



# CITY of CLOVIS

AGENDA • CLOVIS CITY COUNCIL  
Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

*In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.*

*Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.cityofclovis.com](http://www.cityofclovis.com).*

November 13, 2018 (Tuesday)

6:00 PM

Council Chamber

**The City Council welcomes participation at Council Meetings. Members of the public may address the Council on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic.**

Meeting called to order by Mayor Whalen  
Flag salute led by Councilmember Bessinger

## ROLL CALL

## PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation recognizing Jeff Hensley for his ten years of service as the Clovis representative and Chair of the Fresno-Clovis Media Authority.
2. Presentation of Proclamation recognizing November 17, 2018 as "World Prematurity Day."

**PUBLIC COMMENTS** - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

**ORDINANCES AND RESOLUTIONS** - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

**CONSENT CALENDAR** - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

3. City Clerk – Approval - Minutes for the November 5, 2018 Council Meeting.
4. Community and Economic Development - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July – September 2018.
5. Planning and Development Services - Approval - Bid Award for CIP 10-06, Sierra Gateway Regional Trail Improvements 2018; and Authorize the City Manager to execute the contract on behalf of the City.
6. Planning and Development Services - Approval – Final Acceptance for Tract 6117, located southwest of Alluvial and Armstrong Avenues (De Young Properties).
7. Planning and Development Services - Approval – Final Acceptance for Tract 6147, located at the southeast area of Gettysburg and Armstrong Avenues (De Young Properties).

**PUBLIC HEARINGS** - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

8. Consider Approval - Res. 18-\_\_\_\_, CUP2017-10A, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.  
Staff: Orlando Ramirez, Deputy City Planner  
Recommendation: Approve
9. Consider Approval – Waive the City's Usual Purchasing Procedures Pursuant to California Government Code Sections 4217.11 through 4217.17 and Award a Contract to Compass Energy Solutions to Implement an LED Lighting Project.  
Staff: Shonna Halterman, General Services Director  
Recommendation: Approve

10. Consider Introduction – Ord. 18-\_\_\_\_, An Ordinance of the City Council of the City of Clovis Amending Section 4.5.1014, of Chapter 4.5, of Title 4 of the Clovis Municipal Code Pertaining to Commercial Vehicle Parking.

Staff: Andrew Haussler, Community and Economic Director

Recommendation: Approve

**CORRESPONDENCE** – Correspondence is communication addressed to City Council that requests action.

11. None

**ADMINISTRATIVE ITEMS** – Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

12. Consider Approval - Appointments to the Fresno/Clovis Community Media Authority.

Staff: Andrew Haussler, Community & Economic Development Director

Recommendation: Approve

13. Consider Approval – Res. 18-\_\_\_\_, A Request to Authorize an 18 month Program to Waive the First Year of Business Tax Certificate Fees for Retailers Locating in Existing Vacant Commercial Buildings along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue.

Staff: Andrew Haussler, Community & Economic Development Director

Recommendation: Approve

## **CITY MANAGER COMMENTS**

## **COUNCIL ITEMS**

14. Consider Approval – Change of City Council Meeting Schedule.

Staff: Luke Serpa, City Manager

Recommendation: Approve

15. Council Comments

**CLOSED SESSION** - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

None.

## **ADJOURNMENT**

<b>Future Meetings and Key Issues</b>			
Nov. 19, 2018 (Mon.)	6:00 P.M.	Regular Meeting (To Be Cancelled)	Council Chamber
Dec. 3, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 10, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 17, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Jan. 7, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Jan. 14, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Jan. 22, 2019 (Tue.)	6:00 P.M.	Regular Meeting	Council Chamber



**CITY of CLOVIS**  
**Proclamation**

**RECOGNIZING THE SERVICE OF  
JEFF HENSLEY**

**WHEREAS,** the City of Clovis hereby honors and salutes Jeff Hensley for his dedicated service as a Board Member of the Fresno-Clovis Media Authority; and

**WHEREAS,** Jeff Hensley is one of the founding Board Members of the Fresno-Clovis Media Authority; and

**WHEREAS,** Jeff Hensley led the Board as Chair for 5 terms and served for 10 years; and

**WHEREAS,** Jeff Hensley and the Fresno-Clovis Media Authority was instrumental in the creation of a Community Media Access Collaborative that opened access to the residents of Clovis to express themselves creatively through digital media channels; and

**WHEREAS,** the facilities the Community Media Access Collaborative provides have been a training facility for 2,500 hours of skilled development and produced 5,200 hours of local programming which has been enriching to the City of Clovis; and

**WHEREAS,** the Community Media Access Collaborative trained staff and volunteers have broadcasted countless community and cultural events which have resulted in national awards and a higher quality of life for Clovis residents.


**NOW, THEREFORE, BE IT RESOLVED,** that the Clovis City Council recognizes

**JEFF HENSLEY**

for his efforts and dedication to the betterment of this community.

**IN WITNESS THEREFORE,** I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 13th day of November, 2018.



  
\_\_\_\_\_  
Mayor

**Agenda Item 1**



**CITY of CLOVIS**  
**Proclamation**

**RECOGNIZING**  
**World Prematurity Day**

**WHEREAS,** Premature births threaten the lives and health of 15 million babies around the world every year and is the leading cause of death among newborns; and

**WHEREAS,** Fresno County has one of the highest rates of premature births in California with one in every nine babies being born prematurely; and

**WHEREAS,** The Fresno County Preterm Birth Initiative is a collaborative effort to reduce the number of babies born prematurely from 11.1% to 7% by 2025 in Fresno County and increase the health of women before, during, and after pregnancy and is a part of a 10-year Preterm Birth Initiative led by the University of California, San Francisco with Central California Center for Health and Human Services at Fresno State University being the backbone organization; and

**WHEREAS,** November 17, 2018, is designated as World Prematurity Day as a part of the Every Woman Every Child initiative; and

**WHEREAS,** Organizations in Fresno County, including government agencies, businesses, schools, colleges, churches, non-profit organizations, hospitals, clinics, and others are working to improve the health of mothers and babies in Fresno County.

**NOW, THEREFORE, BE IT RESOLVED,** that the City of Clovis does hereby proclaim November 17, 2018 as

**World Prematurity Day**

**WITNESS THEREFORE,** I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 13th day of November, 2018.



  
\_\_\_\_\_  
Mayor

**Agenda Item 2**

**CLOVIS CITY COUNCIL MEETING**

**November 5, 2018**

**6:03 P.M.**

**Council Chamber**

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

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

**6:05 – PRESENTATION**

1. PRESENTATION OF PROCLAMATION TO ED FLORES IN RECOGNITION OF HIS SERVICE TO THE CITY OF CLOVIS

Councilmember Flores presented a proclamation to Ed Flores in recognition of his service to the City of Clovis.

**6:10 - PUBLIC COMMENTS - NONE**

**6:11 - CONSENT CALENDAR**

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

2. City Clerk – Approved - Minutes for the October 15, 2018 Council Meeting.
3. General Services – Approved - Waive the City's Standard Purchasing Procedure for the Emergency Purchase of Two (2) Energy Efficient Boilers at the Operations and Maintenance Service Center Facility.
4. General Services – Approved - **Res. 18-152**, Authorizing Amendments to the Fire Chief, Deputy Fire Chief, and Battalion Chief Classifications; and Approval - **Res. 18-153**, amending the City's Position Allocation Plan for FY 18-19 in the Fire Department by adding One (1) Deputy Fire Chief position and deleting One (1) Battalion Chief position.
5. General Services – Approved – **Res. 18-154**, Authorizing a Loan Application to California Energy Commission - Energy Conservation Assistance Act Program Loan for supplemental LED lighting funding.
6. Planning and Development Services - Approved – **Res. 18-155**, Final Map Tract 6180, located at the southwest area of Locan Avenue and Teague Avenue (DYP 6180, L.P., DeYoung Properties).
7. Planning and Development Services - Approved – **Res. 18-156**, Annexation of Proposed Tract 6180, located at the southwest area of Locan Avenue and Teague Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (DYP 6180, L.P., DeYoung Properties).
8. Public Utilities – Approved - Authorize the Purchase of Two CNG Side Loading Refuse Trucks from Golden State Peterbilt.



9. Public Utilities – Approved - Waive Formal Bidding Requirements and Authorize the Purchase of Compactor Wheels from Caron Compactor Company.
10. Public Utilities – Approved - Waive Formal Bidding Requirements and Authorize the Purchase of a CASE Wheel Loader off the Sourcewell Purchasing Contract from Sequoia Equipment Company, Inc.; and Approval – **Res. 18-157**, Amending the 2018-2019 Community Sanitation budget to allocate funds for purchase of the loader.

## ADMINISTRATIVE ITEMS

11. 6:12 - Adopted - **Ord. 18-25**, R2018-07, A request to approve a rezone of approximately 18.13 acres of land located at the northeast corner of Ashlan and Locan Avenues, from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-PRD (Planned Residential Development) and P-F (Public Facilities) Zone Districts. (Vote: 4-0-1 with Mayor Whalen absent)

Mayor Whalen indicated that this item was on the regular agenda for adoption because at introduction on October 15, 2018, it was approved 4-0-1 with Mayor Whalen absent. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to adopt **Ordinance 18-25**, R2018-07, rezoning approximately 18.13 acres of land located at the northeast corner of Ashlan and Locan Avenues, from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-PRD (Planned Residential Development) and P-F (Public Facilities) Zone Districts. Motion carried 4-0-1 with Mayor Whalen abstaining.

12. 6:13 - Adopted - **Ord. 18-26**, OA2018-03, A text modification to the Development Code to add Multiple-Family Housing as a permitted use in the P-F (Public Facility) Zone District and to add a new RHN (Regional Housing Needs) Overlay Zone District. (Vote: 4-0-1 with Mayor Whalen absent)

City Planner Bryan Araki made a few comments on the minor changes on the ordinance as presented this evening versus at introduction on October 15, 2018. Exhibit A of the staff report (Exhibit 12 of the October 15, 2018 staff report) illustrates Regional Housing Needs Overlay District Opportunity Sites of between one and ten acres applicable for use under this ordinance amendment. Subsequent to the first reading City Council approval of this ordinance amendment, staff has received an application for a Conditional Use Permit for a memory care facility on property located on the north side of Nees Avenue, east of Timmy Avenue. As there is a pending land use consideration for this site, it is being removed from Exhibit A of the staff report (Exhibit 12 of the October 15, 2018 staff report).

Lee Smith, attorney representing residents of Buchan Estates, commented and wanted to know if only properties on the map would be considered for inclusion. City Attorney David Wolfe responded affirmatively. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to adopt **Ord. 18-26**, OA2018-03, a text modification to the Development Code to add Multiple-Family Housing as a permitted use in the P-F (Public Facility) Zone District and to add a new RHN (Regional Housing Needs) Overlay Zone District. Motion carried 4-0-1 with Mayor Whalen abstaining.

**ADJOURN TO THE JOINT MEETING WITH THE CLOVIS PLANNING COMMISSION**

Present: Planning Commissioner Antuna, Bedsted, Cunningham, Hatcher, Chair Hinkle  
Absent: None

13. 6:20 - Received and Filed – Planning & Development Services' Annual Update.

Planning and Development Services Director Dwight Kroll presented a report and update on Planning and Development Services department and major projects currently underway. General discussion of roles and responsibilities of Planning Commission. Direction from Council and Commission for staff to continue review of elements of Planned Residential Developments and variety different features such as reduced setbacks, narrow streets, and shortened driveways. Direction provided to compile information on a few approved projects and return to Council with successes and challenges with the various projects.

14. City Manager Comments - None

15. Council / Commission Comments - None

Mayor Whalen adjourned the meeting of the Council to November 13, 2018

Meeting adjourned: 8:30 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





AGENDA ITEM NO: 4  
City Manager: LS

# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: November 13, 2018

SUBJECT: Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July – September 2018

ATTACHMENTS: EDC First Quarter Report, July – September 2018

### CONFLICT OF INTEREST

None

### RECOMMENDATION

That the City of Clovis receive and file the Quarterly Report July – September 2018 (first quarter 2018-19 contract), from the Economic Development Corporation Serving Fresno County.

### EXECUTIVE SUMMARY

The Economic Development Corporation serving Fresno County (EDC) has submitted their second quarter report of activities for the City Council to receive and file, as required per the 2018 -19 Agreement with the City.

### BACKGROUND

In the summer of 2018, the City of Clovis and the EDC entered into a contract for the 2018-19 fiscal year to provide regional marketing and business services to Clovis businesses. The contract provides for \$40,000 in baseline funding and incentivizes the EDC with payment for site tours conducted in Clovis for a business looking to relocate into the region. This allows Clovis to be part of a regional effort in attracting commercial and industrial businesses to Clovis. Attached is a report detailing the progress of their activities to provide information to industrial/commercial representatives not currently located in Clovis for recruiting purposes, and continue to assist existing Clovis businesses with informational and/or technical assistance to access statewide business support programs.

Highlights of the EDC quarterly report include:

- Three qualified business attraction leads were achieved during the quarter.
- The EDC assisted in getting 1 site tour.
- Summary of 2018-19 results are below:

Type	Required	Q1	FY18-19	Completion
New Business Leads	40	3	3	8%
Site Tours	4	1	1	25%
Trade Shows	5	0	0	0%
Broker Events	2	0	0	0%

### **FISCAL IMPACT**

The City will forward the fourth quarter installment payment to EDC. The funds were budgeted in the 2018-19 fiscal year budget.

### **REASON FOR RECOMMENDATION**

The attached report meets the requirement established in the 2018-19 Agreement between the EDC and the City of Clovis.

### **ACTIONS FOLLOWING APPROVAL**

Staff will file the report.

Prepared by: Andy Haussler, Community and Economic Development Director

Submitted by: Andy Haussler, Community and Economic Development Director







*Growing the California Dream*

## **City of Clovis**

# **Quarterly Activity Report**

**Quarter 1**

**Fiscal Year 2018-2019**

**July 1, 2018 – September 30, 2018**

Lee Ann Eager.....President/CEO  
Paul Thorn.....Controller  
Sera Larsen.....Chief Operating Officer  
Will Oliver.....Director of Business Services  
Andrea Reyes.....Director of Client Services  
Jose Mora.....Client Services Manager  
Josh Howell.....Data Administrator  
Lavell Tyler.....Economic Development Specialist  
Tracy Tosta.....Economic Development Specialist  
Jacob Villagomez.....Economic Development Specialist  
Curtis Williamson.....Economic Development Specialist  
Amanda Bosland.....Retail Business Development Specialist  
Nicholas Vincent.....Research Analyst  
Juan Carranza.....Economic Development Analyst  
Mandip Johal.....BEAR Coordinator  
Jenna Lukens.....Training Coordinator  
Margaret Ingham.....Retention Specialist  
Miguel Herrera.....Retention Specialist  
Lisa Peoples.....Investor Relations  
Courtney Ramirez.....Business Attraction Specialist



## **City of Clovis Quarterly Activity Report**

*This report summarizes the agreement requirements between the City of Clovis and the Fresno County Economic Development Corporation (EDC).*

### **Division Mission**

To market Fresno County as the premier location for business prosperity.

### **Fresno County EDC Services**

The Economic Development Corporation serving Fresno County is a nonprofit organization established to market Fresno County as the premier location for business prosperity. We facilitate site selection for new businesses within Fresno County, and assist in the retention and expansion of businesses through our alliance with collaborative partners and resources.

The EDC agrees to the following services:

1. Provide information to the industrial and office representatives not located in the City of Clovis for recruiting new businesses and industries;
2. Assist in the development of marketing materials to attract new investments, commercial and industrial brokers, developers, and site selectors. Assist in utilizing online marketing to advance economic and community development efforts;
3. Assist existing businesses and industries that contact the EDC with information and technical assistance through the BEAR Action Network;
4. Work to foster a closer working relationship with local business associations to enhance the EDC services provided to Clovis area employers;
5. Continue acting in a leadership role in promotion of high-speed rail and promote the Clovis area for related development;
6. Inform Clovis of legislation important to the economic and community development of the region and act on their behalf;
7. Assist in identifying economic development projects on the City's behalf for the inclusion in the County of Fresno's Comprehensive Economic Development Strategy (CEDS) for possible grant funding; and
8. Provide administrative staffing at all Executive Committee, Board, and related events.

## Q1 Snapshot

The EDC team conducts outreach marketing business expansion and retention services by:

- Providing an operational analysis to evaluate the health of the business. This tool offers us a thorough understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to labor subsidy programs;
- Promoting Fresno Energy Watch services;
- Providing education on federal/state/local tax incentives; and
- Providing referrals and information on financing assistance.

Stemming from direct outreach, workshops, one-on-one meetings, and marketing efforts, the areas of interest and number of referrals generated are reflected below:

<b>Businesses Contacted</b>	<b>Q1 2018 -2019</b>
<b>Business Referrals</b>	24
	9

Type	Required	Q1	FY18-19	Completion
New Business Leads	40	3	3	8%
Site Tours	4	1	1	25%
Trade Shows	5	0	0	0%
Broker Events	2	0	0	0%

## Clients and Businesses Contacted

Kelpack	World Class Painting	Peacock Market
RVs 4 Less DBA RV Liquidation Center	H & R Block	My Gym Clovis
DA Designs Dancewear Inc.	Westech Systems	Ewing Irrigation and Landscape Supply
Roll Me Some	The Garage Do-It-Yourself Auto Repair	Best Party Rentals
Mi-Rancho Tortilla	Anlin Industries	Caliber Collision
KW Automotive North America, Inc	Enjoy Technology, Inc	Clovis Glass Company, Inc
Generation Commercial, Inc.	Clovis Polycon	
Outdoor Environment - Underground	Valley Chrome Plating	
Boring Systems, Inc.	Excel Sign Company	

## City of Clovis Economic Snapshot

### 1<sup>st</sup> Quarter, FY 18-19

#### Industrial, Office, and Retail Vacancy City of Clovis

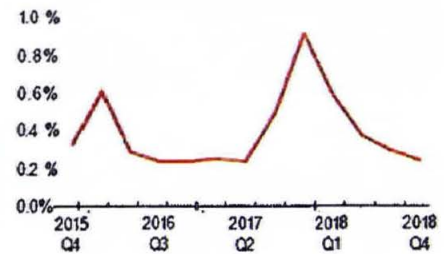
The industrial vacancy rate in Clovis increased to 0.2% in the first quarter FY 18-19. The vacancy rate was 0.9% at the end of the fourth quarter FY 17-18.

CoStar also reports that the office vacancy rate in the City of Clovis increased slightly to 6.3% in the first quarter, where it was 6.1% at the end of the fourth quarter FY 17-18.

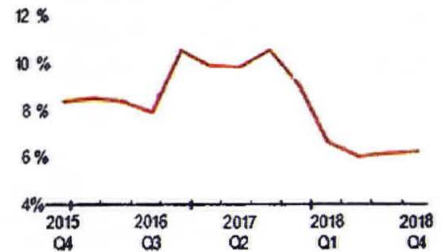
Clovis' retail vacancy rate increased to 6.2% in the first quarter. Last quarter, the Clovis retail vacancy rate was 6.0%.

	Industrial	Office	Retail
Fresno County	4.5%	8.0%	5.2%
City of Clovis	0.2%	6.3%	6.2%

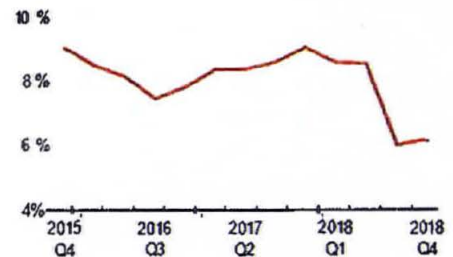
Vacancy Rate - Industrial



Vacancy Rate - Office



Vacancy Rate - Retail



### September 2018 Unemployment Rates

The unemployment rate in Fresno County was 6.6 percent in August 2018, down from a revised 7.1 percent in July 2018, and below the year-ago estimate of 7.7 percent. This compares with an unadjusted unemployment rate of 4.3 percent for California and 3.9 percent for the nation during the same period.

Area	Labor Force	Unemployment Rate
Fresno County	453,900	6.9%
Clovis	53,900	4.7%



## Business Expansion and Attraction Leads

The EDC has agreed to provide a minimum of 40 new business attraction and expansion leads for the 2018-2019 fiscal year. The EDC has generated 4 new business attraction and expansion leads in the first quarter. EDC staff also remains involved with additional prospective leads that may match Clovis' land and building inventory. See information below:

### New Qualified Leads

	Client Number	Source	Industry	Jobs	Site Requirement	Cities/Regions Participated
September	180824A1	Direct	Manufacturing	10	TBD	Clovis
	180827A1	Direct	Arts, Entertainment, and Recreation	TBD	40AC	Clovis; Sanger
	180808A1	Direct	Administrative and Support Services	125	15,000 SF	Clovis; Fresno
Prospective Leads	Project Redwood	GO-Biz	Manufacturing	200	250 AC	TBD
	180730R1	Partner	Retail Trade	TBD	TBD	TBD

Source:	Broker	Local Broker referral
	CCVEDC	California Central Valley Economic Development Corporation
	Direct	Client Contacted Directly
	GO-Biz	Governor's Office of Business and Economic Development
	Partner	Fresno EDC Partner referral

### Q1 Site Visits

Date	Client Number	Industry	Site Requirements	Jobs	Sites or Area Toured
9/1/2018	180824A1	Manufacturing	TBD	10	Clovis, CA

## Marketing

The EDC continues to participate in trade shows/missions in partnership with the California Central Valley Economic Development Corporation (CCVEDC) and Team California to promote Fresno County and its 15 cities.

### TRADE SHOWS, BROKER EVENTS, AND MISSIONS

#### CCVEDC Broker Events

SIOR Northern California Chapter – An Evening at Chapman Estate

Date: August 3, 2018

Contacts: 70

CCVEDC So Cal SIOR Dinner and Networking Event – Costa Mesa, CA

Date: September 13, 2018

Contacts: 40

**CCVEDC New York Broker Mission - New York, NY and Bridgewater, NJ**

Date: September 17-19, 2018

Contacts: 30

**CCVEDC Nor Cal SIOR Networking Event – San Francisco, CA**

Date: September 20, 2018

Contacts: 50

**Global Cities Initiatives & Exchange (GCI)****Americas Competitiveness Exchange**

President and CEO, Lee Ann Eager, will be participating with EDC staff in the 10th Americas Competitiveness Exchange (ACE) event on October 24th. ACE 10 will bring 50 international high profile government, business, policy and economic decision makers to Fresno County, providing high level exposure and international focus on Fresno County and its cities.

Economic Development Coordinator Tracy Tosta and Economic Development Specialist Curtis Williamson connected with the different participating sites to complete site selection documents, speaker bios, traffic routes, and secured participation in the event from three local breweries. The EDC's efforts have been recognized by the Economic Development Administration, Organization of American States, and OCED for the responsiveness and attention to detail the EDC has been able to provide; specifically in regards to the site selection documents which were completed and submitted timely for all sites. The event currently has over 50 confirmed attendees, one of which ED Coordinator Tosta connected with Lee Ann Eager for a meeting in Berlin this month, helping to maximize time spent on the Germany trade mission.

**Partnership with Department of Social Services**

The EDC has been contracted to assist the Fresno County Department of Social Services in marketing the New Employment Opportunities (NEO) program, and Ready2Hire, and identify prospective employers to hire from the pool of eligible NEO job seekers.

New Employment Opportunities (NEO) 2018-2019	Actual	Contract Goal
YTD - New NEO/ Unsubsidized/ Renewed		
Participating Businesses	174	150
YTD - Positions filled by Businesses	392	200
YTD - Job Postings	606	500
YTD - Job Fairs	4	4
YTD - Employer Training	10	4
YTD - Recruitments	8	8
*Contract Start Date October 1, 2018		



## Customized Workforce Trainings

Realizing the current labor demands among our local businesses, the EDC, Department of Social Services and educational partners have worked with industry stakeholders to develop customized trainings to fulfill today's workforce needs. Utilizing input from various industries such as technology, transportation, skilled welding, and trades, each training curriculum is developed to create career pathways to meet tomorrow's industry needs, help businesses grow, and put individuals back to work. Below is a list of customized training programs underway:

### Valley Apprenticeship Connections

*Pre-Apprenticeship Program.* The partnership between Fresno County EDC, the Department of Social Services, and Fresno EOC is continuing to provide a 12-week program comprised of classroom and construction-based training.

Aug 2016 – Current   Cohorts 1 – 7 Status	
Completed	75
Entered Employment	66
Placement Rate	88%

Cohort #8 began September 13th

### West Hills College, Coalinga

*Class A Truck Driving Class.* The 10-week training is a partnership between Fresno County EDC, the Department of Social Services, West Hills College, and Lawson Rock and Oil.

Feb 2015 – Current   Cohort 1 – 27 Stats	
Obtained CDL	184
CDL – Medical Leave/Moved out of County	-13
Entered employment	145
Placement Rate	85%

## High-Speed Rail

Client Status	County	City
Closed	-	34
Active/Existing	19	32
Pending Relocation	1	10
Reconfiguring	4	23
Relocated	22	133
<b>Total</b>	<b>88</b>	<b>232</b>

### Dragados USA | City and County of Fresno

EDC coordinated a meeting between local leaders and Dragados' Executives. Dignitaries included Mayor Lee Brand, Assemblymember Joaquin Arambula, Councilmembers Oliver Baines, and Paul Caprioglio. County of Fresno was represented by Public Works and Planning staff. EDC President/CEO Lee Ann Eager led the informal discussion about Fresno County's future with HSR. Dragados seeks to build rapport and work closely with local leaders and agencies as it continues HSR work in the region.

## Highlights

### Trade Professional Alliance Workshop

In collaboration with the City of Clovis, the Fresno Energy Watch Program and PG&E conducted the second Trade Pro workshop on August 3, 2018. The workshop connected eight local contractors with PG&E's Trade Professional Alliance program. The outreach team contacted over 300 local contractors to educate them on the benefits the program has to offer, which presents business expansion opportunities. EDC staff also presented information on local incentives and services to the attending businesses.

### BOOT Presentation

Economic Development Coordinator Tracy Tosta presented Fresno County EDC information to a group of 16 business owners and community members at the monthly Business Organization of Old Town (BOOT) meeting. The group discussed the events in Old Town as well as the challenges they face with parking and developing a cohesive retail environment through the growth of the area. One business has followed up with EDC to obtain services.

### Roll Me Some Ice

In October 2017, the rolled ice cream company opened a temporary site in Clovis. In August, the company was able to secure a permanent location. With the assistance and support from the EDC as well as SCORE, the company moved from a transportable cart, to 500 square feet of leased space, to now 1,300 square feet of permanent high-foot traffic space on Pollasky Avenue in Old Town Clovis. They have also joined the Business Organization of Old Town (BOOT) and look forward to expanding further in the years to come as the two owners develop their entrepreneurial skills.

### AB 398 Implementation Discussion

The Fresno Chamber of Commerce hosted a panel discussion regarding AB 398, recent legislation that seeks to extend the State of California's cap-and-trade regulation. The panel included: the Fresno County Farm Bureau, California League of Food Producers, Milk Producers Council, Nisei Farmers League, San Joaquin Valley Air Pollution Control District and the Fresno Chamber of Commerce. AB 398 extends California's landmark greenhouse gas cap-and-trade carbon market through 2030. It directs the California Air Resources Board to modify the program's cost containment mechanism and will continue to place limits on high-polluting companies. The discussion was aimed at providing a forecast for state regulations relative to Fresno County farms, food producers/manufacturers and what it could possibly mean for polluters that do not meet the requirements.

### Clovis Northeastern SOI Expansion

The EDC was pleased to attend the September 17 Clovis City Council meeting as they took another step closer toward expanding their commercial and industrial land inventory, which is greatly needed to accommodate future job-generating projects. Economic Development Coordinator Tracy Tosta provided support regarding the approval of the item, which will pave the way for 1,000 acres to be included in the City's sphere of influence.





AGENDA ITEM NO: 5  
City Manager: MA

# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: November 13, 2018

SUBJECT: Approval - Bid Award for CIP 10-06 Sierra Gateway Regional Trail Improvements 2018, and; Authorize the City Manager to execute the contract on behalf the City.

ATTACHMENT: (A) Vicinity Map

### CONFLICT OF INTEREST

None

### RECOMMENDATION

1. For the City Council to pre-authorize the City Manager to award the subject project to the lowest responsible bidder and;
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

### EXECUTIVE SUMMARY

Staff is recommending that Council pre-authorize the City Manager to award and execute the contract to the lowest responsible bidder so that the project can be awarded before the funding deadline.

The construction involves 1.6 mile of trail improvements on the north side of State Highway 168 and along the south side of Harlan Ranch Subdivision from N. DeWolf Avenue to Shepherd Avenue. The work involves excavation, saw cutting, clearing, grubbing, earthwork, grading, trenching, backfilling, compaction, improvement resurfacing, silt fencing, straw wattles, and all related storm water pollution prevention controls, construction of 12-ft asphalt-concrete paved trail, trail aggregate base, storm drain piping, manholes, inlets, outlets, cleanouts, sleeves, and all related facilities, water services, water meters, non-potable water services, concrete walks, patios and slabs, concrete mow curbs, irrigation system, landscaping, traffic striping, signage, and PG&E Rule 16 service. Future improvements of the trail will be completed by others when sufficient funding is available



including electrical lighting system, electrical trail lights, light bollards, drinking fountains, trail monuments, park benches, and trash receptacles.

This action by Council will allow the City Manager to move forward with award and execution of the contract in the most prudent manner.

## **BACKGROUND**

The project plans and specifications have been made available to prospective bidders. The bid opening is scheduled for November 27, 2018. The construction cost is estimated at \$1,200,000. The apparent low bidder will be determined following the bid opening process, and project award will take place after staff has validated bidder's license status through the California State Contractor's Board.

Staff has evaluated the project site and all design aspects within the scope of this project for compliance with the Americans with Disabilities Act (ADA) accessibility standards as of November 13, 2018. The project will be ADA compliant upon completion.

## **FISCAL IMPACT**

This project is budgeted in the 2018-2019 Community Investment Program and is funded by the Active Transportation Program. The construction cost has been estimated as noted above and funding is available and allocated at this amount. Staff will evaluate the lowest responsible bids in comparison with the estimated construction costs and will execute the contracts only if the lowest bid is financially responsive to the allocated funding.

## **REASON FOR RECOMMENDATION**

Staff is requesting that the City Council pre-authorize the City Manager to award and execute the contract for the project to the lowest responsible bidder that meets the contract requirements. Staff is requesting this expedited process for maintaining the current project requirements and schedule commitments. Pre-authorization for awarding of this project will allow the Engineering Division to continue timely delivery of project.

## **ACTIONS FOLLOWING APPROVAL**

1. Staff expects to open bids and determine the lowest responsible bidder for the project, and Council will receive a report of the bid awards.
2. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
3. Construction will begin approximately two (2) weeks after contract execution and be completed in sixty (60) working days thereafter.

Prepared by: Thomas K. Cheng, Project Engineer

Submitted by:



Michael Harrison  
City Engineer

Recommended by:

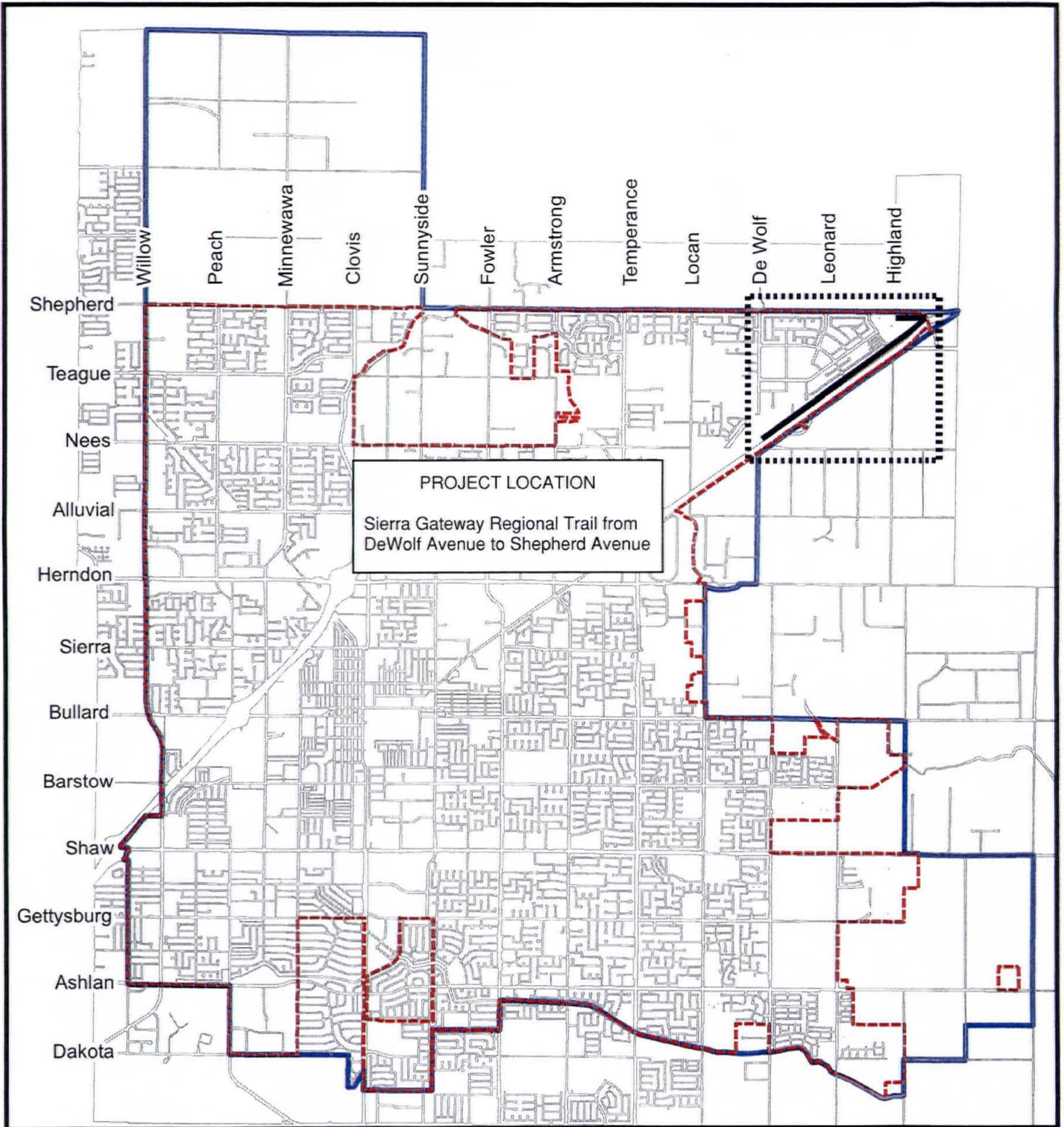


Dwight Kroll  
Director of Planning  
and Development  
Services



# VICINITY MAP

CIP 10-06 Sierra Gateway Regional Trail



## ATTACHMENT A



February 9, 2018

 CITY LIMITS  SPHERE OF INFLUENCE

Prepared By: Thomas K. Cheng



AGENDA ITEM NO: 6  
City Manager: AA

## CITY of CLOVIS

### REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2018

SUBJECT: Approval – Final Acceptance for Tract 6117, located southwest of Alluvial and Armstrong Avenues (De Young Properties).

ATTACHMENT: (A) Vicinity Map

#### CONFLICT OF INTEREST

None

#### RECOMMENDATION

1. Accept the public improvements for Tract 6117; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

#### EXECUTIVE SUMMARY

The owner, De Young Properties, has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer.



The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

### **FISCAL IMPACT**

The costs for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated into the annual maintenance budget of the Public Utilities Department as these costs are identified.


### **REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required and the appropriate sureties are released.

### **ACTIONS FOLLOWING APPROVAL**

Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

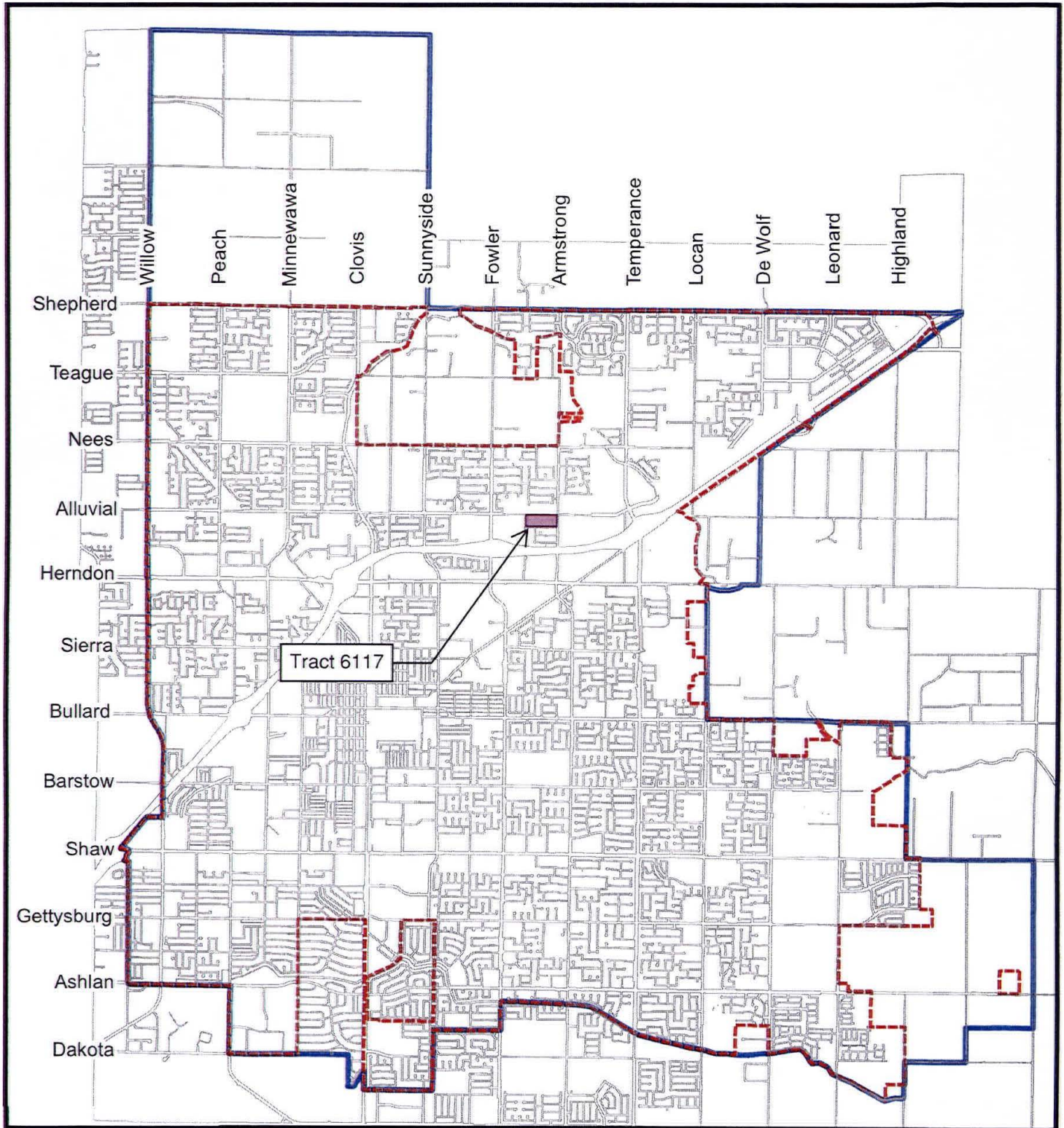
Prepared by: Christian Esquivias, DRU Junior Engineer

Submitted by:   
Michael Harrison  
City Engineer

Recommended by:   
Dwight Kroll, AICP  
Director of Planning  
And Development  
Services

# VICINITY MAP

TRACT 6117



## ATTACHMENT A



 CITY LIMITS  SPHERE OF INFLUENCE





AGENDA ITEM NO: 7

City Manager: [Signature]

## CITY of CLOVIS

### REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2018

SUBJECT: Approval – Final Acceptance for Tract 6147, located at southeast area of Gettysburg and Armstrong Avenues (De Young Properties).

ATTACHMENT: (A) Vicinity Map

#### CONFLICT OF INTEREST

Councilmember Lynne Ashbeck owns property within 500 feet of this project. Ms. Ashbeck has not been involved or commented on the subject project.

#### RECOMMENDATION

1. Accept the public improvements for Tract 6147; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

#### EXECUTIVE SUMMARY

The owner, De Young Properties, has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer.

The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

### **FISCAL IMPACT**

The costs for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated into the annual maintenance budget of the Public Utilities Department as these costs are identified.


### **REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required and the appropriate sureties are released.

### **ACTIONS FOLLOWING APPROVAL**

Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: Christian Esquivias, DRU Junior Engineer

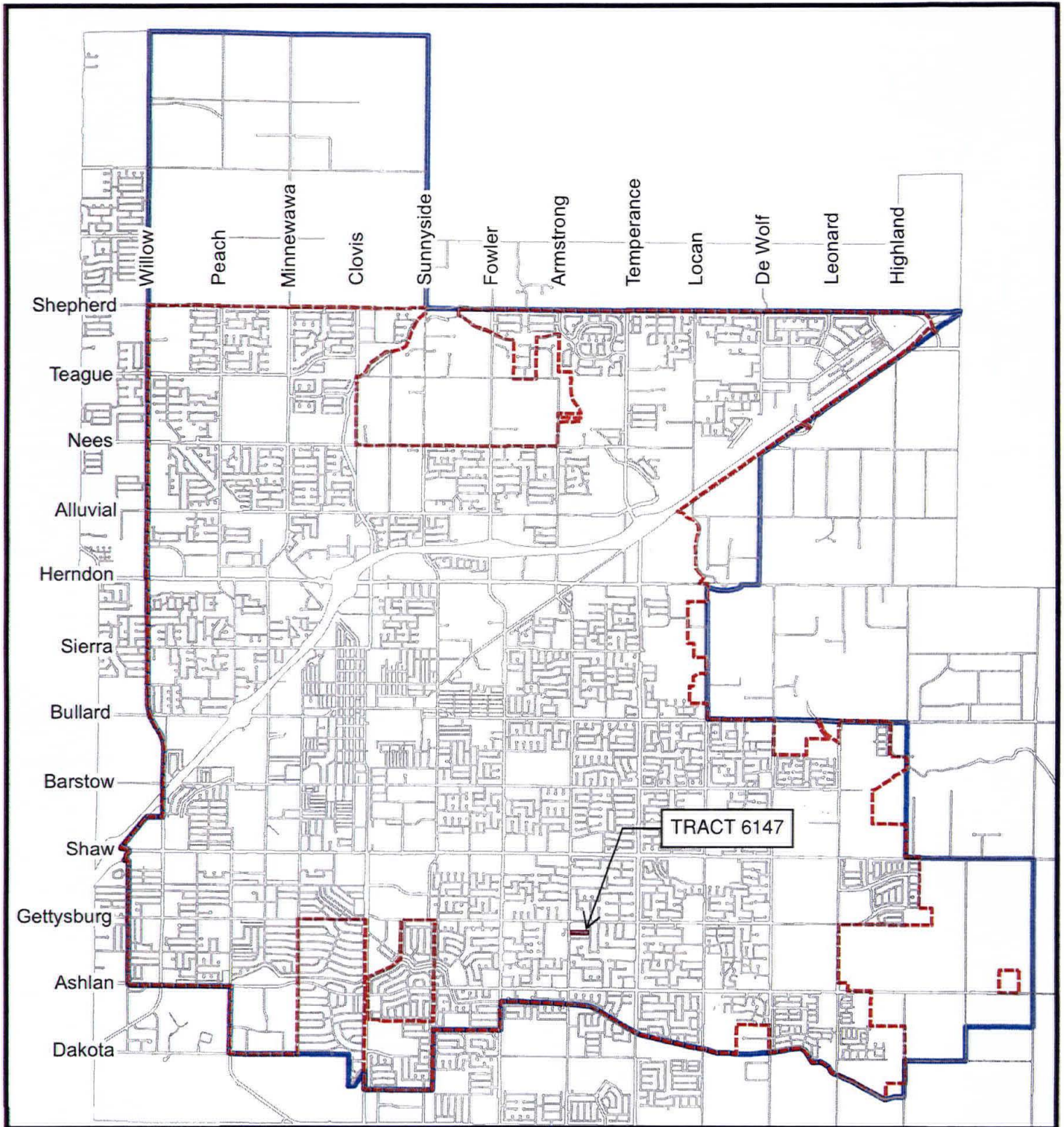
Submitted by:   
Michael Harrison  
City Engineer

Recommended by:   
Dwight Kroll, AICP  
Director of Planning  
And Development  
Services



# VICINITY MAP

TRACT 6147



## ATTACHMENT A



 CITY LIMITS  SPHERE OF INFLUENCE



AGENDA ITEM NO: 8

City Manager: MA

# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_\_, CUP2017-10A, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

### ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	Conditions of Approval
Attachment 1:	Draft Resolution
Attachment 2:	City Council Resolution 18-22 (TM6186)
Attachment 3:	Planning Commission Minutes

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Planning Commission and staff recommend that the City Council approve CUP2017-10A, subject to the conditions listed in Exhibit "A."

### EXECUTIVE SUMMARY

The applicant is requesting to amend the side yard setback requirements for interior and corner lots within Tentative Tract Map TM6186 located at the southeast corner of Bullard and Leonard Avenues. The requested side yard setback modification would apply to lots located adjacent to public streets and lots located within the gated community of the project. Approval of this Project would allow the developer to continue processing development drawings.



## BACKGROUND

- General Plan Designation: Medium Density Residential (7.1 to 15.0 DU/Ac)
- Specific Plan Designation: Loma Vista Specific Plan (Medium Density Residential)
- Existing Zoning: R-1 (Single Family Residential)
- Lot Size: 36.75 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
  - North: Agriculture & Rural Residential
  - South: Single-Family Residential
  - East: Single-Family Residential
  - West: Rural Residential
- Previous Entitlements:
  - GPA2017-05 (Low Res. to Medium Res.)
  - CUP2013-03 (229-lot PRD)
  - TM6186 (229-lot single-family subdivision)
  - R2014-14 (County AE-20 to R-1)

In January 2018, the City Council considered a 229-lot single-family planned residential development on the subject site, which included public and private streets and open space area. The City Council voted to approve General Plan Amendment GPA2017-05 and associated entitlements for the Project on January 16, 2018.

## PROPOSAL AND ANALYSIS

### Proposal

The applicant is requesting a modification of the approved side yard setback to living/building for lots within Tentative Tract Map TM6186. Approved setbacks for the Project included a five foot (5') side yard setback on the garage side and a three foot (3') side yard setback on the opposite side. The applicant is requesting a modification which would provide for a four foot (4') setback on the garage side and a four foot (4') side yard setback on the opposite side.

The applicant is requesting this change due to Building Code regulations associated with overhangs projecting closer than three feet (3') from the property line. Specifically, the applicant is concerned with modifications required to overhangs projecting beyond three feet (3') necessitating additional fire rating standards. Additionally, with placement at a 3-foot setback, the overhang will be in close proximity to future placement of fences and/or walls which could potentially cause water drainage onto adjacent properties. Similar setbacks may be found within Tentative Tract Map TM6064, located at the southwest corner of Barstow and Leonard Avenues and Tentative Tract Map TM6055, located on the south side of Barstow Avenue, between DeWolf and Leonard Avenues.

The Commission has had concerns regarding reduced side yard setbacks, specifically related to trash toters. If the side yard is too narrow to place toters and comfortably maneuver around them, it is possible that the homeowner would leave the toters in front of the home which is normally a violation of the Municipal Code §5.27.101(i). However, this section relates to leaving toters in the front yard viewable from a public street. Because this tract is primarily served by private streets, the Code requirement to place toters out of view does not apply to most streets in this development. However, the intent of the Code is to prevent an aesthetic nuisance to the neighborhood. Staff therefore recommends a condition that requires the toters to be placed behind the gate and enforced by the Homeowners Association. Secondly, there is concern that by reducing the side yard, it could create additional obstacles for fire and medical personnel if access to the backyard is necessary.

A four-foot side yard provides a net area of approximately 42.5" between the home wall finish and the fence posts. Toters measure 30"x35"x45" tall. When placed in the side yard with the toter pushed against the fence, there is a clear area of 12" to 16" depending on fence post placement (see figure below). As stated, the Commission and Council have approved four-foot side yard setbacks in the past.

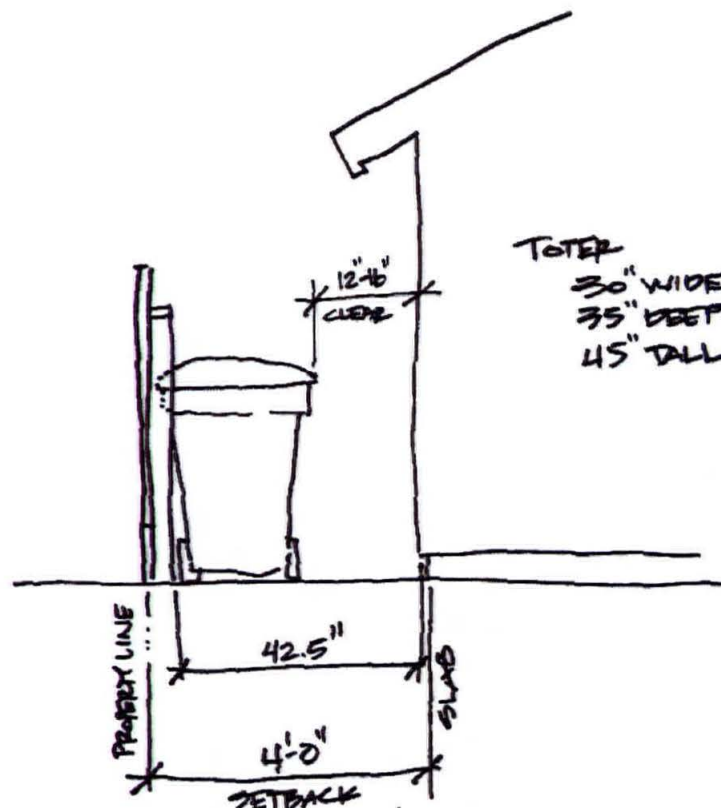


FIGURE A – Toter in Side Yard



### Homeowners Association

This project includes a Homeowners Association (HOA) which provides maintenance of open space and enforcement of parking. Staff recommends that a condition of approval is added to this conditional use permit requiring that the HOA is responsible for enforcement of totter storage in the side yards if and when complaints are submitted.

### Public Comments

A public notice was sent to area residents within 300 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

### Planning Commission Comments and Discussion

The Planning Commission considered the project on Thursday, October 25, 2018. Discussion included the inability to maneuver a totter in an out of the designated storage area. The Commission also had concerns with the 4-foot setback limiting first responders' ability to get into the backyard in case of emergency and the additional time that it would require to remove the totter in an emergency situation. After discussions, the Planning Commission approved CUP2018-04 (3-2), subject to conditions of approval listed as Exhibit "A."

### Community Facilities District

The fiscal analysis of the Loma Vista Specific Plan identified possible long-term funding shortfalls in the Clovis' Citywide operating and maintenance costs. To address this issue the City of Clovis implemented a Community Facilities District. Community Facilities Districts (CFD's) are a means of providing additional funding for the provision of public facilities and services for public safety in newly developing areas of the community where the City would not otherwise be able to afford to continue to provide an adequate level of service as the City continues to grow. The use of CFD's is fairly common among cities in California experiencing high rates of growth, such as Clovis, due to significant losses of local revenue from tax shifts authorized by the State of California and the need to continue to provide an adequate level of service as growth occurs.

A condition of approval has been added to this tentative map requiring participation of this vesting tentative map in the CFD.

### Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of



life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

**Goal 3:** Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

**Policy 3.2 Individual development project.** When projects are proposed in an Urban Center, require a conceptual master plan to show how a proposed project could relate to possible future development of adjacent and nearby properties. The conceptual master plan should generally cover about 160 acres or the adjacent area bounded by major arterials, canals, or other major geographical features. The conceptual master plan should address:

- A. Compliance with the comprehensive design document
- B. A consistent design theme
- C. A mix of housing types
- D. Adequate supply and distribution of neighborhood parks
- E. Safe and direct pedestrian and bicycle linkages between residential areas and school sites, parks, and community activity centers

**Policy 3.3 Completion of Loma Vista.** The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.

**Policy 3.5 Fiscal sustainability.** The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.

California Environmental Quality Act (CEQA)

This project is in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186. No major revisions will be required with the adopted Mitigated Negative Declaration to accommodate the proposed project; therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 31, 2018.



## FISCAL IMPACT

None

## REASON FOR RECOMMENDATION

The proposed conditional use permit amendment is consistent with the goals and policies of the General Plan, Loma Vista Specific Plan and Development Code. Staff therefore recommends that the Planning Commission approve CUP2017-10A, subject to the conditions of approval attached as Exhibit "A."

The findings to consider when making a decision on a conditional use permit amendment application include:

1. The planned development permit would:
  - a. Be allowed within the subject base zoning district;
  - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
  - c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zoning district, including prescribed development standards and applicable design guidelines; and
  - d. Ensure compatibility of property uses within the zoning district and general neighborhood of the proposed development.
2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, incorporation of a program of enhanced amenities, etc.) than which might otherwise occur from more traditional development applications;
3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare;
4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards);
5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the

- vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014); and
7. The Planning Commission does find the project in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186.

#### **ACTIONS FOLLOWING APPROVAL**

None

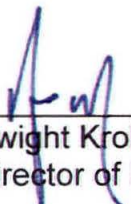
#### **NOTICE OF HEARING**

Property owners within 350 feet notified: 70

Interested individuals notified: 10

Prepared by: Orlando Ramirez, Deputy City Planner

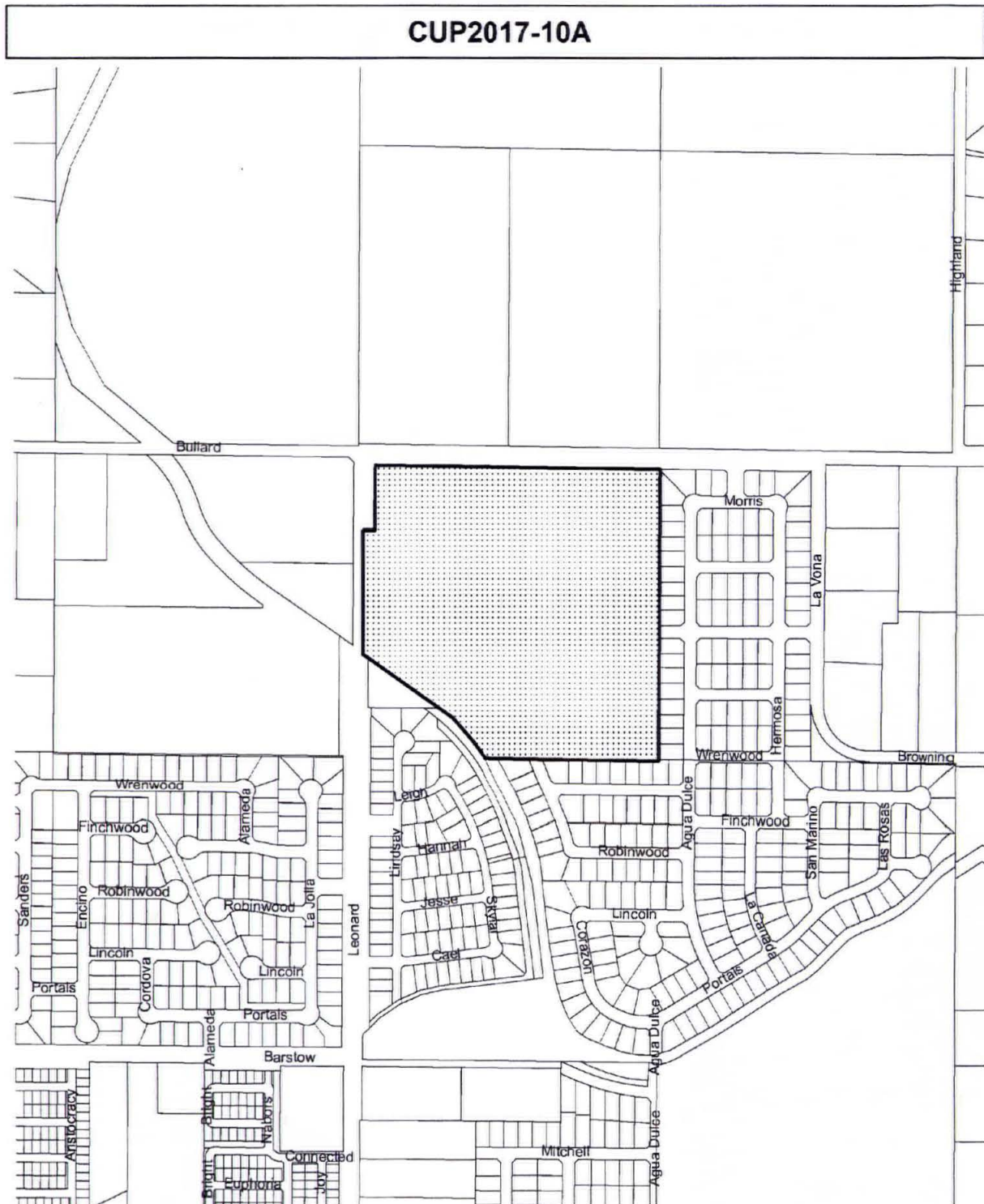
Submitted by:

  
\_\_\_\_\_  
Dwight Kroll, AICP  
Director of Planning and Development

J:\Planning Projects\CUP\CUP 2017\CUP2017-10A (WC TM6186)\CC November 13, 2018\CC Staff Report CUP2017-10A



## PROJECT LOCATION MAP



**Conditions of Approval – CUP2017-10A**

**PLANNING DIVISION CONDITIONS**

**(Orlando Ramirez, Division Representative – (559) 324-2345)**

1. Development of this site shall be consistent with the General Plan, Medium High Density Residential Designation.
2. CUP2017-10A is approved for a 10-unit, two-story multiple-family condominium project per Exhibit "B" of the staff report. Any major modifications or increase in the number of units will require an amendment to the conditional use permit.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Prior to construction, the applicant shall have on file, an approved and recorded parcel map creating the individual parcels.
5. Development on the Project site shall include the standards of the R-2 Zone District:
  - Front Yard Setback: 20 Feet
  - Side Yard Setback: 5 Feet
  - Rear Yard Setback: 20 Feet
6. Maximum building height shall not exceed thirty-five (35) feet.
7. Prior to final of any development, the developer shall construct a six-foot high masonry wall along the north property line.
8. This conditional use permit may be reviewed after a period of one year. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and may present findings of review to the Planning Commission.
9. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.
10. The applicant shall comply with Section 9-3.215.6 of the Clovis Zone Ordinance requiring a Site Plan Review. Elevations and a colors and materials board shall be submitted during this process.



**FIRE DEPARTMENT CONDITONS**  
**(Gary Sawhill, Department Representative - 324-2224)**

11. **Residential Fire Sprinklers:** The applicant shall install an automatic fire sprinkler system in all new one- and two-family dwellings and manufactured homes as per NFPA 13D, 2016.
12. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8.
13. **Fire Lane:** The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan. Signs stating parking allowed only in marked spaces.
14. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**  
**(Robert Villalobos, FMFCD Representative – (559) 456-3292)**

15. Applicant shall comply with the requirements of the FMFCD. If the list is not attached, please contact the District for the list of requirements.

**COUNTY OF FRESNO HEALTH DEPARTMENT CONDITIONS**  
**(Kevin Tsuda, Health Department Representative – 600-3271)**

16. The Applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the District for the list of requirements.

**CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS**  
**(Michael Johnston, CUSD Representative- (559) 327-9000)**

17. The Applicant shall refer to the attached CUSD correspondence. If the list is not attached, please contact the District for the list of requirements.



**DRAFT  
RESOLUTION 18-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO THE SIDE YARD SETBACK REQUIREMENTS OF CONDITIONAL USE PERMIT CUP2017-10 WITHIN TENTATIVE TRACT MAP TM6186 FOR PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF BULLARD AND LEONARD AVENUES AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR GPA2017-05, CUP2017-10 AND TM6186**

**WHEREAS**, WCP Developments, LLC, 1446 Tollhouse Road, Suite 103, Clovis CA 93611, has applied for a Conditional Use Permit CUP2017-10A; and

**WHEREAS**, this is a request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 to allow a 4-foot interior side yard setback for lots within TM6186 for property located at the southeast corner of Bullard and Leonard Avenues, in the City of Clovis, County of Fresno; and

**WHEREAS**, on October 25, 2018, the Planning Commission considered Conditional Use Permit CUP2018-04; and

**WHEREAS**, The proposed Conditional Use Permit CUP2017-10A, was assessed under the provisions of the California Environmental Quality Act and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

**WHEREAS**, staff does find this project in substantial conformance with the environmental analysis performed for GPA2017-05, CUP2017-10 and TM6186; and

**WHEREAS**, after reviewing the administrative record and considering all reports, comments and evidence submitted at the Planning Commission hearing, the Planning Commission approved Conditional Use Permit CUP2017-10A; and

**WHEREAS**, a public notice was sent out to area residents within 300 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, on November 13, 2018, the City Council has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;



5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis City Council does approve CUP2017-10A, subject to the attached conditions labeled Exhibit "A"

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council held on November 13, 2018, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: November 13, 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY COUNCIL RESOLUTION 18-22**

**ATTACHMENT 2**



## **RESOLUTION 18-22**

### **A RESOLUTION OF THE CITY COUNCIL APPROVING TM6186, FOR A 229-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT ON 35.43 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BULLARD AND LEONARD AVENUES AND CONFIRMING ENVIRONMENTAL FINDINGS**

The City Council of the City of Clovis resolves as follows:

**WHEREAS**, a tentative subdivision map of Subdivision Tract No. TM6186 has been filed with and considered by the City Council of the City of Clovis; and

**WHEREAS**, the proposed Project was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the City Council, together with comments received and public comments, and the entire public record was reviewed; and

**WHEREAS**, the Planning Commission has considered said map on November 16, 2017, and adopted its Resolution No. 17-69, approving said tentative map; and

**WHEREAS**, the City Council does approve a Mitigated Negative Declaration pursuant to CEQA guidelines.

**WHEREAS**, this Council finds and determines that approval of said map should be conditioned on all conditions recommended by the City staff, as set forth in Exhibit "A" which is on file with the City Clerk's office.

#### **NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
2. The site is physically suitable for the type and proposed density of development;
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has

acquired easements of access through or use of property within the proposed subdivision;

6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and
8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.


\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 16, 2018, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Mouanoutoua, Flores  
NOES: None  
ABSENT: Councilmember Bessinger, Mayor Whalen  
ABSTAIN: None

DATED: January 16, 2018

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
City Clerk





**EXHIBIT "A"**  
**Conditions of Approval – CUP2017-10 and TM6186**

**Planning Division Conditions**  
(Orlando Ramirez, Senior Planner – (559) 324-2345)

1. This Project is subject to the development standards of the Loma Vista Specific Plan.
2. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.
3. The applicant shall notify all property owners along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection per City policy.
4. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
5. All setbacks shall be as follows:

**For Public Street Lots**

PUE:	5.5' from PL on sidewalk side, or 3.5' from PL on non-sidewalk side
Front Yard Setback to Projections:	6'
Front Yard Setback to Garage:	18'
Front Yard Setback to Porch/Patio:	6'
Rear Yard Setback to Covered Patio:	5'
Interior Yard Setback to Porch/Patio:	3'
Interior/Opposite Side Yard Setback:	3' and 5'
Corner Fence Street Side Setback:	5'
Reversed Corner Street Side Setback:	5'
Garages:	20' x 20'

**Lots within the gated community**

PUE:	3.5' from PL on sidewalk side, or 1.5' from PL on non-sidewalk side
Front Yard Setback to Projections:	5'
Front Yard Setback to Garage:	5'
Front Yard Setback to Porch/Patio:	5'
Rear Yard Setback to Covered Patio:	5'
Interior Yard Setback to Porch/Patio:	3'
Interior/Opposite Side Yard Setback:	3' and 5'
Corner Fence Street Side Setback:	5'
Reversed Corner Street Side Setback:	5'
Garages:	20' x 20'

6. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space including trails.
7. The developer shall construct a minimum six-foot high solid split face masonry wall along the Leonard and Bullard Avenue frontage. The wall shall incorporate angles corners at entries, and columns at the corners and ends.
8. Applicant shall provide a minimum of a 20-foot setback from garage wall to sidewalk, or shall provide a modified meandering sidewalk that allows for a 20-foot driveway length.
9. The developer shall enter into a Homeowner's Association covenant regarding the prohibited parking of vehicles within driveways of lots within the gated community. Such agreement shall be disclosed to all future home buyers.



10. The developer is responsible for enforcement of violation of any parking agreements within the gated community.
11. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
12. Lots 121 through 124 (east side of Project) shall be limited to single story.
13. Leonard and Bullard Avenues shall be improved per the Loma Vista Specific Plan right-of-way requirements.
14. The applicant shall install the EVA at Roberts Avenue with first phase development.
15. With future development, the applicant shall complete the ultimate build-out of Roberts Avenue as a pedestrian access way, improved outlot, or provide abandonment of Roberts Avenue on the east within Tentative Map TM6082.
16. The developer shall enter into a Covenant Agreement regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
17. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
18. The applicant shall relay all conditions of approval for Tentative Tract Map TM6186 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
19. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
20. The applicant shall contribute a proportionate share towards the development of the trail system in this quarter section as required by the General Plan land use diagram.
21. The applicant shall utilize Loma Vista Thematic lighting along local and private streets.
22. The applicant shall install pedestrian lighting along the trail. Spacing will be evaluated during residential site plan review.
23. All landscaping (open space and private yards) shall conform the City of Clovis Water Efficient Landscape Ordinance.
24. This tentative map is approved per the attached Exhibit "B" of this report.
25. The developer shall comply with all mitigation measures as identified in the adopted mitigation monitoring program for this conditional use permit.



- a. **3.1-d** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
  - b. **3.4** If possible, the project will be constructed outside of the typical avian nesting season, or between September 1 and January 31. If project activities must take place during the avian nesting season, pre-activity surveys for nesting birds will be conducted, and any active nests identified will be avoided by a suitable disturbance-free buffer. The surveys will be conducted by a qualified biologist no more than 14 days prior to the start of construction, and will consist of walking transects across the project site and accessible surrounding lands within 500 feet while examining trees, shrubs, and the ground for active bird nests.
26. Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on existing conditions, applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.
- a. Implementation of these measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level under CEQA, and will ensure compliance with state and federal laws protecting these species.

#### **FIRE DEPARTMENT CONDITIONS**

**(Gary Sawhill, Department Representative - 324-2224)**

#### **Roads / Access**

27. **Street Width:** Fire apparatus access width shall be determined by measuring from "base of curb" to "base of curb" for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
28. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1
29. **Street Width for Single Family Residences:** Minimum Access Road Width of 36 feet for Single Family Residences. Roads 36 feet or wider allow for Parking on both sides of street.
30. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
31. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.



32. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
33. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
34. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation.

### **Water Systems**

35. **Residential Fire Hydrant:** The applicant shall install twenty (20), 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
36. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department

### **Fire Department Operational Impacts**

37. For an unknown period of time the development will not meet the City of Clovis Fire Department travel time response standard of four (4) minutes. It is unknown how long this project or development will have extended response time for both first in fire unit and effective response force (ERF).
38. The City of Clovis Fire Department in its Standard of Cover has an adopted response time standard for the first in fire unit total response time for medical emergencies to be under six minutes and thirty seconds (6:30) and for fire responses to be under seven minutes (7:00). This equates for both types of emergency situations a required travel time of under four (4) minutes for the first in responding fire unit.
39. This adopted standard is derived from many factors and industry standards, but two are the main factors; during medical emergencies where a patient has lost circulation, irreversible brain damage begins to set in around four (4) to six (6) minutes and during a fire, growth of the fire and its associated toxic byproducts will overwhelm occupants and



extend beyond the room of origin within six (6) to ten (10) minutes. All structures within this proposed development will be equipped with fire protection systems, but these do not cover the entire structure and still pose a fire and life safety threat to all occupants. By maintaining this response time standard it enables the Fire Department to reduce the impacts of fire damage and improve life safety outcomes.

40. This emergency response travel time deficiency will only occur until a fire station is built and staffed within the service area. This normally occurs when complete build out reaches greater than 50%. Until then, the projects and developments within this service area are served by fire units located at fire stations which have a greater than four (4) minutes of travel time.

#### **POLICE DEPARTMENT CONDITIONS**

**(Curtis Shurtliff, Department Representative - 324-2400)**

41. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
42. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours. (CMC §§ 5.18.02(r), 5.18.06 (b).)
43. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.
44. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.

#### **CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS**

**(Michael Johnston, CUSD Representative – 559-327-9000)**

45. The development of this project is subject to the Clovis Unified School District impact fee. See the attached letter.

#### **FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**

**(Robert Villalobos, FMFCD Representative - 456-3292)**

46. The Applicant shall refer to the attached FMFCD requirements. If the list is not attached, please contact the District for the list of requirements.

#### **FRESNO IRRIGATION DISTRICT CONDITIONS**

**(Jeremy Landrith, FID Representative - 233-7161 ext. 7407)**

47. The Applicant shall refer to the attached FID correspondence. If the list is not attached, please contact the District for the list of requirements.



**FRESNO COUNTY HEALTH COMMENTS**

**(Kevin Tsuda, County of Fresno Representative - 600-3271)**

48. The Applicant shall refer to the attached Health Department correspondence. If the list is not attached, please contact the District for the list of requirements.

**CALTRANS COMMENTS**

**(David Padilla, County of Fresno Representative – 444-2493)**

49. The Applicant shall pay into the Fresno County Regional Traffic Mitigation Fee to offset any regional impacts to State facilities. The applicant shall contact the District for fee requirements.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT COMMENTS**

**(Seyed Sadredin, District Representative – 230-6061)**

50. The Applicant shall refer to the attached SJVAPCD Department correspondence. If the list is not attached, please contact the District for the list of requirements.

**CALTRANS COMMENTS**

**(David Padilla, County of Fresno Representative – 444-2493)**

51. The Applicant shall pay into the Fresno County Regional Traffic Mitigation fee to offset any regional impacts to State facilities. If the list is not attached, please contact the District for the list of requirements.

**ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS**

**(Sean Smith, Engineering Division Representative – 324-2363)**

**(Lisa Koehn, Department Representative – 324-2607)**

**Maps and Plans**

52. The conditions of this tract map are written under the assumption that all dedications and improvements have been completed by the adjacent TM 6082 development, and that these dedications and improvements have been accepted by the city. Additional conditions shall be required at the discretion of the City Engineer, if the improvements and dedications by tm 6082 have not been accepted by the City.
53. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
54. The applicant shall submit to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required



improvements. These plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 03-152 shall be paid with the first submittal of said plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

55. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
56. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division one bond copy of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City the applicant shall provide (1) reproducible and (3) copies of the AS-BUILTs to the City.

#### General

57. Applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
58. For any sewer or water main, or undergrounding of utilities, or major street to be installed by the applicant and eligible for reimbursement from future developments, the applicant shall submit to the City of Clovis, all reimbursement requests in accordance with the current version of the "Developer Reimbursement Procedures"; a copy can be obtained at the City Engineer's Office.
59. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
60. The applicant shall address all the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
61. The applicant shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The



location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

62. The applicant shall contact and address Caltrans requirements.
63. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
64. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
65. The applicant shall provide and pay for any compaction tests in recompacted areas as a result of failure to pass an original compaction test. Original compaction tests shall be provided and paid for by the City and their locations designated by the City Engineer.
66. All existing overhead and new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.

#### Dedications and Street Improvements

67. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
68. Bullard Avenue - along development frontage, provide right-of-way acquisition for 60' (exist 30') south of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, median island, median island landscape and irrigation, landscaping, irrigation, 46' (30+16) of permanent paving, 3' paved swales, and all transitional paving as required.
69. Bullard Avenue - along development frontage, median island opening shall not be allowed without the approval of the City Engineer. Access into and out of the project on Bullard Avenue shall be right in and right out only.
70. Leonard Avenue - along development frontage, provide right-of-way acquisition for 70' (exist 20') east and 28' (exist 20') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, median island, median island landscape and irrigation, landscaping, irrigation, 46' (30+16) of permanent paving, 3' paved swales, and all transitional paving as required.



71. Leonard Avenue - along development frontage, median island opening shall not be allowed without the approval of the City Engineer. access into and out of the project on Leonard Avenue shall be a right in and a right out only.
72. 'L' Avenue - between the south property line and 'D' Avenue, provide sidewalk on both sides of the street, except along the frontage of the trail.
73. 'L' Avenue - provide for a temporary cul de sac on the south end of the street.
74. The applicant shall dedicate and provide for a trail (10' landscape, 10' trail, 10' landscaping) along the project's Leonard frontage between the Enterprise Canal and Bullard Avenue.
75. The applicant shall provide an abandonment plan for Roberts Avenue on the east side of the development that is acceptable to City and shall install all the improvements associated with the abandonment of this street.
76. For gated developments, the applicant shall provide ample vehicle stacking area outside the travel lanes of Bullard Avenue and 'D' Avenue that will allow vehicles to wait as vehicles are accessing the control panel to open the security gates. The applicant shall provide a turn-a-round to allow vehicles that cannot enter the complex to return to the street without backing the vehicle up. The applicant shall provide the Solid Waste Division with remote controls that will allow access for all solid waste and recycling vehicles.
77. Interior streets dedicate to provide for 54' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 36' permanent paving except in cul de sac, and all transitional paving as needed.
78. If the applicant chooses the Narrow Residential Street Policy, the applicant shall dedicate to provide for 50' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 32' permanent paving except in cul de sac, and all transitional paving as needed. The maximum distance for a narrow 50' wide street is 1000' to 54' wide or wider street.
79. Cul de sac bulb - dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
80. Design the traffic signal at Bullard and Leonard Avenues and provide the necessary right-of-way for the signal in its ultimate location. Install the infrastructure at the south-east corner of the intersection.
81. The applicant shall provide transitions and dedicate right-of-way for the bridge along Leonard Avenue to be constructed by the City's Community Investment Program (CIP) project.



82. The applicant shall relinquish all vehicular access to Bullard and Leonard for all the lots backing or siding onto these streets.
83. Applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
84. Applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, legal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
85. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
86. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
87. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
88. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

#### Sewer

89. The applicant shall identify and abandon all septic systems to City standards.
90. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
  - Leonard Avenue - install 8" main along frontage.
  - Interior streets - install 8" mains.
91. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.



92. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

#### Water

93. The applicant shall identify and abandon all water wells to City standards.
94. The applicant shall provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
- Interior streets - install 8" mains.
95. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
96. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit.
97. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
98. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

#### Recycled Water

99. The applicant shall install recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing



improvements. Any alternative routing of the mains will require approval of the City Engineer and may require appropriate calculations.

- Trail – install mains as necessary to serve the trail.

#### Grading and Drainage

100. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.
101. Portions of the project appear to lie within a flood zone. The applicant shall comply with the requirements of the City's Municipal Code.
102. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

#### Irrigation and Landscaping Facilities

103. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the trail, landscape strips along Leonard and Bullard Avenues, and the median islands in Bullard and Leonard Avenues. The landscape strip around the planned unit development may be maintained by a perpetual maintenance covenant.
104. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the Landscape improvements are not constructed for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of Landscape improvements.



The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.

105. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$431, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
106. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
107. The applicant shall provide a landscape and irrigation perpetual maintenance covenant recorded for landscaping installed in the public right-of-way behind the curb including easements that will not be maintained by the Clovis Landscape Maintenance District. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.
108. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

#### Miscellaneous

109. The applicant shall install street lights on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
110. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing



section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

111. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
112. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

#### **ADMINISTRATION DEPARTMENT CONDITIONS**

(John Holt, Department Representative – (559) 324-2111)

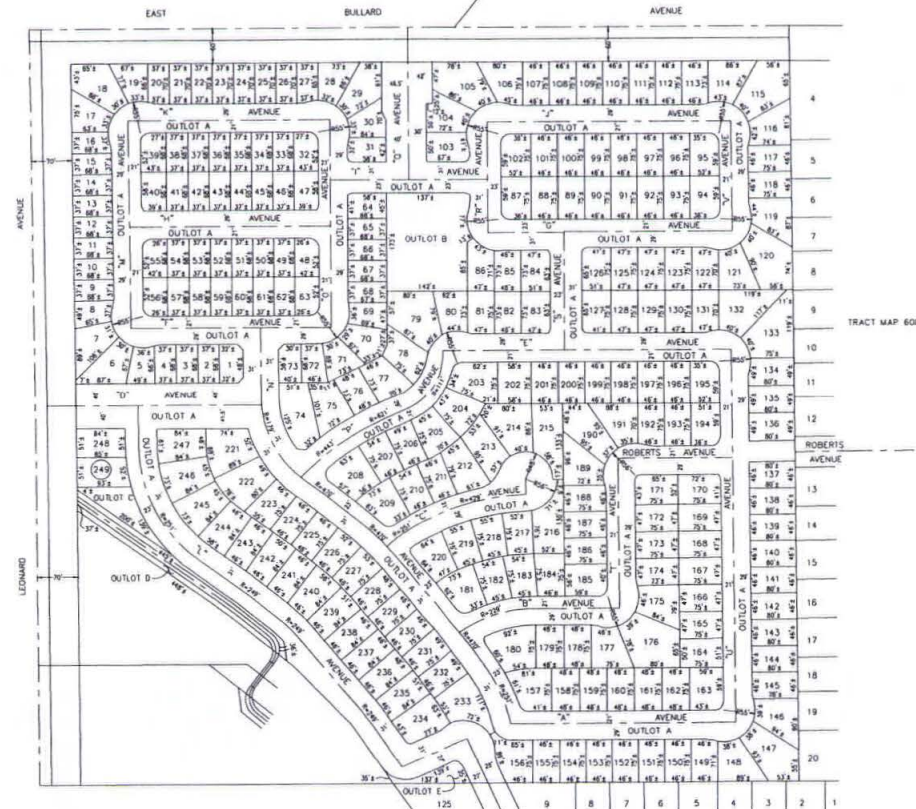
113. Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.
114. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
115. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.

116. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.



# TENTATIVE SUBDIVISION MAP TRACT No. 6186

A VESTING MAP  
A PHASED MAP  
APN 554-030-225 AND 235  
GROSS AREA = X ACRES  
NET AREA = X ACRES



LOT	AREA (SQ. FT.)	LOT	AREA (SQ. FT.)	LOT	AREA (SQ. FT.)
1	2,769	84	3,712	183	5,000
2	2,826	85	3,744	184	5,000
3	2,826	86	3,744	185	5,000
4	2,817	87	3,879	170	5,000
5	2,793	88	3,450	171	5,000
6	4,718	89	3,450	172	5,000
7	3,718	90	3,450	173	5,000
8	2,731	91	3,450	174	5,000
9	2,818	92	3,450	175	5,000
10	3,511	93	3,450	176	5,000
11	2,818	94	3,814	177	5,000
12	2,818	95	3,814	178	5,000
13	2,818	96	3,450	179	5,000
14	2,818	97	3,450	180	5,000
15	2,818	98	3,450	181	5,000
16	2,818	99	3,450	182	5,000
17	2,818	100	3,450	183	5,000
18	5,330	101	3,450	184	5,000
19	3,411	102	3,450	185	5,000
20	2,680	103	3,807	186	5,000
21	2,680	104	3,807	187	5,000
22	2,680	105	3,815	188	5,000
23	2,680	106	3,815	189	5,000
24	2,680	107	3,450	190	5,000
25	2,680	108	3,450	191	5,000
26	2,680	109	3,450	192	5,000
27	2,680	110	3,450	193	5,000
28	2,680	111	3,441	194	5,000
29	4,870	112	3,450	195	5,000
30	3,311	113	3,441	196	5,000
31	2,830	114	4,879	197	5,000
32	2,830	115	4,879	198	5,000
33	2,818	116	4,435	199	5,000
34	2,818	117	4,447	200	5,000
35	2,818	118	4,446	201	5,000
36	2,818	119	5,000	202	5,000
37	2,818	120	5,000	203	5,000
38	2,818	121	5,000	204	5,000
39	2,818	122	5,000	205	5,000
40	2,880	123	5,000	206	5,000
41	2,818	124	5,000	207	5,000
42	2,818	125	5,000	208	5,000
43	2,818	126	5,000	209	5,000
44	2,818	127	5,000	210	5,000
45	2,818	128	5,000	211	5,000
46	2,818	129	5,000	212	5,000
47	2,880	130	5,000	213	5,000
48	2,880	131	5,000	214	5,000
49	2,818	132	5,000	215	5,000
50	2,818	133	5,000	216	5,000
51	2,818	134	5,000	217	5,000
52	2,818	135	5,000	218	5,000
53	2,818	136	5,000	219	5,000
54	2,818	137	5,000	220	5,000
55	2,818	138	5,000	221	5,000
56	2,798	139	5,000	222	5,000
57	2,818	140	5,000	223	5,000
58	2,818	141	5,000	224	5,000
59	2,818	142	5,000	225	5,000
60	2,818	143	5,000	226	5,000
61	2,818	144	5,000	227	5,000
62	2,818	145	5,000	228	5,000
63	2,880	146	5,000	229	5,000
64	2,818	147	5,000	230	5,000
65	2,818	148	5,000	231	5,000
66	2,818	149	5,000	232	5,000
67	2,818	150	5,000	233	5,000
68	2,818	151	5,000	234	5,000
69	2,818	152	5,000	235	5,000
70	3,811	153	5,000	236	5,000
71	2,818	154	5,000	237	5,000
72	2,830	155	5,000	238	5,000
73	2,830	156	5,000	239	5,000
74	2,830	157	5,000	240	5,000
75	2,714	158	5,000	241	5,000
76	2,818	159	5,000	242	5,000
77	2,818	160	5,000	243	5,000
78	2,818	161	5,000	244	5,000
79	2,717	162	5,000	245	5,000
80	2,818	163	5,000	246	5,000
81	3,518	164	5,000	247	5,000
82	2,818	165	5,000	248	5,000
83	2,970	166	5,000	249	5,000

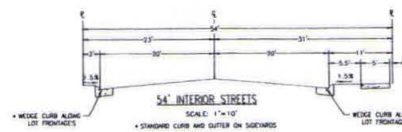
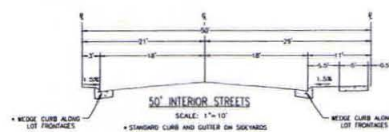
- NOTES:  
1. PROPERTY AREA = X ACRES  
2. DENSITY = X UNITS/ACRE  
3. MINIMUM LOT SIZE = X SQ. FT.  
4. AVERAGE LOT SIZE = X SQ. FT.

RECORD OWNER AND SUBDIVIDER:  
GRANTOR FRESNO CLOVES INVESTMENTS, LLC  
1395 WEST HERNDON, SUITE 101  
FRESNO, CA 93711  
(559) 436-0900

GARY G. GIANNETTA  
CIVIL ENGINEERING & LAND SURVEYING  
1112 N STREET  
FRESNO, CA 93703

(559) 284-3550 FAX (559) 284-0908

DATE: 5/31/17



## **PLANNING COMMISSION MINUTES**

**ATTACHMENT 3**



Consider approval Res. 18-55, **CUP2017-10A**, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham inquired as to the reasoning for changing the side setbacks. Deputy City Planner Ramirez responded with a detailed explanation regarding fire safety codes.

Commissioner Cunningham followed up with an inquiry as to whether this issue is unique to this development or will apply to all future developments. Deputy City Planner Ramirez responded that this will be affective of all future developments.

Commissioner Cunningham expressed concern regarding the accessibility for first responder gurneys with the proposed four-foot setback and the presence of trash totes. Deputy City Planner Ramirez responded that they will have to use the opposite side, fences can be removed, or the trash tote can be moved. Commissioner Cunningham noted that each of these potential actions will take time, which is valuable in emergencies.

Commissioner Bedsted echoed Commissioner Cunningham's concern, and remarked that the Planning Commission learns as it moves forward and that something being done in the past does not necessarily mean it should be done in the future. He then inquired as to whether there were any reports regarding first responders being impeded by these setbacks. Deputy City Planner Ramirez remarked that after project distribution to the Police and Fire Departments, no comments were received. He added that this had been a subject of internal discussion and that staff had not received any concerns.

City Planner Bryan Araki noted that at the last City Council meeting, this issue came up under public comment, in which a resident stated that an ambulance service experienced trouble entering and exiting the backyard with a gurney. He qualified this with the fact that the setback situation of the subject property is unknown.

Chair Hinkle stated that there is no way for first responders to reach the backyard, and that seconds count in emergencies when lives are at stake. He also stated that the displayed drawings are inaccurate, explaining in detail the problems he foresees.

Chair Hinkle then sought and received confirmation that the Homeowner's Association will be responsible for monitoring the totes, with no calls coming to the City of Clovis.

Chair Hinkle remarked that he has spoken to police regarding this issue numerous times and that they have a problem with first responders accessing backyards in such developments.

At this point, the Chair opened the floor to the applicant.

Adrienne Burns, Director of Land Development and Forward Planning for Wathen Castanos Homes, 1446 Tollhouse Road, expressed gratitude towards staff for the staff report and provided background on the application request.

Commissioner Antuna requested a viewing of pictures of which Ms. Burns had spoken, demonstrating a trash tote traversing a four-foot setback.



Commissioner Hatcher expressed concern regarding the applicant not realizing the existence of egress issues earlier in the process. Ms. Burns responded that the lot pads had been graded but that foundation pads had not yet been poured.

Commissioner Cunningham inquired as to the exact nature of the egress issues being addressed. Ms. Burns provided a detailed explanation. Commissioner Cunningham followed up by seeking and receiving confirmation, including details, that the additional foot on one side would address these issues.

Commissioner Cunningham inquired as to whether this is the first subdivision Wathen Castanos has built with three-foot/five-foot setbacks. Ms. Burns explained about another tract with those approved setbacks that is in reality more flexible, providing greater than the minimum setbacks. Commissioner Cunningham then followed up by seeking and receiving confirmation that the subject tract does not have that flexibility.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

Commissioner Antuna inquired as to whether drainage would be affected by the proposed change. Associate Civil Engineer Sean Smith responded with a detailed explanation, confirming the efficacy of the most common measure.

Commissioner Cunningham requested clarification on the issue of building codes clashing with the three-foot side setbacks. None of the staff present was able to provide this explanation.

Commissioner Bedsted inquired as to whether the condition placing responsibility for the toters in the hands of the HOA could possibly be rescinded at a later date. Deputy City Planner Ramirez responded that, if the Planning Commission so desires, that requirement could be memorialized as a condition of approval for the tract, remaining with the property, and could therefore not be changed by the HOA at a later date.

City Planner Araki confirmed that the condition was already included within staff's report.

Chair Hinkle sought and received confirmation that drainage from the front to the back of a property is required by the Planning Department. Associate Civil Engineer Smith confirmed such is part of the building code.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve CUP2017-10A. The motion was approved by a vote of 3-2.





# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: November 13, 2018

SUBJECT: Consider Approval – Waive the City's Usual Purchasing Procedures Pursuant to California Government Code Sections 4217.11 through 4217.17 and Award a Contract to Compass Energy Solutions to Implement an LED Lighting Project

ATTACHMENT: Agreement

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For the Council to waive the City's usual purchasing procedures pursuant to California Government Code sections 4217.11 through 4217.17 and award a contract (EXHIBIT A), to Compass Energy Solutions to install interior/exterior light emitting diode (LED) lighting systems at two (2) City facilities for a "turn-key" not to exceed the price of \$484,594.

### EXECUTIVE SUMMARY

Compass Energy Solutions (CES) is currently retained by the City as an Energy Services Company (ESCO) and is conducting a city-wide LED lighting project. While onsite, they have conducted a feasibility study to implement a possible 2<sup>nd</sup> phase of light-emitting diode (LED) lighting systems at city-owned facilities not included in the current phase.

The LED feasibility study was in-depth and looked at a number of strategies based upon their findings. The study narrowed down the facilities that would best benefit from LED technology to three (3) locations, although one of the facilities was removed from consideration due to a third-party operational agreement. CES's findings concluded from current Pacific Gas and Electric (PG&E) data that the two (2) identified facilities currently consume 299,827 kilowatt hours (kWh) in energy from



lighting needs. If all lighting conditions remained static in terms of the number of fixtures and time of use, the proposed LED solution would result in the consumption of 96,186 kWh annually; this will provide the City with a 68% reduction in expended kWh.

Site visits were made to potential locations to inventory lights by quantity, type and wattage and to weigh the benefits based upon energy reduction, exterior security, improving office environments and return on investment (ROI). The study concluded by targeting two (2) City buildings that would receive an aggregate total of 1,098 interior/exterior LED fixtures or retrofit kits. The total project cost for the turn-key implementation of the LED lighting systems is \$484,494. The City would also receive a PG&E rebate currently estimated at \$10,000, resulting in a net project cost of \$474,494.

Potential funding for the proposed project would occur through a 1% California Energy Commission (CEC) loan. On November 5, 2018, the City Council authorized the City to submit a loan application to the CEC for available Energy Conservation Assistance Act (ECAA) funding. The CEC is making limited ECAA funding available to various public agencies for energy projects via a 1% interest loan. The City's loan application is currently being prepared for submittal to CEC and the project will not proceed until a fully executed loan is in place.

CES used a conservative PG&E rate escalator of 4% annually to calculate the City's ROI and determined the project would generate a payback based upon savings within 11 years. The project would also generate positive cash flow from day one throughout the term of the loan. Essentially, the City would be using the funds normally spent on electrical consumption to repay the loan.

## **BACKGROUND**

### *Project*

On December 4, 2017, Council approved Compass Energy Solutions as an Energy Services Company (ESCO) to conduct a city-wide LED lighting project. While onsite, CES conducted a feasibility study to implement a possible 2<sup>nd</sup> phase of LED lighting systems at city-owned facilities not included in the current phase.

The LED feasibility study was in-depth and looked at a number of strategies based upon their findings. The study narrowed down the facilities that would best benefit from LED technology to the two (2) facilities noted below:

- Corporation Yard, Buildings "B" – "G"
- Surface Water Treatment Plant

CES's findings concluded from current Pacific Gas and Electric (PG&E) data that the two (2) facilities currently consume 299,827 kWh in energy for our lighting needs. If



all lighting conditions remained static in terms of the number of fixtures and time of use, the proposed LED solution would result in the consumption of 96,186 kWh annually; this will provide the City with a 68% reduction in expended kWh.

Site visits were made to potential locations to inventory lights by quantity, type and wattage and to weigh the benefits based upon energy reduction, exterior security, improving office environments and return on investment. A portion of this study was dedicated to determining a suitable lighting fixture for shop and office environments. The study concluded that an occupant's office work environment would be enhanced with the installation of energy efficient fixtures with a controllable light level. Controls are an integral part of these lighting systems. Levels of brightness can be set at a default value based upon a user's preference, but can also be varied up or down in an instant for various needs. This will prove beneficial to health issues previously associated to fluorescent lighting that included migraine headaches, eye strain and even stress/anxiety.

The other portion of the study centered on exterior lighting. There were 183 exterior lights identified of which 68 will be pole lights retrofitted to LED technology and equipped with motion sensors. The pole lights will regress to 30% of their output when no motion is detected after a preset duration of time and will revert to 100% output when motion is detected. This strategy will provide a decreased level of illumination when the area is unoccupied, thereby decreasing our energy consumption. The LED lighting will also provide an added benefit of improving illumination and security at the facilities.

The following chart reflects the benefits of the proposed energy project, noting the current and projected usage, resulting in the project's first year's annual savings in energy.

CONSUMPTION/SAVINGS SUMMARY					
Current Annual kWh Lighting Consumption	Current Estimated Annual Lighting Cost	LED Estimated Annual Lighting Cost	Estimated Annual kWh Lighting Consumption	Estimated kWh Annual Savings	Estimated First year Annual Savings
299,827	\$50,970	\$16,276	96,186	203,641	\$34,694

#### *Proposed Equipment*

CES has currently identified the majority of lighting fixtures to be provided by, but not limited to manufacturers such as Lutron, DECO, RemPhos, General Electric and RAB. All of the listed manufacturers are based in the United States and all proposed fixtures for this project are assembled in the USA and meet the "Made in the USA" guidelines. The turn-key project would be completed entirely by CES; using their sub-



contractors retained for the current lighting project and conducting work after-hours to minimize impact to City operations.

There are 1,098 interior/exterior lighting fixtures identified for replacement or retrofit. The project will utilize a Kelvin color temperature rating of 3500K for interior fixtures and 5000K for exterior fixtures. The fixtures come with a 10-year manufacturer warranty and have a projected life expectancy of 20 years. The warranty and life expectancy are key in that the fixtures' integrity will drastically reduce the need for annual lighting maintenance, which includes the need to replace bulbs, ballasts and the additional cost of environmental disposal fees. The cost for materials related directly to lighting fixture maintenance at the identified facilities averages nearly \$2,000 annually with labor attributed to this task, averaging nearly 60 labor hours. The time saved in expended labor will allow the Facilities Maintenance Section additional hours to dedicate to the overall maintenance of City facilities.

Over the past few years, the City has installed LED lighting at the exterior of the Corporation Yard, Bicentennial Park Batting Range, Rotary Skate Park at Letterman Park and the exterior of the Clovis Recreation Center. These are fairly new installations with an average age of 2-3 years with not a single LED bulb replaced at any of these locations to date.

#### *Carbon Footprint*

The generation of electricity as a renewable energy through the LED lighting implementation will have a positive environmental impact. The lifetime environmental impact of this lighting installation is projected to provide a carbon footprint reduction equivalent to powering 324 homes, removing 644 cars from our roads and removing 3,040 metric tons of carbon dioxide (CO<sub>2</sub>) from our atmosphere.

#### *Project Cost*

The total project cost for the turn-key implementation of the LED lighting project, including PG&E's rebate is \$474,594. Incorporating a conservative PG&E rate escalator of 4% for the energy usage component, the project would be paid for in 11 years. The net projected cost savings is \$1,033,120 for the expected 20-year life of the equipment. Following is a project cost summary:

PROJECT COST SUMMARY	
Project Cost	\$484,594
Estimated PG&E LED Rebate	\$10,000
<b>Total Project Cost</b>	<b>\$474,594</b>
Estimated First Year Annual Savings	\$34,694
Net Projected 20-year Cost Savings	\$1,033,120



### *Project Funding*

The LED lighting project would be solely funded through a CEC 1% loan. On November 5, 2018, the City Council approved a resolution to authorize the City to submit a loan application to the CEC for available ECAA funding. The CEC is making limited ECAA funding available to various public agencies for energy projects via a 1% interest loan. The City's loan application is currently being prepared for submittal to CEC and the project will not proceed until a fully executed loan is in place.

The LED lighting project reflects positive cash flow from its inception. The following cash flow chart reflects a positive cash flow of \$192,357 over the loan's 15-year life. The chart also reflects an additional positive cash flow of \$338,442 for the balance of the equipment's life, once the debt service is fulfilled. Basically, the cost savings in reduced power usage will be used to pay the loan instead of paying the utility company. The project is expected to remain cash positive while making the loan repayments. Also, there is no penalty for early repayment if the City Finance Department desires to make early additional payments prior to their due date.

<b>LED 20 YEAR PROJECT COST CHART</b>					
Factor: 4% PG&E rate escalator					
<b>Year</b>	<b>Estimated Annual Energy Savings</b>	<b>Estimated Annual Rebate</b>	<b>Estimated Annual Savings</b>	<b>Annual Debt Service (15 Years)</b>	<b>Estimated Annual Cash Flow</b>
1	34,694	10,000	44,694	-34,156	10,538
2	36,082	0	36,082	-34,156	1,926
3	37,525	0	37,525	-34,156	3,369
4	39,026	0	39,026	-34,156	4,870
5	40,587	0	40,587	-34,156	6,431
6	42,211	0	42,211	-34,156	8,054
7	43,899	0	43,899	-34,156	9,743
8	45,655	0	45,655	-34,156	11,499
9	47,481	0	47,481	-34,156	13,325
10	49,380	0	49,380	-34,156	15,224
11	51,356	0	51,356	-34,156	17,199
12	53,410	0	53,410	-34,156	19,254
13	55,546	0	55,546	-34,156	21,390
14	57,768	0	57,768	-34,156	23,612
15	60,079	0	60,079	-34,156	25,923
16	62,482	0	62,482		62,482
17	64,981	0	64,981		64,981
18	67,580	0	67,580		67,580
19	70,284	0	70,284		70,284
20	73,095	0	73,095		73,095
<b>Total</b>	<b>1,033,121</b>	<b>0</b>	<b>1,043,121</b>	<b>-512,340</b>	<b>530,779</b>



### **FISCAL IMPACT**

The total project cost of the recommended LED lighting project after a PG&E rebate is \$474,594. The cost of the project is designed to be offset with savings in energy cost to satisfy the debt service. These costs would otherwise be paid to the utility if no energy improvements were initiated. This project will provide positive cash flow from its inception forward and estimated to provide a return on investment of \$1,033,121 over the 20-year life of the equipment.

### **REASON FOR RECOMMENDATION**

The City is required to conduct a public hearing pursuant to Government Code Sections 4217.11 through 4217.17, and find, based on the information presented in this staff report, the best interests of the public agency are served by participation in this project. The anticipated cost to the City for the purchase and installation of this energy conservation measure will be less than the anticipated marginal cost to the City for the electrical energy that would have been consumed by the City without the purchase and installation of this energy conservation measure.

The aforementioned code section allows a public agency to enter into an energy services contract if it is in the best interest of the public agency, the intentions are publically noticed and the determination is made in a regularly scheduled public hearing. Therefore, staff recommends the execution of an energy services contract with Compass Energy Solutions to install LED lighting systems at various City facilities upon confirmation of CEC funding.

The recommended energy project is projected to provide the City with an annual first year energy savings of \$34,694 and range up to \$74,095 through the life of the project. The project's overall return on investment will provide \$1,033,121 over the 20-year lifespan of the equipment.

### **ACTIONS FOLLOWING APPROVAL**

The City Manager will enter into an energy services contract with Compass Energy Solutions that is fully contingent upon CEC loan approval and full execution of loan documents, at which time the City will issue a "Notice to Proceed" to Compass Energy Solutions. Upon issuance, staff will schedule Compass Energy Solutions to commence work.

Prepared by: Larry Louie, Department Support Manager

Submitted by: Shonna Halterman, General Services Director





## **EXHIBIT "A"**

### **CITY OF CLOVIS**

#### **AGREEMENT FOR ENERGY SERVICES COMPANY (ESCO) PROJECT IMPLEMENTATION**

THIS AGREEMENT is made and entered into as of the 14<sup>th</sup> day of November, 2018, by and between the City of Clovis, a municipal corporation with principal offices located at 1033 Fifth Street, Clovis, CA 93612, hereinafter referred to as "CITY", and Compass Energy Solutions located at 1811 Huguenot Rd #206, Midlothian, VA 23113, hereinafter referred to as "CONTRACTOR".

#### **WITNESSETH**

WHEREAS, CONTRACTOR conducted a feasibility study of implementing an additional phase of LED lighting systems at various City facilities and on August 15, 2018, CONTRACTOR met with CITY to provide results of the study, indicating positive findings of a viable project, and with positive findings, CITY could enter into an agreement with CONTRACTOR as provided under California Government Code section 4217.12; and,

WHEREAS, CONTRACTOR responded with its "Proposal", received by the CITY on November 1, 2018; and,

WHEREAS, CITY has selected CONTRACTOR to provide the services described herein; and,

WHEREAS, CONTRACTOR desires to provide such services; and,

WHEREAS, CITY and CONTRACTOR (the Parties) intend to reduce to writing their agreement for the provision of solar project implementation.

NOW, THEREFORE, in consideration of the covenants hereinafter contained, the Parties agree as follows:

#### **1. TERM**

The term of this Agreement shall commence upon the date that both Parties sign this Agreement, with no monetary actions to occur until the California Energy Commission's 1% Energy Conservation Assistance Act Loan has been fully executed by the CITY. The term of this Agreement shall terminate upon completion of the work described herein as determined by the CITY. The term of this Agreement may be extended beyond this date by mutual consent of the Parties related to energy efficiency projects.

## 2. SCOPE OF SERVICES

CONTRACTOR shall, during the term of this Agreement, provide ESCO services for the purposes of LED lighting system implementation, based upon the terms and conditions as set forth in this (1) Agreement, (2) City Council November 13, 2018 Staff Report (3) Compass Energy Solution's proposal dated November 1, 2018, which shall include content of the PowerPoint slides presented to the City Council on November 13, 2018.

Whenever any conflict appears in any portion of the Agreement, it shall be resolved by application of the order of Precedence.

CONTRACTOR shall, during the term of this agreement, coordinate and perform complete lighting design and construction services to implement turn-key fully functional LED lighting systems, aggregately consisting of 1,098 lighting fixtures to be installed at the following locations noted below:

- Corporation Yard, Buildings "B" – "G"
- Surface Water Treatment Plant

## 3. COMPENSATION AND BILLING

In consideration of services rendered hereunder, CITY shall pay to CONTRACTOR all sums due and owing as determined by the rates set forth below. Payment shall be made within fifteen (15) days after receipt of an invoice. Five percent (5%) retention of each invoice shall apply payable upon final acceptance by the City.

Commencement of the project shall initiate upon the payment of a mobilization payment, equal to 25% of the project cost.

Subsequent payments shall be made per Section 9 – Measurement and Payment of the Standard City Specifications which can be retrieved from the City's website at:

<http://www.ci.clovis.ca.us/Portals/0/Documents/Engineering/Standards/MasterStandardSpecifications.pdf>

Invoicing shall be allowed proportionally, subject to Building Department approval of each phase and shall be forwarded to City of Clovis, 1033 Fifth Street, Clovis, CA 93612, Attention: Department Support Manager/General Services Department, and shall reference the services performed for the approved phase.

CONTRACTOR shall provide ESCO services for the complete turn-key implementation of the projects listed above not to exceed:

**Total      \$484,594**



It is understood by both Parties that the above costs represent the total cost for all services provided under this Agreement, including all design, construction, materials, labor, permits, taxes, delivery, removal and disposal of any related materials and any other ancillary charges that may be incurred to accomplish complete working systems.

#### **4. PERFORMANCE BOND**

CONTRACTOR shall submit to the CITY a performance bond in the amount equal to the contract price, to insure faithful performance prior to the initiation of service. The bond shall be a performance bond by a surety acceptable to CITY or a certificate of deposit issued in the name of the CITY.

#### **5. PERFORMANCE REQUIREMENTS**

If any work performed hereunder is not in conformity with the requirements of this Agreement and other pertinent documents referenced in Section 2, CITY shall have the right to require CONTRACTOR to perform the work again in conformity with the requirements of the Agreement at no additional increase in the CONTRACTOR's fee for service. Remedy for non-compliance or non-performance shall occur within 72 hours of notice. The CITY also shall have the right to require CONTRACTOR to take all necessary steps to ensure future performance of the work in conformity with the requirements of the Agreement. In the event CONTRACTOR fails to perform the work again or fails to take necessary steps to ensure future performance of the work in conformity with the requirements of the Agreement, CITY may terminate this Agreement for default.

#### **6. LIQUIDATED DAMAGES**

The actual occurrence of damages and the actual amount of the damages which CITY would suffer if the services are not completed within the specified times set forth are dependent upon many circumstances and conditions, and from the nature of the services it is impracticable and extremely difficult to fix the actual damages. Accordingly, the Parties agree that liquidated damages in the amount of \$150.00 per day shall be assessed against CONTRACTOR for each calendar day CONTRACTOR fails to complete the scope of services within the time specified in the Agreement Documents. The Parties agree that the liquidated damages are not a penalty. The CITY shall provide the CONTRACTOR with two (2) days prior written notice to correct any performance deficiency before imposing liquidated damages. At the option of the CITY, the CITY may pursue actual damages or any other remedy permitted by law.



## **7. STATUS OF CONTRACTOR**

In the interpretation of this Agreement and the relations between CONTRACTOR and CITY, CONTRACTOR shall be construed as being an independent contractor employed to provide energy efficiency services only and currently licensed and in good standing with the California Contractors State Licensing Board. Neither CONTRACTOR nor any of its employees or subcontract workers shall be held or deemed in any way to be an agent, employee or official of the CITY.

CONTRACTOR shall be responsible for, and hold CITY harmless from any liability for unemployment taxes or contributions, payroll taxes or other federal or state employment taxes, and for parking and traffic violations of vehicles operated by CONTRACTOR.

## **8. DEFAULT**

In the event of default by the CONTRACTOR, the CITY may terminate this Agreement in accordance with Section 15 below and withhold any liquidated damages and contract funds not earned by the CONTRACTOR in addition to pursuing any other legal remedies available to the CITY.

## **9. INDEMNIFICATION**

CONTRACTOR shall hold CITY, its officers, agents, volunteers, and employees harmless and shall indemnify CITY, its officers, agents, volunteers, and employees from and against every claim or demand which may be made by any person, firm or corporation, or other entity arising from or caused by any act, neglect, default or omission of CONTRACTOR in the performance of this Agreement, except to the extent that such claim or demand arises from or is caused by the sole negligence or willful misconduct of CITY, its officers, agents, volunteers or employees.

## **10. INSURANCE REQUIREMENTS**

Prior to commencement of the Services, CONTRACTOR shall take out and maintain, at its own expense, and shall cause any subcontractor with whom CONTRACTOR contracts for the performance of Services pursuant to this Agreement to take out and maintain, the following insurance until completion of the Services or termination of this Agreement, whichever is earlier, except as otherwise required by subsection (d) below. All insurance shall be placed with insurance companies that are licensed and admitted to conduct business in the State of California and are rated at a minimum with an "A:VII" by A.M. Best Company, unless otherwise acceptable to the City.



a. Minimum Limits of Insurance. CONTRACTOR shall maintain limits no less than:

- (i) General Liability Insurance (including operations, products and completed operations coverages) in an amount not less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
- (ii) Worker's Compensation Insurance as required by the State of California.
- (iii) Business Automobile Liability Insurance in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- (iv) Umbrella or Excess Liability. In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies). In addition, such Umbrella or Excess insurance policy(ies) shall also apply on a primary and non-contributory basis for the benefit of the City, its officers, officials, employees, agents and volunteers.

If CONTRACTOR maintains higher limits than the minimums shown above, the City shall be entitled to coverage at the higher limits maintained.

b. Other Insurance Provisions. The general liability policy is to contain, or be endorsed to contain, the following provisions:

- (i) The City, its officers, officials, employees, agents, and volunteers are to be covered as insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the CONTRACTOR; and with respect to liability arising out of work or operations performed by or on behalf of the CONTRACTOR including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the CONTRACTOR's insurance (at least as broad as ISO Form 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33 or CG 20 38; and CG 20 37 forms if later revisions used).



- (ii) For any claims related to the Services performed pursuant to this Agreement, the CONTRACTOR's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the CONTRACTOR's insurance and shall not contribute with it.
- (iii) Each insurance policy required by this section shall be endorsed to state that the City shall receive written notice at least thirty (30) days prior to the cancellation, non-renewal, or material modification of the coverages required herein
- (iv) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.
- (v) CONTRACTOR grants to the City a waiver of any right to subrogation which any insurer of said CONTRACTOR may acquire against the City by virtue of the payment of any loss under such insurance. CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.
- (vi) Any deductibles or self-insured retentions must be declared to and approved by the City of Clovis Risk Services. The City may require the CONTRACTOR to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

c. Evidence of Coverage. CONTRACTOR shall deliver to City written evidence of the above insurance coverages, including the required endorsements prior to commencing Services under this Agreement; and the production of such written evidence shall be an express condition precedent, notwithstanding anything to the contrary in this Agreement, to CONTRACTOR 's right to be paid any compensation under this Agreement. City's failure, at any time, to object to CONTRACTOR's failure to provide the specified insurance or written evidence thereof (either as to the type or amount of such insurance), shall not be deemed a waiver of City's right to insist upon such insurance later.



d. Maintenance of Insurance. If CONTRACTOR fails to furnish and maintain the insurance required by this section, City may (but is not required to) purchase such insurance on behalf of CONTRACTOR, and the CONTRACTOR shall pay the cost thereof to City upon demand, and City shall furnish CONTRACTOR with any information needed to obtain such insurance. Moreover, at its discretion, City may pay for such insurance with funds otherwise due CONTRACTOR under this Agreement.

e. Subcontractors. If the CONTRACTOR should subcontract all or any portion of the work to be performed in this Agreement, the CONTRACTOR shall cover the subcontractor, and/or require each subcontractor to adhere to all the requirements contained herein. Similarly, any cancellation, lapse, reduction or change of subcontractor's insurance shall have the same impact as described above.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

g. Indemnity and Defense. Except as otherwise expressly provided, the insurance requirements in this section shall not in any way limit, in either scope or amount, the indemnity and defense obligations separately owed by CONTRACTOR to City under this Agreement.

h. Employee Bond

CONTRACTOR shall maintain in full force and effect throughout the term of this Agreement an employee fidelity bond in a minimum amount of \$50,000. The bond shall cover all of the CONTRACTOR'S employees assigned to the CITY's facilities. A copy of the bond shall be provided to the CITY prior to the commencement of work.

## **11. ASSIGNMENT**

This Agreement shall not be assigned by CONTRACTOR without prior written consent of CITY. The parties agree that assignment by CONTRACTOR of any sums due and owing CONTRACTOR under this Agreement shall not constitute an assignment of the Agreement.

## **12. SUBLETTING OF AGREEMENT**

This Agreement shall not be sublet except with the written consent of the CITY. No such consent shall be construed as making CITY a party to such subcontract, or subjecting CITY liability of any kind to any subcontractor. No subcontract shall, under any circumstances, relieve CONTRACTOR of its liability and

obligation under this Agreement, and all transactions with CITY must be through CONTRACTOR.

CONTRACTOR shall ensure that the selected solar subcontractor satisfies the same licensing, bonding, and insurance requirements of CONTRACTOR. CONTRACTOR shall ensure that the selected solar contractor meets all requirements under federal, State and local law to perform the work.

### **13. SEVERABILITY**

In the event any provision specified herein is held or determined by a court of competent jurisdiction to be illegal, void or in contravention of any applicable law, the remainder of the Agreement shall remain in full force and effect.

### **14. EXTENSION AND MODIFICATION**

CONTRACTOR and CITY may extend or otherwise modify the terms of this Agreement in whole or in part as circumstances may justify only by mutual written agreement executed by the duly authorized representatives of the Parties.

### **15. TERMINATION**

CITY may terminate its Agreement with CONTRACTOR for non-compliance/unsatisfactory performance by providing CONTRACTOR with a thirty (30) day advance written Notice of Termination. In the event of such termination, CONTRACTOR shall be paid for all services satisfactorily rendered in accordance with this Agreement.

### **16. NOTICES TO PARTIES**

All notices to be given by the Parties to this Agreement shall be in writing and served by depositing same in the United States Mail.

Notices to CITY shall be addressed to:

City of Clovis

Attn: Department Support Manager/General Services Department

1033 Fifth Street

Clovis, CA 93612

Notices to CONTRACTOR shall be addressed to:

Johnny Mattice

Compass Energy Solutions

1811 Huguenot Rd #206

Midlothian, VA 23113

(916) 216-6739



Either CITY or CONTRACTOR may change its address of record for receipt of official notice by giving the other written notice of such change and any necessary mailing instructions.

#### **17. ENTIRE AGREEMENT**

This Agreement, together with the other Agreement Documents referenced in Section 2 of this Agreement, sets forth the entire agreement between CITY and CONTRACTOR concerning the subject matter hereof. There are no representations, either oral or written, between CITY and CONTRACTOR other than those contained in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first hereinabove written.

**CITY OF CLOVIS**

**COMPASS ENERGY SOLUTIONS**

\_\_\_\_\_  
Luke Serpa, City Manager

\_\_\_\_\_  
Fred Ghahramani, President

ATTEST:

By \_\_\_\_\_  
City Clerk

**Scope of Work**  
**Installation of LED Lighting Systems at Various City Facilities**  
**City of Clovis**





**City of Clovis Scope of Work  
Corporation Yard B-G Buildings & SWTP  
Interior & Exterior LED Lighting and Controls Project**

Issue Date: November 1, 2018

Page 1 of 2

**Scope of Work  
Corporation Yard B-G Buildings & SWTP  
Interior/Exterior LED Lighting and Controls Project**

Compass Energy Solutions (CES) conducted a detailed lighting Feasibility Study for the Corporation Yard B-G Buildings & Surface Water Treatment Plant (SWTP). (See Attachment "A" Line by Line).

Through the Feasibility Study, CES has identified a 1,098 LED interior and exterior lighting solution that will reduce consumption by 68%, improve light levels/security and reduce maintenance/operations. Localized lighting controls will also be added to offices, conference rooms and any identified applicable areas. CES will install a dimming/motion sensor solution for the light poles that step dims the LED pole mounted lights to 30% and is activated by motion sensors to 100% illumination as the specific area becomes occupied.

The LED Lighting System and Controls will be a turnkey installation by CES. The project investment is **\$484,594** and will address the facilities kWh lighting usage.

**Compass Energy Solution services includes:**

1. Site survey
2. LED Lighting and Controls Design
3. LED Lighting and Controls Engineering
4. Competitive process
5. Qualification of potential vendors
6. Construction management
7. Commissioning
8. Training
9. Material warranties as offered by manufacturers
10. One year warranty on workmanship

Additionally, CES will work on the City's behalf to identify and secure any available energy rebates from PG&E and/or State agencies.

The LED Interior/Exterior Lighting and Controls System will be an outstanding example of state-of-the-art system designs, high efficiency and construction. The designs will be fully automatic, reliable and require minimum maintenance.



**City of Clovis Scope of Work  
Corporation Yard B-G Buildings & SWTP  
Interior & Exterior LED Lighting and Controls Project**

Issue Date: November 1, 2018

Page 2 of 2

**LED Interior/Exterior Lighting and Controls turnkey system includes:**

- LED lighting and controls engineering, labor and materials
- Rebate application submission and all necessary follow ups
- Public Relations Assistance

**Exclusions:**

- Remediation of existing non-code compliant conditions.
- Upgrade of existing electrical distribution system or service

**Project completion schedule:**

From Notice to Proceed to substantial completion is approximately four months..

**Warranty**

CES provides a one year Material & Labor warranty for LED lighting fixtures and controls.

**Manufacturers Warranties:**

- Deco (10) years materials & Labor
- RAB (10) years materials only
- GE (10) years materials only
- RemPhos (10) years materials only

**GENERAL ITEMS**

CES will provide equipment submittals for review and approval prior to ordering any new equipment, and we will provide training and Operation & Maintenance Manuals at the completion of the LED & Controls installation.

All work is based on after hours work. No provisions are included for temporary electrical power. The CES team will work closely with City of Clovis staff to develop a project schedule.



**(PLACEHOLDER for)  
COUNCIL APPROVED STAFF REPORT  
TO BE INCLUDED IN FINAL AGREEMENT  
(Nov. 13, 2018)**

**(PLACEHOLDER for)  
COUNCIL POWERPOINT PRESENTATION  
TO BE INCLUDED IN FINAL AGREEMENT  
(Nov. 13, 2018)**





AGENDA ITEM NO: 10  
City Manager: CS

# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: November 13, 2017

SUBJECT: Consider Introduction –Ord. 18-\_\_\_\_, An Ordinance of the City Council of the City of Clovis Amending Section 4.5.1014 of Chapter 4.5 of Title 4 of the Clovis Municipal Code Pertaining to Commercial Vehicle Parking

ATTACHMENTS: Exhibit "A" – Draft Ordinance  
Exhibit "B" – Support Letter

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For the City Council to introduce an ordinance amending Section 4.5.1014, of Chapter 4.5, of Title 4 of the Clovis Municipal Code pertaining to only allow commercial truck parking for four hours within a twenty-four hour time period on the City of Clovis right-of-ways.

### EXECUTIVE SUMMARY

Clovis Municipal Code Section 4.5.1014 of Chapter 4.5 of Title 4 regulates commercial truck parking in the City of Clovis. Commercial truck parking is currently allowed on any public right-of-way in the City with the exception of overnight parking within 500 feet of a residence. The proposed amendment would only allow commercial trucks to park for four hours any twenty-four hour time period on any public right-of-way in the City of Clovis. This would make the City's ordinance consistent with the City of Fresno, allow for easier enforcement, and address commercial truck parking issues in the City's business parks that attract professional office users. This ordinance will return for a second reading if approved and go into effect 30 days thereafter.

## **BACKGROUND**

Clovis Municipal Code Section 4.5.1014 of Chapter 4.5 of Title 4 regulates commercial truck parking in the City of Clovis. Commercial truck parking is currently allowed on any public right-of-way in the City with the exception of overnight parking within 500 feet of a residence. The proposed amendment would only allow commercial trucks to park for four hours any twenty-four hour time period on any public right-of-way in the City of Clovis. It will continue to limit truck parking during the hours of 10:00 p.m. and 7:00 a.m. within 500 feet of a residence.

This would make the City's ordinance consistent with the City of Fresno. The City of Fresno adopted an ordinance which is being enforced that appears to be pushing a large number of commercial trucks to Clovis business parks for long-term parking. This has caused challenges for businesses that have developed and operate in the business parks and have been a detriment to the development of some of the remaining parcels. For example, property owners in the business park near Peach and Fir Avenues have contacted City staff stating the prevalence of commercial trucks has made it difficult to attract development (see attached letter). One of the City's highest priorities is to attract business investment and high quality jobs. This ordinance amendment will support that effort.

In order to remove this issue, staff has determined it would be appropriate to adopt the same commercial truck parking ordinance as the City of Fresno and encourage commercial trucks to park on private property. Staff will put signage up in areas that are popular for commercial truck parking and provide warnings to help educate commercial truck drivers of the change before issuing tickets. This ordinance will return for a second reading if approved and go into effect 30 days thereafter.

## **FISCAL IMPACT**

The fiscal impact of the Amendment to the Ordinance is not significant. However, the removal of this commercial truck parking will help to attract revenue generating development to the City's business parks. The cost of signing areas and enforcement should be minimal.

## **REASON FOR RECOMMENDATION**

If approved, the Ordinance Amendment will encourage the development of business parks in Clovis.

## **ACTIONS FOLLOWING APPROVAL**

This Ordinance will return for a second reading if approved and go into effect 30 days thereafter.

Submitted by: Andrew Haussler, Director of Community and Economic Development



EXHIBIT A

ORDINANCE NO. 2018 - \_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
AMENDING SECTION 4.5.1014 OF CHAPTER 4.5 OF TITLE 4 OF THE CLOVIS  
MUNICIPAL CODE PERTAINING TO COMMERCIAL VEHICLE PARKING**

THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF MUNICIPAL CODE.

Section 4.5.1014, of Chapter 4.5, of Title 4, of the Clovis Municipal Code is hereby amended to read as follows:

4.5.1014 Limitations on commercial vehicle parking.

(a) No person shall park any of the following commercial vehicles on any public street, alley, right of way, or highway, other than a state highway, in the City of Clovis for a period of more than four (4) hours in any twenty four (24) hour period:

(1) Commercial trucks larger than one-ton size not to exceed a gross vehicle weight rating of more than 15,000 pounds;

(2) Buses;

(3) Commercial trailers of all types.

(b) No person shall park commercial vehicles as defined in subsection (a) on a public street within 500 feet of a residential zone district between the hours of 10:00 p.m. and 7:00 a.m.

(c) The provisions of this section shall not apply when a commercial vehicle is:

(1) Loading or unloading merchandise, materials, or passengers; or

(2) Parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such commercial vehicle is parked, for such time as is reasonably necessary to complete such service; or

(3) An emergency vehicle utilized by a government agency or a public utility for responding to emergency incidents.

(d) For the purpose of this section: Commercial trailer shall be defined as any trailer used in conjunction with any business, for hire, or whereby compensation is derived from such use.

(e) For the purpose of this section: trucks of a one-ton size shall be defined as those trucks of a size that fall within the manufacturer's classification of one-ton trucks.

SECTION 2: EFFECTIVE DATE.

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

APPROVED:

\_\_\_\_\_  
Bob Whalen, Mayor

\_\_\_\_\_  
John Holt, City Clerk

The foregoing Ordinance was introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2018 and was adopted at a regular meeting of said Council held on \_\_\_\_\_, 2018 by the following vote, to wit:

AYES:

NOES:

ABSENT:

DATED \_\_\_\_\_, 2018

\_\_\_\_\_  
CITY CLERK



EXHIBIT B



DEVELOPMENT GROUP  
2025 N. Gateway, Suite 101 • Fresno, CA 93727  
Phone (559) 288-3925 • [will@summafresno.com](mailto:will@summafresno.com)

---

October 18, 2018

Andy Haussler  
Community & Economic Development Director  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Re: Commercial Truck Parking Restrictions

Dear Andy,  
Street truck parking has been a continual hinderance to our development efforts in Clovis. Big rig trucks are parked overnight, sometimes for days at a time bringing blight to our office development. It is a constant complaint of our existing tenants and a factor that detracts from our leasing efforts to new tenants. I strongly support truck parking restrictions in the city of Clovis.  
Sincerely,

A handwritten signature in blue ink, appearing to read "WD", with a stylized flourish at the end.

William Dyck  
Summa Development Group

**From:** Ronald Samuelian <[rsamuelian@ppeng.com](mailto:rsamuelian@ppeng.com)>  
**Date:** November 5, 2018 at 8:57:01 AM PST  
**To:** "andrewh@ci.clovis.ca.us" <[andrewh@ci.clovis.ca.us](mailto:andrewh@ci.clovis.ca.us)>  
**Subject:** Ordinance Support

Andy – As a current business owner and a landowner planning to build our new corporate office for more than 100 staff in Clovis, we are in support of the proposed ordinance to limit commercial truck parking to four hours in a twenty-four hour time period.

Let me know if you need something more.

Ronnie



Ronald J. Samuelian, President  
PROVOST & PRITCHARD CONSULTING GROUP  
286 W. Cromwell Avenue  
Fresno, CA 93711  
Phone: (559) 449-2700  
Fax: (559) 449-2715  
e-mail: [rsamuelian@ppeng.com](mailto:rsamuelian@ppeng.com)  
website: <http://www.ppeng.com/>

**CONFIDENTIALITY NOTE**

*This communication and any accompanying attachment(s) are privileged and confidential. The information is intended for the use of the individual or entity so named. If you are not the intended recipient, then be aware that any disclosure, copying, distribution or use of this communication and any accompanying attachments (or the information contained in it) is prohibited. If you have received this communication in error, please immediately delete it and notify the sender at the return e-mail address or by telephone at (559) 449-2700.*





AGENDA ITEM NO: **12**

City Manager: LS

## **CITY** *of* **CLOVIS**

### REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 13, 2018

SUBJECT: Consider Approval - Appointments to the Fresno/Clovis Community Media Authority

#### **CONFLICT OF INTEREST**

None.

#### **RECOMMENDATION**

It is recommended that the Mayor, subject to approval by the City Council, consider the reappointment of Shannon Babb to the Fresno/Clovis Community Media Authority for a second two-year term and the appointment of Micheline Golden to the Fresno/Clovis Media Authority for the remainder of a two-year term which would expire in June of 2019.

#### **EXECUTIVE SUMMARY**

The Fresno/Clovis Media Authority serves as the Joint Powers Authority overseeing Digital Infrastructure and Video Competition Act funding for Public, Education, and Government television channels. Shannon Babb has indicated a desire to be reappointed to the Fresno/Clovis Community Media Authority. Due to the resignation of Jeff Hensley from the Authority, applicants were sought to complete the term. Micheline Golden applied and Mayor Whalen is recommending the appointment.

## **BACKGROUND**

The Fresno/Clovis Media Authority serves as the Joint Powers Authority overseeing Digital Infrastructure and Video Competition Act funding for public, education, and government television channels. In 2017, a vacancy opened and Shannon Babb was appointed by the Mayor. Ms. Babb's term has expired and she has expressed a desire to be reappointed.

Jeff Hensley served on the Authority since its creation in 2008. Mr. Hensley has resigned from his position pending an appointment of a new member and Micheline Golden has applied to be appointed to the Fresno/Clovis Community Media Authority. Ms. Golden would complete the term, ending in June of 2019. Ms. Golden has extensive experience working in the media and public relations industry. Mayor Whalen is recommending the appointment.

## **FISCAL IMPACT**

None.

## **REASON FOR RECOMMENDATION**

Pursuant to the Joint Powers Agreement, the Mayor, with the approval of the City Council, shall make appointments to the Fresno/Clovis Community Media Authority.

## **ACTIONS FOLLOWING APPROVAL**

Staff will inform Ms. Babb and Ms. Golden of the action taken by the City Council.

Prepared by: Andrew Haussler, Community and Economic Development Director

Submitted by: Andrew Haussler, Community and Economic Development Director 





AGENDA ITEM NO: 13

City Manager: LS

# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: November 13, 2018

SUBJECT: Consider Approval – Res. 18-\_\_, A Request to Authorize an 18-Month Program to Waive the First Year of Business Tax Certificate Fees for Retailers Locating in Existing Vacant Commercial Buildings along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue.

ATTACHMENT: Resolution

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For the City Council to authorize a one year waiver of Business Tax Certificate fees for new or expanding retailers locating in existing vacant commercial space along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue.

### EXECUTIVE SUMMARY

Staff is recommending the City Council authorize a one year waiver of Business Tax Certificate fees for new or expanding businesses locating in existing vacant commercial space along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue. The overall goal is to provide retailers with an incentive to fill the commercial vacancies along the Shaw Avenue Corridor. The maximum Business License Tax Certificate fee is \$7,650. Funding of \$50,000 is available in the 2018-19 Economic Development budget.

### BACKGROUND

Over the course of the past several years, the City has had a number of vacant commercial buildings along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue. In the retail/commercial sector, the current vacancy rate is 6.3%.



This is comparable to other areas in the metropolitan area but is expected to increase. Several major national retailers such as Orchard Supply Hardware and Kmart have announced store closures that will be impacting the corridor, increasing the vacancy rate to approximately 8% and causing challenges. It is expected that additional national closures will be announced over the next 18 months. Long-term retail vacancies are known to lead to blight and blighting conditions resulting in reduced vibrancy along the corridor and reduced General Fund revenues.

## **Proposal**

In order to encourage retailers to locate in existing vacant commercial buildings, staff proposes that the City Council authorize a one year waiver of Business Tax Certificate fees for new or expanding businesses locating in existing vacant commercial space along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue. The terms of the program are as follows:

- Available beginning January 1, 2019 through June 30, 2020.
- A total of \$50,000 will be made available for the program. Once those funds are expended, the program will be over. The program shall be on a first come, first served basis based on the date the Business Tax Certificate is applied for.
- Eligible new or expanding retailers would have to locate in vacant commercial space along the Shaw Avenue Corridor between State Highway 168 and Temperance Avenue.
- Businesses must be either new to Clovis or expanding square footage in Clovis.
- A retailer is defined as a business whose principle operation is to sell taxable goods or services as defined by State of California law.

## **FISCAL IMPACT**

A total of \$50,000 has been made available for the program in the 2018-2019 budget. Once the funds have been expended, the program will end. The foregone Business Tax Certificate Revenues would be made up in the first year of operation of a typical retailer. The retailer after their first year of operation would be required to pay their full Business Tax Certificate fees. The increased revenues from the new and/or expanded retailers is critical to the City's ability to provide services to the residents of Clovis.

## **REASON FOR RECOMMENDATION**

Staff is recommending a one year waiver of Business Tax Certificate fees in an effort to incentivize retailers to locate in existing vacant commercial buildings. This incentive will help to fill vacancies along the Shaw Avenue Corridor. This will reduce blight, provide retailers for the residents of Clovis, improve the vibrancy of Shaw Avenue and produce needed tax revenue.



**ACTIONS FOLLOWING APPROVAL**

Staff will implement Council direction.

Recommended by: Andrew Haussler, Community and Economic Development Director ~~AA~~

**RESOLUTION 18-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
AUTHORIZING A BUSINESS TAX CERTIFICATE FEE WAIVER PROGRAM  
FOR RETAILERS LOCATING IN EXISTING VACANT COMMERCIAL SPACE  
ALONG THE SHAW AVENUE CORRIDOR FROM STATE HIGHWAY 168 TO  
TEMPERANCE AVENUE**

**WHEREAS**, national and local retailers are experiencing major shifts in consumer demand; and

**WHEREAS**, the City is expecting several large retail spaces to become available due to national closures of retailers; and

**WHEREAS**, the City is expecting a higher than healthy vacancy rate in large commercial and retail buildings along the Shaw Avenue Corridor from State Highway 168 to Temperance Avenue; and

**WHEREAS**, the City's fiscal health is dependent on vibrant retailers locating in the City; and

**WHEREAS**, retailers provide critical goods to the City's residents; and

**WHEREAS**, vacant commercial buildings can create blight in the community.

**NOW, THEREFORE, BE IT RESOLVED**, that in order to stimulate occupancy of existing commercial buildings, the City Council of the City of Clovis hereby approves the Building Permit Fee Rebate Program as set forth in Exhibit "A" attached hereto.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: November 13, 2018

---

Mayor

---

City Clerk



**EXHIBIT "A"**

**TEMPORARY BUSINESS TAX CERTIFICATE WAIVER PROGRAM FOR RETAILERS  
MOVING INTO VACANT COMMERCIAL SPACE ALONG THE SHAW AVENUE  
CORRIDOR FROM STATE HIGHWAY 168 TO TEMPERANCE AVENUE**

The City's Business Tax Certificate fee shall be waived for the first year of business to retailers who locate in an existing vacant space zoned for commercial use along the Shaw Avenue corridor from State Highway 168 to Temperance Avenue subject to the following criteria:

- Available beginning January 1, 2019 through June 30, 2020.
- A total of \$50,000 will be made available for the program. Once those funds are expended, the program will be over. The program shall be on a first come, first served basis based on the date the Business Tax Certificate is applied for.
- Eligible new or expanding retailers would have to locate in vacant commercial space along the Shaw Avenue Corridor between State Highway 168 and Temperance Avenues.
- Businesses must be either new to Clovis or expanding square footage in Clovis.
- A retailer is defined as a business whose principle operation is to sell taxable goods or services as defined by State of California law.



AGENDA ITEM NO: **14**

City Manager: LS

# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
FROM: Administration  
DATE: November 13, 2018  
SUBJECT: Consider Approval – Change of Council Meeting Schedule

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to approve the cancellation of the regular Council meeting scheduled for Monday, November 19, 2018.

### EXECUTIVE SUMMARY

There is a need to change the schedule of meetings for the City. Staff is recommending that City Council cancel the meeting of November 19, 2018.

### BACKGROUND

Staff is able to consolidate the agenda items to the first and second meetings in November 2018. Staff is recommending that City Council consider canceling the meeting of November 19, 2018. 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.

### FISCAL IMPACT

None.



## **REASON FOR RECOMMENDATION**

Pursuant to the Clovis Municipal Code, the City Council meets in regular session on the first, second, and third Monday of each month, except when those Mondays occur on a recognized City holiday. The City Council needs to confirm any change to the schedule of meetings in order to properly notice the public of the City Council's schedule of meetings.

## **ACTIONS FOLLOWING APPROVAL**

A revised schedule of meetings will be published in conformance with law.

Prepared by: Jacquie Pronovost, Exec. Asst.

Submitted by: Luke Serpa, City Manager 