

CLOVIS CITY COUNCIL MEETING

October 19, 2020

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen
 Mayor Bessinger
 Absent: None

PUBLIC COMMENTS – 6:05 p.m.

Jean Joneson, resident, raised concerns about the proposed park project in Loma Vista.

CONSENT CALENDAR – 6:10

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the October 5, 2020 and October 12, 2020 Council Meetings.
2. Administration - Approved – Request From California Classic Cares For Temporary Street Closure To Hold A 5K Running Event on November 14, 2020.
3. Finance – Approved – **Res. 20-143**, A Resolution of Intention (ROI) to Annex Territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 7, 2020.
4. General Services – Approved – **Res. 20-144**, Amending the City’s FY 2020-2021 Position Allocation Plan by adding one (1) Civil Engineer Position and one (1) Maintenance Worker Position within the Public Utilities Department.
5. Planning and Development Services – Approved – **Res. 20-145**, A Resolution authorizing the City Engineer to apply for and receive 2021 Regional Competitive Active Transportation Program Funds through the Fresno Council of Governments
6. Public Utilities – Approved – Contract Award for Landscape Maintenance District in LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Loma Vista, General Fund Right-of-Way, General Fund Miscellaneous, Fire Stations Landscaping, and K-9 Training Facility.

PUBLIC HEARINGS

- 7A. 6:12 - APPROVED - **RES. 20-146**, ADOPTING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR REZONE R2020-003; AND ITEM 7B - APPROVED INTRODUCTION - **ORD. 20-14**, R2020-003, REZONING APPROXIMATELY 30 ACRES FROM THE C-2 (COMMUNITY COMMERCIAL), M-1 (LIGHT INDUSTRIAL), M-2 (HEAVY INDUSTRIAL), AND R-2 (MULTIFAMILY MEDIUM-HIGH DENSITY RESIDENTIAL) ZONE DISTRICTS TO THE C-M (COMMERCIAL AND LIGHT MANUFACTURING) ZONE DISTRICT.

Senior Planner Ricky Caperton presented a report on various items associated with a request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues. Don Pickett & Associates, Inc. is requesting to rezone the subject property from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. The applicant's request only includes a rezone at this time, future improvement plans include the construction of approximately 49 buildings totaling approximately 390,000 square feet over the course of 5 to 10 years, depending on market conditions. A conceptual site plan was included for council consideration. This development requires the rezone of the subject property for conformity with the underlying general plan designation of MU-V (Mixed Use Village). Approval of this rezone will allow the applicant to move forward with submittal for site plan review and processing of a parcel map. The Planning Commission considered the Project at its September 24, 2020 meeting and adopted resolutions in support in a 5-0 vote. Additional details summarizing the Planning Commission meeting are provided below under the "Planning Commission Comments" section.

Lydia Posada, area resident, raised concerns regarding her property and a pathway from the neighborhood north of the project that provides access to the trail and Clovis Avenue. She indicated that her property is negatively impacted by pedestrians who use the pathway and requested assistance from the city. Mike Pickett, applicant, spoke in support of the project and addressed questions of city council. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve a resolution to adopt an environmental finding of a Mitigated Negative Declaration for Rezone R2020-003. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve the introduction of an ordinance to rezone approximately 30 acres from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. Motion carried by unanimous vote.

- 8A. 7:04 - APPROVED – **RES. 20-147**, GPA2020-002, A REQUEST TO AMEND THE SHAW AVENUE SPECIFIC PLAN TO PERMIT DRIVE-THRU USES FOR THIS SPECIFIC SITE; AND **ITEM 8B** - APPROVED - **RES. 20-148**, CUP2020-003, A REQUEST TO AMEND THE ADOPTED USE SCHEDULE FOR THE P-C-C (PLANNED COMMERCIAL CENTER) TO ALLOW FOR A DRIVE-THRU USE AND TO ALLOW FOR AN APPROXIMATELY 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT USE.

Senior Planner Ricky Caperton presented a report on items associated with approximately 1.07 acres of property located on the northwest corner of Shaw and Cole Avenues. The applicant is requesting a text amendment to the Shaw Avenue Specific Plan and a conditional use permit to allow for an approximately 3,300 square-foot drive-thru use (Raising Cane's Chicken Fingers) on the subject property. The site is comprised of an approximately 1.07-acre lease area within a greater approximately 6.5-acre parcel, located

on the northwest corner of Shaw and Cole Avenues, as part of the Sierra Pavilions Shopping Center. Approval of this request will allow the applicant to move forward with site plan review for the development of the Project. The Planning Commission considered the Project at its September 24, 2020 meeting and adopted resolutions in support in a 5-0 vote. Additional details summarizing the Planning Commission meeting are provided below under the "Planning Commission Comments" section. The policies prohibiting drive-thru establishments were added to the Specific Plan when it underwent a major review and update in 1994. The policies were incorporated with the intent of discouraging lineal or strip style commercial development which tends to utilize drive-thru features more consistently. The policies envisioned as tools would be used alongside other land use requirements to help limit the extension of lineal commercial development along the Shaw Avenue Corridor.

Patrick Murphy, property manager, spoke in support of the project. Adam Caroché, representing Raising Cane's Chicken Fingers, spoke in support of the project. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution to amend the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3,300 square foot drive-thru restaurant use. Motion carried by unanimous vote.

- 9A. 7:28 - APPROVED - **RES. 20-149**, TM6339, A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP TO INCLUDE 50-LOTS AND AN OUTLOT, AND SUPERSEDING TWO PREVIOUSLY APPROVED TENTATIVE MAPS TM6134A & TM6264; AND **ITEM 9B** - APPROVED - **RES. 20-150**, PDP2020-001, A REQUEST TO APPROVE A PLANNED DEVELOPMENT PERMIT TO AMEND THE CONDITIONS OF APPROVAL AND DEVELOPMENT STANDARDS FOR THE PLANNED RESIDENTIAL DEVELOPMENT ASSOCIATED WITH TM6264.

City Planner Dave Merchan presented a report on various items associated with approximately ten acres of land located at the northwest corner of Teague and Locan Avenues. The applicant is proposing the development of a 50-lot, non-gated single-family planned residential development with public streets on approximately ten acres of property at the northwest corner of Teague and Locan Avenues. The proposal would supersede two previously approved vesting tract maps, which allowed a combined total of 50-lots. TM 6264 was previously approved to allow 36 lots on the northern 5 acres of the project area, and TM 6134A was previously approved to allow 14 lots on the southern 5 acres of the project area. The subdivision map now under consideration (TM 6339) proposes a modified street circulation system and an updated set of conditions of approval in comparison to the previously approved maps. The applicant is not proposing a homeowner's association with this project. Approval of this project would allow the developer to continue processing a residential site plan review entitlement and development drawings.

Darius Assemi, applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution approving a vesting tentative tract map to include 50-lots and an outlet, and superseding two previously approved tentative maps TM6134A & TM6264. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution approving a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with TM6264. Motion carried by unanimous vote.

- 10A. 7:45 - APPROVED - **RES. 20-151**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #2) (TRACT 6284-SOUTHEAST CORNER OF TEAGUE AND SUNNYSIDE) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2020-1 (DRY CREEK PRESERVE SEWER FACILITIES AND SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #2) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2020-1 (DRY CREEK PRESERVE SEWER FACILITIES AND SERVICES); AND **ITEM 10B** - APPROVED - **RES. 20-152**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2020-1 (DRY CREEK PRESERVE SEWER FACILITIES AND SERVICES).

Assistant Finance Director Gina Daniels presented a report on various actions related to annexation of territory (Annexation #2, Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). In collaboration with Woodside Homes ("Woodside"), on April 13, 2020, the City created CFD 2020-1 for the purpose of funding the costs of the operation and maintenance of certain temporary sewer facilities, and their eventual replacement with permanent sewer facilities, within the territory of the City known as Dry Creek Preserve. To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #2 (ROI) to annex territory to the CFD on September 8, 2020. The Resolution of Intention (ROI) set a public hearing for October 19, 2020. The action today finalizes the annexation to the CFD. Following Council approval of the ROI, a non-substantive discrepancy in the description of the property for annexation was discovered in the staff report for the ROI which did not affect this annexation process and has been corrected herein. This error was not included in the ROI or any other document related to this annexation process. City Clerk John Holt reported out that he was in receipt of one ballot representing 38 votes, all in favor, indicating unanimous support.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution annexing territory (Annexation #2) (Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services) and calling a special landowner election to annex territory (Annexation #2) to City of Clovis Community Facilities District

No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). Motion carried by unanimous vote.

11. 7:50 - APPROVED INTRODUCTION - **ORD. 20-15**, OA2020-003, AMENDING THE CLOVIS MUNICIPAL CODE TO CLARIFY AND REFINE SECTION 9.18.050 – REGIONAL HOUSING NEEDS (RHN) OVERLAY DISTRICT AND TO ESTABLISH A MINISTERIAL PROCESS TO SUBDIVIDE PARCELS THAT QUALIFY FOR DEVELOPMENT PURSUANT TO THE RHN OVERLAY DISTRICT. CITY OF CLOVIS, APPLICANT. (CONTINUED FROM THE OCTOBER 12, 2020 MEETING.)

City Planner Dave Merchan presented a report on a request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 – Regional Housing Needs (RHN) Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. In November of 2018, the City Council adopted Ordinance Amendment 2018-03 establishing the RHN (Regional Housing Needs) Overlay District to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation. The current proposal makes refinements to the RHN Overlay District to clarify the City’s intent in establishing the District. A ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District is also proposed as a means to further address and comply with the City’s RHNA obligation. The Planning Commission considered the proposal at its September 24, 2020 meeting and adopted a resolution recommending approval of the ordinance amendment.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve the introduction of an ordinance to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 – Regional Housing Needs (RHN) Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. Motion carried by unanimous vote.

COUNCIL ITEMS

12. 8:20 - APPROVED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS CHALLENGE COIN. (CONTINUED FROM THE OCTOBER 12, 2020 MEETING.)

Mayor Bessinger provided council some options for the design of the challenge coin. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the

Council. It was the consensus of the City Council to select option 2 with the white background and gold star.

WORKSHOP – 8:28

City Manager Luke Serpa provided City Council an update on the current numbers for Clovis and the County regarding COVID-19.

CITY MANAGER COMMENTS – 8:34

City Manager Luke Serpa reported out that the Children’s Electric Christmas parade has been cancelled for 2020 due to the pandemic.

COUNCIL COMMENTS – 8:39

Councilmember Whalen provided a photograph of a coffee shop in downtown Clovis over the weekend showing some people wearing masks, and others not. He encouraged all to practice social distancing and to have our residents be careful when venturing out into public.

Councilmember Ashbeck requested an update on homeless from the police chief in November.

Councilmember Mouanoutoua requested an update on the census. Public Information Officer Chad McCollum provided an update. He also requested city manager to reach out to the school district regarding joint meetings.

Mayor Bessinger reported out on a recent San Joaquin Valley Air Pollution Index meeting and how bad the air in Clovis was due to the fires.

Mayor Bessinger adjourned the meeting of the Council to November 2, 2020

Meeting adjourned: 8:51 p.m.



Mayor



City Clerk

