

# CLOVIS CITY COUNCIL MEETING

DECEMBER 4, 2000

7:00 P.M.

## COUNCIL CHAMBER

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

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

### PROCLAMATION - NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Councilmember Waterston read a proclamation proclaiming the month of December as National Drunk and Drugged Driving Prevention Month in Clovis and presented the proclamation to Ryan Finfrock, president of the Clovis Unified School District Student Drug Prevention Council.

### CONSENT CALENDAR

Motion by Councilmember Wynne, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried.

- a) Approved - Minutes for the November 20, 2000 Council meeting.
- b) Adopted - **Ordinance 00-30** - Amending Chapter 1.7 of Title 1 of the Clovis Municipal Code pertaining to Administrative Citations.
- c) Approved - Authorize the City Manager to execute escrow documents necessary for the purchase of 235 West Rialto Avenue from Willis Vestal, pending receipt of environmental assessment approval.
- d) Approved - Waive City of Clovis usual purchasing procedures to purchase two transit buses from the State of California bus bid.
- e) Approved - **Resolution 00-153** - Adoption of a Negative Declaration for EA2000-49, Groundwater Recharge Basin, Rogers Avenue Alignment.
- f) Approved - **Resolution 00-154** - Authorizing the City Engineer to execute future Program Supplements to Local Agency - State Master Agreement No. 06-5208 covering preliminary engineering, right-of-way, construction, and construction engineering for federally funded capital improvement projects.
- g) Approved - **Resolution 00-155** - Designating the City Manager to act as the City's agent in executing an agreement with the County to share costs on the replacement of the Nees Avenue bridge over Dry Creek.
- h) Approved - **Resolution 00-156** - Initiating eminent domain proceedings to acquire property for public utility easements across property located at the northeast corner and southeast corner of the intersection of Shaw and Villa Avenues for intersection reconstruction.
- i) Approved - **Resolution 00-157** - Initiating eminent domain proceedings to acquire right-of-way for one parcel 200 feet east of the intersection of Shaw and Villa Avenues for intersection reconstruction.
- j) Approved - **Resolution 00-158** - Amending the 2000-2001 budget for Planning and Development Services Department and amending the position allocation for two new positions in the Planning Division; and also approving a job classification for Planning Specialist.
- k) Approved - Final Acceptance - Well #33 located at the northwest corner of Temperance and Nees.

- l) Approved - Final Acceptance - Construction of landfill bridge at Clovis landfill, 15679 Auberry Road.
- m) Approved - Bid Award - Auxiliary power generator at Holland/Helm Lift Station to John Gorsky Construction in the amount of \$57,763.20.
- n) Approved - Bid Award - Foothill View Sewer Reconstruction at various locations north of Sierra to Halopoff and Sons, Inc. in the amount of \$159,993.44.
- o) Approved - Award contract for freeway camera system and installation to Metro Video.
- p) Received and Filed - Public Utilities Department monthly report for August 2000.

CONSIDER - FOURTH GENERAL PLAN AMENDMENT CYCLE FOR 2000

*GPA2000-8, A request to amend the Southeast Area Specific Plan and the Clovis General Plan to redesignate approximately 28 acres of property located west of Locan Avenue north of Gettysburg Avenue from Low Density Single Family residential minimum lot size 9,000 square feet to Medium Density Single Family Residential, 4.5 dwelling units per acre. The Thorburn Family, Limited Partnership, owner; Patriot Homes, applicant; Harbour and Associates, engineer.*

City Planner Dwight Kroll presented a report on the proposed redesignation and indicated that, in conjunction with the general plan change, a zone change was being processed concurrently. Dwight Kroll reviewed the rezone request R00-18 to prezone approximately 62 acres from AL20 to R-1. Lauren Smith, representing the applicant, spoke in support of the general plan change and the rezone request. Discussion by the Council. It was the consensus of the Council to approve GPA2000-8.

APPROVED - INTRODUCTION - **ORDINANCE 00-32** - R00-18, A REQUEST TO APPROVE A PREZONE OF APPROXIMATELY 62 ACRES LOCATED ON THE WEST SIDE OF LOCAN AVENUE BETWEEN SHAW AND GETTYSBURG AVENUES FROM THE COUNTY AL-20 ZONE DISTRICT TO THE CONDITIONAL R1 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE 6,000 SQUARE FOOT) OR MORE RESTRICTIVE ZONE DISTRICT. THE THORBURN FAMILY, LIMITED PARTNERSHIP, OWNER; PATRIOT HOMES, APPLICANT; HARBOUR AND ASSOCIATES, ENGINEER

Motion by Councilmember Wynne, seconded by Councilmember Stearns, 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 by Ordinance 00-32, approve the rezoning of approximately 62 acres located on the west side of Locan Avenue between Shaw and Gettysburg Avenues from County AL-20 to R-1. Motion carried.

CONSIDER FOURTH GENERAL PLAN AMENDMENT CYCLE FOR 2000

*GPA2000-12, A request to amend the Shaw Avenue Specific Plan and the Clovis General Plan to permit commercial as a secondary use in Mixed Use Area 29. Mixed Use Area 29 is located generally south of Shaw Avenue between Ash and Armstrong Avenues. Sprucemark, LTD, owner; Richard C. Ginder, Jr., applicant.*

City Planner Dwight Kroll indicated that ordinance amendment for rezone 2000-19 and conditional use permit CUP00-19 were being processed concurrently with the general plan change. City Attorney Tom Riggs stated that because Councilmember Wynne lived within 2500 feet of the subject site an appraisal was prepared to determine whether Councilmember Wynne had a conflict of interest. Tom Riggs stated that if a councilmember resided within 2500 feet from a project and that project had an effect of \$10,000 or more then the councilmember would have to abstain from voting or participating in a matter. Tom Riggs stated that the appraisal for the property indicated that, at most, the effect on Councilmember Wynne's property would be minimal and stated that based on the appraisal Councilmember Wynne could participate in discussion and voting on this issue. Dirk Poeschel, representing the applicant, made a presentation in support of the general plan change, the rezoning and approval of the conditional use permit. Dirk Poeschel reviewed the site plan and presented architectural drawings of the proposed development. Jeff Cazley, architect representing the applicant, reviewed how the design of the fuel facility would address the problems raised by the adjoining neighbors including lighting, noise from the car wash, traffic impact, loitering, and security and limitation of hours. Jeff Cazley presented an alternative design for the location of the car wash. Gary Chester, operator

of the proposed mini-mart, spoke to the Council in support of the general plan change, zone change, and conditional use permit. Wade Null, 2230 Alamos. spoke in opposition to the proposed development because there was no demonstrated need and because of the impacts on the neighboring residences. Pete Salwasser, 2065 Fairmont, spoke in opposition to the project because of the adverse impacts on residents to the south of the subject site from noise and traffic and supported professional office only. Ron Sterling, 2343 Dawson Cove Lane South, spoke in opposition to the gas station use because of the noise and traffic and the lack of demonstrated need for the services. Ron Sterling stated that he supported the professional office. Edgar Hobrock, 2175 Fairmont, stated that he had checked the land use of the adjoining property before buying his house on Fairmont and spoke in opposition to the change of use to provide for commercial. Mike Smith, 2024 Fairmont, spoke in opposition to the commercial development because of the impact on the residential homes along Fairmont. Debra Renna, 2119 Rall, stated that the commercial would adversely effect the adjoining property values and felt that commercial was not necessary for the area. Discussion by the Council. It was the consensus of the Council to deny the request for a redesignation.

**APPROVED - RESOLUTION 00-159 - FOURTH GENERAL PLAN AMENDMENT CYCLE FOR 2000**

*GPA2000-8, A request to amend the Southeast Area Specific Plan and the Clovis General Plan to redesignate approximately 28 acres of property located west of Locan Avenue north of Gettysburg Avenue from Low Density Single Family Residential minimum lot size 9,000 square feet to Medium Density Single Family Residential, 4.5 dwelling units per acre. The Thorburn Family, Limited Partnership, owner; Patriot Homes, applicant; Harbour and Associates, engineer.*

*GPA2000-10, A request to amend the Herndon Shepherd Specific Plan and the Clovis General Plan to expand the percentage of permitted commercial in Mixed Use Area 18. Mixed Use Area 18 is located generally south of Tollhouse Road, north of Herndon Avenue, and west of Temperance Avenue. Action initiated by the City of Clovis.*

*GPA2000-11, A request to amend the Herndon Shepherd Specific Plan and the Clovis General Plan to redesignate approximately 7.54 acres of property located on the south side of Nees Avenue between Fowler and Armstrong Avenues (5761-5775 E. Nees Avenue) from Low Density Residential to Public Facility for a future City of Clovis Fire Station and training facility. Evangelical Lutheran. CA., owner; City of Clovis, applicant.*

*GPA2000-12, A request to amend the Shaw Avenue Specific Plan and the Clovis General Plan to permit commercial as a secondary use in Mixed Use Area 29. Mixed Use Area 29 is located generally south of Shaw Avenue between Ash and Armstrong Avenues. Sprucemark, LTD, owner; Richard C. Ginder, Jr., applicant.*

Motion by Councilmember Wynne, seconded by Councilmember Flores, that Resolution 00-159 (Fourth General Plan Amendment Cycle for 2000) be approved in accordance with the votes on the specific items. Motion carried.

**APPROVED - INTRODUCTION - ORDINANCE 00-33 - R00-19, A REQUEST TO APPROVE A REZONE OF APPROXIMATELY 8.63 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SHAW AVENUE BETWEEN ASH AND ARMSTRONG AVENUES FROM THE R-A (LOW DENSITY SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE 24,000 SQUARE FOOT) ZONE DISTRICT TO THE C-P (ADMINISTRATIVE AND PROFESSIONAL OFFICE) AND C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICTS. SPRUCEMARK, LTD., OWNER; RICHARD C. GINDER, JR., APPLICANT**

Motion by Councilmember Stearns, seconded by Councilmember Waterston, 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 by Ordinance 00-33, approve rezone R00-19 for approximately 8.63 acres from R-A to C-P. Motion carried.

**DENIED AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT CUP2000-19 FOR A FUEL SERVICE, CONVENIENCE STORE AND CAR WASH USE TO BE LOCATED AT THE SOUTHWEST CORNER OF SHAW AND ARMSTRONG AVENUES. SPRUCEMARK, LTD., OWNER; RICHARD C. GINDER, JR., APPLICANT**

Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council deny the request for the appeal and uphold the Planning Commission denial of the conditional use permit for a fuel service, convenient store, car wash for the southwest corner of Shaw and Armstrong Avenues. Motion carried.

COUNCIL ITEMS

*Councilmember Stearns:*

- Stated that he would miss the December 11 Council meeting and would retrain December 19<sup>th</sup>.

*Councilmember Flores:*

- Stated that he would be out of town on December 11 and 12 and would miss the Council meeting and the groundbreaking for the police facility.
- Commented about the lack of school zone markings for the Center for Advanced Research and Technology Facility at Santa Ana and Clovis Avenue. City Manager Kathy Millison stated that she would refer the matter to staff for review.

*Councilmember Wynne:*

- Inquired if there was a brochure available from the City regarding a review or synopsis of revenue and expenditures for the City. City Manager Kathy Millison stated that the Finance Department produced such a document.

APPROVED - REINTRODUCTION WITH AMENDMENTS – **ORDINANCE 00-31**, REPEALING CHAPTER 6.1 OF TITLE 6 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO DOG REGISTRATION AND LICENSING AND CONTAINING OTHER ANIMAL CONTROL PROVISIONS; REPEALING SECTIONS 5.8.05, 5.8.10, 5.8.11, 5.8.44, AND 5.8.45 OF CHAPTER 5.8 OF TITLE 5 AND REPEALING SECTION 9.3.104.2(H)(5.1) OF CHAPTER 9.3 OF TITLE 9 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO ABANDONING DOMESTIC ANIMALS, THE KEEPING OF HORSES, COWS, SWINE, GOATS, AND SHEEP, THE KEEPING OF WILD ANIMALS, ANIMAL ENCLOSURES, THE INSPECTION OF PREMISES WHERE ANIMALS ARE KEPT, AND HOME BIRD PERMITS; RE-ADOPTING, REVISING, ADDING TO, AND REORGANIZING THE PROVISIONS THEREOF INTO A NEW CHAPTER 6.1 GOVERNING THE REGULATION OF ANIMALS IN THE CITY; AND AMENDING SECTIONS 9.3.104.2(H)(12) AND (K)(1) OF CHAPTER 9.3 OF TITLE 9 PERTAINING TO THE DEFINITIONS OF HOUSEHOLD PETS AND KENNELS

City Attorney Tom Riggs stated that the ordinance was being reintroduced because some of the changes suggested by the City Council were substantive changes and the ordinance needed to be reintroduced and reviewed the changes to the ordinance. There being no public comment, Mayor Armstrong closed the public portion. Motion by Councilmember Waterston, seconded by Councilmember Wynne, that the Council approve the reintroduction with amendments of Ordinance 00-31. Motion carried.

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

Adjourned: 8:36 p.m.

Reconvened: 8:37 p.m.

City Manager Kathy Millison requested that the Council consider adding an item to the Closed Session based on a letter received on December 4<sup>th</sup> regarding possible litigation referenced by the City of Fresno and stated that the item arose after the preparation of the Agenda. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council add the Closed Session item pursuant to Government Code Section 54956.9(b). Motion carried.

CLOSED SESSION

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

**Government Code Section 54957.6**

CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representatives:

K. Millison, R. Ford, W. McMillen

Employee Organizations:

Clovis Police Officers Association, Clovis Fire Fighters Association,

Clovis Public Works Employee Affiliation, Clovis Unaffiliated Employees

**Government Code Section 54956.9(c)**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Deciding Whether to Initiate Litigation      One (1) case

**Government Code Section 54956.9(b)**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation      One (1) case

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

Meeting adjourned: 8:39 p.m.      Reconvened: 10:20 p.m.

**ADJOURNMENT**

Mayor Armstrong adjourned the meeting of the Council to December 11, 2000.

Meeting adjourned: 10:20 p.m.

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Mayor

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City Clerk

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DECEMBER 4, 2000

8:36 P.M.

COUNCIL CHAMBER

Meeting called to order by Chairperson Armstrong.

Roll Call: Present: Boardmembers Flores, Stearns, Waterston, Wynne, Chairperson Armstrong  
Absent: None

CONSENT CALENDAR

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

- a) Approved - Minutes of the November 20, 2000 Board meeting.
- b) Approved - Authorize the Executive Director to execute the documents necessary for a second mortgage loan to Michael and Misty Garcia for the purchase of 1442 Fifth Street.

ADJOURNMENT

Chairperson Armstrong adjourned the meeting of the Agency Board.

Meeting adjourned: 8:37 p.m.

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Chairperson

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Secretary

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