

CLOVIS CITY COUNCIL MEETING

DECEMBER 11, 2000

7:00 P.M.

COUNCIL CHAMBER

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

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

CONSENT CALENDAR

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

- a) Adopted - **Ordinance 00-32** - R00-18, Rezoning 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 R-1 (Medium Density Single Family Residential minimum lot size 6,000 square foot). The Thorburn Family, Limited Partnership, owner; Patriot Homes, applicant; Harbour and Associates, engineer.
- b) Adopted - **Ordinance 00-33** - R00-19, Rezoning 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) Zone District. Sprucemark, LTD., owner; Richard C. Ginder, Jr., applicant.
- c) Adopted - **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.
- d) Approved - Purchase of real property for Civic Center expansion project. (#1) 1308 Tollhouse Road, APN 492-184-01 (Pizana); (#2) 1322 Tollhouse Road, APN 492-184-02 (Battaglia).
- e) Approved - Street closure, Russell Avenue between 4th and 5th Streets on December 12, 2000, between 8 a.m. and 3 p.m. for the police and fire headquarters groundbreaking.
- f) Received and Filed - Fresno City and County Convention and Visitors Bureau Semiannual Report on Film Activity, July 2000 through December 2000.
- g) Received and Filed - Community and Economic Development Department Status Report for December 2000.
- h) Approved - **Resolution 00-160** - Final Budget Amendments for 1999-2000.
- i) Received and Filed - Treasurer's Report for the month of October 2000.
- j) Received and Filed - Investment Report for the month of October 2000.
- k) Approved - **Resolution 00-161** - Final Map for Tract No. 4680, Red Bank Park, located at the northwest corner of Locan and Barstow Avenues, and authorize recording of final map. Ennis Langdon Homes, a California Corporation.

- l) Approved - **Resolution 00-162** - Annexation of Tract No. 4680, Red Bank Park, located at the northwest corner of Locan and Barstow Avenues to the Landscape Maintenance District No. 1 of the City of Clovis.
- m) Approved - **Resolution 00-163** - Final Map for Tract No. 4963, Phase 2 of Tentative tract No. 4912, located at the north side of West Teague Avenue between North Peach and North Minnewawa Avenues, and authorize recording of final map. Central Pacific Builders, Inc., a California Corporation.
- n) Approved - **Resolution 00-164** - Annexation of Tract No. 4963, Phase 2 of Tentative Tract No. 4912, located at the north side of West Teague Avenue between North Peach and North Minnewawa Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis.
- o) Approved - **Resolution 00-165** - Agreement between the City and the Fresno Metropolitan Flood Control District for construction of Master Plan Storm Drainage Facilities in conjunction with the proposed Research and Technology Business Park.

CLOSED SESSION

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation One (1) case

City Manager Kathy Millison presented a report on the need to add an item to the Agenda. Kathy Millison indicated that the City was in receipt of a letter from Fresno County regarding the County's concerns relating to items before the Clovis City Council scheduled for this meeting – specifically the Herndon Avenue Specific Study and the Special Access Exception on Herndon Avenue. Kathy Millison indicated that the County opposed Council approving the special access exception on Herndon Avenue. Kathy Millison related that the County indicated that if the Council did take action they would pursue all remedies including legal action. Kathy Millison recommended that the Council meet in closed session. Motion by Councilmember Waterston, seconded by Councilmember Wynne, to approve staff's recommendation to add the closed session item to the agenda noting that the basis for the closed session arose after the posting of the agenda. Motion carried with Councilmember Flores and Stearns absent. Councilmembers Waterston, Wynne and Mayor Armstrong left the dais at 7:10 p.m. and returned at 7:30 p.m. Mayor Armstrong indicated that no public action had been taken.

APPROVED – SUPPORT OF THE HERNDON AVENUE SPECIFIC STUDY PREPARED FOR THE COUNCIL OF FRESNO COUNTY GOVERNMENTS AND INITIATION OF PROCESS FOR CONSIDERING AMENDMENTS TO THE CIRCULATION ELEMENT OF THE CLOVIS GENERAL PLAN

Planning and Development Services Director John Wright presented a report on the Herndon Avenue Specific Study. John Wright indicated that the final report prepared by TJKM Transportation Consultants contained several specific recommendations regarding Herndon Avenue's future development in an effort to maintain and improve levels of service through the year 2020. John Wright indicated that staff was recommending Council approve, in concept, the recommendations for Clovis contained in the Final Herndon Avenue Specific Study prepared for the Council of Fresno County Governments by TJKM Transportation Consultants and initiate the process to consider amendments to the City of Clovis Circulation Element. Dave Paynter, developer, 2109 West Bullard, Fresno, CA, spoke in support of staff's recommendation. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that the Council accept, in concept, the recommendations for Clovis contained in the Final Herndon Avenue Specific Study prepared for the Council of Fresno County Governments by TJKM Transportation Consultants and initiate the process to consider amendments to the City of Clovis Circulation Element. Motion carried with Councilmember Flores and Stearns absent.

APPROVED - **RESOLUTION 00-166** - SAE2000-1, APPROVAL OF THE CONCEPT OF A SPECIAL ACCESS EXCEPTION TO THE EXPRESSWAY STANDARD TO ALLOW AN ACCESS POINT ON THE NORTH SIDE OF HERNDON AVENUE AT THE HELM AVENUE ALIGNMENT. DAVE PAYNTER, APPLICANT; EDWARD J. AND JANIS DONAGY, OWNER

Planning and Development Services Director John Wright presented a report on a request for Council to consider a Special Access Exception on Herndon Avenue. John Wright stated that the original request was for a ¼ mile access point along the north side of Herndon Avenue midway between Willow and Peach Avenues. but that the applicant had

changed the request to reflect the implementation of the TJKM Study. John Wright reviewed the comments received from Fresno County and reviewed the seven (7) conditions of approval of the concept. Dave Paynter, applicant, 2109 West Bullard, Fresno, CA, spoke in support of the staff recommendation. James Catalano, 7088 N. West Avenue, Fresno, CA, representing Cedar Tree Village Shopping Center, spoke in opposition to the request because of his concerns regarding access to and from Herndon Avenue for the subject shopping center and the effects it may have on maintaining Herndon Avenue as a limited-access expressway. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that the Council, by Resolution 00-166, approve, in concept, a Special Access Exception on Herndon Avenue subject to the seven conditions contained in the resolution and to amend the second sentence of the RESOLVED section to read "The final approval of a special access exception to the expressway standard will be conditioned upon the Council approval of the following:." Motion carried with Councilmember Flores and Stearns absent.

APPROVED - A REQUEST FOR CITY COUNCIL TO INITIATE THE APPLICATIONS FOR A GENERAL PLAN AMENDMENT AND REZONE ASSOCIATED WITH THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BARSTOW AND WILLOW AVENUES. SAMUEL LUCIDO, OWNER/APPLICANT

City Planner Dwight Kroll presented a report on a request to waive fees or initiate the applications for a general plan amendment and rezone associated with property located at the southeast corner of Barstow and Willow Avenues. Dwight Kroll indicated that staff was recommending that the City Council make a determination that adequate public benefit would be derived from this land use change to warrant the use of public funds for the processing of a general plan amendment and rezone on the subject property. Sam Lucido, owner/applicant, 516 Villa, spoke in support of the staff recommendation. Motion by Councilmember Waterston, seconded by Councilmember Wynne, that the Council approve staff recommendation and initiate a general plan amendment and rezone associated with property located at the southeast corner of Barstow and Willow Avenues. Motion carried with Councilmember Flores and Stearns absent.

RECEIVED AND FILED - 1999-2000 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director Mike Prandini presented a report on the 1999–2000 Comprehensive Annual Financial Report (CAFR). Mike Prandini indicated that the CAFR is the audited financial statement for the City of Clovis and that the information contained in the report indicate that the City is in good overall fiscal condition. It was the consensus of the Council, with Councilmember Flores and Stearns absent, to receive and file the report.

CONSIDERED - ACTIONS PERTAINING TO THE YEAR-END FINANCIAL REPORT:

RECEIVED AND FILED - DISCUSSION CONCERNING THE CITY'S WORKERS COMPENSATION PROGRAM BUDGET AND RESERVE FUND; AND

RECEIVED AND FILED - YEAR-END 1999-2000 FINANCIAL REPORT; AND

APPROVED - **RESOLUTION 00-167** - AMENDING THE 2000-2001 BUDGET FOR WORKERS' COMPENSATION COSTS IN VARIOUS DEPARTMENTS

General Services Director Robert Ford presented a report on the City's workers' compensation program. Robert Ford indicated that in June of this year the City had replaced its workers' compensation third party administrator (Fimbres Adjusters, Inc) with Pegasus Adjusters after being notified that Fimbres was going out of business. Robert Ford indicated that during the first quarter of the current fiscal year there was a significant increase in the City's workers' compensation program costs. Robert Ford indicated that an analysis revealed that the cost increase was due to a backlog of bill payments by the City's former administrator. Robert Ford indicated that the analysis also revealed that the former administrator significantly underestimated the value of the claims. Robert Ford indicated that underestimating of the incurred liability has resulted in an adjustment, required by the City's auditors, to fund the liability. The recording of the adjustment created a deficit of about \$914,000 in the workers' compensation fund. Mike Prandini presented the 1999/2000 Year-End Financial Report comparing budget and actual estimates for the fiscal year ended June 30, 2000. Mike Prandini indicated that due to higher than forecasted revenues and lower than forecasted expenditures, the General Fund net fund balance was approximately \$900,000 higher than forecast. Mike Prandini recommended that a portion of the additional fund balance be used to contribute to the General Fund's share of the workers' compensation deficit in the Employee Benefits Fund. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that the Council receive and file the City's workers' compensation report, the 1999/2000

Year-End Financial Report, and, by Resolution 00-167, amend the 2000–2001 budget for workers’ compensation costs in various departments. Motion carried with Councilmember Flores and Stearns absent.

APPROVED - RESOLUTION 00-168 - AMENDING THE AGREEMENT FOR PROFESSIONAL LEGAL SERVICES

City Manager Kathy Millison presented a report on a request to amend the Agreement for Professional Legal Services as City Attorney. Kathy Millison indicated that Tom Riggs and the firm of Lozano Smith have provided legal services as City Attorney since 1992 and that staff was satisfied with their performance. Kathy Millison indicated that the last amendment to the contract was in 1998. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that the Council, by Resolution 00-168, amend the Agreement for Professional Legal Services as City Attorney. Motion carried with Councilmember Flores and Stearns absent.

APPROVED - CUP89-2A3, A THREE-MONTH REVIEW OF AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR AN EXISTING CONVENIENCE STORE AND FUEL SALES USE LOCATED AT 2987 WILLOW AVENUE TO ALLOW FOR EXPANDED HOURS OF OPERATION. GURNAM GILL, OWNER/APPLICANT

City Planner Dwight Kroll presented a report on a three-month review of an amendment to a conditional use permit. Dwight Kroll indicated that the owner/applicant was operating within the conditions of approval of their use permit. Dwight Kroll indicated that at the meeting of September 5, 2000, Council had recommended that one additional three-month review be performed prior to year-end and if the applicant was in compliance, no further three-month reviews would be required. Gurnam Gill, owner/applicant, 2987 Willow Avenue, spoke in support of the conditional use permit. Sam Arakelian, 751 West Holland, spoke in support of the conditional use permit. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that no action be taken on the three-month review of the conditional use permit of the existing convenience store and fuel sales use located at 2987 Willow Avenue, and that no additional three month reviews be required. Motion carried with Councilmember Flores and Stearns absent.

APPROVED - RESOLUTION 00-169 - AMENDING THE FRESNO METROPOLITAN FLOOD CONTROL SCHEDULE OF PER ACRE COSTS AND FEES

City Engineer Bill Burmeister presented a report on a request to amend the Fresno Metropolitan Flood Control District (FMFCD) schedule of per acre costs and fees. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that the Council, by Resolution 00-169, amend the FMFCD Storm Drainage per-acre costs and fees. Motion carried with Councilmember Flores and Stearns absent.

APPROVED - AUTHORIZATION FOR CITY STAFF TO ISSUE BUILDING PERMITS PRIOR TO APPROVAL OF THE FINAL MAP FOR TRACT 4958 LOCATED AT THE SOUTHEAST CORNER OF TEAGUE AND WILLOW AVENUES

Planning and Development Services Director John Wright presented a report on a request to authorize staff to issue building permits prior to approval of the final map for tract 4958. John Wright indicated that it was Council policy to not issue building permits until the final map has been approved. John Wright indicated that there is a provision in State law that would allow the issuance of building permits once an acceptable map has been submitted. John Wright indicated that an acceptable map has been submitted and is ready to file with the exception of recently authorized sewer improvements and related street improvements for Willow Avenue. Tom McLaughlin, 575 East Locust Avenue, of Wathen-Castanos Inc., spoke in support of the request. Discussion by the Council. Motion by Councilmember Waterston, seconded by Councilmember Wynne, that the Council authorize City staff to issue building permits prior to approval of the final map for tract 4958 located at the southeast corner of Teague and Willow Avenues. Motion carried with Councilmember Flores and Stearns absent.

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

Adjourned: 9:06 p.m.

Reconvened: 9:13 p.m.

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,

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation One (1) case-City of Fresno

and stated that public action may be taken.

REPORT CONCERNING PROPOSAL FOR EXPANSION OF THE SPHERE OF INFLUENCE

City Manager Kathy Millison presented a report on the proposed Clovis Sphere of Influence expansion. Motion by Councilmember Wynne, seconded by Councilmember Waterston, that Council direct that a letter be sent from the Mayor to the Fresno City Council responding to issues and concerns about the proposed Clovis Sphere of Influence expansion. Motion carried with Councilmember Flores and Stearns absent.

Adjourned: 9:13 p.m.

Reconvened: 10:10 p.m.

ADJOURNMENT

Mayor Armstrong adjourned the meeting of the Council to January 8, 2001.

Meeting adjourned: 10:12 p.m.

Mayor

City Clerk

DECEMBER 11, 2000

9:06 P.M.

COUNCIL CHAMBER

Meeting called to order by Chairperson Armstrong.

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

CONSENT CALENDAR

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

- a) Received and Filed - Business Organization of Old Town (B.O.O.T.) Quarterly Report, October through December 2000.

APPROVED - REQUEST FOR SPORTSMOBILE WEST FOR REDEVELOPMENT ASSISTANCE FOR OFF-SITE IMPROVEMENTS TO THEIR DEVELOPMENT PROJECT LOCATED AT 425 NORTH MINNEWAWA AVENUE

Community and Economic Development Director Mike Dozier presented a report on a request from Sportsmobile West for Redevelopment Assistance for off-site improvements at 425 N. Minnewawa Avenue. Mike Dozier indicated that Sportsmobile West is in the planning stages of expanding their current location and the cost of the public improvements and development fees makes the development infeasible. Mike Dozier indicated that Sportsmobile West is growing 20% per year and expects to add an additional 28 employees in the near future. Alan Feld, owner, 425 N. Minnewawa Avenue, spoke in support of the request. Discussion by the Board. Motion by Boardmember Wynne, seconded by Boardmember Waterston, that the Board approve assistance to Sportsmobile West to construct public improvements associated with their development project located at 425 N. Minnewawa Avenue. Motion carried with Boardmembers Flores and Stearns absent.

ADJOURNMENT

Chairperson Armstrong adjourned the meeting of the Agency Board.

Meeting adjourned: 9:13 p.m.

Chairperson

Secretary

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