

CLOVIS CITY COUNCIL MEETING

November 4, 2019

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

PRESENTATION

1. 6:03 P.M. - PRESENTATION - RECOGNIZING MEMBERS OF THE OCTOBER 2019 CLOVIS CITIZENS ACADEMY

Councilmember Ashbeck recognized members of the October 2019 Clovis Citizens Academy.

2. 6:09 - PRESENTATION – UPDATE ON THE CITY OF CLOVIS GEOGRAPHIC INFORMATION SYSTEMS (GIS) DAY TO BE HELD ON NOVEMBER 13TH, 2019

Planning and Development Services Assistant Director Renee Mathis provided Council an update on the City of Clovis Geographic Information System (GIS) Day to be held on November 13th, 2019.

3. 6:17 - PRESENTATION OF PROCLAMATION RECOGNIZING NOVEMBER 2019, AS NATIONAL RUNAWAY PREVENTION MONTH.

Councilmember Mouanoutoua presented a proclamation to Fresno Economic Opportunities Commission Sanctuary and Support Services recognizing November 2019, as National Runaway Prevention Month.

PUBLIC COMMENTS – 6:24

NONE

CONSENT CALENDAR 6:25

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

4. Administration - Approved - Minutes from the October 21, 2019 Council Meeting.
5. Administration - Adopted - **Ord. 19-12**, R2019-002, a request to approve a prezone from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District, approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road. (Vote 5-0)
6. Finance – Received and Filed – Treasurer’s Report for the Month of July 2019.

7. Finance – Received and Filed – Investment Report for the Month of July 2019.
8. General Services – Approved – **Res. 19-137**, authorizing the City Manager to execute agreements with the California Department of Transportation and CALSTART associated with the FY2020-21 Sustainable Transportation Planning Grant application for the City of Clovis Transit Fleet Electrification Study.
9. General Services - Approved – **Res. 19-138**, amending the City's FY 19-20 Position Allocation Plan by deleting one (1) Administrative Assistant Position and adding one (1) Management Analyst Position within the Fire Department.
10. Police - Approved - **Res. 19-139**, authorizing the Police Department to submit an application for the San Joaquin Valley Air Pollution Control District Public Benefits Grant Program New Alternative Vehicle Purchase and authorize the Chief of Police to implement this program.
11. Police - Approved – **Res. 19-140**, amending the Police Department's Budget for FY 2019-2020 to reflect the award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$70,000.00.
12. Police – Approved – **Res. 19-141**, amending the FY 2019-2020 Police Department Budget to reflect the award of the Edward Byrne Memorial Justice Assistance Grants (JAG) Program in the amount of \$17,263.00.
13. Planning and Development Services - Approved - **Res. 19-142**, Supporting and Implementing the "Timely Use of Funding" as required by AB1012 for Candidate 2019-20 Federal Transportation Act, FAST Act Projects.
14. Planning and Development Services - Approved – Bid Award for CIP 19-09, Recreation Center Athletic Court Resurfacing, and Authorize City Manager to Execute the Contract on Behalf of the City.
15. Planning and Development Services – Approved – **Res. 19-143**, Final Map Tract 6228, located at the northwest area of Gettysburg Avenue and Leonard Avenue. (Wilson Premier Homes, Inc.).
16. Planning and Development Services – Approved – **Res. 19-144**, Annexation of Proposed Tract 6228, located at the northwest area of Gettysburg Avenue and Leonard Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (Wilson Premier Homes, Inc.).
17. Planning and Development Services – Approved – Final Acceptance Tract 5546, located at the southeast corner of Sunnyside and Nees Avenue. (Gary McDonald Homes).

PUBLIC HEARINGS

18. 6:26 - APPROVED - **RES. 19-145**, ADOPTION OF THE CITY OF CLOVIS ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Housing Program Coordinator Heidi Crabtree presented a report on the adoption of the City of Clovis Analysis of Impediments to Fair Housing Choice. As a recipient of funds from HUD, the City of Clovis is required to conduct an Analysis of Impediments to Fair Housing Choice, and to review the analysis and update as necessary on a periodic basis. This document includes analysis of local factors that may impact Fair Housing Choice, the identification of specific impediments to Fair Housing Choice, and action steps to address the identified impediments. The review identified six (6) impediments to Fair Housing Choice that Heidi Crabtree covered as well as recommended actions to reduce or eliminate the impediments. Kean Unruh, resident, commented on the item regarding outreach and

Council response to recent articles in the paper. Joseph Flores, thanked Council for removing what he termed “the race card”. Discussion by Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to adopt the City of Clovis Analysis of Impediments to Fair Housing Choice. Motion carried by unanimous vote.

19. 7:07 - APPROVED – DEVELOPMENT IMPACT FEE CREDIT PROGRAM FOR DEED RESTRICTED AFFORDABLE HOUSING PROJECTS, AND APPROVED - **RES. 19-146**, AMENDING THE FY 2019-20 HOUSING SUCCESSOR AGENCY BUDGET TO INCREASE THE FUNDS AVAILABLE BY \$330,000.

Housing and Community Economic Development Director Andy Haussler presented a report on the Development Impact Fee Credit Program for Deed Restricted Affordable Housing Projects, and amending the FY 2019-20 Housing Successor Agency Budget to Increase the Funds Available by \$330,000. In 2012, the Clovis Community Development Agency was dissolved by state law. The law provided direction on the handling of Agency assets. One of the Agency assets was the Housing Fund. The law provided that the City was to manage the fund and any future deposits for the benefit of affordable housing projects. Until recently there was not a significant amount of funding available but due to a large loan pay-off, the fund has \$1,000,000 in cash available to expend. This amount was included in the 2019-20 budget for use on an affordable housing project. While this is a sizeable amount, it is not enough for the City to take on an active role in the development of a major project as it has in the past. Staff is recommending utilizing the funding to reduce development impact fees for affordable housing projects that provide deed-restricted units to households that make 80% or less of median household income. There being no public comment, Mayor Bessinger closed the public portion. Discussion by Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the Development Impact Fee Credit Program for Deed Restricted Affordable Housing Projects, and approve a resolution amending the FY 2019-20 Housing Successor Agency Budget to Increase the Funds Available by \$330,000. Motion carried by unanimous vote.

20. 7:16 - APPROVED INTRODUCTION – **ORD. 19-13**, AMENDING VARIOUS SECTIONS OF TITLE 4, CHAPTER 4.4 ARTICLE 1 OF THE CLOVIS MUNICIPAL CODE RELATING TO ADOPTION OF THE 2019 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS, AND MAKING RELATED FINDINGS.

Life Safety Enforcement Manager Chad Fitzgerald presented a report on a request to amend various sections of Title 4, Chapter 4.4 Article 1 of the Clovis Municipal Code relating to adoption of the 2019 California Fire Code with local amendments, and making related findings. Every three years, the California Fire Code is reviewed and modified where applicable and adopted by the California Building Standards Commission. The California State Fire Marshal’s Office has adopted the 2019 California Fire Code. The Clovis Municipal Code §§ 4.4.101 and 4.4.102 contain these standards which are adopted or modified as necessary to ensure the safety of the community. Staff is introducing the ordinance to be considered for a second reading and adoption on November 18, 2019. There being no public comment, Mayor Bessinger closed the public portion. Discussion by Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve an ordinance amending various sections of Title 4, Chapter 4.4 Article 1 of the Clovis Municipal Code relating to adoption of the 2019 California Fire Code with local amendments, and making related findings. Motion carried by unanimous vote.

21. 7:25 - APPROVED INTRODUCTION – **ORD. 19-14**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 OF TITLE 8 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO ADOPTION OF THE 2019 CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY, AND GREEN BUILDING STANDARDS CODES.

City Building Official Doug Stawarski presented a report on a request to approve the introduction of Ordinance 19-14, Amending Sections 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 of Title 8 of The Clovis Municipal Code Pertaining to Adoption of the 2019 California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes. There being no public comment, Mayor Bessinger closed the public portion. Discussion by Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the introduction of Ordinance 19-14, Amending Sections 8.1.02, 8.2.101, 8.5.101, 8.6.101, 8.15.101, 8.16.101, 8.17.101 of Title 8 of The Clovis Municipal Code Pertaining to Adoption of the 2019 California Building, Electrical, Mechanical, Plumbing, Residential, Energy, and Green Building Standards Codes. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

22. 7:31 - APPROVED - OPTIONS REGARDING THE ROLL OUT OF SHARED MOBILITY DEVICES IN THE CITY OF FRESNO AND HOW THE CITY OF CLOVIS MAY BE IMPACTED.

Assistant City Manager John Holt presented a report regarding options regarding the roll out of Shared Mobility Devices in the City of Fresno and how the City of Clovis may be impacted. On October 10, 2019, the Fresno City Council approved a six month trial program in the City of Fresno to allow 500 Shared Mobility Devices (SMD's) with a sole franchise with Lime Scooters. The tentative roll out date is mid November 2019. Staff reached out to Lime Scooters and spoke with their Communications and Government Relations person on October 22, 2019. According to the Lime representative, Lime has the sole franchise for a six month trial period, after which an additional six month period may be implemented depending on the results of the first six months. At the end of one year, the franchise could be opened up to other SMD operators. In the summer of 2018, the City of Clovis was impacted when Bird Scooters rolled out SMD's in both Fresno and Clovis unannounced. A few months later the City of Fresno issued a cease and desist order to Bird. The Lime Scooter representative indicated that Fresno State University has requested their campus to be geo-fenced to not allow their use on campus. This will lessen the impact on Shaw Avenue that was experienced in 2018 with Bird Scooters. It is likely that the roll out of Lime Scooters in Fresno will have an impact on the City of Clovis. Staff is

recommending that Lime Scooters use technology referred to as geo-fencing in the Clovis city limits during the initial six month trial period in the City of Fresno. Geo-fencing is a feature in a software program that uses the global positioning system (GPS) or radio frequency identification (RFID) to define geographical boundaries. The Scooters can travel up to 15 mph, but with geo-fencing they would slow down to 3 mph when they approached Clovis city limits. The rider would also be notified that Lime Scooters are not currently licensed and allowed in the City of Clovis. The six month geo-fencing trial period would allow staff time to evaluate Lime's performance in the City of Fresno, and develop policies to regulate. It would also allow staff additional time to evaluate the regulations approved by the City of Fresno to determine if they are adequate and will suffice in the City of Clovis. As the two cities are contiguous in their borders, it would make sense to have similar if not identical regulations.

Kean Unruh, resident, commented on scooters and impound companies, and similar issues in bigger cities that Clovis would experience. Joseph Flores, resident, commented on allowing the pick-up and drop off locations at specified locations could make the use of scooters work. Discussion by Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to work with Shared Mobility Devices to geo-fence the City of Clovis during the six to twelve month trial period while staff evaluates City of Fresno regulations and measures Lime's performance and return with a recommendation. Motion carried by unanimous vote.

CITY MANAGER COMMENTS

COUNCIL ITEMS

23. 7:54 - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE COUNCIL COMMENTS.

City Manager Luke Serpa presented a report on a recommendation to cancel the City Council meeting of November 12, 2019. Staff is able to consolidate the agenda items to the first and third meetings in November 2019. Staff is recommending that City Council consider canceling the meeting of November 12, 2019. Given adequate notice, staff will be able to amend the timing of actions coming forward so that operations will not be affected by the cancellation. 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 the cancellation of the City Council meeting of November 12, 2019. Motion carried by unanimous vote.

COUNCIL COMMENTS 7:55

Councilmember Whalen showed a picture of him running in the Tale of Two Cities race on Sunday and thanked event organizers.

Councilmember Ashbeck reported out on a recent Fresno County Transportation Committee meeting. She also commented on a recent Fresno Pacific University event.

Councilmember Mouanoutoua commented on the involvement of the members of the audience from the Citizens Academy as well as Boy Scouts in the audience.

Mayor Bessinger reported out on a Fresno County Council of Governments meeting attended last week.

CLOSED SESSION 8:00

24. Government Code Section 54956.9
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9
(Deciding Whether to Initiate Litigation)
One Potential Case

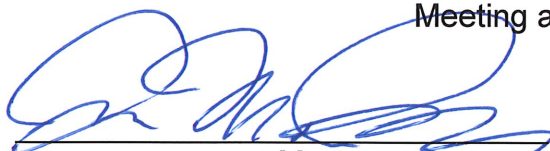
25. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Desiree Martinez v. City of Clovis, et al.

26. Government Code Section 54956.8
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Properties: Portion of 1665 Tollhouse Rd. (APN 491-080-59S), and Portion of 1748
Tollhouse Rd. (APN 491-080-08)
Agency Negotiators: L. Serpa, S. Redelfs, A. Haussler
Negotiating Parties: Anlin Industries
Under Negotiation: Price & Terms


27. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Case Name: City of Clovis v. Xavier Flores, as Trustee of the Flores Revocable Living
Trust

Mayor Bessinger adjourned the meeting of the Council to November 18, 2019

Meeting adjourned: 9:10 p.m.



Mayor



City Clerk

