

# CLOVIS CITY COUNCIL MEETING

**JUNE 4, 2001**

**7:00 P.M.**

**COUNCIL CHAMBER**

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

Roll Call: Present: Councilmembers Armstrong, Ashbeck, Magsig, Wynne, Mayor Flores  
Absent: None

## PROCLAMATION - PROSTATE CANCER AWARENESS MONTH

Councilmember Magsig presented a proclamation to Ms. Elissa Lane, Prostate Cancer Program Chairperson for the Fresno Office of the American Cancer Society, recognizing the month of June as Prostate Cancer Awareness Month.

## PROCLAMATION - MEMORY OF FORMER MAYOR AND COUNCILMEMBER TOM STEARNS

Councilmember Armstrong read a proclamation in memory of former Mayor and Councilmember Tom Stearns.

## PUBLIC COMMENTS

Ron Sundquist, 1723 Fowler, read a poem in tribute to the memory of former Mayor and Councilmember Tom Stearns.

## CONSENT CALENDAR

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

- a) Approved - Minutes for the May 21, 2001 Council meeting.
- b) Approved - League of California Cities Ballot to change Bylaws to support the Grassroots Network.
- c) Received and Filed - 1999-2000 Single Audit Report Certification and Audit Findings.
- d) Approved - Final Acceptance - Oxford Avenue Water Main Replacement Project - Oxford Avenue between Bullard Avenue and 8<sup>th</sup> Street.
- e) Approved - Final Acceptance - Fire Station #32 Interior Remodel.
- f) Approved - **Resolution 01-79** - Final Map for tract No. 4986, Phase II of Tentative Tract No. 4958, located east of North Willow Avenue between West Teague Avenue and Wet Nees Avenue, and authorize recording of Final Map. Buchanan Estates V, Inc., a California Corporation.
- g) Approved - **Resolution 01-80** - Annexation of proposed Tract No. 4986, Phase II of Tentative Tract No. 4958, located east of North Willow Avenue between Wet Teague Avenue and West Nees Avenue to Landscape Maintenance District No. 1 of the City of Clovis.
- h) Approved - Second amendment to Agreement No. 06-1103 between the City of Clovis and the State of California increasing the initial deposit for the Shaw/Willow Intersection Improvements and allowing the deposit to be forwarded within 45 days of execution.
- i) Approved - Issuance of Certificate of Cancellation for a portion of an Agricultural Land Conservation Contract on 21.50 acres at the southeast corner of Willow and Teague Avenues. Robert and Linda Smittcamp, owners; Wathen Castanos, applicant.
- j) Approved - Bid Award - Well 33 Pump and Motor to Smith Construction Company in the amount of \$247,055.00.

- k) Received and Filed - Fire Department Monthly Report for April 2001.
- l) Received and Filed - Police Department's Annual Report - 2000.
- m) Approved - Bid Award - Furnishing of Traffic Paint to Donald Jacobs Distributing in the amount of \$49,494.41.

CONTINUED - ADOPTION OF A POLICY ESTABLISHING GUIDELINES FOR THE CLOSURE OF MOBILE HOME PARKS OR THE ELIMINATION OF SPACES WITHIN A MOBILE HOME PARK DUE TO A CHANGE IN LAND USE

Housing Project Manager Tina Sumner presented a report on a policy establishing guidelines for the closure of mobile home parks or the elimination of spaces in a mobile home park due to a change of land use. Tina Sumner indicated that staff has received inquiries from developers regarding the City's policy for the closure of mobile home parks or the elimination of spaces in a mobile home park due to a change of land use. Tina Sumner indicated that in working with the City Attorney, staff has developed a draft policy for City Council's review using California Government Code Section 65863.7 and Civil Code Section 798.56 as a foundation. Tina Sumner indicated that the Government and Civil Code have very specific requirements for the steps that must be taken prior to the closure of a mobile home park. Tina Sumner indicated that the creation of a policy would create specific guidelines and provide protection to mobile home park residents in the event of a closure or elimination of spaces in a mobile home park due to a change in land use. Tina Sumner indicated that staff had sent letters out to approximately 850 residents and had a series of meetings with concerned mobile home park residents over the past week. Dwayne Schwartz, 2110 Helm Avenue, # 60, spoke in opposition to the policy, requested that the City consider buying the mobile home parks as they come up for sale, and emphasized that residents of mobile home parks need protection from developers and land use changes that could require their relocation. David Evans, Western Manufactured Housing Association (WMA), staff member representing an association of mobile home park owners, indicated that the development of a policy would be beneficial to both the owners and residents but requested that owners be included in the process to develop such a policy. Paul Heins, Manager – Bonaventure Mobile Home Park, 1724 Minnewawa Avenue, indicated that residents of a mobile home park are a tight knit community and a relocation of residents to multiple locations would impact the quality of life of those relocated. Discussion by the Council. There was a consensus of Council to continue the item to the meeting of June 18, 2001 for further review and comment and directed the City Attorney to research a possible moratorium for conversion and directed staff to continue to meet with mobile home park residents and owners.

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

Adjourned: 8:04 p.m.

Reconvened: 8:11 p.m.

APPROVED - RESOLUTION 01-81 - CONFIRMING THE DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY 2001-2002 LANDSCAPE MAINTENANCE DISTRICT NO. 1

Construction Manager John Lovejoy presented a report on an annual assessment for Landscape Maintenance District No. 1. John Lovejoy indicated that on July 15, 1985, Council adopted Resolution No. 85-78 forming the City of Clovis Landscape Maintenance District No. 1 in accordance with the Landscaping and Lighting Act of 1972. John Lovejoy indicated that the purpose of the district is to fund the maintenance of linear landscaped areas and neighborhood parks constructed within subdivisions. John Lovejoy indicated that the 1972 Act requires a process that provides for at least four separate meetings at which the City Council must consider testimony and / or provide direction to staff in order to approve the annual assessment. John Lovejoy indicated that this was the fourth, and final, meeting, which is intended to afford the property owners an opportunity to address their concerns about the landscape maintenance district. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Armstrong, seconded by Councilmember Wynne, that the Council, by Resolution 01-81, confirm the diagram and assessments for the annual levy, 2001-02 Landscape Maintenance District No. 1 in the amount specified in the Engineer's Report for each parcel. Motion carried.

APPROVED - INTRODUCTION - **ORDINANCE 01-17** R2001-3, A REZONE FOR APPROXIMATELY 19.04 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WILLOW AND NEES AVENUES FROM THE FROM THE R-A (LOW DENSITY SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE 24,000 SQUARE FOOT) ZONE DISTRICT TO THE P-C-C (PLANNED COMMERCIAL CENTER) ZONE DISTRICT. SAVE MART, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (EDWARD DONAGHY), OWNER; ROGER PETERSON, APPLICANT

City Planner Dwight Kroll presented a report on a request to approve a rezone for approximately 19.04 acres on the southeast corner of Willow and Nees Avenues. Dwight Kroll indicated that the request to rezone to the Planned Commercial Center (P-C-C) Zone District implements the goals and objectives of the commercial center designation of the Herndon Shepard Specific Plan and General Plan Amendment, GPA99-2. Dwight Kroll indicated that the proposal generally meets the intent of the P-C-C Zone District. Dwight Kroll indicated that staff and the Planning Commission were recommending conditional approval of R2001-3. Dwight Kroll indicated that the zone district would establish the basis for approval of a commercial center containing approximately 107,103 square feet with Phase I construction, and approximately 28,980 square feet with Phase II construction. Roger Peterson, Developer, 6752 E. Nees Avenue, spoke in support of the rezone request, and supported all but condition #16 (elimination of the Nees Avenue drive approach located at the northwest corner of the site) of the conditions of approval. Bob Whalen, 1175 N. Chapel Hill, local resident, spoke in support of the request. Scott Williams, 1152 N. Chapel Hill; Steve Strong, 1172 N. Chapel Hill; Shelley Johnson, 1142 Adler; Dennis Manning, 1162 N. Chapel Hill; all local residents, spoke in opposition to the request because of their concerns with loading dock hours, loss of quality of life, noise, odor, trash enclosures, parking lot sweepers, need for a gas station at this location, traffic congestion, safety of their kids, lighting, use of facilities for drinking establishments, and the sale of alcohol. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Ashbeck, that the Council approve the introduction of Ordinance 01-17, a rezone of approximately 19.04 acres of property located at the southeast corner of Willow and Nees Avenues from the R-A (Low Density Single Family residential minimum lot size 24,000 square feet) Zone District to the P-C-C (Planned Commercial Center) Zone District with amendments to prohibit pool halls, video arcades, bars, stand alone liquor sales, and to subject eating establishments and fuel sales to the Conditional Use Permit (CUP) process. Motion Carried.

APPROVED - **RESOLUTION 01-82** - CONSENTING TO AND APPROVING THE SALE OF 1151 HARVARD AVENUE TO KOFI AND ADUKWEI OPUKU

Housing Project Manager Tina Sumner presented a report on the proposed sale of 1151 Harvard Avenue to Kofi and Adukwei Opuku for \$112,000. Tina Sumner indicated that on April 3, 2000, the Clovis Community Development Agency (Agency) authorized the execution of an agreement with the State Center Community College District for the construction of a single family home on the Agency owned property located at 1151 Harvard Avenue. Tina Sumner indicated that the Fresno City College Building Trades Program constructed a 1,300 square foot, three bedroom, two bath home. Tina Sumner indicated that the home is being sold for the appraised value of \$112,000 and that the buyer meets all of the eligibility criteria as approved by the Agency. Tina Sumner indicated that the buyer will borrow approximately \$58,000, and the Agency will have an equity share agreement for \$54,000 that is 48% of the total purchase price. Tina Sumner indicated that the Agency would receive the same percentage of the market equity as the Agency is carrying as second mortgage at the time the property is sold. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Magsig, seconded by Councilmember Wynne, that the Council, by Resolution 01-82, consent to and approve the sale of 1151 Harvard Avenue to Kofi and Adukwei Opuku. Motion carried.

COUNCIL COMMENTS

Councilmember Magsig:

- Commented that he had recently met with residents of the Bonaventure Mobile Home Park and was requesting staff look in to refuse service in mobile home parks and report back to Council on any proposed options which could include container size, container sharing and frequency of pick up in an effort to reduce the total cost of refuse service to the residents of mobile home parks
- Commented that the Research and Technology Park is a great idea and was concerned that the slowdown of the economy and energy crises would impact the City's ability to sell the land. Councilmember Magsig offered his assistance to serve on any committee / commission to recruit businesses to the Research and Technology Park.
- Commented that he was concerned about the disproportionate level of Fire Services the City was providing the City of Fresno and Fresno County when compared with those agencies support of the City of Clovis. Fire Chief Jim Schneider responded to Councilmember Magsig's concerns and explained the City's policy.

Councilmember Ashbeck:

- Informed the Council that she had recently attended the Council of Governments (COG) meeting and reported that Trinidad Lopez had been reappointed to LAFCO and Sanger Mayor Sandra Neri was appointed as an alternate
- Requested that Councilmembers use a portion of the agenda to share information on items that have occurred since the last meeting that would be beneficial to the Council as a whole
- Commented that she had attended the recent Government Affairs Committee meeting of the Chamber of commerce and wanted to share the perception of some that the City is not as business friendly as it could be and that with the growth and development of new retail business, the City should pay more attention to the existing vacancies of commercial businesses.

Mayor Flores:

- Commented on his trip to Washington DC to attend an Economic Development Administration Seminar.

APPROVED - A REQUEST TO INITIATE A REZONE OF APPROXIMATELY 80 ACRES OF PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF ALLUVIAL AND TEMPERANCE AVENUE TO APPLY THE RESEARCH AND TECHNOLOGY ZONE DISTRICT. CITY OF CLOVIS, APPLICANT

City Planner Dwight Kroll presented a report on a request to initiate a rezone of approximately 80 acres of property located at the intersection of Alluvial and Temperance Avenues to apply the Research and Technology Zone District. Dwight Kroll indicated that during the regular City Council meeting of May 7, 2001, the Council adopted Ordinance Amendment OA2001-01 establishing the R-T (Research and Technology Park) Zone District. Dwight Kroll indicated that the City has begun construction of the Phase I public improvements affecting 80 acres within the 168 acre site in preparation for the sale of land and private technology park development. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Armstrong, seconded by Councilmember Magsig, that the Council approve the request to initiate a rezone of approximately 80 acres of property generally located at the intersection of Alluvial and Temperance Avenue to apply the Research and Technology Zone District. Motion carried.

CONTINUED - 2001-02 ANNUAL BUDGET AND 2001-02 CLOVIS COMMUNITY DEVELOPMENT AGENCY BUDGET

Discussion continued on the 2001-2002 Annual Budget.

*Economic Development and Clovis Community Development Agency* - Community and Economic Development Director Mike Dozier presented a review of the Economic Development Division and the administration of the Clovis Community Development Agency.

*Fire Department* - Fire Chief Jim Schneider presented an overview of the activities of the Fire Department.

*Police Department* - Police Chief Joe Maskovich presented a review of the Police Department activities.

ADJOURNMENT

Mayor Flores adjourned the meeting of the Council to June 11, 2001.

Meeting adjourned: 10:55 p.m.

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Mayor

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City Clerk