

CLOVIS CITY COUNCIL MEETING

MARCH 5, 2001

7:00 P.M.

COUNCIL CHAMBER

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

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

PROCLAMATION - DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Councilmember Wynne presented a proclamation to Mary Stubblefield, Program Manager of Independent Living Services (ILS) and clients, proclaiming March as Developmental Disabilities Awareness Month.

PROCLAMATION - BIG HAT DAYS MONTH

Councilmember Flores presented a proclamation to Tim May, Chairman of the Board, and Jim Ware, President and CEO of the Clovis Chamber of Commerce, proclaiming March as Big Hat Days Month.

CONSENT CALENDAR

Planning & Development Services Director John Wright requested that item (b) be pulled from the Consent Calendar. Motion by Councilmember Wynne, seconded by Councilmember Stearns, that the items on the Consent Calendar, except item (b), be approved. Motion carried.

- a) Approved - Minutes for the February 12, 20, and 27, 2001 Council meetings.
- c) Approved - **Resolution 01-25** - Amending the 2000-01 Budget for General Services Capital Facilities for the Research and Technology Business Park.
- d) Received and Filed - Treasurer's report for the month of January 2001.
- e) Received and Filed - Investment report for the month of January 2001
- f) Approved - **Resolution 01-26** - Approval of alternative sites for location of a City of Clovis Surface Water Treatment Facility and adoption of a Negative Declaration for EA2001-1.
- g) Approved - **Resolution 01-27** - Initiating proceedings for the annual levy of assessment for Landscape Maintenance District No. 1.
- h) Approved - **Resolution 01-28** - Final Map - Reversion to acreage - Police/Fire Facility.
- i) Approved - Bid Award - Clovis Research and Technology Business Park infrastructure to Granite Construction Company; and
Approved - Loan from the General Fund to the Street Construction Fund as an advance on the proceeds of the loan from the State Infrastructure Bank.
- j) Approved - Final Acceptance - Construction of Peach Avenue Water Main, SH168 to Sierra Avenue.
- k) Approved - Award Weed Abatement Contract to Newton's Custom Tractor for 2001.
- l) Approved - Waiver of formal bid procedures to purchase CrimeView Software.
- m) Approved - Authorize the City Manager to execute a license agreement allowing AT&T to utilize City property located on the southwest corner of Peach and Stuart Avenues for transmission facilities.

n) Received and Filed - Public Utilities monthly report for November 2000.

ITEM (b) - APPROVED – RE-INTRODUCTION - **ORDINANCE 01-09**, OA98-3A, AMENDING SECTION 8-1.01.1 OF TITLE 8 OF THE CLOVIS MUNICIPAL CODE TO PROVIDE FOR THE EXTENSION OF THE COLLECTION OF A 25-CENT PER \$100 OF BUILDING PERMIT VALUATION FOR IMPLEMENTATION OF MAJOR PLANNING PROGRAMS AND AMENDING THE 3-YEAR SUNSET CLAUSE TO A 5-YEAR SUNSET CLAUSE. CITY OF CLOVIS, APPLICANT.

Planning & Development Services Director John Wright presented a report on the request to amend the Clovis Municipal Code. John Wright indicated that Ordinance 01-09 had been approved for introduction by City Council at the February 20, 2001 meeting. John Wright indicated that staff had subsequently met with members of the Building Industry Association (BIA) and relayed that the BIA had requested that the 3-year sunset clause not be eliminated. John Wright indicated that staff was not opposed to the change but recommended that the sunset clause be changed to a 5-year sunset to coincide with recurring 5-year evaluations of the City's major planning programs. Jeff Harris, representing the BIA, 3435 West Shaw Avenue, Fresno, spoke in support of the request including the 5-year sunset clause. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council approve the re-introduction of Ordinance 01-09, amending Section 8-1.01.1 of Title 8 of the Clovis Municipal Code to provide for the collection of a 25-cent per 100.00 of building permit valuation for implementation of major planning programs and amending the 3-year sunset clause to a 5-year sunset clause. Motion carried.

APPROVED - **RESOLUTION 01-29** - FIRST GENERAL PLAN AMENDMENT CYCLE FOR 2001

GPA2001-1, amending the Clovis General Plan to redesignate approximately 1.93 acres of property located on the south side of Tollhouse Road west of Sunnyside Avenue (1308, 1322, and 1334 Tollhouse Road) from Medium Density Single Family Residential to Public Facility to facilitate parking for the proposed Police and Fire Facility. City of Clovis, owner/applicant.

Mayor Armstrong indicated that at the February 12, 2001, City Council meeting, the Council, by consensus, approved GPA2001-1.

GPA2001-2, amending the Clovis General Plan to redesignate approximately 15,195 square feet of property located on the southeast corner of Willow and Barstow Avenues from Low Density Multiple Family Residential to Commercial. Samuel Lucido, owner.

Mayor Armstrong indicated that at the February 12, 2001, City Council meeting, the Council, by consensus, approved GPA2001-2.

GPA2001-3, amending the Clovis General Plan to redesignate approximately 4.07 acres of property located generally at the northeast corner of the intersection of Freeway 168 and Villa Avenue from Low Density Single Family Residential to Public Facility (ponding basin). Fresno Metropolitan Flood Control District, owner; City of Clovis, applicant.

City Planner Dwight Kroll presented a report on a request to amend the Clovis General Plan. Dwight Kroll indicated that a ponding basin was constructed on approximately 4.07 acres of land at the subject site that is currently designated as Low Density Single Family Residential. Dwight Kroll indicated that in an effort to designate this property consistent with the current use, staff was processing this general plan amendment to change the designation of the property from Low Density Single Family Residential to Public Facility (ponding basin). Juanita Sols, 225 Villa, spoke in opposition to the request because she had been informed that the subject site would be used as part of a jogging trail after Freeway 168 was completed. Mayor Armstrong directed staff to put Ms. Sols in touch with the Advocates Office. Discussion by the Council. The Council, by consensus, approved GPA2001-3, amending the Clovis General Plan to redesignate approximately 4.07 acres of property located generally at the northeast corner of the intersection of Freeway 168 and Villa Avenue from Low Density Single Family Residential to Public Facility (ponding basin).

GPA2001-4, amending the Clovis General Plan to redesignate approximately 4.88 acres of property located along the north side of Jefferson Avenue, east of the Old Town Trail, from mixed use to Public Facility (ponding basin). Fresno Metropolitan Flood Control District, owner; City of Clovis, applicant.

City Planner Dwight Kroll presented a report on a request to amend the Clovis General Plan. Dwight Kroll indicated that a ponding basin was constructed on approximately 4.88 acres of land at the subject site that is currently designated as mixed use. Dwight Kroll indicated that in an effort to designate this property consistent with the current use, staff was processing this general plan amendment to change the designation of this property from mixed use to Public Facility (ponding basin). Lydia Ponse, 861 Brookside, questioned whether the redesignation would affect her property that she recently purchased. Mayor Armstrong indicated that it would not. Discussion by the Council. The Council, by consensus, approved GPA2001-4, amending the Clovis General Plan to redesignate approximately 4.88 acres of property located along the north side of Jefferson Avenue, east of the Old Town Trail, from mixed use to Public Facility (ponding basin).

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 by Resolution 01-29, approve the First General Plan Amendment Cycle for 2001 in accordance with the votes on the specific items. Motion carried.

APPROVED - INTRODUCTION – **ORD. 01-10, R99-9A, APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR THE P-C-C (PLANNED COMMERCIAL CENTER) ZONE DISTRICT LOCATED AT THE NORTHEAST CORNER OF WILLOW AND NEES AVENUES TO ALLOW FOR MODIFICATION TO THE DEVELOPMENT SCHEDULE FOR THE PROPERTY. WILLOW-NEES INVESTORS, OWNER/APPLICANT, GRANVILLE HOMES, INC., REPRESENTATIVE**

City Planner Dwight Kroll presented a report on a request to amend the conditions of approval. Dwight Kroll indicated that R99-9 was approved subject to a specific development schedule, which required the applicant to have submitted a final development plan and to have begun construction by November 2001. Dwight Kroll indicated the applicant was requesting to lift this time restraint due to changes in the market and to attract a developer to the site. Dwight Kroll indicated the Planning Commission and staff were recommending approval of the request subject to revision of the development schedule to require submittal of a final development plan by March 12, 2002 and commencement of construction for the center by March 12, 2003. Robert Wood, representing the applicant – Granville Homes, Inc., 1396 W. Herndon Ave., Fresno, spoke in support of the request. 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 by Ordinance 01-10, approve an amendment to the conditions of approval for the P-C-C (Planned Commercial Center) Zone District located at the northeast corner of Willow and Nees Avenues to allow for modification to the development schedule for the property to require submittal of a final development plan by March 12, 2002 and commencement of construction for the center by March 12, 2003. Motion carried.

COUNCIL COMMENTS

COUNCILMEMBER FLORES – encouraged everyone to get out and vote on March 6, 2001.

COUNCILMEMBER STEARNS – commented on the Local Agency Formation Committee (LAFCO) meeting he attended on February 28, 2001. Councilmember Stearns indicated that while sitting as a LAFCO board member at the meeting he had voted in opposition to a request to reconsider the boundaries of the Nees-Fowler Southwest Reorganization because of legal counsel received prior to the February 28, 2001 meeting. Councilmember Stearns indicated that the request was approved by a 3 – 2 vote.

COUNCILMEMBER WYNNE – questioned whether the City had any policy on the use of red striping curbs near busy intersections because of questions she had received.

MAYOR ARMSTRONG – invited everyone to attend the groundbreaking ceremony for the new Research and Technology Park to be held Wednesday, March 7, 2001, at noon.

Mayor Armstrong adjourned the meeting for the Council to sit as the Board of the Clovis Public Financing Authority.

Adjourned: 7:36 p.m.

Reconvened: 7:42 p.m.

APPROVED - RESOLUTION 01-30 - APPROVING THE PROPOSED FINANCING FOR THE 2001 POLICE/FIRE HEADQUARTERS FACILITY PROJECT BY ISSUANCE OF BONDS BY THE CLOVIS PUBLIC FINANCING AUTHORITY AND DETERMINING SIGNIFICANT PUBLIC BENEFIT; AND APPROVED - RESOLUTION 01-31 - APPROVING VARIOUS FINANCING DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE CLOVIS PUBLIC FINANCING AUTHORITY FOR THE POLICE/FIRE HEADQUARTERS FACILITY

Finance Director Mike Prandini presented a report on the issuance of bonds. Mike Prandini indicated that the City is planning to construct a Police/Fire Headquarters Facility. Mike Prandini indicated that the project has been bid and will be awarded on March 5, 2001. Mike Prandini indicated that in order to finance the construction of the building, the City has requested the Clovis Public Finance Authority (the "Authority") issue revenue bonds. Mike Prandini indicated that the size of the bond is set to cover construction of \$14,000,000, bond reserve requirement \$1,600,000, and cost of issuance of \$500,000. Mike Prandini indicated that the \$16.5 million is a not-to-exceed amount to assure that sufficient funds are available for the project. Mike Prandini indicated that to secure the bonds, the City proposes to execute agreements whereby the City would sell the project, including the land, to the Authority and the Authority agrees to sell back the project to the City through the lease. Mike Prandini indicated that the City would make rental payments to the Authority equivalent to those required by the Authority to pay the annual debt service on the revenue bonds. Mike Prandini indicated that the City was pledging the revenue collected from a voter approved 0.3% sales tax override that was implemented in April 2000. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Flores, that the Council, by Resolution 01-30, Approve the proposed financing for the 2001 Police/Fire Headquarters Facility Project by issuance of bonds by the Clovis Public Financing Authority and determining significant public benefit; and by Resolution 01-31, Approve various financing documents in connection with the issuance of bonds by the Clovis Public Financing Authority for the Police/Fire Headquarters Facility. Motion carried.

APPROVED - BID AWARD FOR THE CLOVIS POLICE AND FIRE HEADQUARTERS FACILITY TO K. H. CONSTRUCTION

Planning & Development Services Director John Wright presented a report on the bid award for the Police/Fire Headquarters. John Wright indicated that the proposed Police/Fire Headquarters includes construction of a 70, 624 square foot building, site utilities, emergency power generator, and parking facilities on the existing 4.8 acres located on the northeast corner of Fifth and Russell Avenue. John Wright indicated that bids received for the project were received on February 26, 2001, using the blind bidding process. John Wright indicated that on February 20, 2001, Council approved the basis of award for the project to be the base bid plus alternates 2, 3, and 5 (landscaping & irrigation, operable wall for training room, and security fencing). John Wright indicated that staff was recommending award of the contract to the lowest responsible bidder, K.H. Construction, in the amount of \$13,973,000, and authorize the City Manager to execute the contract on behalf of the City. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Stearns, seconded by Councilmember Wynne, that the Council award a contract for the construction of the Clovis Police and Fire Headquarters Facility including the base bid and add alternates 2,3, and 5 in the amount of \$13,973,000 to K.H. Construction; and authorize the City Manager to execute the contract on behalf of the City. Motion carried.

APPROVED - RESOLUTION 01-32 - ESTABLISHING A POLICY FOR CALCULATION OF MAJOR FACILITIES WATER AND SEWER FEES AND GARBAGE CAPITAL OUTLAY FEES FOR EXPANSION OF NON-RESIDENTIAL DEVELOPMENTS

City Engineer Bill Burmeister presented a report recommending the City establish a policy for calculation of major facilities fees of non-residential developments. Bill Burmeister indicated that in December 1996 the means to calculate sewer and water major facilities and garbage capital outlay fees for non-residential development was changed. Bill Burmeister indicated that the new method of unit calculation results in a relatively minimal amount of additional fees for most developments. Bill Burmeister indicated that the City was processing conditions of approval for a 4,600 square foot building addition in which the new calculation method yielded a fee obligation that staff felt was disproportionate to the project. Bill Burmeister indicated Supreme Court rulings found that a city must make a finding of "Rough Proportionality" be made with all exactions conditioned as part of an approved entitlement. Bill Burmeister explained that "Rough Proportionality" has been defined as providing an individual assessment to ensure that the fee calculated is proportional to the impact caused by development on the public facilities. Bill Burmeister

indicated staff was recommending Council adopt a policy to address redevelopment of existing lots that have paid unit fees under the old unit calculation method. Jeff Cazaly, 2921 Larkin Avenue, Architect, representing Honda North automobile dealership, commented on the subject indicating that the initial calculation of fees were disproportionate to the project and requested that Council develop a means to ensure that the impact fees charged were proportionate to projects brought before them. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Stearns, that the Council, by Resolution 01-32, establish a policy for parcels that were fully developed under the old code (prior to December 1996) and are adding building area, the applicant may choose either the current unit definition (calculation of 4.5 units per gross acre) or use the old unit definition (calculation of one unit per 1,500 square feet of building area), with the maximum number of units being 4.5 units per gross acre. Motion carried.

APPROVED - RESOLUTION 01-33 - AMENDING THE POSITION ALLOCATION FOR 2000-01 FOR THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT BY ADDING FIVE POSITIONS

Planning & Development Services Director John Wright presented a report requesting the addition of five positions to Planning & Development Services. John Wright indicated that a majority of work performed by Planning & Development Services is tied to private sector development or City Capital Improvement projects. John Wright indicated that the work is supported by specific development fees collected to pay for the service. John Wright indicated that there is a relationship between workload and staffing. John Wright indicated that the need for the additional positions is the projected development and Capital Improvement Program work levels for the next five years. John Wright indicated that staff was recommending adding one Associate Civil Engineer, one additional Senior Engineering Inspector, deleting one Junior Engineer, adding one Assistant Civil Engineer, adding one additional Building Inspector, adding one Plans Examiner, and adding one GIS Technician. There being no public comment, Mayor Armstrong closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Wynne, that the Council, by Resolution 01-33, amend the position allocation for fiscal year 2000 – 2001 for Planning & Development Services Department by adding five positions. Motion carried.

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

Adjourned: 8:27 p.m.

Reconvened: 8:36 p.m.

CLOSED SESSION

Mayor Armstrong adjourned the meeting at 8:36 p.m. 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

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

ADJOURNMENT

Mayor Armstrong adjourned the meeting of the Council to March 12, 2001.

Meeting adjourned: 9:07 p.m.

Mayor

City Clerk

CLOVIS COMMUNITY DEVELOPMENT AGENCY

MARCH 5, 2001

8:27 P.M.

COUNCIL CHAMBER

Meeting called to order by Chairperson Armstrong.

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

CONSENT CALENDAR

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

- a) Approved - Minutes of the February 5, 2001 Board meeting.

DENIED - REQUEST FOR SUBORDINATION OF THE AGENCY'S SECOND MORTGAGE LOAN TO A NEW FIRST MORTGAGE LOAN FOR LORI WRIGHT AT 915 ACACIA AVENUE

Housing Project Manager Tina Sumner presented a report on a request to subordinate an Agency loan. Tina Sumner indicated that in January 2001, staff received a request to subordinate the Agency's second mortgage loan on the property located at 915 Acacia Avenue to a new first mortgage. Tina Sumner indicated that Lori Wright purchased her home from the Agency in 1995 for \$94,000 and the Agency's second mortgage is for \$30,000 and the bank had loaned \$64,000. Tina Sumner indicated that the property owner would like to refinance to pay off past due property taxes and was requesting that the Agency subordinate behind a new first mortgage that would be \$11,700 larger than the first mortgage. Tina Sumner indicated staff was recommending denial of the request because subordination diminishes the Agency security for the second mortgage, the high loan to value ratio, and the new loan would significantly increase the property owner's monthly payment increasing the likelihood of default. There being no public comment, Chairperson Armstrong closed the public portion. Discussion by the Board. Motion by Boardmember Stearns, seconded by Boardmember Flores, that the Board deny the request for subordination of the Agency's second mortgage loan to a new first mortgage loan for Lori Wright at 915 Acacia Avenue. Motion carried.

ADJOURNMENT

Chairperson Armstrong adjourned the meeting of the Agency Board.

Meeting adjourned: 8:36 p.m.

Chairperson

Secretary

document33/21/01

CLOVIS PUBLIC FINANCING AUTHORITY

MARCH 5, 2001

7:36 P.M.

COUNCIL CHAMBER

Meeting called to order by Chairperson Armstrong.

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

APPROVED - RESOLUTION 01-01 - AUTHORIZING THE ISSUANCE OF BONDS TO PROVIDE FINANCING TO THE CITY OF CLOVIS FOR THE POLICE/FIRE HEADQUARTERS FACILITY AND APPROVING VARIOUS FINANCING DOCUMENTS

Finance Director Mike Prandini presented a report on the issuance of bonds. Mike Prandini indicated that the City of Clovis is planning to construct a Police/Fire Headquarters Facility on property owned by the City. Mike Prandini indicated that the project has been bid and will be awarded on March 5, 2001. Mike Prandini indicated that in order to finance the construction of the building, the City has requested the Authority issue revenue bonds. Mike Prandini indicated that the size of the bond is set to cover construction of \$14,000,000, bond reserve requirement \$1,600,000, and cost of issuance of \$500,000. Mike Prandini indicated that the \$16.5 million is a not-to-exceed amount to assure that sufficient funds are available for the project. Mike Prandini indicated that to secure the bonds, the City proposes to execute agreements whereby the City would sell the project, including the land, to the Authority and the Authority agrees to sell back the project to the City through the lease. Mike Prandini indicated that the City would make rental payments to the Authority equivalent to those required by the Authority to pay the annual debt service on the revenue bonds. Mike Prandini indicated that the City was pledging the revenue collected from a voter approved 0.3% sales tax override that was implemented in April 2000. There being no public comment, Chairperson Armstrong closed the public portion. Discussion by the Board. Motion by Boardmember Wynne, seconded by Boardmember Flores, that the Board, by Resolution 01-01, approve the issuance of bonds to provide financing to the City of Clovis for the Police/Fire Headquarters Facility and approving various financing documents. Motion carried.

ADJOURNMENT

Chairperson Armstrong adjourned the meeting of the Clovis Public Financing Authority.

Meeting adjourned: 7:42 p.m.

Chairperson

Secretary

document33/21/01