

## CLOVIS CITY COUNCIL MEETING

**October 12, 2020**

**6:00 P.M.**

**Council Chamber**

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

Roll Call:      Present:      Councilmembers Ashbeck, Flores, Whalen  
   Mayor Bessinger  
   Absent:      Councilmember Mouanoutoua

### **PUBLIC COMMENTS**

### **CONSENT CALENDAR – 6:02**

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

1. Administration - Approved – **Res 20 -138**, Authorizing submission of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; and Authorizing the City Manager to execute the Standard Agreement if selected for such funding and any Amendments thereto; and any related documents necessary to participate in the CalHome Program.
2. Administration – Approved – Updated Program Guidelines for Clovis' Home Rehabilitation Grant Program.
3. Planning and Development Services - Approved – Final Acceptance for Final Map for Tract 6145, located at the southwest corner of DeWolf and Richmond Avenues (Wilson Premier Homes, Inc.).

### **PUBLIC HEARINGS**

4. 6:05 - APPROVED - A REQUEST TO INITIATE AN ORDINANCE AMENDMENT TO AMEND CHAPTER 1.8 OF TITLE 1 OF THE CLOVIS MUNICIPAL CODE REGARDING CAMPAIGN CONTRIBUTION LIMITS DUE TO NEW STATE LAW (AB 571).

Deputy City Clerk Karey Cha presented a report on a requests to initiate an Ordinance Amendment to amend Chapter 1.8 of Title 1 of the Clovis Municipal Code Regarding Campaign Contribution Limits due to new State Law (AB 571). On May 29, 2019, the State of California adopted Assembly Bill (AB) 571, which creates identical campaign contribution limits for candidates for county and city offices as the limits imposed on certain elective state office candidates. AB 571 takes effect Jan. 1, 2021. As a result, effective January 1, 2021, the state campaign contribution limits will apply to local jurisdictions that have not established their own contribution limits. The current state limit for individual campaign contributions to a candidate is \$4,700, which will be adjusted on January 1 of each odd-numbered year. However, this bill continues to authorize a county or city to establish its own contribution limits, and to administer and enforce those limits. Such local limitation could be higher or lower than the current default limit. The City does not currently have any

campaign contribution limits with the exception of a voluntary expenditure limit set at \$1.00 per resident of the City of Clovis. Because of this, the candidates in the March 2021 and future General Municipal Elections will be subject to the state default contribution limits beginning on January 1, 2021, should the City not take any action to establish its own limits. The City Council will have the option to accept the state's default contribution limits, formally set no limit to local campaign contributions, or set new local campaign contribution limits. In summary, absent a local ordinance or resolution, the City's campaign contribution limits will default to the current State Senate and Assembly limit of \$4,700, as adjusted every two years.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to initiate an Ordinance Amendment to amend Chapter 1.8 of Title 1 of the Clovis Municipal Code Regarding Campaign Contribution Limits and take formal action to set no limit on local campaign contributions with the exception of a voluntary expenditure limit. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

5. 6:22 - APPROVED - FINAL ACCEPTANCE FOR CIP 15-16, WILLOW AVENUE WIDENING PROJECT

City Engineer Mike Harrison and Project Manager Kevin Gross presented a report on the Willow Avenue widening project. Kevin Gross provided an overview of the key staff, contractors, and subcontractors, as well as other governmental agencies. Mike Leonardo, representing the Fresno County Transportation Authority commented on the project and funding. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to receive an update on the project and approve the final acceptance for CIP 15-16, Willow Avenue Widening. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

6. 6:40 - APPROVED - **RES. 20-139**, A RESOLUTION OF NECESSITY TO DETERMINE THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PORTIONS OF THREE PROPERTIES FOR PUBLIC PURPOSES, AND AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR SAID PROPERTIES LOCATED ON THE NORTH SIDE OF SHAW AVENUE, EAST OF DE WOLF AVENUE. ADDRESSES: 3585 SHAW AVENUE (PREVIOUSLY 8196 E. SHAW AVENUE), APN: 554-053-30; 3643 SHAW AVENUE (PREVIOUSLY 8248 E. SHAW AVENUE), APN: 554-053-28; AND 3693 SHAW AVENUE (PREVIOUSLY 8350 E. SHAW AVENUE), APN: 554-053-25.

Engineering Supervisor Ryan Burnett presented a report on a request to hold a public hearing and approve the attached Resolution of Necessity approving the eminent domain process to acquire portions of three properties for public street and utility improvement purposes. The three properties are located at 3585 Shaw Avenue, 3643 Shaw Avenue, and 3693 Shaw Avenue, located on the north side of Shaw Avenue, east of De Wolf Avenue. This is a request to approve a Resolution of Necessity authorizing the eminent domain process to acquire right-of-way for the widening of Shaw Avenue, from De Wolf to McCall Avenues. Staff has not been able to come to an agreement with the property owners to purchase the needed right-of-way. This action is needed to avoid further delays in the construction of improvements to Shaw Avenue. California Code of Civil Procedure Section



1245.240 requires the Resolution of Necessity be approved by a vote of two-thirds of all the members of the City Council.

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 of Necessity to determine that the public interest and necessity require acquisition of portions of three properties for public purposes, and authorizing proceedings in eminent domain for said properties located on the north side of Shaw Avenue, east of De Wolf Avenue. Addresses: 3585 Shaw Avenue (previously 8196 E. Shaw Avenue), APN: 554-053-30; 3643 Shaw Avenue (previously 8248 E. Shaw Avenue), APN: 554-053-28; and 3693 Shaw Avenue (previously 8350 E. Shaw Avenue), APN: 554-053-25. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

7. 6:58 - APPROVED – **RES. 20-140**, ADOPTION OF A RESOLUTION AMENDING THE 2019-2020 ANNUAL ACTION PLAN; AND AMENDING THE FY 2020-2021 HOUSING AND COMMUNITY DEVELOPMENT BUDGET TO INCREASE THE FUNDS BY \$602,534.

Housing Program Coordinator Heidi Crabtree presented a report on a request to approve a resolution amending the 2019-2020 Annual Action Plan to add a recently received allocation of \$602,534 in Community Development Block Grant (CDBG)-CV3 funds to the plan, and to direct the use of those funds for the Emergency Housing Payment Program, and amending the FY 2020-2021 Housing and Community Development Budget to increase the funds by \$602,534. The City of Clovis received notification from the U.S. Department of Housing and Urban Development (HUD) that the City has received an allocation of CDBG-CV3 funds in the amount of \$602,534. In order to utilize those funds, City Council must adopt an amendment to its CDBG Annual Action Plan to establish use of the funds. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Mayor Bessinger, seconded by Councilmember Ashbeck, for the Council to approve a resolution amending the 2019-2020 Annual Action Plan to add a recently received allocation of \$602,534 in Community Development Block Grant (CDBG)-CV3 funds to the plan, and to direct the use of those funds for \$500,000 being dedicated for Emergency Housing Payment Program and \$102,534 being reserved for a future COVID-related program, and amending the FY 2020-2021 Housing and Community Development Budget to increase the funds by \$602,534, with the added provision to report back to Council the first meeting in 2021. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

8. 7:23 - CONTINUED - ORD. 20-XX, OA2020-003, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 9.18.050 AND ADDING SECTION 9.104.120 OF THE CLOVIS MUNICIPAL CODE RELATING TO THE REGIONAL HOUSING NEEDS ALLOCATION (TO BE CONTINUED TO THE OCTOBER 19, 2020 MEETING)

Mayor Bessinger indicated that this item was being continued to the meeting of October 19, 2020.

## ADMINISTRATIVE ITEMS

9. 7:24 – APPROVED – AUTHORIZE THE CITY MANAGER TO EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY GREATER FRESNO AREA FOR CONSTRUCTION OF AFFORDABLE HOUSING AT 1403 FOURTH STREET AND 1421 FOURTH STREET IN CLOVIS' STANFORD ADDITION.

Councilmember Flores indicated that his family previously owned the property being considered here and would recuse himself from consideration and left the dais at 7:24. Housing Program Coordinator Heidi Crabtree presented a report on a request to authorize the City Manager to execute the Disposition and Development Agreement with Habitat for Humanity Greater Fresno Area for the construction of affordable housing at 1403 Fourth Street and 1421 Fourth Street in Clovis' Stanford Addition. Clovis recently purchased the lots located at the subject addresses using Redevelopment Bond Housing Set-Aside funds for the purpose of developing affordable housing. Habitat for Humanity Greater Fresno Area approached the City with interest to build two (2) affordable homes on the parcels. The property ownership must be transferred to Habitat for Humanity Greater Fresno Area before construction can begin.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to authorize the City Manager to execute the Disposition and Development Agreement with Habitat for Humanity Greater Fresno Area for the construction of affordable housing at 1403 Fourth Street and 1421 Fourth Street in Clovis' Stanford Addition. Motion carried 3-0-1-1 with Councilmember Mouanoutoua absent and Councilmember Flores abstaining.

Councilmember Flores returned to the dais at 7:30.

## COUNCIL ITEMS

10. 7:30 - APPROVED – **RES. 20-141**, A RESOLUTION IN SUPPORT OF PROPOSITION 20 REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT.

City Manager Luke Serpa presented a report on a request to approve a resolution supporting Proposition 20 to reduce crime and keeping California Safe Act. Under current law, violent crimes that impact our communities such as domestic violence, date rape, sex trafficking of children, and assault with a deadly weapon, are considered “non-violent” offenses. Proposition 20 would change this and better protect our communities from violent offenders. Thousands of offenders convicted of violent crimes, currently classified as “non-violent” are eligible for early prison release, without serving their full sentences and with no prior notice to their victims. Proposition 20 would reclassify these crimes, preventing early release and requiring notification to victims.

Proposition 20 would create two additional categories of punishable crimes with increased penalties to address “serial” theft and “organized retail” theft, crimes that deeply affect our already struggling small businesses and residents.



There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve a resolution supporting Proposition 20 to reduce crime and keeping California Safe Act. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

11. 7:38 - CONSIDERED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS CHALLENGE COIN.

Mayor Bessinger presented an update to City Council on the design of a Clovis Challenge coin he would like to order for council give away at events and sell at city hall. Mike Cunningham, resident, recommended Council keep the selection of design and colors simple. Discussion by the Council. It was the consensus of Council, with Councilmember Mouanoutoua absent, to have this item brought back to the October 19, 2020, meeting for further consideration.

**WORKSHOP – 7:57**

City Manager Luke Serpa presented Council an update on the newest Fresno County numbers regarding the COVID-19 pandemic.


**COUNCIL COMMENTS 8:07**

Councilmember Whalen showed a photograph of the new Dutch Bro's at Herndon and Fowler, and raised concerns on how traffic from this business could negatively impact adjacent businesses. He also requested an update from staff on how he believed the traffic queuing would work.

Mayor Bessinger reported out on the League conference he virtually attended last week.

Mayor Bessinger adjourned the meeting of the Council to October 19, 2020

Meeting adjourned: 8:12 p.m.

  
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Mayor

  
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City Clerk

