

CLOVIS CITY COUNCIL MEETING

May 7, 2001

7:00 P.M.

COUNCIL CHAMBER

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

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

PRESENTATION OF LIFESAVING AWARD TO OFFICER TOM ROBERTS AND A CITIZEN LIFESAVING AWARD TO STACY SHORT

Police Chief Joe Maskovich presented of Lifesaving Award to Officer Tom Roberts and a Citizen Lifesaving Award to eleven-year-old Stacy Short.

PROCLAMATION - OLDER AMERICANS MONTH

Councilmember Magsig presented a proclamation to Henry Tabak, Clovis Committee on Aging, proclaiming May 2001 as Older Americans Month.

PROCLAMATION - ELDER ABUSE PREVENTION MONTH

Councilmember Wynne presented a proclamation to Rudy Garza, Executive Director of Central California Legal Services, proclaiming May 2001 as Elder Abuse Prevention Month.

PROCLAMATION - YOUTH WEEK

Councilmember Ashbeck presented a proclamation to Donald F. Pruett, Clovis Elks Lodge, proclaiming May 6-12, 2001, as Youth Week.

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 April 9 and April 16, 2001 Council meetings.
- b) Approved - **Resolution 01 - 61** – A policy for technology and telecommunications access and use by City Council.
- c) Approved - Modification in the Scope of Work for Architectural Services for the Police and Fire Facility Project.
- d) Received and Filed - Central Valley Business Incubator Quarterly Report, January - March 2001 (Quarter 3)
- e) Approved - Reimbursement Agreement with Buchanan Estates III (Kevin Castanos, owner) for the installation of the Willow Avenue sewer main in Willow Avenue between Herndon Avenue and a point 1320 feet north of Teague Avenue, and in West Nees Avenue between North Willow and North Peach Avenues, including the abandonment of the sewer lift station at the northwest corner of Peach and Nees Avenues.
- f) Approved - A request to designate the residence located at 315 Woodworth Avenue as an historic structure. Tim and Brigitte Green, owner/applicant.
- g) Approved - Bid Award - Traffic Management Center, Project No. 2000-13 to International FiberCom, Inc., in the amount of \$239,960.42.
- h) Approved - Bid Award to P & G Communications for installation of fiber optic conduit for traffic signal interconnect projects in Ashlan Avenue from Winery Avenue to Clovis Avenue, in Fowler Avenue from Ashlan Avenue to Bullard Avenue, and in Villa Avenue from Bullard Avenue to Shaw Avenue in the amount of \$748,312.32.

- i) Received and Filed - Fire Department's monthly report for March 2001.
- j) Approved - **Resolution 01-62** - Authorizing the Public Utilities Director to submit application for Beverage Container Recycling Grant Funding.
- k) Approved - Authorization to execute Professional Services Agreement with Vector Engineering, Inc. for services related to the Landfill.
- l) Approved - Bid Award for the 2001 Pavement Rejuvenation Project of various streets to Western Emulsions, Inc. in the amount of \$65,053.00.
- m) Received and Filed - Public Utilities Monthly Report for February 2001.

STATUS REPORT ON BOTANICAL GARDEN LEASE AND USE PROVISIONS

Planning and Development Services Director John Wright presented a status report on issues related to the proposed Botanical Garden. John Wright indicated that at the meeting of April 2, 2001, staff had presented to Council the four major areas of concern of the City: development of off-street parking; development of restrooms; street improvements; and development fees. John Wright indicated that the cost implications for the four items are estimated to be \$774,210, not including fees for the Fresno Metropolitan Flood Control District (FMFCD) and Clovis Unified School District (CUSD). John Wright indicated that the meeting of April 2, 2001, was continued at Council's direction to allow the staff and the Botanical Garden Committee an opportunity to meet with FMFCD and CUSD to discuss fees. John Wright indicated that after meeting with the two agencies, CUSD indicated they would not charge school fees; and the FMFCD indicated that they would charge the fee normally required for parks, which is one of their least expensive and would be in the range of \$3,000 per acre or approximately \$21,000 for the seven acre site. John Wright indicated that staff met with members of the Botanical Garden Committee on May 2, 2001 and discussed one potential alternate concept to develop a smaller demonstration project of one acre at the terminus of the existing Clovis Avenue. John Wright indicated that exploring this alternative would require modifying the draft agreement and staff was recommending a 30-day continuation of this item in order for staff to further discuss the concept with the Botanical Garden Committee. Don Watnik, Gordon Russell, Cynthia Eayre, all Botanical Garden Committee Members, spoke in support of developing a Botanical Garden and asked Council to expedite the approval process. Ron Sundquist, 1723 Fowler, spoke in support of the Botanical Garden but also wanted to know what other cities that have Botanical Gardens have experienced. Tom Jones, 594 Cromwell Avenue, voiced concern that the planned park may end up being used for something other than a park and requested that the land use designation not be changed. Discussion by the Council. There was a concurrence of the Council to direct staff to work with the Botanical Garden Committee to finalize changes in the draft agreement for the alternative one-acre site at the terminus of the existing Clovis Avenue and bring it back to Council within 30 days.

APPROVED - RESOLUTION 01-63 - APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLOVIS AND THE CLOVIS POLICE OFFICERS ASSOCIATION

General Services Director Robert Ford presented a report recommending approval of a Memorandum of Understanding (MOU) between the City of Clovis and the Clovis Police Officers Association (CPOA). Robert Ford indicated that the 1997-2000 MOU between the City and the CPOA expired on June 30, 2000, and that the City's negotiation team and CPOA representatives had recently concluded negotiations for a successor MOU. Robert Ford indicated that CPOA membership recently ratified the terms of the proposed MOU. Robert Ford indicated that the successor MOU was for the term July 1, 2000 through June 30, 2004. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Magsig, seconded by Councilmember Ashbeck, that the Council, by Resolution 01-63, approve the Memorandum of Understanding between the City of Clovis and the Clovis Police Officers Association. Motion carried with Councilmembers Armstrong and Wynne voting no. Councilmembers Armstrong and Wynne stated that they voted no because of the cost of the wage and benefit package.

APPROVED - RESOLUTION 01-64 - APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLOVIS AND THE CLOVIS FIRE FIGHTERS ASSOCIATION

General Services Director Robert Ford presented a report recommending approval of a Memorandum of Understanding (MOU) between the City of Clovis and the Clovis Fire Fighters Association (CFFA). Robert Ford indicated that the 1997-2000 MOU between the City and the CPOA expired on June 30, 2000, and that the City's negotiation team and CFFA representatives had recently concluded negotiations for a successor MOU. Robert Ford indicated that CFFA membership recently ratified the terms of the proposed MOU. Robert Ford indicated that the successor MOU was for the term July 1, 2000 through June 30, 2004. Isabel Lawson, 820 Cherryfield, indicated that she did not believe the process for approval allowed for public comment because all of the negotiations had taken place in closed session. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Magsig, that the Council, by Resolution 01-64, approve the Memorandum of Understanding between the City of Clovis and the Clovis Fire Fighters Association. Motion carried with Councilmembers Armstrong and Wynne voting no. Councilmembers Armstrong and Wynne stated that they voted no because of the cost of the wage and benefit package.

APPROVED - INTRODUCTION - ORDINANCE 01-14 - OA2001-1, A REQUEST TO APPROVE AN AMENDMENT TO THE CITY OF CLOVIS ZONING ORDINANCE TO ESTABLISH A LAND USE DISTRICT FOR RESEARCH AND TECHNOLOGY PARKS (R-T ZONE DISTRICT). CITY OF CLOVIS, APPLICANT

City Planner Dwight Kroll presented a report on a request to approve an amendment to the zoning ordinance to establish a land use district for Research and Technology Parks (R-T Park). Dwight Kroll indicated that the proposed R-T Park Zone District is intended to provide guidelines for development within Clovis' R-T Park site. Dwight Kroll indicated that after discussion at the meetings of March 15 and 29, 2001, the Planning Commission recommended approval of the R-T Park Zone District proposed under Ordinance Amendment 2001-01. Randall Mathias, 5282 E. Dwight Way, Fresno, spoke in support of the amendment to the zoning ordinance but requested that the definition of a service station in the ordinance be expanded to include a car wash. Isabel Lawson, 820 Cherryfield, spoke in support of staff's recommendation and indicated that the R-T Park should be completely zoned as a R-T Zone District and staff should not allow any other type of commercial zoning. Brian Avery, 401 Clovis Avenue, developer, indicated that he is in favor of the proposed R-T Zone District but expressed concern that the language for the commercial zoning is too restrictive and would prefer to have PCC zoning applied. Discussion by the Council. Motion by Councilmember Armstrong to approve staff's recommendation as presented in the staff report, which died for the lack of a second. Motion by Councilmember Magsig, seconded by Councilmember Wynne, that the Council approve the introduction of Ordinance 01-14, a request to approve an amendment to the City of Clovis Zoning Ordinance to establish a land use district for Research and Technology Parks with a change to add self-service car wash to the definition of Service Stations. Motion carried with Councilmember Armstrong voting no. Councilmember Armstrong stated that he voted no because of the change to the proposed ordinance.

APPROVED - RESOLUTION 01-65 - AC2001-1 - CANCELLATION OF A PORTION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 194, APPROXIMATELY 18 ACRES, LOCATED ON THE WEST SIDE OF TEMPERANCE AVENUE BETWEEN NEES AND ALLUVIAL AVENUES, LINDA M. ROSSI, ET AL, APPLICANT

City Planner Dwight Kroll presented a report on an agricultural contract cancellation for a portion of Agricultural Land Conservation Contract No. 194 consisting of approximately 18 acres. Dwight Kroll indicated that the subject property is part of the area of land designated for development of a Research and Technology Park and the property is also part of Agricultural Land Conservation Contract No. 194. Dwight Kroll indicated that in order to proceed with the development of the land, the City Council must approve the removal of this parcel from agricultural production according to the requirements of the Williamson Act. Dwight Kroll indicated that the Act requires the City Council to cancel the contract that dedicates the land to agricultural uses. Dwight Kroll indicated that to cancel the contract the City Council must hold a public hearing, make specific findings, and set a cancellation fee equal to 12-1/2% of the lands appraised value payable to the County Treasurer. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Wynne, seconded by Councilmember Ashbeck, that the Council, by Resolution 01-65, approve AC2001-1, a cancellation of a portion of Agricultural Land Conservation Contract No. 194, approximately 18 acres, located on the west side of Temperance Avenue between Nees and Alluvial Avenues. Motion carried.

APPROVED - RESOLUTION 01-66 - TM4973, UPHOLDING THE APPEAL OF THE PLANNING COMMISSION APPROVAL TO THE STREET WIDTHS (34') OF AN 83-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND APPROVING TM4973 WITH 36' STREETS FOR THE PROPERTY LOCATED ON THE EAST SIDE OF TEMPERANCE AVENUE, SOUTH OF NEES AVENUE. MARGUERITE L. VALENTINO, AS TRUSTEE OF THE MARGUERITE L. VALENTINO TRUST, OWNER; CORNERSTONE ENTERPRISES, APPLICANT; CITY OF CLOVIS, APPELLANT

City Planner Dwight Kroll presented a report on a request to appeal the Planning Commission approval to the street widths of TM4973. Dwight Kroll indicated that on March 29, 2001, the Planning Commission approved tentative tract map TM4973 with modified interior street widths of 48 feet (34 feet curb-to-curb) granted under the specific exception clause of the City Subdivision Ordinance. Dwight Kroll indicated that the current City standard is 54 feet. Dwight Kroll indicated that City services including Fire and Disposal expressed concerns regarding 34 feet curb-to-curb and the ability to provide service to a subdivision with streets this narrow. Dwight Kroll indicated that after several tests, and several meetings with the applicant, a consensus has been reached that for this subdivision a 50-foot wide street (36 feet curb-to-curb) could be feasible without severely impacting city services. Fire Chief Jim Schneider indicated that tests revealed that the 36 feet curb-to-curb is sufficient to support Fire Department vehicles. Isabel Lawson, 820 Cherryfield, indicated that the City should not reduce street widths for developers and indicated that the City should maintain the requirement of 40 foot curb-to-curb. Ron Sundquist, 1723 Fowler, indicated that historically, main streets in Clovis were 80 feet wide and smaller streets were 60 feet wide. Les Peterson, Dunkel Engineering, 875 W. Ashlan, representing the owner, spoke on a related matter regarding the cost associated with widening the bridge across Enterprise Canal on Temperance Avenue that the City has conditioned as part of the subject project. Les Peterson indicated that the cost associated with such a condition would impart a substantial financial burden on a project this size and requested that this condition could be better absorbed by the City with Phase 2 or the Research and Technology Park. Robert Wood, 1368 W. Herndon, builder, spoke in support of the request. Discussion by the Council. Motion by Councilmember Armstrong, seconded by Councilmember Wynne, that the Council, by Resolution 01-66, uphold the appeal of the Planning Commission approval to the street widths (34'), and require 36 foot wide streets, of an 83-lot Single Family Residential Subdivision for the property located on the east side of Temperance Avenue, south of Nees Avenue and approving TM4973. Motion carried.

APPOINTMENTS TO THE PERSONNEL COMMISSION AND THE PLANNING COMMISSION

Mayor Flores, with the concurrence of Council, reappointed David Park to the Personnel Commission and John Wallace to the Planning Commission. Mayor Flores indicated that the term of office for both positions would run through May 2005.

COUNCIL COMMENTS

Councilmember Ashbeck – Councilmember Ashbeck requested that the City Council entertain a discussion of City parks in a work session forum some time in the future so she could become more versed in the funding, planning, and development of parks within the City of Clovis.

Mayor Flores – Mayor Flores requested staff identify the young lady and man who assisted the Clovis Police Department in a recent kidnapping attempt so that they may be formally recognized.

APPROVED - ENERGY CONSERVATION INCENTIVES FOR BUSINESS

City Manager Kathy Millison presented a report on energy conservation incentives for businesses in Clovis. Kathy Millison indicated that the City currently has a successful business retention program that could be used to help local businesses through the current energy crisis. Kathy Millison indicated that in recognition of the value of energy conservation and a desire to assist local businesses in a meaningful way, staff proposes to offer at no expense to existing businesses located within the City of Clovis, the services of an energy conservation consultant to provide workshops and to assist individuals, upon request, in reviewing their business site and operations for possible energy conservation solutions. Kathy Millison indicated that in addition, for a period of one year beginning with the inception of the program, staff is recommending that the City Council provide a 50% discount on the building permit fee for energy conservation retrofits to existing businesses. Kathy Millison indicated that it is estimated that the annual cost for the combined program would not exceed \$25,000 of which grants and other sources of funding are currently being pursued. Isabel Lawson, 820 Cherryfield, indicated that businesses should not completely depend on back-up generators using diesel fuel because of the uncertainty and cost of diesel and gasoline and recommended that the City and businesses could begin shutting off some of the unnecessary lights at night. Discussion by the Council. Motion by

Councilmember Armstrong, seconded by Councilmember Wynne, that the Council approve the energy conservation incentives for business as outlined in the staff report. Motion carried.

DENIED - INITIATION OF AN ORDINANCE AMENDMENT TO THE CITY OF CLOVIS SUBDIVISION ORDINANCE TO ALLOW FOR MODIFICATION TO THE STREET WIDTH OF LOCAL STREETS. CITY OF CLOVIS, APPLICANT

City Planner Dwight Kroll presented a report on a request to initiate an ordinance amendment to the Clovis Subdivision Ordinance to allow for modification to the street width of local streets. Dwight Kroll indicated that the City has received several requests to consider approval of narrower local streets within subdivisions and that the current ordinance provides for a 54 foot right-of-way with 40 feet from curb-to-curb. Dwight Kroll indicated that staff recommends that if a narrower width is to be considered for local streets, that it be adequately studied through an ordinance amendment process. Dwight Kroll indicated that this would ensure any modification to the street width would be reviewed and proven to work for City services such as Fire and Disposal and will provide guidelines for implementation of that standard consistently throughout the City. Isabel Lawson, 820 Cherryfield, questioned as to why staff was considering an ordinance amendment for narrower streets. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Armstrong, that the Council deny the initiation of an ordinance amendment, but direct staff to provide a study of the issues and to report back to Council for consideration. Motion carried.

CONTINUED - ADOPTION OF A NEGATIVE DECLARATION FOR EA2001-5, CITY OF CLOVIS WELL SITE #34, NORTHEAST CORNER OF WILLOW AND TEAGUE

Planning and Development Services Director John Wright presented a report on EA2001-5, City of Clovis Well Site #34 at the northeast corner of Willow and Teague Avenues. John Wright indicated that this item was continued from the City Council meeting of April 16, 2001. John Wright indicated that after preparation of an initial study for this project, staff was prepared to recommend approval of a Negative Declaration for the proposed Well Site No. 34, however, prior to the April 16, 2001 Council meeting, staff received an appeal of the Proposed Negative Declaration from the City of Fresno. John Wright indicated that the concerns expressed by the City of Fresno centered around the fact that the proposed well site is located on the east side of Willow Avenue, adjacent to Fresno City limits. John Wright indicated that staff was requested by the City of Fresno to provide more detailed information regarding the impacts of the proposed well site on the City of Fresno wells that are closest to this location. John Wright indicated that after meeting with City of Fresno staff, and after receiving input from the State, staff has agreed to do a more detailed environmental analysis and prepare a Mitigated Negative Declaration that will be circulated through State Clearinghouse for comment. John Wright indicated that staff was requesting this item be continued to a date uncertain. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. There was a consensus of Council to continue this item to a date uncertain.

APPROVED - RESOLUTION 01-67 - OPPOSING NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 1710 FOR THE ORGANIZATION AND DEPLOYMENT OF FIRE SUPPRESSION OPERATIONS

Fire Chief Jim Schneider presented a report on a request to oppose National Fire Protection Association (NFPA) Standard 1710. Jim Schneider indicated that NFPA is a non-profit educational and technical association devoted to protecting life and property from fire by developing fire protection standards and educating the public. Jim Schneider indicated that NFPA standards are guidelines or benchmarks that have been used and referred to in litigation involving code enforcement, fire ground operations and fire apparatus. Jim Schneider indicated that proposed NFPA Standard 1710 is a standard addressing the issues of staffing, deployment and response time of Fire/EMS personnel and apparatus. Jim Schneider indicated that, as proposed, NFPA Standard 1710 would affect staffing of apparatus and performance objectives for response time. Jim Schneider indicated that staff was opposed to NFPA Standard 1710, as written, because it preempts local authority and places a one size fits all mandate on local municipalities. There being no public comment, Mayor Flores closed the public portion. Motion by Councilmember Armstrong, seconded by Councilmember Wynne, that the Council, by Resolution 01-67, oppose National Fire Protection Association Standard 1710 for the organization and deployment of fire suppression operations. Motion carried.

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

Adjourned: 10:22 p.m.

Reconvened: 10:24 p.m.

CLOSED SESSION

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

Government Code Section 54956.9(b)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation One (1) Potential Case

ADJOURNMENT

Mayor Flores adjourned the meeting of the Council to May 14, 2001.

Meeting adjourned: 10:45 p.m.

Mayor

City Clerk

CLOVIS COMMUNITY DEVELOPMENT AGENCY

MAY 7, 2001

10:22 P.M.

COUNCIL CHAMBER

Meeting called to order by Chairperson Flores.

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

CONSENT CALENDAR

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

- a) Approved - Minutes of the April 16, 2001 Board meeting.
- b) Approved - Storefront Improvement Rebate Program (SIRP) #62, David Lazarus, Country Roads, 425 Pollasky Avenue.
- c) Approved - Authorize Executive Director to execute documents to provide a second mortgage to Tom and Hilary Newsome for the purchase of 915 Acacia Avenue.
- d) Approved - amendment of lease with Enshallah Development (formerly Clovis Commerce Partners) for new office space at 725 Pollasky Avenue, Suite 101.

ADJOURNMENT

Chairperson Flores adjourned the meeting of the Agency Board.

Meeting adjourned: 10:24 p.m.

Chairperson

Secretary

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