

# CLOVIS CITY COUNCIL MEETING

OCTOBER 16, 2000

7:00 P.M.

## COUNCIL CHAMBER

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

Roll Call: Present: Councilmembers Flores, Stearns, Wynne, Mayor Pro Tem Waterston  
Absent: Mayor Armstrong

### CONSENT CALENDAR

Motion by Councilmember Wynne, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried with Mayor Armstrong absent.

- a) Approved - Minutes for the October 2, 2000 Council meeting.
- b) Approved - Request for extension of time for loan of sewer and water major facility development fee unit credits for property at the northwest corner of Herndon and Peach Avenues. Paynter Realty & Investment, Inc., applicant.
- c) Received and Filed - Treasurer's Report for the month of August 2000.
- d) Received and Filed - Investment Report for the month of August 2000.
- e) Denied - Claim for damages filed by Cruz Austin, claimant.
- f) Received and Filed - Rejection of proposals for Telecommunication Systems Projects.
- g) Received and Filed - General Services Department monthly report for August 2000.
- h) Approved - Bid Award - Pierce Alley Reconstruction, north of Barstow between Pierce and Adler Avenues, to BDS Construction in the amount of \$44,957.
- i) Approved - Bid Award - Chlorination of various water wells to Capital Controls Company, Inc. in the amount of \$645,000.
- j) Approved - Bid Award - Peach Avenue/Letterman Park Sewer Improvements, Project 98-30, to Bill Nelson General Engineering in the amount of \$298,498.
- k) Received and Filed - Fire Department Monthly Report for August 2000.
- l) Approved - Proposed use of funds from State Citizen's Options for Public Safety Program (COPS).
- m) Received and Filed - Public Utilities Department Monthly Report for June 2000.
- n) Approved - Authorizing the City Manager to execute an Agreement of Purchase and Sale and Joint Escrow Instructions between Clovis Call Center, a joint venture, as seller, and Wickland Oil Company, as buyer, for Phase I of the project at 100 West Ashlan Avenue.

APPROVED - RESOLUTION 00-133 - THIRD GENERAL PLAN AMENDMENT CYCLE FOR 2000

*GPA00-6, A request to amend the Herndon Shepherd Specific Plan and the Clovis General Plan to redesignate approximately 21.7 acres of property located at the northeast corner of Teague and Willow Avenues from Low Density Single Family Residential and Ponding Basin to Medium High Residential. Robert Smittcamp, owner; Wathen-Castanos, applicant.*

City Planner Dwight Kroll presented a report on a request to amend the Herndon Shepherd Specific Plan and the Clovis General Plan (GPA00-6). Tom McLaughlin, of Wathen Castanos, 540 E. Nees, spoke in support of the request. Discussion by the Council. The Council, by consensus, with Mayor Armstrong absent, approved GPA00-6, a request to amend the Herndon Shepherd Specific Plan and the Clovis General Plan to redesignate approximately 21.7 acres of property located at the northeast corner of Teague and Willow Avenues from Low Density Single Family Residential and Ponding Basin to Medium High Residential.

*GPA00-7, A request to amend the Northwest Area Specific Plan and the Clovis General Plan to redesignate approximately 5.6 acres of property located at the southeast corner of Peach and Herndon Avenues from Office to Commercial. Frances Fruguglietti and Kenneth and Ellyn Faulkner, owner; Michael H. Johnson, applicant; Ron Yamabe of Yamabe and Horn Engineering, representative.*

City Planner Dwight Kroll presented a report on a request to amend the Northwest Area Specific Plan and the Clovis General Plan (GPA00-7). GPA00-7 had received public comment at the October 9, 2000 public hearing, therefore Council did not re-open the item for public comment. Mayor Pro Tem Waterston indicated that GPA00-7 had been considered at the October 9, 2000 Council meeting and by consensus was approved 4-0 with Councilmember Stearns absent. Councilmember Stearns indicated that he had reviewed all of the material including the staff report, handouts, and diagrams, and listened to the audio tapes of the October 9, 2000 meeting. The Council, by consensus, with Mayor Armstrong absent, approved GPA00-7, a request to amend the Northwest Area Specific Plan and the Clovis General Plan to redesignate approximately 5.6 acres of property located at the southeast corner of Peach and Herndon Avenues from Office to Commercial.

*GPA00-9, A request to redesignate approximately 4.47 acres of land located at the southwest corner of Nees and Temperance Avenues from Mixed Use (Mixed Use Area 36) to Commercial. Temperance/Nees Partners, owner; George Beal, applicant.*

City Planner Dwight Kroll presented a report on the request. GPA00-9 had received public comment at the October 9, 2000 public hearing, therefore Council did not re-open the item for public comment. Mayor Pro Tem Waterston indicated that GPA00-9 had been considered at the October 9, 2000 Council meeting and by consensus vote was technically denied 2-2 with Councilmember Stearns absent. Councilmember Stearns indicated that he had reviewed all of the material including the staff report, handouts, and diagrams, listened to the audio tapes of the October 9, 2000 meeting, and met with both proponents and opponents of the request. The Council, by consensus vote, voted 2-2 with Mayor Armstrong absent, for a technical denial of GPA00-9, a request to redesignate approximately 4.47 acres of land located at the southwest corner of Nees and Temperance Avenues from Mixed Use (Mixed Use Area 36) to Commercial.

Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council, by Resolution 00-133, 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 approve the Third General Plan Amendment Cycle for 2000 and affirm the individual actions. Motion carried with Mayor Armstrong absent.

APPROVED - INTRODUCTION - ORDINANCE 00-28 - R00-16, A PREZONE OF APPROXIMATELY 21.7 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF TEAGUE AND WILLOW AVENUES FROM COUNTY AL-20 TO THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL). ROBERT SMITTCAMP, OWNER; WATHEN-CASTANOS, APPLICANT

City Planner Dwight Kroll presented a report on the prezone request and the amendment to condition 4, of Exhibit "A", of the staff report. Tom McLaughlin, of Wathen Castanos, 540 E. Nees, spoke in support of the request including the amendment to condition 4, of Exhibit "A", of the staff report providing restrictions on the location of two story structures. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, 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 the Council approve the introduction of Ordinance 00-28, to prezone approximately 21.7 acres of property located at the northeast corner of Teague and Willow Avenues from County AL-20 to the R-2 (Low Density Multiple Family Residential) with an amendment to condition 4, of Exhibit "A", of the staff report providing restrictions on the location of two story structures. Motion carried with Mayor Armstrong absent.

CUP00-13, UPHOLDING THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE/FUEL SALES USE WITH AN EATING ESTABLISHMENT WITH DRIVE-UP WINDOW AND CAR WASH TO BE LOCATED AT THE NORTHWEST CORNER OF FOWLER AVENUE AND TOLLHOUSE ROAD. EVELYN I. FORD, TRUSTEE OF THE FORD FAMILY, OWNER; GEORGE BEAL, APPLICANT

City Planner Dwight Kroll presented a report on a request to appeal the Planning Commission denial of a Conditional Use Permit. Dwight Kroll indicated that the Planning Commission and staff were recommending denial of CUP00-13 due to proximity to the Clovis Unified School District's Excel High School and the attractive nuisance convenience stores present to students; the impact on the nearby residential neighborhoods due to the proposed 24-hour operation; and the potential of generating adverse affects such as aesthetics, noise, lighting, and loitering. George Beal, applicant, 5868 East Shields Avenue, spoke in support of the request. Skip Rolf, 1854 Gettysburg Avenue, Leasing Manager for the applicant, spoke in support of the project. Dick Boranian, 10431 North Willow Ridge Port, Fresno, owner Johnny Quik store #139, located at Herndon Avenue and Tollhouse Road, spoke in opposition to the request because he felt that another Johnny Quik convenience store located less than one mile from his store would compete directly with his. Howard Landis, local resident, 1847 Polson, Thomas Berg, local resident, 1867 Polson Avenue, Jeff Clem, local resident, 1824 Polson Avenue, Karen Lawrence, 2309 Houston Avenue, spoke in opposition to the request because of their concerns of the impact a 24 hour convenience store with fuel sales and a car wash would have on their neighborhood specifically citing increased traffic, noise, and lighting. Terry Bradley, Deputy Superintendent Clovis Unified School District, 1450 Herndon Avenue, spoke in opposition to the request because the proximity of the proposed site to CUSD's Excel High School and the nuisance convenience stores present to students. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council uphold the Planning Commission denial of a Conditional Use Permit for a convenience store/fuel sales use with an eating establishment with drive-up window and car wash to be located at he northwest corner of Fowler Avenue and Tollhouse Road. Motion carried with Mayor Armstrong absent.

APPROVED - **RESOLUTION 00-134** - V00-3, UPHOLDING THE APPEAL OF THE PLANNING COMMISSION DENIAL AND APPROVING A VARIANCE TO THE DEVELOPMENT STANDARDS OF THE R-1-7500 ZONE DISTRICT TO ALLOW FOR AN INCREASE IN LOT COVERAGE FROM 40 PERCENT UP TO 45.78 PERCENT FOR MODEL PLAN NO. 5 TO BE CONSTRUCTED IN A RESIDENTIAL SUBDIVISION LOCATED ON THE NORTH SIDE OF TEAGUE AVENUE BETWEEN PEACH AND MINNEWAWA AVENUES. CENTRAL PACIFIC BUILDERS AND P.R. FARMS, INC., OWNERS; CENTRAL PACIFIC BUILDERS, APPLICANT

City Planner Dwight Kroll presented a report on a request to appeal the Planning Commission denial. Gary Gianetta, 1119 "S" Street, Project Engineer, spoke in support of the request. Discussion by the Council. Motion by Councilmember Stearns, seconded by Councilmember Wynne, that the Council, by Resolution 00-134, uphold the appeal of the Planning Commission denial and approve the variance to the development standards of the R-1-7500 Zone District to allow for an increase in lot coverage from 40 percent to 45.7 percent for model plan no. 5 to be constructed in a residential subdivision located on the north side of Teague Avenue between Peach and Minnewawa Avenues. Motion carried with Mayor Armstrong absent.

APPROVED – INTRODUCTION – **ORDINANCE 00-29** - FLOOD HAZARD ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 12 OF TITLE 8 OF THE CLOVIS MUNICIPAL CODE TO CONFORM TO THE CURRENT FEDERAL GUIDELINES

Building Official Steve Baker presented a report on the proposed update to the City's Flood Hazard Ordinance. There being no public comment, Mayor Pro Tem Waterston closed the public portion. Discussion by the Council. Motion by Councilmember Stearns, seconded by Councilmember Flores, that the Council approve the introduction of Ordinance 00-29, amending in its entirety Chapter 12 of Title 8 of the Clovis Municipal Code to conform to the current federal guidelines. Motion carried with Mayor Armstrong absent.

APPROVED - RESOLUTION 00-135 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS FINDING THAT THERE IS NO OTHER LAND IN THE CITY TO LOCATE THE PROPOSED RESEARCH AND TECHNOLOGY PARK

City Planner Dwight Kroll presented a report on a recommendation that the City Council make a finding that there is no other land in the City to locate the proposed Research and Technology Park. Dwight Kroll indicated that there are four parcels within the Research and Technology Park that are currently held under the Williamson Act and Staff was currently working to cancel the Williamson Act contracts on the four parcels in question. Dwight Kroll indicated that as part of the process to cancel the contracts, the City is required to declare that there is no other appropriate location on which the project could occur. Darryl Gillis, 5070 North 6<sup>th</sup> Street, Fresno, spoke in opposition to the recommendation. Darryl Gillis indicated that he believed the resolution contained errors because the resolution demonstrated a 15/20% set aside for retail uses in the Research and Technology Park that he believed should not be included. Darryl Gillis indicated that there were other locations in the area for retail uses and voiced his concerns about the City competing with local developers on retail development. Council indicated that the decision before them was to make a finding that there is no other land in the City to locate the proposed Research and Technology Park and not necessarily the use of the land within the Park but indicated that they would take Mr. Gillis' comments into consideration and involve him in the process. Motion by Councilmember Stearns, seconded by Councilmember Wynne, that the Council, by Resolution 00-135, make a finding that there is no other land in the City to locate the proposed Research and Technology Park. Motion carried with Mayor Armstrong absent.

APPROVED - RESOLUTION 00-136 - ADOPTING COUNTY OF FRESNO POLICIES REGARDING ADMINISTRATION OF WILLIAMSON ACT AGRICULTURAL LAND CONSERVATION CONTRACTS ON AN INTERIM BASIS

City Planner Dwight Kroll presented a report on staff's recommendation. Dwight Kroll indicated that in connection with the recent Willow/Teague reorganization, LAFCO had requested that the City of Clovis adopt a set of rules and procedures governing the creation and administration of Williamson Act Agricultural Land Conservation Contracts. Dwight Kroll indicated that these rules and procedures will describe the actions necessary to create and administer the Williamson Act Contracts within the City limits. Dwight Kroll indicated that Staff and the City Attorney recommend that the Council adopt the County of Fresno policies on an interim basis until such time as the Council adopts rules and procedures specific to the City. There being no public comment, Mayor Pro Tem Waterston closed the public portion. Motion by Councilmember Wynne, seconded by Councilmember Stearns, that the Council, by Resolution 00-136, adopt the County of Fresno policies regarding administration of the Williamson Act Agricultural Land Conservation Contracts on an interim basis. Motion carried with Mayor Armstrong absent.

CONSIDER APPOINTMENT TO THE TARPEY VILLAGE CITIZENS' LIAISON COMMITTEE

City Manager Kathy Millison presented a report to Council to consider the appointment of Samuel Macomber to the Tarpey Village Citizens' Liaison Committee. Council concurred and Mayor Pro Tem Waterston appointed Samuel Macomber to the Tarpey Village Citizens' Liaison Committee.

RECEIVED AND FILED - REPORT AND SUMMARY OF NOVEMBER BALLOT INITIATIVES

City Manager Kathy Millison presented a report and summary of the November 2000 ballot initiatives.

COUNCIL COMMENTS

*Councilmember Stearns:*

- Indicated his concern with the removal of trees on Russell Avenue during the demolition and clearing for the new Public Safety Building. Councilmember Stearns indicated that Council and Staff had informed citizens that the subject trees were to remain. Councilmember Stearns had met with City of Clovis Arborist Jeff Wooten and understood why the trees were removed but requested that this type of information be shared with concerned citizens and Council in the future.
- Councilmember Stearns also indicated that due to his absence at the October 9, 2000 meeting, he had listened to the audio tapes from the meeting and revealed that the tapes were difficult to hear and asked if something could be done to improve this. Councilmember Stearns also recommended that the Planning Commission consider adopting

a similar policy to the Council when members are absent – that the item be continued to the next meeting to provide an opportunity for them to vote.

*Councilmember Waterston:*

- Mayor Pro Tem Waterston made a comment regarding the construction that is going on north of Herndon on Fowler Avenue and the contractors doing the land leveling for the Freeway 168. Mayor Pro Tem Waterston indicated that the contractors are creating mud that is running off into nearby neighborhoods as they refill their water trucks from fire hydrants. Mayor Pro Tem Waterston recommended that the firm use street sweepers to clean up the run off.

APPROVED - **RESOLUTION 00-137** - CALLING THE MARCH 6, 2001 GENERAL MUNICIPAL ELECTION AND AUTHORIZING THE FRESNO COUNTY CLERK ELECTIONS DIVISION TO CONDUCT THE ELECTION; AND

APPROVED - **RESOLUTION 00-138** - ESTABLISHING CONDITIONS FOR FILING OF CANDIDATES STATEMENTS

Management Analyst John Holt presented a report on the March 6, 2001 City of Clovis General Municipal Election for two (2) City Council seats. Discussion by the Council. Bob Francque, 1964 Cougar Lane, spoke on the item and requested that any portions that could be left at the City level be left due to the ease of working with City Staff. Motion by Councilmember Stearns, seconded by Councilmember Wynne, that the Council, by Resolutions 00-137 and 00-138, approve actions pertaining to the March 6, 2001 City of Clovis General Municipal Election for two (2) City Council seats which included calling the election, authorizing the Fresno County Clerk Elections Division to conduct the election, and establishing conditions for filing of candidates statements. Motion carried with Mayor Armstrong absent.

ADOPTED - **ORDINANCE 00-27** - R00-17, REZONING APPROXIMATELY 5.6 ACRES LOCATED AT THE SOUTHEAST CORNER OF PEACH AND HERNDON AVENUES FROM THE RA (LOW DENSITY SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE 24,000 SQUARE FOOT) ZONE DISTRICT TO THE C-2 (COMMUNITY COMMERCIAL). FRANCES FRUGUGLIETTI AND KENNETH AND ELLYN FAULKNER, OWNERS; MICHAEL H. JOHNSON, APPLICANT; RON YAMABE OF YAMABE AND HORN ENGINEERING, REPRESENTATIVE

City Clerk Mike Prandini indicated that the adoption of this ordinance was placed on the regular Council Agenda, instead of the Consent Calendar because the item, when introduced on October 9, 2000, was approved 4-0 with Councilmember Stearns absent. Mike Prandini indicated that administrative policy called for the adoption of ordinances not unanimously approved at introduction be placed on the regular Council Agenda instead of the Consent Calendar. There being no public comment, Mayor Pro Tem Waterston closed the public portion. Councilmember Stearns indicated that he had reviewed all of the material including the staff report, handouts, and diagrams, and listened to the audio tapes of the October 9, 2000 meeting. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council adopt, by Ordinance 00-27, the rezone of approximately 5.6 acres located at the southeast corner of Peach and Herndon Avenues from the R-A (Low Density Single Family Residential minimum lot size 24,000 square foot) zone district to the C-2 (Community Commercial). Motion carried with Mayor Armstrong absent.

APPROVED - REPORT AND RECOMMENDATION ON THE PROVISION OF SEWER SERVICE TO THE AREA GENERALLY NORTH OF NEES AVENUE, SOUTH OF SHEPHERD AND BETWEEN WILLOW AND SUNNYSIDE AVENUES

Public Utilities Director Alan Weaver presented a report and recommendation on the provision of sewer service to the area generally north of Nees Avenue, south of Shepherd and between Willow and Sunnyside Avenues. Alan Weaver reviewed the specific recommendations of the report. Jeff Harris, representing the Building Industry Association (BIA), 3435 West Shaw Avenue, Fresno, spoke in support of the report and recommendation. Discussion by the Council. Motion by Councilmember Stearns, seconded by Councilmember Flores, that Council 1) Approve the plan providing interim and permanent sewer service to the area; 2) Authorize staff to initiate the process to amend the Major Facilities Sewer Fee to include the revised sewer service facilities; 3) Authorize staff to arrange for financing, as appropriate, for the construction of the proposed 21 inch sewer main in Willow between Herndon and 1,300 feet north of Teague Avenue and the proposed 18 inch sewer main in Nees between Willow and Peach Avenues; 4) Direct staff to incorporate the identified fee modifications in the Conditions of Approval for all maps that proceed prior to the

adoption of the revised sewer development fees for 2001/02; and 5) Allow all previously approved tracts within the NWSSA the option of paying the sewer fees as specified in their Conditions of Approval or fees recommended in the staff report with a modification to recommendation three (3) of the Staff report changing the 21 inch sewer main in Willow from “between Herndon and Teague Avenues” to “between Herndon and 1,300 feet north of Teague Avenue”. Motion carried with Mayor Armstrong absent.

Mayor Pro Tem Waterston adjourned the meeting for the Council to sit as the Board of the Clovis Community Development Agency.

Adjourned: 9:44 p.m.

Reconvened: 9:46 p.m.

CLOSED SESSION

Mayor Pro Tem Waterston adjourned the meeting to Closed Session in accordance with:

**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.

ADJOURNMENT

Mayor Pro Tem Waterston adjourned the meeting of the Council to November 6, 2000.

Meeting adjourned: 10:40 p.m.

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Mayor Pro Tem

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City Clerk

OCTOBER 16, 2000

9:44 P.M.

COUNCIL CHAMBER

Meeting called to order by Vice Chairperson Waterston.

Roll Call: Present: Boardmembers Flores, Stearns, Wynne, Vice Chairperson Waterston  
Absent: Chairperson Armstrong

CONSENT CALENDAR

Motion by Boardmember Wynne, seconded by Boardmember Flores, that the items on the Consent Calendar be approved. Motion carried.

- a) Approved - Minutes of the September 5 and September 18, 2000 Board meetings.
- b) Approved - **Resolution 00-6** - Adopting the 1999-00 Annual Report for the Clovis Community Development Agency.

ADJOURNMENT

Boardmember Waterston adjourned the meeting of the Board meeting.

Meeting adjourned: 9:46 p.m.

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Vice Chairperson

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Secretary

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