

CLOVIS CITY COUNCIL MEETING

December 5, 2011

6:00 P.M.

COUNCIL CHAMBER

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

Roll Call: Present: Councilmembers Armstrong, Ashbeck, Magsig, Mayor Flores
Absent: Councilmember Whalen

6:01 P.M. - CONSENT CALENDAR

Motion by Councilmember Magsig, seconded by Councilmember Armstrong, that the items on the Consent Calendar be approved. Motion carried with Councilmember Whalen absent.

- A1) Approved - Minutes for the November 21, 2011 Council meeting.
- D1) Received and Filed - Investment Report for the month of September 2011.
- D2) Received and Filed - Treasurer's Report for the month of September 2011.
- E1) Approved - **Res. 11-127**, Approving a Memorandum of Understanding between the City of Clovis and the Clovis Employees Association Bargaining Unit.
- F1) Approved - Contract Change Order for CIP 11-07, Clovis Landfill Stage 1 Expansion and; Authorize the City Engineer to execute the contract change order on behalf of the City and; Authorize the City Engineer to execute a contract amendment for archaeological resource monitoring.
- H1) Approved - Waive Formal Bidding Requirements and Authorize Purchase of a Camera Transporter from Weco Industries.
- H2) Approved - Waive Formal Bidding Requirements and Authorize the Purchase of Five Replacement Trucks off of the State Contract.
- H3) Approved – **Res. 11-128**, Removing the designation of the area within Sunnyside, Stanford, Beverly, and Barstow Avenues as Candy Cane Lane.
- H4) Received and Filed – Public Utilities Monthly Report for September 2011.

6:02 ITEM **1A** - APPROVED – **RES. 11-132**, THIRD GENERAL PLAN AMENDMENT CYCLE FOR 2011 AFFECTING A 0.65 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SHAW AND WINERY AVENUES; AND ITEM **1A.1** – APPROVED - **RES. 11-129**, AN ENVIRONMENTAL FINDING OF A NEGATIVE DECLARATION FOR A PROPOSED SPHERE OF INFLUENCE EXPANSION, REORGANIZATION RO278, GENERAL PLAN AMENDMENT GPA2011-02, AND PREZONE R2010-04; AND ITEM **1A2** - APPROVED - **RES. 11-130**, SPHERE OF INFLUENCE EXPANSION, A REQUEST TO INCORPORATE THE SUBJECT PROPERTY INTO THE CLOVIS SPHERE OF INFLUENCE; AND ITEM **1A3** - APPROVED - GPA2011-02, A REQUEST TO APPROVE AN AMENDMENT TO THE CLOVIS GENERAL PLAN TO DESIGNATE THE SUBJECT PROPERTY TO COMMERCIAL CATEGORY; AND ITEM **1A4** – APPROVED - INTRODUCTION - **ORD. 11-13**, R2010-04, APPROVING A PREZONE TO THE C-2 ZONE DISTRICT; AND ITEM **1A5** - APPROVED - **RES. 11-131**, RO278, A RESOLUTION OF APPLICATION FOR THE ANNEXATION OF THE TERRITORY KNOWN AS THE SHAW-WINERY REORGANIZATION.

Deputy City Planner David Fey presented a report on various actions associated with a 0.65 acre property located at the southwest corner of Shaw and Winery Avenues. David Fey indicated that the Third General Plan Amendment Cycle of 2011 consists of one proposal to add territory to the Clovis Sphere of Influence, annexing land to the City, and amend the Clovis General Plan to designate approximately 0.65 acres of property located at the southwest corner of Shaw and Winery Avenues to Commercial category. David Fey indicated that along with the General Plan Amendment, the applicant is concurrently processing a Prezone to the C-2 zone district. David Fey indicated that a site plan review will be submitted at a later date when a commercial development is proposed on the subject site. David Fey indicated that the Fresno City Council held a public hearing on June 16, 2011, to consider a General Plan amendment to detach the subject property from the jurisdiction of the City of Fresno. David Fey indicated that the Council unanimously approved and adopted a resolution to remove the subject property from the 2025 Fresno General Plan and Hoover Community Plan to correspond to an amendment to the Clovis General Plan. David Fey indicated that this General Plan Amendment request is the next step in completing the transition of this property from the City of Fresno to the City of Clovis. Dirk Poeschel, representing the applicant, spoke in favor of the requests. Discussion by the Council.

Motion by Councilmember Armstrong, seconded by Councilmember Ashbeck, for the Council to approve Resolution 11-129, An Environmental Finding of a Negative Declaration for a proposed Sphere of Influence Expansion, Reorganization RO278, General Plan Amendment GPA2011-02, and Prezone R2010-04. Motion carried with Councilmember Whalen absent.

Motion by Councilmember Magsig, seconded by Councilmember Armstrong, for the Council to approve Resolution 11-130, Sphere of Influence Expansion, a request to incorporate the subject property into the Clovis Sphere of Influence. Motion carried with Councilmember Whalen absent.

Motion by Councilmember Ashbeck, seconded by Councilmember Armstrong, for the Council to approve GPA2011-02, a request to approve an amendment to the Clovis General Plan to designate the subject property to Commercial category. Motion carried with Councilmember Whalen absent.

Motion by Councilmember Ashbeck, seconded by Councilmember Magsig, for the Council to approve the introduction of Ordinance 11-13, R2010-04, approving a prezone to the C-2 zone district. Motion carried with Councilmember Whalen absent.

Motion by Councilmember Ashbeck, seconded by Councilmember Armstrong, for the Council to approve Resolution 11-131, RO278, a resolution of Application for the Annexation of the Territory known as the Shaw-Winery Reorganization. Motion carried with Councilmember Whalen absent.

Motion by Councilmember Ashbeck, seconded by Councilmember Armstrong, for the Council to approve Resolution 11-132, Third General Plan Amendment Cycle for 2011 affecting a 0.65 acre property located at the southwest corner of Shaw and Winery Avenues. Motion carried with Councilmember Whalen absent.

6:07 ITEM 1B - APPROVED – RES. 11-133, A RESOLUTION ADOPTING THE CITY OF CLOVIS 2010 URBAN WATER MANAGEMENT PLAN

Assistant Public Utilities Director Lisa Koehn presented a report on the City of Clovis 2010 Urban Water Management Plan. Lisa Koehn indicated that the Urban Water Management Plan must be updated every five years and submitted to the Department of Water Resources, with a resolution from the water supply agency adopting the plan. Lisa Koehn indicated that the Plan has been prepared, notice has been given to the public to review and comment, and the Plan is submitted to the Council for approval and adoption. Lisa Koehn provided a summary of the 2010 Plan. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Armstrong, seconded by Councilmember Magsig, for the Council to approve Res. 11-132, a resolution adopting the City of Clovis 2010 Urban Water Management Plan. Motion carried with Councilmember Whalen absent.

6:12 ITEM - 2A1 - APPROVED – RES. 11-134, AGREEMENT FOR PROFESSIONAL LEGAL SERVICES AS CITY ATTORNEY

City Manager Rob Woolley presented a report on the City Attorney agreement for Professional Legal Services. Rob Woolley indicated that the current one year Agreement for Professional Services as City Attorney will expire on December 31, 2011. Rob Woolley indicated the firm of Lozano Smith has provided legal services as City Attorney under contract with the City of Clovis since August 1992. Rob Woolley indicated David Wolfe was appointed as City Attorney in 2009. Rob Woolley indicated Mr. Wolfe is requesting a one-year renewal of that Agreement. Rob Woolley indicated this would be the ninth renewal of the Agreement since first entered. Rob Woolley indicated the last renewal was approved in late 2010 and covered a one year period with no changes from the 2009 Agreement. Rob Woolley indicated this renewal reflects an hourly rate for attorneys to increase by \$5.00 from \$175.00 to \$180.00 per hour. Rob Woolley indicated all other terms and conditions remain the same. Rob Woolley indicated the term of the contract would be through December 31, 2012. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Magsig, seconded by Councilmember Armstrong, for the Council to approve Res. 11-133, agreement for Professional Legal Services as City Attorney with the added provision to make this a two year agreement ending on December 31, 2013. Motion carried with Councilmember Whalen absent.

6:15 ITEM 3A - APPROVED - CHANGE OF COUNCIL MEETING SCHEDULE

City Manager Rob Woolley presented a report regarding the council meeting schedule for December and January. Rob Woolley indicated that staff is recommending cancelling the meetings of December 19, 2011, and January 3, 2012, due to the holiday season. There being no public comment, Mayor Flores closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Armstrong, for the Council to cancel the meetings of December 19, 2011 and January 3, 2012. Motion carried with Councilmember Whalen absent.

6:17 ITEM 3B - COUNCIL COMMENTS

Councilmember Magsig commented on the success of the Children's Christmas Parade and thanked the Kiwanis for their service to our community.
Mayor Flores adjourned the meeting at 6:20 p.m. to Closed Session and indicated that no action would be taken.

6:20 ITEM 4A - CLOSED SESSION

Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: R. Woolley, R. Ford, L. Shively

Employee Organization: Clovis Firefighters Association,
Clovis Police Officers Association

ADJOURNMENT

Mayor Flores adjourned the meeting of the Council to December 12, 2011

Meeting adjourned: 6:25 p.m.

Mayor

City Clerk