desiree Martinez v. City of Clovis, et al.

Mayor Bessinger indicated that he had a potential conflict of interest in Closed Session item 20 and left the dais.

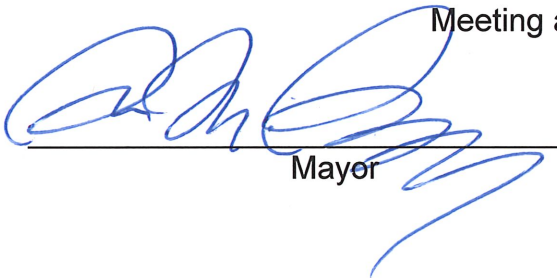
20. Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Partners 425, LLC et al v. City of Clovis

Mayor Pro Tem Flores adjourned the meeting of the Council to September 14, 2020

Meeting adjourned: 8:03 p.m.



Mayor



City Clerk

