

CLOVIS CITY COUNCIL MEETING

JULY 10, 2000

7:00 P.M.

COUNCIL CHAMBER

Meeting called to order by Mayor Armstrong
Flag Salute led by Councilmember Waterston

Roll Call: Present: Councilmembers Flores, Stearns, Waterston, Wynne, Mayor Armstrong
Absent: None

PRESENTATION FROM SERVICE CLUBS TO THE CITY OF CLOVIS FOR THE PROCEEDS FROM THE ANNUAL MAYOR'S BREAKFAST

Brian Heryford made a presentation of a check for \$2,981.22 on behalf of the Clovis Kiwanis, Clovis Rotary, Clovis Sunrise Rotary, and the Clovis Exchange Club for the proceeds of the Annual Mayor's Breakfast.

PUBLIC COMMENTS

Isabel Lawson, 820 Cherryfield, stated that the area generally northeast of Shaw and Clovis Avenues had changed regarding the general plan and stated that a new business moved in and shared space with an existing business. Mrs. Lawson stated that she felt there was a break down of communication amongst the City, the businesses in the area, and residents. Mrs. Lawson stated that the new business was operating 24 hours in violation of the requirement to operate during normal daylight hours. Mrs. Lawson indicated that she didn't understand how the City could allow the operation and felt that the business was polluting the area by operating outside the building. Mrs. Lawson requested that the City investigate and notify her upon the resolution of the problems. Council referred the matter to staff for review.

CONSENT CALENDAR

Mayor Armstrong stated that item (e) on the Consent Calendar would be considered separately and that items (i), (j), (m), and (r) would be removed from the Agenda. Motion by Councilmember Wynne, seconded by Councilmember Stearns, that the items on the Consent Calendar, except items (e), (I), (j), (m), and (r), be approved. Motion carried.

- a) Approved - Minutes for the June 19, 2000 Council meeting.
- b) Approved - **Resolution 00-79** - Adopting the Document Management Policy and Procedures including Retention Schedules and Document Destruction Policy.
- c) Received and Filed - 2000 Annual Report to Council on Lobbyist Activity.
- d) Received and Filed - Economic Development Corporation Serving Fresno County Quarterly Report for April - June 2000 (4th Quarter).
- f) Received and Filed - Treasurer's Report for the month of May 2000.
- g) Received and Filed - Investment Report for the month of May 2000.
- h) Approved - **Resolution 00-80** - Amending the City's Personnel Classification Plan by adopting the Recreation Specialist and Building Maintenance Worker classification and salary range.
- k) Denied - Claim for damages filed by Rejelio Leon.
- l) Approved - Renewal of Fresno Area Express Service Agreement for FY2000-2001.
- n) Approved - Bid Award - 2000 Slurry Seal of Various Streets to California Pavement Maintenance Co., Inc. in the amount of \$58,438.00.

- o) Approved - Bid Award - Installation of Pump, Motor, and Electrical Facilities at Well Station #30, west side of Sunnyside south of Nees in the amount of \$261,000.00.
- p) Approved - **Resolution 00-81** - Amending the 2000-2001 Budget for Planning and Development Services and amending the position allocation.
- q) Approved - **Resolution 00-82** - Certification for OCJP Juvenile Accountability Incentive Block Grant.
- s) Approved - **Resolution 00-83** - Amending the FY2000-2001 Police Department Budget personnel allocation to allocate positions for two Community Oriented Policing Services (COPS) grant-funded positions.
- t) Received and Filed - Department of Public Utilities Monthly Report for April 2000.
- u) Approved - Bid Award - Furnish Annual Supply of Traffic Paint to Donald Jacobs Distributing in the amount of \$18,059.82.

ITEM E - APPROVED - REQUEST FOR TEMPORARY CLOSURE OF BARSTOW FROM SUNNYSIDE TO BROOKHAVEN, AND SUNNYSIDE FROM PURVIS TO JEFFERSON, ON JULY 11-12, 2000, TO FILM ON LOCATION A PORTION OF A FEATURE FILM. RODEO PRODUCTIONS, APPLICANT

Business Development Manager Marilyn Lidyoff presented a report on the request for temporary closure of Barstow and Sunnyside Avenues on July 12 for a location filming. Harry Crawford, representing Rodeo Productions spoke in support of the closure and thanked the City for its assistance during the filming. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council approve a request from George Maderios, of Rodeo Productions, for street closure at the intersection of Barstow and Sunnyside as well as certain areas on Barstow, west bound toward Brookhaven, on July 11 and 12, 2000 beginning at 9:00 p.m. to 5:00 a.m. to film a portion of a feature film project entitled "Finish Line 2000". Motion carried.

APPROVED - **RESOLUTION 00-84**, AMENDING THE MASTER ADMINISTRATIVE FEE SCHEDULE PERTAINING TO ANIMAL SHELTER FEES

Police Lieutenant Tim Bos presented a report on the proposed amendment to the Master Administrative fee schedule for Animal Shelter fees. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that Resolution 00-84 (amending the Master Administrative Fee Schedule) be approved with a correction to provide for a \$20.00 deposit for a cat-skunk trap to cover a seven day period with a \$3.00 per day rental beginning after seven days. Motion carried.

CONSIDER R99-16, A REQUEST TO APPROVE A REZONE AMENDMENT TO THE P-C-C (PLANNED COMMERCIAL CENTER) ZONE DISTRICT TO ALLOW FOR REMODELING AND EXPANSION OF THE EXISTING SHOPPING CENTER (CLOVIS COUNTRY CENTER) LOCATED ON THE NORTHWEST CORNER OF SHAW AND ARMSTRONG AVENUES. SHAW-ARMSTRONG PARTNERS, OWNER/APPLICANT; DAVID PAYNTER OF PAYNTER REALTY AND INVESTMENTS, REPRESENTATIVE.

City Planner Dwight Kroll presented a report on the request for a rezone amendment to the PCC Zone District to allow for remodeling and expansion of the existing shopping center. Dwight Kroll reviewed the conditions of approval and reviewed the revised site plan. Dave Paynter spoke in support of the amendment to the zoning for the PCC Zone District to allow for remodeling of the Center and the addition of a drug store. Dave Paynter stated that he concurred with the requirement to expand the drive to 30 feet and the add landscaping around the rear perimeter of the property. Dave Paynter spoke in opposition to the requirement for a median in the drive at Burl which would prohibit exiting from the west side of the service station and spoke in opposition to the additional trees in front of Savemart. Jim Watt, representing Savemart Stores, spoke in support of the zone change with the exception of the requirement for the additional trees in front of the Savemart store. Mike Lyons, operator of the Texaco Station, spoke in support of the zone change but spoke in opposition to the requirement for the median island in the drive at Burl because he would have difficulty in getting fuel deliveries to his station. Sandy Chandler, owner of Sandy's Country Clippers, inquired what would happen to the existing businesses and stated that she had not talked to the owner of the project regarding the proposed changes. Dave Paynter indicated that they would attempt to retain the existing businesses and relocate and accommodate the existing businesses in the Center after the remodeling. Rick Turner, owner of the Tanya's Boutique in the Center, indicated that he was supportive of the City addressing the circulation issues and suggested

that the Council retain the City's standards. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the matter be continued to July 24 to allow the developer to meet with the businesses and the City to resolve any problems. Motion carried.

APPROVED - INTRODUCTION - **ORDINANCE 00-19**, R2000-2, A REQUEST TO REZONE APPROXIMATELY 10.83 ACRES FROM THE R-1-7500 (LOW DENSITY SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE 7,500 SQUARE FOOT) ZONE DISTRICT TO THE P-C-C (PLANNED COMMERCIAL CENTER) ZONE DISTRICT FOR THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF FOWLER AND ASHLAN AVENUES. MICHELLE STRACHAN AND JANICE FORTUNE, OWNERS; DIRK POESCHEL, LAND DEVELOPMENT SERVICES, APPLICANT

City Planner Dwight Kroll presented a report on the proposed zone change for the property at the northwest corner of Fowler and Ashlan from R-1-7500 (low density single-family residential minimum lot size 7,500 square foot) zone district to the PCC zone district. Dwight Kroll reviewed the conditions of approval and the proposed site plan. Dwight Kroll indicated that the applicant was requesting a left turn from the Center to the north bound Fowler and that staff was recommending against the exit to north bound Fowler. Dirk Poeschel, representing the property owners, reviewed the process for development of the site including meetings with the neighbors. Dirk Poeschel reviewed the proposed elevations of the site and the site plan for landscaping, circulation and architecture. Dirk Poeschel stated that he was in concurrence with all conditions of approval with the exception of the access to Fowler Avenue. Dirk Poeschel requested that the Council approve access to north bound Fowler from the project. Richard Pool, engineer representing the applicant, addressed the Council regarding a left turn access to Fowler and stated that the access would not cause any adverse traffic problems. Tom Acevedo, representing Vons, spoke in support of the zone change and the access to north bound Fowler Avenue. Isabel Lawson, 820 Cherryfield, spoke in support of the project. Waymen Pendegrass, 1747 Swift, spoke in support of the zone change and the project. Mike Lyons, owner of the Shell Station at Fowler and Ashlan, addressed the Council about the need for an additional grocery store in the area and the need for an additional fueling station because of the lack of the market for the area. Mike Lyons stated that he was especially concerned if Vons used the fueling station as a loss leader for customers. City Engineer Alan Weaver, addressed the Council regarding the request for the left turn exit to north bound Fowler and reviewed the reasons for the staff opposing such an exit. Discussion by the Council. Motion by Councilmember Stearns, seconded by Councilmember Wynne, that the Council adopt a Negative Declaration pursuant to CEQA guidelines, and a "De Minimis" finding pursuant to the requirements of the California Department of Fish and Game Code Section 711.4. and that Ordinance 00-19 (zone change R-1-7500 to PCC) be approved for introduction in accordance with the Planning Commission recommendation and a denial of a request for access to north bound Fowler Avenue. Motion carried.

APPROVED - **RESOLUTION 00-85** - CUP95-18A3 AND TM4762A3, A REQUEST TO APPROVE AN AMENDMENT TO THE CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP PROVIDING FOR A 548 UNIT/LOT PLANNED UNIT DEVELOPMENT TO ALLOW FOR UP TO 45% LOT COVERAGE ON UP TO 50% OF 388 OF THE LOTS FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SHEPHERD AND TEMPERANCE AVENUES. GRANVILLE HOMES, INC., OWNER/APPLICANT

City Planner Dwight Kroll presented a report on the requested amendment to the Conditional Use Permit for the Tentative Map 4762 to allow for an increase in the percentage of lot coverage for up to 50% of the 388 lots. Darin Assemi, representing Granville Homes, spoke in support of the change in the Conditional Use Permit to allow for the greater lot coverage and stated that he concurred with the staff recommendation. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council, by Resolution 00-85, approve Conditional Use Permit 95-18A3 for TM4762A3 in accordance with staff recommendation. Motion carried.

Mayor Armstrong adjourned the Council meeting to a joint meeting with the Board of the Clovis Community Development Agency.

Meeting convened: 9:15 p.m.

JOINT CLOSED SESSION

Mayor Armstrong adjourned the meeting to Closed Session in accordance with:

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation One (1) potential case

Meeting adjourned: 9:16 p.m. Reconvened: 9:37 p.m.

Mayor Armstrong stated that the Council took no public action.

JOINT PUBLIC HEARING BETWEEN THE CITY OF CLOVIS AND THE CLOVIS COMMUNITY DEVELOPMENT AGENCY REGARDING THE ADOPTION OF THE REDEVELOPMENT PLAN FOR THE SOUTHWEST CLOVIS REDEVELOPMENT PROJECT AREA

Action required by the Clovis Community Development Agency:

1. Consider - Approving the written response to the written comments submitted at the June 19, 2000 public hearing.
2. Consider - A resolution certifying the Final Environmental Impact Report for the Plan;
3. Consider - Adopting the Redevelopment Plan.

Actions required by the Council:

1. Consider - Approving the written response to the written comments submitted at the June 19, 2000 public hearing.
2. Consider - Certifying the Final Environmental Impact Report for the Plan;
3. Consider - Adopting rules governing preferences for owners and tenants in the project area; rules and regulations governing relocation assistance and procedures;
4. Consider - Authorizing the City to receive a proportionate share of tax increments from the project area;
5. Consider - Approving the usage of low and moderate income housing funds outside the project area;
6. Consider - Approving and adopting the Redevelopment Plan.

Housing Project Manager Tina Sumner presented a report on the written responses to the written comments. Tina Sumner stated that the 10 acres of vacant property adjacent to the winery was eliminated from the description of the project area. Steven Peck, of Quad Knoff, consultant on the project, responded to the comments by the County regarding the loss of revenue and reviewed the three alternative scenarios regarding potential growth of the project area. Police Lieutenant Jim Zulim presented a report on the notices of code violation. Steven Peck reviewed the indicators of economic blight. Tina Sumner reviewed the inability of the private sector to develop the vacant property within the project area. City Attorney Tom Riggs indicated, for the record, the letter received from Linzie Daniel, the Interim Chief Executive Officer for Fresno County, dated July 5 and the response from City Manager Kathy Millison, dated July 10. Judy Lopez, resident of Rialto Ranchos, commented regarding the problem about the conditions of adjacent property and objected to the plan to take her property for street purposes. Judy Lopez objected to the development of low income houses in the area. Esther Vanderford, 311 W. Gettysburg, commented about the proposed plan. Discussion by the Council and the Board. Motion by Councilmember Flores, seconded by Councilmember Wynne, that the Council continue consideration of the Plan to a date uncertain. Motion carried.

Mayor Armstrong adjourned the joint meeting and adjourned to the Clovis Community Development Agency.

Adjourned: 10:34 p.m. Reconvened: 10:36 p.m.

CONSIDER - CONSENTING TO AND APPROVING THE SALE OF REAL PROPERTY LOCATED ON CLOVIS AVENUE NORTH OF SECOND STREET IN OLD TOWN CLOVIS, PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN CLOVIS COMMUNITY DEVELOPMENT AGENCY AND CLOVIS PROPERTIES, INC.

Community and Economic Development Director Mike Dozier presented a report on a request for continuance to July 24 by Clovis Properties. There being no public comment, Mayor Armstrong closed the public portion. It was the consensus of the Council to continue the matter until July 24, 2000.

APPOINTMENT OF ALTERNATE MEMBER TO THE COUNCIL OF FRESNO COUNTY GOVERNMENTS RAIL COMMITTEE

City Manager Kathy Millison presented a report on the proposed appointment of Doug Whipple as the alternate member to the Council of Fresno County Governments Rail Committee. Council concurred with the appointment of Doug Whipple.

APPROVED - DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

It was the consensus of the Council to appoint the Mayor as the voting delegate and the Mayor Pro Tem as the alternate voting delegate.

CLOSED SESSION

Mayor Armstrong adjourned the meeting to Closed Session in accordance with:

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation One (1) case

Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiators: K. Millison, R. Ford, W. McMillen

Employee Organizations: Clovis Police Officers Association, Clovis Fire Fighters Association,
Clovis Public Works Employee Affiliation, Clovis Unaffiliated Employees

and stated that the Council would be taking no public action.

Meeting adjourned: 10:39 p.m. Reconvened: 11:25 p.m.

ADJOURNMENT

Mayor Armstrong adjourned the meeting of the Council to July 17, 2000 at 7:00 p.m.

Meeting adjourned: 11:25 p.m.

Mayor

City Clerk