



AGENDA

CLOVIS CITY COUNCIL

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559-324-2060)
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.

September 6, 2016

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.

Meeting called to order by Mayor Magsig
Flag salute led by Councilmember Ashbeck

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- A. Presentation by Police Chief Matt Basgall recognizing the heroic actions of Corporal Curtis Shurtliff while saving the life of a five-year old boy that nearly drowned in Dinkey Creek.
- B. Presentation of Certificates of Recognition to Students attending American Legion's Boys State, Girls State and Environmental Youth Camp.

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. 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 Consent Calendar items are considered routine in nature and voted upon as one item unless a request is made to give individual consideration to a specific item. (See Attached Consent Agenda.)

1. PUBLIC HEARINGS

- A. Consider Actions related to Annexation of Territory (Annexation #46 - PM2016-01, T6143, T6137, T6068, T6102, T6134, T5720A, T6128, various locations) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). (Staff: J. Schengel)
 - 1. Consider Approval - Res. 16-____, A Resolution annexing territory (Annexation #46 - PM2016-01, T6143, T6137, T6068, T6102, T6134, T5720A, T6128, various locations) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #46) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
 - 2. Consider Approval - Res. 16-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
- B. Consider Introduction – Ord. 16-____, Amending Subdivision 15, of Section 10.3 of Title 10 the Clovis Municipal Code Pertaining to Prohibited Acts in City Parks to Prohibit the Use of Electronic Smoking Devices. (Staff: B. Hershberger)

2. ADMINISTRATIVE ITEMS

- A. **ADMINISTRATION** (City Manager, City Clerk, Finance)
 - 1. Adopt – Ord. 16-17, Amending Clovis Municipal Code Section 2.2.217 of Chapter 2.2 of Title 2 of the Clovis Municipal Code Relating to Prohibited Political Activities of Employees in the Competitive Service of the City of Clovis. (Vote 4-0-1 with Councilmember Armstrong absent)
- B. **PUBLIC UTILITIES**
 - 1. Consider Approval – Joint Powers Agreement for Groundwater Sustainability Agency and appointment of Director to JPA Board and Alternate Director. (Staff: L. Serpa)

3. CITY MANAGER COMMENTS

4. COUNCIL ITEMS

- A. Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference October 5-7, 2016. (Staff: R. Woolley)
- B. Council Comments

ADJOURNMENT

Meetings and Key Issues			
Sep. 12, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Sep. 19, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 3, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 10, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 17, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 7, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 14, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 21, 2016 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber

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.

A. CITY CLERK

- 1) Approval - Minutes for the August 1, 2016 Council meeting.
- 2) Adopt – **Ord. 16-16**, Amending Clovis Municipal Code Section 2.1.32 establishing salaries of City Councilmembers and increasing the present salary to become effective after the March 2017 municipal election. (Vote: 5-0)

B. ADMINISTRATION

- 1) Approval - Granting Permission for Councilmember Armstrong's absence from City Council Meetings.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, April – June 2016.
- 2) Receive and File – Community and Economic Development Department July 2015 – June 2016 Report.
- 3) Approval – Authorize an Amendment to the Option Agreement for the Sale of Property Located in the Clovis Industrial Park on the Northeast Corner of Villa Avenue and Pelco Way to Diversified Development Group.

D. FINANCE

- 1) Receive and File - Investment Report for the month of June 2016.
- 2) Receive and File - Treasurer's Report for the month of June 2016.

E. GENERAL SERVICES

- 1) Approval - Authorization of an Agreement between the City of Clovis and Fresno Area Express for Fixed Route Transit Services during FY16-17.
- 2) Approval - Amending a previously approved contract between the City of Clovis and Office Depot for Office Supplies.
- 3) Approval – Res. 16-____, Authorizing an Application for Youth Soccer and Recreation Development Program Grant Funds.
- 4) Approval – Res. 16-____, Authorizing Amendments to the City Engineer Classification; and, Approval - Res. 16-____, Amending the City's Position Allocation Plan for FY16-17 in the Planning and Development Services Department by Deleting one (1) Assistant Director of Planning and Development Services Position and Adding one (1) City Engineer Position.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) Approval – A request for the City Council to Authorize the City Manager to Amend Cooperative Project Agreement K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues, with the Fresno County Transportation Authority for Regional Measure C Funds programmed in fiscal year 2016/17.
- 2) Approval - Final Acceptance for CIP 14-20, Rialto Ranchos Subdivision.
- 3) Approval – Res. 16-____, Final Map Tract 6040, located on the northeast intersection of DeWolf Avenue and Barstow Avenue. (Wathen Castanos Homes).

- 4) Approval – Res. 16-____, Annexation of Proposed Tract 6040, located at the northeast intersection of DeWolf Avenue and Barstow Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (Wathen Castanos Homes).

G. PUBLIC SAFETY

- 1) Approval - Res. 16-____, Amending the Police Department's Budget for FY 2016-2017 to reflect the award of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$16,434.00.

H. PUBLIC UTILITIES

- 1) No items.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

City of Clovis



Certificate of Recognition Honoring

Hannah Ravizza

*American Legion
Girls State Award*

September 6, 2016



Mayor

CLOVIS CITY COUNCIL MEETING

August 1, 2016

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Armstrong, Ashbeck, Flores, Whalen,
Mayor Magsig
Absent: None

Councilmember Armstrong participated via teleconference from his home.

6:01 - PRESENTATION OF VIDEO HIGHLIGHTING THE CLOVIS SENIOR CENTER

General Services Manager Shonna Halterman presented a video highlighting the Clovis Senior Center.

6:07 - PUBLIC COMMENTS

Chip Wiflin, resident, commented on being impacted by a neighbor who is using a drone to harass him and his family and requested the city do something about it. City Attorney and Police Chief responded with options and indicated they would return to council in September with some options to deal with drones in residential neighborhoods. Mike Cunningham, resident, commented on some options for the city to consider.

6:22 - CONSENT CALENDAR

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

- A1) Approved - Minutes for the July 18, 2016 Council meeting.
- A2) Approved – Waive Normal Purchasing Process and approve the purchase of replacement desktop computers and servers using competitively bid contracts with purchasing provisions for California State and Local government agencies.
- A3) Approved – Waive the normal purchasing process and approve the purchase of a server and the SAN from Dell Inc. using Western States Contracting Alliance (WSCA), a competitively bid contract with purchasing provisions for California State and Local government agencies.
- D1) Approved - **Res. 16-105**, A Resolution of Intention (ROI) to Annex Territory (Annexation #46) (T6143, T6137, T6068, T6102, T6134, T5720A, T6101, T6128, T6145, various locations), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for September 6, 2016.
- E1) Approved – **Res. 16-106**, Certifying Employment of Retired Annuitants of the Public Employees' Retirement System during FY 2016-2017, Pursuant to California Government Code Sections 21222 and 21224, and Regulations of the Public Employees' Retirement System.

- E2) Approved - **Res. 16-107**, Amending the City's Position Allocation Plan for FY16-17 in the Public Utilities Department by deleting a vacant Construction Manager position and adding a Senior Engineering Inspector position.
- F1) Approved - Waive the City's usual purchasing procedures and authorize the City Manager to enter into a purchase agreement with Quinn Power Systems for the purchase and delivery of a diesel generator package for Fire Station 2 & Fire Station 3.
- F2) Approved - Bid Award for CIP 13-25, Shaw Avenue Street Improvements, and; Authorize the City Manager to execute the contract on behalf of the City.
- G1) Approved - Authorizing the City Manager to sign the Master Instructional Service Agreement between Fresno City College and City of Clovis Fire Department.
- G2) Approved - **Res. 16-108**, Confirming Weed and Rubbish Abatement Charges for 2016.
- H1) Received and Filed - Public Utilities Report for the month of May 2016.

6:23 **ITEM 1A - APPROVED INTRODUCTION - ORD. 16-16, AMENDING CLOVIS MUNICIPAL CODE SECTION 2.1.32 ESTABLISHING SALARIES OF CITY COUNCILMEMBERS AND INCREASING THE PRESENT SALARY TO BECOME EFFECTIVE AFTER THE MARCH 2017 MUNICIPAL ELECTION**

Assistant City Manager John Holt presented a report on a request to amend the Clovis Municipal Code Section 2.1.32 establishing salaries of city councilmembers and increasing the present salary to become effective after the March 2017 municipal election. City Council salaries were last adjusted in 2014 and should be reviewed periodically to provide reasonable compensation for City Council duties as provided by law. Staff is recommending the City Council approve an increase in present salary from \$1,289 to \$1,418 per month as allowed by state law. There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Mayor Magsig, for the Council to approve a salary increase in the amount of 3% per year for two years, totaling 6%, raising their salary from \$1,289 to \$1,366 effective after the March 2017 general municipal election. Motion carried by unanimous vote.

6:28 **ITEM 1B - APPROVED INTRODUCTION - ORD. 16-17, AMENDING CLOVIS MUNICIPAL CODE SECTION 2.2.217 OF CHAPTER 2.2 OF TITLE 2 OF THE CLOVIS MUNICIPAL CODE RELATING TO PROHIBITED POLITICAL ACTIVITIES OF EMPLOYEES IN THE COMPETITIVE SERVICE OF THE CITY OF CLOVIS**

Assistant City Manager John Holt presented a report on a request to amend the Clovis Municipal Code Section 2.2.217 of Chapter 2.2 of Title 2 of the Clovis Municipal Code Relating to Prohibited Political Activities of Employees in the Competitive Service of the City of Clovis. Staff is recommending changes to the municipal code that outlines when an employee or appointed board members are required to take a leave of office or resign when they choose to run for city council. As currently written, an employee or appointed board members is required to take a leave of absence or resign when they become a candidate for city council. A registered voter of the City of Clovis becomes a candidate when they submit the appropriate nomination paperwork prior to the election. This would normally be in mid-December prior to a March election. As written today, there is the potential to have an employee, personnel or planning commissioner campaigning and collecting campaign donations while serving in their capacity for the city. This situation could lead to a potential conflict of interest. Staff is recommending amending the

ordinance to require the leave of absence or resignation of the individual on or before submitting a Candidate Intention Statement (Form 501) with the Fair Political Practices Commission, or the filing of nomination papers, whichever is earlier. There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the introduction – **Ord. 16-17**, Amending Clovis Municipal Code Section 2.2.217 of Chapter 2.2 of Title 2 of the Clovis Municipal Code Relating to Prohibited Political Activities of Employees in the Competitive Service of the City of Clovis. Motion carried by 4-0-1 with Councilmember Armstrong absent.

6:42 ITEM 1C - APPROVED – 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 ENERGY STORAGE SYSTEM AND PHOTOVOLTAIC SOLAR SYSTEMS AT VARIOUS CITY FACILITIES; AND APPROVAL – RES. 16-109, AMENDING THE WATER AND SEWER CAPITAL 2016-17 BUDGETS AND AUTHORIZING THE FUND TRANSFER FROM THE WATER AND SEWER OPERATIONS ACCOUNTS

Assistant Public Utilities Director Lisa Koehn and consultant presented a report on a request to waive the city's usual purchasing procedures and award a contract to Compass Energy Solutions to implement an energy storage system and photovoltaic solar systems at various city facilities; and approve a resolution, amending the water and sewer capital 2016-17 budgets and authorizing the fund transfer from the water and sewer operations accounts. On December 7, 2015, the City Council approved Compass Energy Solutions (CES) to be retained as an Energy Services Company (ESCO) for the purposes of conducting a feasibility study of utilizing photovoltaic solar technology at the SWTP, ST/WRF and the Clovis Landfill, with the latter facility currently involved in and nearing completion of its feasibility study. The study of the SWTP and the ST/WRF was in-depth and looked at a number of strategies based upon their findings. CES's findings concluded both facilities in aggregate consumed \$1,364,763 or 9,898,949 kWh in electricity during 2015.

CES invited a number of solar and energy storage contractors to participate in the design process and provide what they felt was their best design for each facility based upon optimal efficiency, space parameters and best value. CES's analysis concluded that solar photovoltaic combined with energy storage technology would provide a cost effective strategy to reduce peak kWh consumption and peak demand charges (the additional energy cost incurred during 12 pm and 6 pm) at the SWTP. A solar photovoltaic ground mount system is proposed for the ST/WRF.

Available space for solar panel placement is limited at each of the facilities. CES determined the best method to capitalize on the available space was to utilize a high-output/high-efficiency rated panel to maximize the systems' overall output. In aggregate for both facilities, CES designed a 584kW (DC) solar photovoltaic system in tandem with a 250kW energy storage system that will reduce operating costs by \$10 mil over the 25-year lifespan of the systems. Given the space parameters, this strategy will provide the City an affordable system that will produce the best long-term value, based upon cost and system output.

The total project cost for the turnkey implementation of the photovoltaic solar systems is \$3,755,420. Utilizing a PG&E rate escalator of 5% annually on the energy usage rate and 9% annually on the demand charges, the project would be paid for in 12 years at the Surface Water Treatment Plant and in 16 years at the Water Reuse Facility. The net projected cost savings is \$3,256,573 at the SWTP and \$2,008,917, at the Water Reuse Facility over the warranted 25-year life of the equipment. There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Armstrong, for the Council to waive the city's usual purchasing procedures and award a contract to Compass Energy Solutions to implement an energy storage system and photovoltaic solar systems at various city facilities; and approve a resolution, amending the water and sewer capital 2016-17 budgets and authorizing the fund transfer from the water and sewer operations accounts. Motion carried by unanimous vote.

7:10 ITEM 2A1 - APPROVED - A POLICY ADDRESSING UTILITY SERVICE CONNECTIONS TO EXISTING RESIDENTIAL HOMES DURING DEVELOPMENT AS ANNEXATIONS OCCUR

Management Analyst Ryan Burnett presented a report on a request to approve a policy addressing utility service connections to existing residential homes during development as annexations occur. As new development and annexations to the City occur there is existing residential development within those areas. It has come to light that a consistent policy is needed addressing when utility service connections to existing residential homes are allowed. Staff is requesting the City Council approve the proposed policy as discussed in this report. Ryan Burnett highlighted the major points of the policy. There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a policy addressing utility service connections to existing residential homes during development as annexations occur. Motion carried by unanimous vote.

7:31 ITEM 2B1 - WORKSHOP – AN UPDATE ON THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT IN THE FRESNO AREA / NORTH KINGS GROUNDWATER SUB-BASIN

Public Utilities Director Luke Serpa presented a workshop on the Sustainable Groundwater Management Act in the Fresno Area / North Kings groundwater sub-basin. The Sustainable Groundwater Management Act of 2014 (SGMA) requires public agencies that have water supply, water management, and/or land use responsibilities within a groundwater basin to manage and regulate the underlying groundwater in a sustainable manner. The City entered into a Memorandum of Understanding (MOU) between various agencies with these responsibilities in the Fresno Area / North Kings Groundwater Sub-Basin, to provide the framework for cooperative efforts to form a Groundwater Sustainability Agency and implement the measures necessary to comply with the SGMA. Since that time the agencies have been working together to develop an agreement for a joint powers authority which will allow the area to submit to the State that this Authority will be responsible for managing the groundwater within the covered area.

*****PRELIMINARY - SUBJECT TO APPROVAL***CC-A-1**

There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. It was the consensus of City Council to receive and file the report.

7:44 ITEM 3 - CITY MANAGER COMMENTS

City Manager Rob Woolley reminded City Council that this would be the only meeting in August and Council will reconvene on September 6, 2017.

7:45 ITEM 4A - APPROVED - APPOINTMENT TO PERSONNEL COMMISSION.

Mayor Magsig presented a report recommending the appointment of Darren Rose to the Personnel Commission. Following the recent resignation of Tom Miyake from the Clovis Personnel Commission, Mayor Magsig and the General Services Director Robert Ford conducted interviews with citizens who made application and expressed interest in serving on the Personnel Commission. Mayor Magsig recommends the appointment of Darren Rose to the Personnel Commission. The proposed term of office will end in May 2018, when the former Commissioner's term would end. Darren Rose commented on his nomination and thanked Council for their consideration. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to appoint Darren Rose to the Personnel Commission for a term of office to end in May 2018. Motion carried 4-0-0-1 with Councilmember Ashbeck abstaining.

7:49 ITEM 4B - APPROVED – A REQUEST FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT FOR A LETTER OF SUPPORT REGARDING UTILIZATION OF GREENHOUSE GAS REDUCTION FUND REVENUE TO HELP MAINTAIN A VIABLE BIOMASS INDUSTRY IN THE STATE OF CALIFORNIA.

Mayor Magsig presented a report recommending the Council approve a request from the San Joaquin Valley Air Pollution Control District for a letter of support regarding utilization of Greenhouse Gas Reduction Fund revenue to help maintain a viable biomass industry in the State of California. Mayor Magsig summarized why he thought this letter of support was warranted. There being no public comment, Mayor Magsig closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve a request from the San Joaquin Valley Air Pollution Control District for a letter of support regarding utilization of Greenhouse Gas Reduction Fund revenue to help maintain a viable biomass industry in the State of California. Motion carried by unanimous vote.

8:00 ITEM 4C - COUNCIL COMMENTS

Councilmember Ashbeck commented on a recent article in the Fresno Bee regarding Code Enforcement and city's accessibility.

Councilmember Whalen reported out on a recent Council of Governments meeting and a proposed additional ½ cent sales tax for road maintenance and he raised concerns with the proposal.

8:10 ITEM 5. CLOSED SESSION

Closed Session will be held at 1033 Fifth Street, Clovis, CA, 93612

Administration Building, Yosemite Conference Room

A. Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION

City of Clovis v. Shell Oil Company, et al (TCP)

B. Government Code Section 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

ADJOURNMENT

Mayor Magsig adjourned the meeting of the Council to September 6, 2016

Meeting adjourned: 9:10 p.m.

Mayor

City Clerk



AGENDA ITEM NO: **CC-A-2**

CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 6, 2016

SUBJECT: Adopt – Ord. 16-16, Amending Clovis Municipal Code Section 2.1.32 establishing salaries of City Councilmembers and increasing the present salary to become effective after the March 2017 municipal election. (Vote: 5-0)

Please direct questions to the City Manager's office at 559-324-2060.



AGENDA ITEM NO: **CC-B-1**

City Manager:

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 6, 2016

SUBJECT: Approval - Granting Permission for Councilmember Armstrong's absence from City Council Meetings

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council authorize leave of absence for Councilmember Armstrong for the City Council meetings for a period up to 120 days pursuant to Section 36513 of the California Government Code.

EXECUTIVE SUMMARY

Councilmember Armstrong last attended the city council meeting of August 1, 2016. He is requesting a 120-day leave of absence.

Councilmember Armstrong desires to return as soon as his health will allow him and the 120-day leave of absence would allow him appropriate time for recovery.

BACKGROUND

California Government Code 36513 states that a councilmember cannot be absent without permission from all regular city council meetings for a period of 60 days. Due to Councilmember Armstrong's health condition, he may not be able to attend meetings in the near term.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

It would be appropriate to grant Councilmember Armstrong an authorized leave of absence for 120 days from City Council meeting dates, thus eliminating any concern over the Code section that deals with unauthorized absences.

ACTIONS FOLLOWING APPROVAL

Action by the City Council will be included in the Council minutes and notification will be provided to Councilmember Armstrong.

Submitted by: John Holt, Asst. City Manager 



- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 6, 2016

SUBJECT: Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, April – June 2016

ATTACHMENT: EDC Fourth Quarter Report, April – June 2016

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City of Clovis receive and file the Quarterly Report, April - June 2016 (fourth quarter 2015-16 contract), from the Economic Development Corporation Serving Fresno County.

EXECUTIVE SUMMARY

The Economic Development Corporation serving Fresno County (EDC) has submitted their third quarter report of activities for the City Council to receive and file, as required per the 2015-16 Agreement with the City.

BACKGROUND

According to the Agreement for Fiscal Year 2015-16 between EDC and the City of Clovis, EDC is to submit a report to the City Manager 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.

Highlights of the EDC quarterly reports include:

- 6 qualified business attraction leads were received.
- EDC assisted hosting Broker meetings with City Staff.
- Provided an updated industrial inventory.
- The EDC staff has contact with 39 Clovis businesses and provided 23 referrals for business services including Energy Watch and the New Employment Opportunity program.
- The EDC attended three trade shows.
- The EDC provided listings of available properties in Clovis.

FISCAL IMPACT


The City will forward the third quarter installment payment to EDC upon approval of receive and file. The funds were budgeted in the 2016-17 fiscal year budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2015-16 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

Fresno County Economic Development Corporation

Economic Development Report

City of Clovis



FISCAL YEAR 2015-2016

QUARTER 4

APRIL 1, 2016 – JUNE 30, 2016

Esther Cuevas, Vice President Business Development

Jose Mora, Client Services Manager

Andrea Reyes, Contracts Manager

Katrina Ballard, Economic Development Coordinator

Mark Mimms, Economic Development Coordinator

Katrina Ballard, Economic Development Coordinator

Shawna Glazener, Economic Development Specialist

Seth Ramirez, Economic Development Specialist

Lavell Tyler, Economic Development Specialist

Sergio Hernandez, Economic Development Analyst

Margo Lerwill, Economic Development Analyst

Heidi Ecker, Retention Specialist

Margaret Ingham, Retention Specialist

Fresno County Economic Development Corporation

City of Clovis

Fourth Quarter Activity

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

Fresno EDC's Mission

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

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 strive to not only facilitate site selection for new businesses within Fresno County, and we 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 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;
8. Provide administrative staffing at all Executive Committee, Board, and related events.

Business Expansion and Attraction Leads

Q4 Activity



The EDC has agreed to provide a minimum of 40 new business leads. The EDC has provided **6 business leads** in Quarter 4 activity for a total of 45 business leads for the fiscal year. See below for listing:

Client Number	Industry	Site Requirements	Jobs	Source	Cities Participated
160406A1	Construction	2,000 SF	TBD	Direct	Clovis, Fresno
160524A1	Call Center	-	-	Direct	Clovis, Fresno
CCVEDC 1613	Food Manufacturing	10,000 SF	20	CCVEDC	Clovis, Fresno
CCVEDC 1615	Wholesale Trade	50,000 SF	50	CCVEDC	Clovis, Fresno
CCVEDC 1618	Food Manufacturing	-	5	CCVEDC	Clovis, Fresno
CCVEDC 1619	Food Manufacturing	15,000 SF	20	CCVEDC	All

Marketing

The EDC promoted the city of Clovis at all the following events:

Broker Events:

SIOR Northern California Wine Dinner Event: 4/28

- 80 contacts

CCVEDC Northern California SIOR Annual Golf Tourney, Cache Creek: 6/10;

- 120 contacts

Trade Shows:

Hannover Messe, Germany: 4/25 – 4/29

World's leading trade shows for industrial technology. The trade show consists of five smaller trade shows in the following key technologies and core areas of industry – research & development, industrial automation, IT, industrial supply, production technologies and services to energy and mobility technologies. As the U.S. was this year's partner country for Hannover Messe, the EDC attended as part of the featured U.S. delegation.

ICSC RECon, Las Vegas: 5/23 – 5/25

With over 1 million square feet of event space, 36,000 attendees, and 1,000 exhibitors, ICSC RECon is the world's leading convention for the retail and shopping center industries and provides networking, deal making, and educational opportunities. The EDC attended RECon with the Cities of Clovis, Orange Cove, Parlier, and Sanger. In the months leading up to RECon, staff assisted Clovis in scheduling appointments at the convention with targeted retailers and brokers.



Lee Ann at Hannover Messe

Select USA Summit, Washington DC: 6/19 – 6/21

With more than 2,000 participants, the Select USA Summit is the highest-profile event promoting foreign direct investment (FDI) in the United States. It provides a unique opportunity to bring together companies, economic development organizations, and other stakeholders from all over the world to facilitate investment in the United States. This event is also attended by high-level government officials, including the President of the United States, who gave this year's keynote address.

Clovis Business Retention and Expansion Outreach

The EDC team conducts outreach throughout communities, marketing BEAR Action Network services by:

- Providing an operational analysis to evaluate the health of the business. This tool provides us with a deeper understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to employee recruitment services available through the Fresno County Department of Social Services (DSS) and to corresponding labor subsidies potentially available for hiring from within the DSS labor pool;
- Promoting Fresno Energy Watch services/information;
- Providing education on Federal/State/Local Tax Incentives;
- Providing referrals and information on financing assistance.

Per agreement the EDC has agreed to provide a minimum of 600 Clovis business contacts and a minimum of 100 business referrals. The EDC has provided 39 business contacts and 23 referrals in Quarter 4 activity. See below for listing:

Areas of interest generated as a result of direct outreach, workshops, 1x1 meetings, and marketing efforts. Top categories are indicated on chart titled Business Referrals by Service Type.

	FY Total	Deliverable
Businesses Contacted	844	600
Referrals	115	100

Highlights

City of Clovis Brokers Luncheon – May 12th

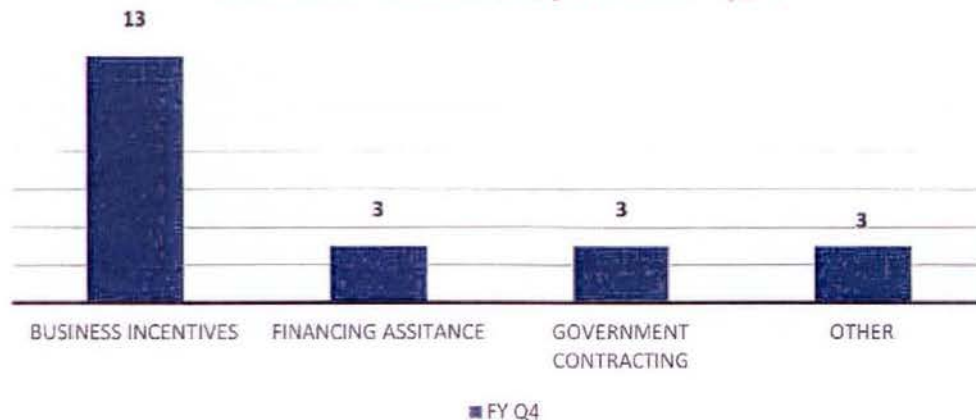
The EDC utilized its close relationship with the region's commercial and industrial real estate community to help coordinate a broker's luncheon with the City's Economic Development department. Seventeen (17) of the region's top commercial and industrial developers and brokers packed the Clovis Police Department room to learn from Andy Haussler about current projects happening in Clovis. Mr. Haussler also took the opportunity to ask for feedback on areas the City could improve on to further encourage development and attract industrial and commercial businesses with high quality jobs. As broker's and developers play a major role in the business attraction process, fostering a working relationship and keeping them updated on important City of Clovis news and developments is vital to job creation within City.

Continued Collaboration with California Health Sciences University

The EDC has continued to work with Tom McLaughlin, Director of Planning for the California Health Sciences University as it prepares for Phase 1 of its permanent campus at the Clovis Research and Technology Park. To date, the EDC has helped by offering the following support services:

- Connecting CHSU with PG&E to align them with the Savings By Design program and other available energy incentives.
- Coordinated a meeting with Board of Equalization regarding Research & Development Sales/Use Tax Exemption program. CHSU has the opportunity to save millions of dollars on the construction of the school's research facility.
- EDC Economic Development Analyst Sergio Hernandez presented an occupational overview of the Health Care cluster in Fresno County to CHSU executives, highlighting the leading growth occupations within the industry. The information will assist CHSU in identifying the next college to open after the College of Pharmacy transitions to the permanent campus.
- The EDC also connected CHSU finance staff with information regarding the California Competes Tax Credits program, a lucrative state tax credit program available to businesses looking to grow in California.

Business Referrals by Service Type



Businesses Contacted

559 LOCAL
 Action Equipment Rentals
 Advanced Energy Services, Inc.
 APPL Labs
 Applebees
 ATAS Bonar Insurance Services
 Blackstone Hospitality Group Inc.
 Butler Web and Design
 CALBEC Group
 California Health Sciences University
 CenCal Solar
 Central Payment
 Central Valley Window Cleaning
 Civil Substations Inc.
 Clovis Community Health Center (Valley Health Team)

Comfort Suites Hotel
 Connor Agriscience
 CVCC Business Solutions
 Dickey's Barbecue Pit
 Digital Attic Inc.
 DoubleFish Marketing
 Eckhaus Fleet
 Eleventh Hour
 Gilbert K. Moran, M.D. F.A.C.O.G. INC.
 Hi Tech Home
 House of Pendragon
 Innomine Group
 ISU|MVP Insurance Agency
 IronWood Outfit
 iSOS Inc.
 J I.T. Outsource
 Jackson Young Drywall
 KG Communications
 Kings Royal Transport LLC
 Livewell Behavioral Health Counseling Center
 Mark Cunningham – Farmer's Insurance
 Mark's Chevron
 Mid State Automotive Equipment
 Niacc-Avitech Technologies, Inc.
 Old Hotel Bistro
 Panam Painting
 Revcom Advertising & Design
 Sequoia Companion Care
 Sequoia Home Health
 Snowflake Designs
 Solutions By Design
 Tandy Leather
 UPS Store #4042
 Willbanks Environmental

High-Speed Rail

Throughout the lifetime of the California High-Speed Rail (HSR) project, the HSR Support team has kept a list of relocation-ready property and land located throughout Fresno County. The HSR Support team works with members of the BEAR team to identify areas throughout the county that are available for relocation. This month we collaborated with the BEAR team on the following projects:

- We are working with 47 business who are potential referrals. We are combining our efforts in order to provide service beyond the scope of the HSR Business Support Department.

- This quarter, 25 clients were contacted regarding additional services, subsequently aligning three interested businesses with a BEAR representative to learn about additional resources and incentives. This outreach will continue as we identify businesses ready for additional services.
- To date, we have successfully referred 15 clients to the BEAR team for further assistance provided by EDC.

Partnership with Department of Social Services

The EDC has been contracted to assist the Department of Social Services in marketing the New Employment Opportunity (NEO) program and with the identification of employers to hire their public assistance recipients.

New Employment Opportunities (NEO)	Q4 2016
NEO Participating Businesses	30
Unsubsidized NEO Participating	18
Position Posted	187
Positions filled by Businesses	93

*Contract Start Date October 1, 2015

Customized Training

West Hills College, Coalinga: Class A Truck Driving Class implemented in partnership between the Fresno County EDC, the DSS, West Hills College, and Lawson Rock and Oil to facilitate the training of commercial drivers.

Licensed Class A Drivers	50
Entered Employment	35

BitWise Industries, Fresno: Training the Next Generation of Technologists, through the GeekWise Academy program. Classes focused on Computer/Website Coding training and the future partnership with Fresno County EDC and the DSS. The EDC gathered valuable data from the 1st cohort, and the partners made adjustments for the 2nd cohort to meet the business need for entry-level coders. The class was extended from a 4 hour/day to an 8 hour/day of instruction.

1st Cohort: 7 Graduates
 2nd Cohort: 10 Graduates
 3rd Cohort: Instruction began February 1st

Comprehensive Economic Development Strategy (CEDS)



The CEDS update was adopted by the County of Fresno on October 13, 2015. The EDC has been authorized to submit the CEDS to the EDA. For the 2016 CEDS update, the EDC has:

- Coordinated plan update consultations with Cities (Fowler, Kingsburg, Kerman, Coalinga, Firebaugh, Mendota) and with partners at the Fresno EOC and the Fresno Clovis Convention and Visitors Bureau
- Coordinated Strategy Meeting.
- Coordinated meeting between consultants and Cities of Kerman, Mendota, Firebaugh, Huron, and Coalinga.
- Continued efforts to coordinate consultant meeting with County of Fresno
- Coordination of plan update consultation with stakeholders: City of San Joaquin, City of Mendota, Fresno County Farm Bureau, County of Fresno, CSUF Office of Community & Economic Development.
- Refinement of various stakeholder and strategy groups and compilation of contact information for consultants.

Fresno Energy Watch

The EDC has been contracted by Pacific Gas & Electric to market Fresno Energy Watch. This program offers no-cost energy assessments and financing assistance to businesses within its service territory. The program is intended to provide businesses with tools to lower their electricity bills and improve their bottom line. This quarter the EDC has:

- Researched on solar purchasing collaborative plans available to local municipalities via a third-party provider/developer.
- Researched on Climate Corp internship program for local municipalities and provision of a letter of support to strategic energy resources (SER) partner to seek grant funding to assist Cities with the cost of student placement.
- Municipal outreach to Cities regarding Hard to Reach incentive and/or increase in cap to On Bill Financing (OBF) for Cities.
- Collaboration with PG&E and statewide Energy Watch admin staff in the PG&E Local Government Partner Planning Meeting in Riverside on June 14 to assess the impact of CPUC changes to the program.
- Coordinated with PG&E on development of Trade Pro workshops to connect local HVAC and lighting solutions companies to the program to facilitate incentive access for their customers.
- Outreach to all local municipalities on changes to project cost limits qualifying a city to make use of on bill financing (OBF) and the development of the PG&E Climate Change Resilience Planning Grant.

EDC and City Activities

2016 Clean Energy Summit

- The EDC attended the Clean Energy Summit held at Fresno Pacific's Visalia Center campus. The Summit showcased a variety of San Joaquin Valley businesses and their work in the clean energy industry with keynote speakers from The Wonderful Company, Biodico, CART, and Organic Pastures.

Fresno Chamber Youth Job Fair

- 4/9 – EDC Staff assisted with the set-up for The Fresno Chamber Youth Job Fair held at the

Manchester Center on Saturday, April 9th. Organized by the Chamber's Business & Education Committee, the job fair filled the 50 available booth spaces with local businesses and organizations looking to hire high school youths in need of part-time employment. Despite rainy weather, the event was very well-attended by local youths with their resumes and dressed to impress.

Diversity in Contracting Workshop for Small Businesses

- 5/12 – Staff manned a booth at the Diversity in Contracting Workshop organized by the Fresno Minority Business Development Agency at the Holiday Inn near Fresno-Yosemite International. The workshop is aimed at assisting small, minority, women, disadvantaged, and disabled veteran-owned companies with procurement opportunities, technical assistance, certifications, and resources to foster business growth.

Water Technology Conference

- 5/12 – The one-day conference was a BlueTech Valley event presented by the Fresno State International Center for Water Technology that brought together researchers, industry experts, and water experts from the San Joaquin Valley to discuss water challenges and future implications. The event included 32 speakers in panels, technical sessions and exhibits, and networking opportunities. The EDC had a booth at the conference and was able to network with businesses in the water technology cluster, a target growth cluster identified by the EDC.

Central Valley California – Mexico Trade & Investment Summit

- 6/22 – The Governor's Office of Business and Economic Development (GO-Biz) and ProMéxico, together with partner organizations, hosted this summit to discuss California-Mexico cross border relations as part of **Governor Brown's 2014 Trade and Investment Agreement** with the Mexican Government. The summit highlighted the Central Valley's distinct assets which offer trade and investment opportunities for businesses in both California and Mexico. Two local companies, Van-G Logistics and P*DE*Q, participated as panelists to talk about their trade experiences with Mexico.

New Market Tax Credit Workshop

- 6/23 – JP Morgan Chase, in partnership with Central Valley NMTC Fund, put on a workshop at First Five's Lighthouse for Children to educate local organizations and businesses about the benefits of New Market Tax Credits (NMTC). NMTC is unique tax credit program that helps help developers and business owners gain access to a low-cost source of capital to solve a portion of their capital needs, while creating significant community and economic impact in distressed areas. For participating businesses, the NMTC program's major benefits comes after year seven of program, where the remaining capital borrowed through the NMTC is forgiven. While, the Lighthouse for Children was partially built with NMTC funding, the program serves as a rather important incentive for projects looking to locate in underserved communities.


Other Activities

- Clovis Mayor's Breakfast
- Attended Clovis City Council meetings
- Staff participated in the Veteran's Employment Committee meeting
- DSS Work experience transition into ESE meeting

Overview of Work Product	Deliverables	FY 2015 – 2016 Target Outcomes	Status as of Q4 2015-2016
<p>Economic Development Corporation Serving Fresno County</p> <p>Contract-60,000</p> <p>Staff:</p> <p>CEO-Lee Ann Eager</p> <p>Vice President of Business Development- Esther Cuevas</p> <p>Client Services Manager- Jose Mora</p> <p>Economic Development Specialist- Lavell Tyler</p>	<p>Business Contacts:</p> <p>Targeted businesses will be contacted by a variety of methods: Direct mail, phone, e-mail, etc., with the aim of arranging one-on-one meetings with the principal of the businesses that are referred to the EDC BEAR Action Network for in-person consultation and issue resolution.</p> <ul style="list-style-type: none"> • Business and Community Survey to gather information from business and to determine business attitudes toward the City. • Connect businesses to local, state, and federal incentives. <p>New Business Recruitment:</p> <p>Provide information and tours to industrial and commercial representatives not currently located in Clovis for the purpose of recruiting new businesses and industries to the City of Clovis. Assist the City of Clovis in marketing identified industrial parks or industrial areas to new clients.</p> <ul style="list-style-type: none"> • Create and update marketing materials. • Coordinate commercial and industrials broker events for the city of Clovis. 	<p>600 Clovis businesses contacted</p> <p>40 Clovis businesses surveyed</p> <p>A minimum of 100 business referrals</p> <p>A minimum of 40 new business leads will be provided</p> <p>Economic Profile Demographic Information</p> <p>2 Broker events</p>	<p>844 have been contacted, directly and through marketing campaign</p> <p>41 Clovis businesses have been visited and surveyed</p> <p>115 referrals have been provided.</p> <p>45 leads have been generated</p> <p>Economic profile updated with new contact information and City Council positions.</p> <p>Individual broker meetings were coordinated with City staff, followed by a broker luncheon on May 12.</p>



AGENDA ITEM NO: **CC-C-2**

City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development Department

DATE: September 6, 2016

SUBJECT: Receive and File – Community and Economic Development Department
July 2015 – June 2016 Report

ATTACHMENTS: Attachment 1 – Economic Indicators Summary
Attachment 2 – Economic Development Metrics

The Community and Economic Development Department had a busy half-year as the economy in Clovis saw continued growth and affordable housing programs moved forward. Staff from all City Departments worked to take advantage of the economic upswing and to make Clovis a great place to do business and live. An economic indicator snapshot is included as Attachment 1.

Economic Development Division

The full Economic Development Metrics showing the results of the Department's economic development efforts are attached as Attachment 2. These metrics are used by staff to manage and allocate resources to ensure the City is engaging in a robust economic development effort. Below are highlights during the reporting period.

Business Retention and Expansion Efforts

Staff doubled efforts to reach out and visit our local businesses. During the time period 320 unique businesses were visited, some multiple times, as new relationships were built or rebuilt. These visits were valuable as problems were addressed and local businesses gained a direct connection with the City. The City also conducted two key programs that served our existing businesses, Economic Gardening and Big Wins Day. These programs were awarded by the California Local Economic Development Association. Some examples are below:

Snowflake Design: Site Visit and Economic Gardening

Snowflake Design and the City have had a long and fruitful relationship. During the site visit Snowflake Design shared that they had been considering investing in a \$30,000 piece of equipment that would automate some of the customization they do on their

products. Staff was able to assist in getting tax credits for the investment the State of California was offering, and the equipment is now in place. During the same time Snowflake Design was selected for the City's Economic Gardening program where customized market research was provided to Snowflake Design. This information is now the key dataset that is driving their sales team to new markets that meet Snowflake Design's specific target market that had been overlooked. Snowflake Design's market is in a growth cycle and the assistance allows Snowflake Design to increase its market share. Snowflake Design is very appreciative of the City and is proud to call Clovis home.

Sierra Specialty Insurance

Sierra Specialty Insurance was selected for the City's Economic Gardening program where customized market research and growth strategies were provided. In order to act on the market research the company has hired staff to implement strategies. Sierra Specialty Insurance has expressed gratitude for the program and is looking forward to remaining engaged in the Economic Gardening Program as it grows. Sierra Specialty Insurance continues to provide services across the country and is in a growth mode.

Company "A" (Name Confidential) Site Visit

Staff was made aware a key company was being pursued by a neighboring county. The company had reached its capacity in its current location and was considering the move as ample land was available. Through numerous site visits staff worked with Company A to identify options for growth in Clovis. Staff presented many options to achieve the company's goals in Clovis and supported them with research and leg work on options they wanted to pursue. Since then the company has made investments in its current facilities to increase space efficiencies and staff reaches out consistently to keep the relationship active and has provided further assistance to address their growth needs.

Big Wins Day

The highly popular program last done five years ago is well known for its prizes offered to Clovis shoppers and additional tax revenue generated but its true value is in the 70+ site visits and partnerships created with the local retail community. Staff had the opportunity to talk to store managers across the community. A very common comment received was "thanks" from the retail managers and how unique the program was. Staff was also able to address concerns and develop relationships with the stores as each store was visited multiple times leading up to the event. Prizes were donated and a marketing campaign gave the retail stores additional exposure and subsequent increased sales. Larger sales were "closed" due to the program based on conversations staff had with retailers after the event while expressing appreciation for the retailer's cooperation.

Focusing on existing businesses needs and ensuring strong relationships will continue to be a top priority for the City's economic development efforts. Going forward staff will continue to conduct site visits and programs that support our local businesses. They are our best spokespersons to attract businesses and the most likely source of job and revenue growth.

Business Attraction Efforts

The first six months of the fiscal year is when groundwork is laid to take advantage of the numerous trade shows during February and June of 2016. Staff met with 30 industrial and commercial brokers during the time period. These relationships are critical to better understand the market and get brokers the information needed to sell Clovis. Discussions also included how to better leverage trade shows and ideas to make Clovis a destination of choice. These conversations led to fruitful trade shows with active leads being developed.

Staff has also been strategizing with existing businesses on how to support their efforts at trade shows while giving the City of Clovis leads to their customers and suppliers. This is a retention and attraction effort as it shows the businesses that the City values them and the City gets high quality leads.

Retail

At ICSC 2016, staff met with retail property managers and built relationships with them. Strategies were discussed on how to fill vacancies and how the City can assist in the effort. Staff also received many positive reports from property managers on the positive performance of their properties. Staff also targeted hotel developers at ICSC and met with six of them. Of these, three are actively looking to add hotel rooms in Clovis and one made a visit in Clovis shortly after ICSC. These developers were connected at ICSC to property owners and local developers to encourage construction of new hotels.

At the ICSC conference in 2015, staff developed a relationship with a significant retailer. The retailer reached out and was looking for opportunities for growth in the Fresno/Clovis market. Staff provided several locations, coordinated meetings, and continues to offer resources as the retailer is finalizing its options. The retailer at the beginning of the conversation was being pursued to locate outside of Clovis but has since determined that Clovis is its best option.

Professional/Industrial

Staff has been working with the California Health Sciences University on its decision to permanently locate in Clovis. The School purchased 80+/- acres in the Clovis Research and Technology Park and announced its decision to construct a school to serve 2,000 students with approximately 400 staff. The first structure is expected to begin construction in the 2017. The School also constructed a building that is scheduled to open in the fall of 2016 near its current campus in Clovis. The School took advantage of the City's recently revised educational fee methodology and will also be utilizing it for the main campus under development.

The Clovis Culinary Center was awarded funds from a variety of sources earlier in the year. Staff has developed a partnership with the Clovis Veterans Memorial District to host the Center. The Clovis Culinary Center will allow for food entrepreneurs to bring their ideas to market. Users of the facility will be supported with technical assistance

such as marketing techniques, how to access capital, and other business issues. The Center improvements will be under construction in the next year.

The Dry Creek Industrial Park, Phase II will be under construction in the summer of 2016. This project has attracted several potential users. Staff worked with a major medical user that will bring approximately 200 jobs that filed land use applications in early January of 2016. Staff continues to work with brokers and developers to market the area, and several users are considering the business park once the infrastructure is installed. This includes engineering firms, medical support businesses, and construction industry businesses.

Tourism

The City has been working with Clovis Unified to leverage the District's success in hosting major athletic events. The District has hosted the California High School State Championship Track Meet for several years. This year two additional track meets occurred, the North American Track and Field National Championship and the Mountain West Track and Field Championship. This brought a significant number of additional tourists to showcase Clovis and take advantage of local businesses while bolstering tax revenues as shown in the increase in transit occupancy tax.

Housing and Grants Division

The housing and grants program is very active and providing a critical resource for our community. A total of 78 families were served during this reporting period with home rehabilitations. The details are in Attachment 2. The City was awarded \$1,000,000 in additional funds during the period and is administering existing awarded grants to support affordable housing and community development efforts. Below are some highlights from the division including two stories of lives changed.

Mobile Home Grantee Story

Staff received a repair grant and exterior paint grant application from a very low income senior citizen living at the Bonaventure Mobile Home Park. The applicant lives alone, has no family near her, and she speaks very little English. With the help of another Clovis staff member who could translate, staff was able to help her get the exterior of her home painted, replace a shower that was leaking through to the subfloor, and repair her non-functioning cooling system. During the course of the repair work, the homeowner expressed her desire to learn English. Unfortunately, she was unable to afford the cost of the local classes, and could not afford to travel to Fresno for free classes. Staff was able to contact the local adult education school, and help her apply for financial aid. She is now in a home that is safe and decent, and is enrolled in the English classes she so dearly wanted to take. She keeps in contact with staff to give updates on her progress, and to continually express her deep gratitude to the City for helping her. She refers to staff as her *ángeles*.

Mobile Home Replacement Grantee Story

Staff received an application for the mobile home repair grant from a homeowner with a leaking roof. Upon inspection of the home, staff found the roof to be falling in on half of

the home. In addition, many other health and safety deficiencies were discovered. Due to the limited amount of funding available for each mobile home repair grant award (\$2,000), all of the necessary repairs could not be completed. With an annual income of barely over \$13,000 per year, the homeowner did not have the option of self-financing the repairs. Staff talked to the homeowner about the new mobile home replacement program being offered by the City, and the homeowner was very excited to participate in the program. The homeowner has now been pre-qualified for participation, and the City will provide a 0% interest, deferred, 20-year loan to the homeowner to purchase a replacement unit. City staff is now working with the homeowner to select a new mobile home, and it is anticipated that installation will be completed within the next two months. This homeowner is going from living in extremely hazardous conditions, to living in a brand new home.

Single-Family Rehabilitation Programs

- Staff completed 78 mobile home repair projects for seniors.

First-Time Homebuyer Programs

- Funding notification received from CA HCD announcing \$1,000,000 award.

Affordable Housing Development – Habitat for Humanity


- Infrastructure and site improvements have been completed for the 10-lot Rialto Rancho subdivision. The property will be transferred to Habitat for Humanity in September 2016. Construction will begin on the first single-family home in October 2016.


Multi-Family Projects

- Financing has been secured for the development of a 48-unit senior supportive housing project at SR 168 and Sierra Avenue. Escrow will close in September 2016, and the developer will immediately begin construction.

Grants

- \$1,000,000 of CalHome funds were awarded to Clovis for the purpose of operating a mobile home replacement program. The program is now underway.
- Staff completed and submitted the 5-year Consolidated Plan for HUD's CDBG program, as well as the FY2016-17 Annual Action Plan. Both have been reviewed and approved by HUD.
- Several grants were awarded for the Kitchen Incubator project.

Prepared by: Andy Haussler, 
Community and Economic Development Director

Submitted by: Andy Haussler, 
Community and Economic Development Director

ATTACHMENT 1

Overall Economic Indicators:

Job Market

The City continued to enjoy higher per capita income than Fresno County as a whole with \$28,497 compared to \$20,231 in Fresno County. This was an increase over 2014-15 of \$591. This results in a median household income of \$63,662. The City also maintained higher education levels with nearly 90% of the City's adult residents having a high school diploma or higher, this is nearly 6% points higher than Fresno County and the State of California.

Total payroll for the City of Clovis reached \$1.025 billion with 32,097 total employees on payroll in the City in 2014/15. The number of jobs increased by 1,204 from 2014/15. With this, the jobs-housing balance is .85 jobs per a residence. This is an increase and shows the city is gaining ground on job growth despite the City adding 752 households during the same time frame. More jobs need to be added to the community to reach the 1:1 goal for the jobs-housing balance but the trajectory is favorable.

The City has issued 7,912 business licenses, an annualized increase of 497.

The unemployment rate dropped to 7.3% from 7.7% a year ago. This relatively higher rate is due to a change in the data being used to calculate the unemployment rate by the federal government. This rate puts the City lower than Fresno County and lower than all cities in the County.

Development

Commercial construction maintained a healthy trajectory. The total permits pulled for construction or improvement of commercial and industrial space was over \$35.6 million in valuation. The square footage constructed equaled 446,617. For residential units a total of 752 permits were pulled during the time period.

Tax Revenue

Sales tax revenues are trending higher, a key indicator of the retail sector's health. The revenues have increased by 5-7%. While this is positive, the retail landscape is changing rapidly with growth in on-line shopping options. General merchandise purchases, despite the City's population growth and improved economic conditions have remained relatively flat (4% increase). The county pool allocation, in which some of the purchases our residents make from on-line retailers is up 11-14% compared to 2014-15. The majority of the revenue increase (14-17% increase) is from automotive sales. However there has been national news that car sales are flattening.

Summary

The indicators represent a City that is growing and offers opportunities to residents to improve their economic situation. While it is concerning the unemployment rate is trending upward this appears to be due to a change in methodology, with growth in other indicators it appears the

job market is improving. This data will be assessed in future reports to determine trends and the progress the City's economy has made.

ATTACHMENT 2

ED Strategy Metrics RESULTS JULY 1, 2015 – June 30, 2016

Strategy 1: Business Retention and Expansion

Action	Measurement	Results (July 2015 – June 2016)
<i>Create and maintain relationships</i>		
Business Visitations – Goal is 25 businesses per month (300 per year)	<ul style="list-style-type: none"> • Number of businesses visited • Content of contact <ul style="list-style-type: none"> ○ Number for problem solving ○ Number for site visit ○ Number for information sharing 	<div>320</div> <div>7</div> <div>144</div> <div>144</div>
<i>Provide information & education</i>		
<ul style="list-style-type: none"> • Quarterly e-newsletter 	<ul style="list-style-type: none"> • Number of businesses on mailing list • Number of opened newsletters 	<div>544</div> <div>416</div>
<ul style="list-style-type: none"> • Workshops/Trainings 	<ul style="list-style-type: none"> • Number of trainings made available 	<div>2</div>
<ul style="list-style-type: none"> • Clovis4business.com 	<ul style="list-style-type: none"> • Use metrics 	<div>19,594 Visits</div>
<i>Recognize and appreciate businesses</i>		
<ul style="list-style-type: none"> • Annual event 	<ul style="list-style-type: none"> • Event held <ul style="list-style-type: none"> ○ Number of businesses in attendance ○ Report media coverage ○ Number of businesses in attendance ○ Report media coverage ○ Number of businesses in attendance ○ Report media coverage 	<div>Economic Gardening Events (6)</div> <div>20</div> <div>2 Articles + Social Media + TV</div> <div>Big Wins Day (Retail)</div> <div>2,000</div> <div>Social Media +TV+Articles</div> <div>Broker Meetings and Round Table</div> <div>30</div> <div>None</div>

Strategies 2, 3, 4, and 5: Business Attraction (Industrial, Commercial Retail, Commercial Office)

Action	Measurement	Results (July 2015 – June 2016)																											
Market Clovis to attract new businesses – Goal is to contact 20 businesses per cluster per year (100 prospective businesses total per year)	<ul style="list-style-type: none"> Number of marketing pieces distribute per cluster/Number of Conversations Number of new businesses in Clovis 	<table> <tr> <th>Cluster</th><th>Contact</th><th>Conversation</th></tr> <tr> <td>Health</td><td>6</td><td>12</td></tr> <tr> <td>Manufacturing</td><td>1</td><td>10</td></tr> <tr> <td>Information</td><td>6</td><td>2</td></tr> <tr> <td>Tourism</td><td>5</td><td>118</td></tr> <tr> <td>Water Tech</td><td>107</td><td>21</td></tr> <tr> <td>Education</td><td>8</td><td>8</td></tr> <tr> <td>Retail</td><td>31</td><td>38</td></tr> <tr> <td>Total</td><td>164</td><td>209=373</td></tr> </table> <p>497</p>	Cluster	Contact	Conversation	Health	6	12	Manufacturing	1	10	Information	6	2	Tourism	5	118	Water Tech	107	21	Education	8	8	Retail	31	38	Total	164	209=373
Cluster	Contact	Conversation																											
Health	6	12																											
Manufacturing	1	10																											
Information	6	2																											
Tourism	5	118																											
Water Tech	107	21																											
Education	8	8																											
Retail	31	38																											
Total	164	209=373																											
Develop relationships with commercial/industrial brokers	<ul style="list-style-type: none"> Host annual broker meeting <ul style="list-style-type: none"> Number of brokers in attendance Number of conversations with brokers Staff attendance at brokerage company meetings 	<p>(meetings and roundtable conducted)</p> <p>45</p> <p>50</p> <p>19</p>																											
Maintain an adequate supply of commercial and industrial available property	<ul style="list-style-type: none"> Benchmark and measure commercial and industrial site acreage/square footage <ul style="list-style-type: none"> Available Utilized <ul style="list-style-type: none"> Business type and number of jobs Commercial building permits Valuation 	<p>Commercial SQ Ft 833,873</p> <p>Commercial Acreage 52</p> <p>Industrial SQ Ft 132,492</p> <p>Industrial Acreage 24</p> <p>Com/Ind Permit Value: \$11,346,308</p> <p>Com/Ind Permit SQ FT: 173,728</p>																											
Achieve and maintain a Jobs/Housing Balance ratio of 1:1	Calculate the Jobs Housing/Balance annually	.85 jobs per a residence																											

Strategy 2: Business Start-ups

Action	Measurement	Results (July 2015 – June 2016)
Assist in the development of new businesses	<ul style="list-style-type: none"> Website metrics Number of business licenses for new businesses 	11,267 497
Host events for entrepreneurs	<ul style="list-style-type: none"> Events held <ul style="list-style-type: none"> Number of attendees 	Hosted Water Conference (300+) Hosted Seminar on SEO marketing (15)

Strategy 6: Tourism

Action	Measurement	Results (July 2015 – June 2016)
Host events that bring people to Clovis	Track attendance for all major events	600,000
Work with hotels to increase the number of travelers who stay overnight in Clovis	Track TOT and occupancy rates for all hotels	67% Occupancy 10% TOT Increase \$1,995,859
Provide information to visitors to Clovis and those thinking about visiting	Benchmark and report statistics from Tarpey Depot <ul style="list-style-type: none"> Number of visitors Number of fulfillment packets Number of groups 	1358 222 9
Use visitclovis.com as the information portal for visiting Clovis	Metrics from VisitClovis.com	Not available at this time, being tracked for future reporting.

Strategy 7: Workforce

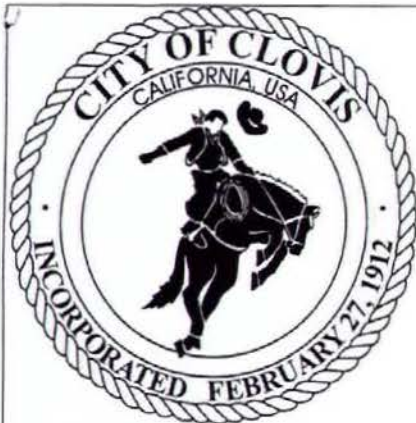
Action	Measurement	Results (July 2015 – June 2016)
Identify workforce needs of Clovis businesses	<ul style="list-style-type: none"> Use EDD Data to benchmark and monitor number of jobs in Clovis by industry 	Total of 1,204 additional jobs in Clovis since 2014/15. Health care is the strongest sector.
Conduct employer survey of training needs	<ul style="list-style-type: none"> Number of businesses surveyed <ul style="list-style-type: none"> Number of businesses connected to employee training opportunity 	Survey upcoming by EDC
Seek higher education programs to meet employer need	<ul style="list-style-type: none"> Number of meetings with educational facilities 	8

Affordable Housing Programs


Program	Goal	Results (July 2015 – June 2016)
Mobile Home Grant Program	60	78
First-Time Homebuyer Program	Be awarded additional HOME funds to continue program	Awarded \$1,000,000
Affordable Housing Development	Complete infrastructure and site improvements for 10 unit subdivision at Rialto Rancho	Completed. (Habitat for Humanity plans to start construction in October 2016)
Multi-Family Projects	Secure financing for 48-unit senior supportive housing project at Sierra and HWY 168	Funding is secured and will close escrow in September 2016. Construction expected to begin immediately after.

Grants Status – June 30, 2016

Program	Amount	Status
CDBG 2014-15	\$578,706	Completed
CDBG 2015-16	\$635,650	Completed
CDBG 2016-17	\$672,819	Underway
CalHome Mobile Home Replacement Program	\$1,000,000	Underway
HOME Down Payment Assistance	\$1,000,000	Underway
Kitchen Incubator - USDA	\$40,000	Underway
Kitchen Incubator - Freshworks	\$50,000	Underway
Kitchen Incubator – NCCLF Grant	\$15,000	Underway
Kitchen Incubator – NCCLF Forgivable Loan	\$60,000	Underway
HRP – Sunnyside/Third Entry Feature	\$89,000	Complete
Total	\$4,141,175	



AGENDA ITEM NO: **CC-C-3**

City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 6, 2016

SUBJECT: Approval – Authorize an Amendment to the Option Agreement for the Sale of Property Located in the Clovis Industrial Park on the Northeast Corner of Villa Avenue and Pelco Way to Diversified Development Group

ATTACHMENTS: 1) Property Map
2) Letter from DDG requesting amendment to Option Agreement
3) Amendment 1 to Option Agreement for Purchase for Parcel 2

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council authorizes execution of an amendment to the Option Agreement with Diversified Development Group for the purchase option of 13+ acres (Parcel 2).

EXECUTIVE SUMMARY

On May 2, 2014, Diversified Development Group (DDG) made an offer to purchase City owned property in the Industrial Park. Council approved the sale of Parcel 1 and an option agreement for Parcel 2. On July 21, 2016 DDG submitted a letter requesting to purchase a portion of Parcel 2 and for modifications to the option agreement. The option agreement allowed for DDG to purchase individual lots on Parcel 2 for a 25% premium, with that amount credited back when the final lot is purchased. DDG is requesting this percentage be reduced to approximately 7%. This would increase the amount DDG has invested in the property as a whole and incentivize DDG to create opportunities for business to locate in Clovis.

BACKGROUND

In 1997, the City entered into an Option Agreement with Pelco (now Schneider Electric) for the sale of two properties totaling 26+ acres located in the Clovis Industrial Park. After a series of option extensions, the Option Agreement with Schneider Electric expired on April 1, 2014.

Staff worked with the industrial real estate brokers to sell the industrial park property. On September 8, 2014 Council approved a sale of Parcel 1 and a three-year option agreement for Parcel 2 to Diversified Development Group.

Diversified Development Group is a local industrial development group founded in 1979 with approximately seven million square feet of industrial space in the Central Valley. Diversified Development Group intends to develop approximately 180,000 square feet of industrial space on Parcel 1 and again on Parcel 2. DDG has the ability under the option agreement to purchase portions of Parcel 2 at a 25% premium; however, this amount is credited back to Diversified Development Group when the balance of Parcel 2 is purchased. The terms of the current option agreement with notes on the requested amendment are below:

Term of Option:	Three (3) years (expires in December of 2017)
Purchase Price:	\$490,000, all cash
Exercise Period:	Any time prior to expiration
Consideration:	First year: Free Second year: \$25,000 (Paid) Third year: \$25,000 (Due 12/2016)
Release Parcels:	Buyer may purchase individual Parcels at 125% of per square foot Rate. (AMENDMENT PROPOSED - Buyer may purchase individual Parcels at 107% of per square foot Rate)

Requested Amendment

Staff received a letter from Diversified Development Group (Attachment 2) requesting to purchase two-thirds of Parcel 2 (Lots E & F) and changes to the option agreement to allow for a 1031 exchange Diversified Development Group is attempting. The change requested reduces the premium when portions of Parcel 2 are purchased from 25% to approximately 7%. The total purchase price remains the same (\$490,000) and a pro-rata credit for any option payments has not been requested for the purchase of lots E and F. This would increase the amount Diversified Development Group would lose if

the option is not exercised for the final portion of Parcel 2 by December 2017 from \$50,000 to \$72,800 once the second option payment is made in December of 2016.

FISCAL IMPACT

If approved, the City will receive \$356,000 in fiscal year 2016-17 for the purchase of a portion of Parcel 2 less broker commission and escrow costs. The option on the remaining portion of property will stay in place in the amount of \$134,000 which must be exercised by December 2017. The total value paid would be \$490,000, the agreed upon sales price for Parcel 2.

REASON FOR RECOMMENDATION

Diversified Development Group plans to construct approximately 360,000 square feet of industrial space on both parcels. In addition, depending on how the space is used, this development will create approximately 300 jobs. The amendment encourages Diversified Development Group to make further investments into the property and increase the amount at risk if they do not exercise the option in full. This incentivizes Diversified Development Group to develop industrial space needed to attract jobs to Clovis.

ACTIONS FOLLOWING APPROVAL

- 1) Execute the Option Agreement Amendment.
- 2) Staff will work with DDG to close escrow on lots E & F of Parcel 2.
- 3) Staff will monitor the Option Agreement for the remainder of Parcel 2.

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





ATTACHMENT 2:
OPTION AGREEMENT AMENDMENT REQUEST



July 21, 2016

Mr. Andrew Haussler
Deputy City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Re: Clovis Industrial Park -- Optioned Parcels

Dear Andy,

1031 Exchange:

One of my Partnerships is selling a property. We would like to exchange the net proceeds of that sale into two of the three parcels that we "optioned" from the City in Dec, 2014. Specifically we want to exercise our option to buy Parcels E & F of Parcel Map 2014-03. Parcel Map 2014-03 is attached. Escrow is to close in January, 2017.

Option Agreement:

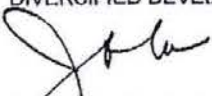
The Option Agreement says that, if we were to buy Parcels D, E & F at one time, the price would be \$490,000. If we want to buy just one parcel, without buying the other two, we would pay a 25% Premium for that parcel (with the Premium to be deducted from the prices of the remaining two parcels). In this case, we want to buy two parcels now, with the purchase of the third and final Parcel in Dec, 2017.

Proposal:

We propose to pay \$178,000 for Parcels E & F, for a total purchase of \$356,000 in Jan 2017. This means that when we buy Parcel D later next year, its price will \$134,000 (for a total price of \$490,000 for all three parcels).

Thank you, Andy, for reviewing this request. We would appreciate the opportunity to sit down with you and review it in person.

Sincerely,
DIVERSIFIED DEVELOPMENT GROUP, INC.


John B. Breisford, President

See you Monday to discuss!

7519 N. Ingram, Suite 104, Fresno, California 93711 • (559) 225-6363 • www.ddginc.net

ATTACHMENT 3:
PROPOSED OPTION AGREEMENT AMENDMENT

**FIRST AMENDMENT TO OPTION AGREEMENT
FOR PURCHASE OF REAL PROPERTY
(PARCEL 2)**

This First Amendment to Option Agreement for Purchase of Real Property ("First Amendment") is made and entered into effective on September __, 2016 ("Effective Date of First Amendment"), by and between the City of Clovis ("City") and Cast N Blast, LP, a California limited partnership ("CNB").

RECITALS

WHEREAS, on December 12, , 2014, City and CNB entered into that certain Option Agreement for Purchase of Real Property (Parcel 2) ("Option Agreement"), the terms of which are incorporated herein by this reference, by which City granted CNB the option to purchase approximately 13 acres of real property located on Pontiac Avenue north of Villa Avenue in the as more particularly described in Exhibit AA attached to the Option Agreement, and which property is identified as Parcel 2; and

WHEREAS, Parcel 2 is comprised of Parcels D, E, and F of Parcel Map 2014-03, a copy of which is attached hereto as Exhibit A; and

WHEREAS, City and CNB mutually desire to amend the Option Agreement as set forth in this First Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals and their mutual promises, and other valuable consideration, the sufficiency of which is hereby acknowledged, City and CNB agree as follows:

1. Recitals. The recitals stated above are true and correct and are a substantive part of this First Amendment.

2. Section 5 of the Option Agreement, entitled "Exercise of Option; Purchase Price," is amended to read in its entirety as follows:

5. Exercise of Option; Purchase Price. CNB may exercise this Option by delivering written notice of the exercise (the "Exercise Notice") to City before the expiration of the Option Term. Upon exercise of the Option, the Parcel 2 Purchase Price shall be \$490,000.00, which represents the fair market value of Parcel 2, as established by a professional appraisal on file with City and CNB. Alternatively, during the Option Term, CNB may purchase individual lots or parcels comprising Parcel 2 for the following

amounts: \$134,000 for Parcel D, \$178,000 for Parcel E, and \$178,000 for Parcel F; and any annual option payments made by CNB to the City shall remain non-refundable, and shall be applied towards the last individual parcel of Parcel 2 to be purchased but only if all three individual parcels (D, E, and F) are purchased by CNB during the Option Term.

3. Except as expressly set forth herein, all other terms of the Option Agreement shall remain unchanged and shall be interpreted so as to give full force and effect to this First Amendment. All capitalized terms in this First Amendment shall have the same meaning as defined in the Option Agreement, unless separately defined in this First Amendment.

IN WITNESS WHEREOF, City and CNB have executed this First Amendment effective on the date set forth above.

CITY OF CLOVIS
a California limited partnership

CAST N BLAST, LP,

By: POTTER PASS, LLC,
a California limited liability company,
its General Partner

By: JBB 13 Trust, its sole member

By: _____
Robert Woolley, City Manager

John B. Brelsford, Trustee

ATTEST:

By: _____
John Holt, City Clerk

Approved as to legal form:

By: _____
David J. Wolfe, City Attorney



AGENDA ITEM NO: **CC-D-1**

City Manager: *[Signature]*

CITY OF CLOVIS REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 6, 2016

SUBJECT: Receive and File - Investment Report for the Month June 2016

Exhibits:

- (A) Distribution of Investments
- (B) Monthly Investment Transactions
- (C) Certificates of Deposit
- (D) Graph of June 30, 2016 Treasury Rates

Attached is the Investment Report for the month of June 2016. Shown in Exhibit A is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Exhibit B reflects the monthly investment transactions for the month of June 2016. Exhibit C lists the certificates of deposit. Exhibit D is a graph of Treasury rates on June 30, 2016.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in a manner consistent with the safeguards and diversity that a prudent investor would adhere to.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.

4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90 day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates the City of Clovis portfolio return may be less than that of the annualized 90 day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90 day Treasury bill. The current 90 day Treasury bill rate (annualized) is 0.19%. The rate of return for the City of Clovis portfolio is 0.75%. The goal for the City of Clovis investment return is 120% of the 90 day Treasury bill rate. The current rate of return is 397% of the Treasury bill rate.

In accordance with the Investment Policy the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of June 2016 the average investment life of the City's investment portfolio is 0.74 years.

Current Investment Environment and Philosophy

During the month of June 2016 the Federal Reserve did not adjust the federal funds rate and it remained at 0.25 - 0.50%.

On June 30, 2016 the Treasury yield curve shows a steady increase in yields for three month treasuries through six month treasuries. As the holding period extended out beyond six months higher yields are realized.

Certificates of Deposit (CD's)

The city purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CD's are held by U.S. Bank, a third party custodian. Non-negotiable CD's are held in the City's safe.

Purchases and Maturities

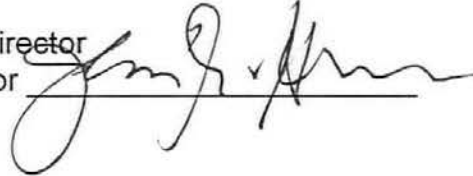
- \$6,000,000 of government securities was purchased.
- No government securities were called or matured.
- 1 certificate of deposit totaling \$245,000.00 was purchased.
- 2 certificates of deposit totaling \$490,000.00 were called or matured.

Market Environment

- During June, the federal funds rate was maintained at .25% - .50%.
- On June 30, the yield curve increased steadily for shorter term treasuries (through six months) and shows larger increases beyond six month treasuries. See Exhibit D, Graph of Treasury Rates on June 30, 2016.

Prepared by: Haley Lynch, Deputy Finance Director

Submitted by: Jamie Hughson, Finance Director

A handwritten signature in black ink, appearing to read 'Jamie Hughson', is written over a horizontal line.

**CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF JUNE 30, 2016**

Exhibit A

	COST	NET BOOK VALUE	MARKET VALUE *	YIELD TO MATURITY	STATED INTEREST RATE	INVEST DATE	MATURITY DATE	DAYS TO MATURITY FROM 6/30/2016
GOV'T SECURITIES								
FFCB	2,999,163	2,999,163	3,000,060	0.450%	0.450%	04/23/15	09/16/16	78
FFCB	2,001,120	2,001,120	2,000,260	0.480%	0.480%	05/19/15	10/19/16	111
FHLMCMTN	3,010,053	3,010,053	3,009,840	1.000%	1.000%	12/01/15	03/08/17	433
FHLMC	3,007,944	3,007,944	3,012,840	1.000%	1.000%	12/01/15	07/28/17	575
FHLB	3,015,870	3,015,870	3,020,550	1.125%	1.125%	07/02/15	12/08/17	526
FFCB	1,000,000	1,000,000	1,000,020	1.080%	1.080%	04/13/15	04/13/18	652
FNMA	2,998,479	2,998,479	3,011,880	0.875%	0.875%	09/29/15	05/21/18	690
FHLB	3,000,000	3,000,000	3,000,030	1.140%	1.140%	09/29/15	09/28/18	820
FHLMCMTN	3,000,000	3,000,000	3,000,840	1.250%	1.250%	04/29/16	01/29/19	943
FHLB	3,000,000	3,000,000	3,000,660	1.250%	1.250%	04/29/16	04/29/19	1,033
FNMA	3,018,480	3,018,480	3,027,270	1.125%	1.125%	06/09/16	12/14/18	897
FFCB	3,007,560	3,007,560	3,010,620	1.300%	1.125%	06/09/16	06/06/19	1,071
SECURITIES TOTAL	\$ 33,058,669	\$ 33,058,669	\$33,094,870					
LAIF		\$ 50,069,913	\$ 50,069,913					
MONEY MARKET		\$ 9,691,963	\$ 9,691,963					
PREMIUM-IOC		\$ -	\$ -					
TOTAL CD'S		\$ 16,479,000	\$ 16,552,311					
TOTAL INVESTMENTS		\$ 109,299,545	\$ 109,409,057					

* Market values for securities obtained from BNY Western Trust Company

Exhibit A

**CITY OF CLOVIS
MONTHLY INVESTMENT TRANSACTIONS
FOR THE MONTH OF JUNE 2016**

Exhibit B

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
Medallion Bank	CD	Maturity	(245,000)	(245,000)	1.000%	06/28/16	06/28/16
Northview Bank	CD	Maturity	(245,000)	(245,000)	0.450%	06/29/16	06/29/16
FNMA	Gov't Security	Purchase	(3,000,000)	(3,000,000)	1.125%	06/09/16	12/14/18
FFCB	Gov't Security	Purchase	(3,000,000)	(3,000,000)	1.300%	06/09/16	06/06/19
Quantum National	CD	Purchase	(245,000)	(245,000)	1.150%	06/22/16	06/21/19

PORTFOLIO DATA

Current Month (06/16)

	Book	Market
CD'S	\$ 16,479,000	\$16,552,311
Gov't Securities*	33,058,669	33,094,870
LAIF	50,069,913	50,069,913
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 109,299,545	\$ 109,409,057

One Month Previous (5/16)

	Book	Market
CD'S	\$ 16,724,000	\$ 16,794,301
Gov't Securities*	27,032,629	27,002,810
LAIF	50,069,913	50,069,913
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 103,518,505	\$ 103,558,987

Three Months Previous (3/16)

	Book	Market
CD'S	\$ 17,459,000	\$ 17,506,518
Gov't Securities*	33,034,669	33,041,710
LAIF	50,012,183	50,012,183
Money Market	9,691,963	9,691,963
Premium IOC	899	899
TOTAL	\$ 110,198,714	\$ 110,253,273

Six Months Previous (12/15)

	Book	Market
CD'S	\$ 17,214,000	\$ 17,167,735
Gov't Securities*	33,034,669	32,914,630
LAIF	49,965,938	49,965,938
Money Market	9,691,963	9,691,963
Premium IOC	899	899
TOTAL	\$ 109,907,469	\$ 109,741,164

One Year Previous (06/15)

	Book	Market
CD'S	\$ 14,370,000	\$ 14,382,955
Gov't Securities*	29,000,183	28,982,490
LAIF	49,890,473	49,890,473
Money Market	9,691,963	9,691,963
Premium IOC	11,000,969	11,000,969
TOTAL	\$ 113,953,588	\$ 113,948,850

*Adjusted Quarterly for Premium/Discount Amortization

Exhibit C

CITY OF CLOVIS
CERTIFICATES OF DEPOSIT
AS OF JUNE 30, 2016

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 06/30/16	INTEREST FREQUENCY
STEARNS BANK	245,000	245,000	0.500%	07/01/15	07/01/16	1	ANNUALLY
TCF NATIONAL	245,000	245,000	0.450%	07/01/15	07/01/16	1	MONTHLY
ALLYBANK (GMATBK)	245,000	245,049	1.050%	07/17/13	07/18/16	18	SEMI-ANNUALLY
NEEDHAM BANK	245,000	245,078	0.750%	08/13/14	08/15/16	46	SEMI-ANNUALLY
USNY BANK GENEVA	245,000	245,042	0.450%	05/26/15	08/26/16	57	SEMI-ANNUALLY
PARK NATIONAL BANK	245,000	245,115	0.900%	09/19/14	09/19/16	81	MONTHLY
G E CAPITAL RETAIL BANK	245,000	245,453	1.200%	10/11/13	10/11/16	103	SEMI-ANNUALLY
COMENITY CAPITAL BANK	245,000	245,412	1.100%	10/15/13	10/17/16	109	MONTHLY
CIT BANK	240,000	240,576	1.250%	10/30/13	10/31/16	123	SEMI-ANNUALLY
FIDELITY BANK	245,000	245,147	0.550%	05/21/15	11/21/16	144	SEMI-ANNUALLY
GRUNDY NATIONAL	245,000	245,274	0.800%	08/19/14	11/21/16	144	MONTHLY
MERCANTILE COMMUNITY BANK	245,000	245,431	1.000%	12/17/14	12/19/16	172	SEMI-ANNUALLY
MB FINANCIAL	245,000	245,235	0.700%	06/29/15	12/29/16	182	MONTHLY
FIRST NATIONAL BANK	245,000	245,451	0.800%	07/16/14	01/17/17	201	MONTHLY
UNITED REP BANK	245,000	245,221	0.550%	05/29/15	01/30/17	214	MONTHLY
COMPASS BANK	245,000	245,818	1.000%	02/26/14	02/27/17	242	SEMI-ANNUALLY
BAR HARBOR BANK	245,000	245,368	0.750%	06/30/15	02/28/17	243	MONTHLY
FIRST CITY BANK OF COMMERCE	245,000	245,076	1.000%	07/25/14	03/24/17	267	MONTHLY
MINNESOTA NATIONAL	245,000	245,461	0.800%	07/15/15	04/17/17	291	MONTHLY
TRADITION CAPITAL	245,000	245,461	0.800%	07/17/15	04/17/17	291	MONTHLY
UNITED	245,000	245,461	0.650%	07/15/15	04/17/17	291	MONTHLY
BARCLAYS BANK	245,000	245,938	1.050%	04/15/14	04/18/17	292	SEMI-ANNUALLY
NBT BANK	245,000	245,916	1.000%	05/14/14	05/15/17	319	SEMI-ANNUALLY
FRANKLIN SYNERGY	245,000	245,490	0.900%	07/17/15	05/17/17	321	MONTHLY
MERRICK BANK	245,000	245,799	0.900%	06/11/14	06/12/17	347	MONTHLY
NORTHBROOK BANK AND TRUST	245,000	245,774	1.000%	06/27/14	06/27/17	362	SEMI-ANNUALLY
FIRSTTRUST	245,000	245,600	1.000%	06/30/15	06/30/17	365	MONTHLY
APPLE BK	245,000	246,093	1.000%	01/13/16	07/13/17	378	SEMI-ANNUALLY
BANK HAPOALIM	245,000	245,894	1.150%	07/17/14	07/17/17	382	SEMI-ANNUALLY
EVERBANK FLORIDA	230,000	231,145	1.250%	06/24/14	07/17/17	382	SEMI-ANNUALLY
AMERICAN EXPRESS	245,000	246,110	1.200%	08/07/14	08/07/17	403	SEMI-ANNUALLY
CUSTOMER'S BANK	245,000	246,556	1.350%	09/10/14	09/11/17	438	SEMI-ANNUALLY
CAMBRIDGE TRUST	245,000	245,831	1.050%	07/22/15	09/22/17	449	MONTHLY
CAPITAL ONE BANK	245,000	245,853	1.350%	10/01/14	10/02/17	459	SEMI-ANNUALLY
PINNACLE BANK SCOTTSDALE	245,000	246,188	1.100%	10/30/14	10/30/17	487	MONTHLY
DOLLAR BANK FED	245,000	246,181	1.200%	11/17/14	11/17/17	505	SEMI-ANNUALLY
BANKUNITED	245,000	246,144	1.200%	11/21/14	11/21/17	509	SEMI-ANNUALLY
FLUSHING BANK	245,000	246,306	1.300%	12/12/14	12/12/17	530	MONTHLY
CATHAY BANK	245,000	246,372	1.150%	07/07/15	12/29/17	547	MONTHLY
GUARANTY BANK	245,000	244,966	0.900%	05/15/15	01/16/18	565	MONTHLY
MERCANTILE BANK	245,000	245,507	1.050%	01/30/15	01/30/18	579	MONTHLY
JP MORGAN CHASE	245,000	247,109	1.200%	02/27/15	02/27/18	607	QUARTERLY
CONNECTONE BANK	245,000	246,889	1.150%	03/13/15	03/13/18	621	MONTHLY
WEBBANK CORP	245,000	245,105	1.200%	03/27/15	03/27/18	635	MONTHLY
PEOPLES UNITED	245,000	245,394	1.050%	04/15/15	04/16/18	655	SEMI-ANNUALLY
INVESTORS BANK	245,000	246,872	1.100%	04/30/15	04/30/18	669	SEMI-ANNUALLY
YADKIN BANK	245,000	246,428	1.050%	05/08/15	05/08/18	677	MONTHLY
WORLDS FOREMOST	200,000	200,978	1.300%	05/13/15	05/14/18	683	MONTHLY
B-BAY LLC PROMI	245,000	246,191	1.300%	05/22/15	05/22/18	691	SEMI-ANNUALLY
COMMERCE BANK	245,000	245,360	1.250%	06/18/15	06/18/18	718	MONTHLY
FIRST COMMERCIAL	245,000	246,159	1.250%	06/26/15	06/26/18	726	MONTHLY
ENERBANK	245,000	247,367	1.400%	07/14/15	07/13/18	743	MONTHLY
WELCH STATE BANK	245,000	247,372	1.350%	07/17/15	07/17/18	747	MONTHLY
CAPITAL ONE N.A.	245,000	247,864	1.650%	07/29/15	07/30/18	760	SEMI-ANNUALLY
ORRSTOWN BANK	245,000	245,250	1.450%	08/14/15	08/14/18	775	MONTHLY
FIRST BUSINESS	245,000	248,408	1.400%	08/18/15	08/17/18	778	SEMI-ANNUALLY
BUCKS COUNTY BANK	245,000	248,437	1.300%	08/31/15	08/31/18	792	MONTHLY
WASHINGTON COUNTY	129,000	130,855	1.250%	09/23/15	09/24/18	816	MONTHLY
KEY BANK	245,000	248,521	1.300%	11/12/15	11/13/18	866	SEMI-ANNUALLY
WELLS FARGO BANK	245,000	248,229	1.400%	11/12/15	11/13/18	866	MONTHLY
GOLDMAN SACHS BK	245,000	249,785	1.750%	01/13/16	01/14/19	928	SEMI-ANNUALLY
FIRST SAVINGS BANK	245,000	245,223	1.250%	02/19/16	02/19/19	964	MONTHLY
FIRST WESTERN	245,000	248,359	1.150%	02/26/16	02/26/19	971	MONTHLY
KATAHDIN TRUST	245,000	246,433	1.200%	02/26/16	02/26/19	971	MONTHLY
BRYN MAWR TR	245,000	247,083	1.200%	03/30/16	03/29/19	1,002	MONTHLY
PRIVATE BANK	245,000	246,328	1.100%	05/20/16	05/20/19	1,054	SEMI-ANNUALLY
HORIZON BANK	245,000	245,279	1.100%	05/25/16	05/24/19	1,058	MONTHLY
QUANTUM NATIONAL BANK	245,000	245,243	1.150%	06/22/16	06/21/19	1,086	QUARTERLY

Negotiable CD TOTAL \$ 16,479,000 \$ 16,552,311

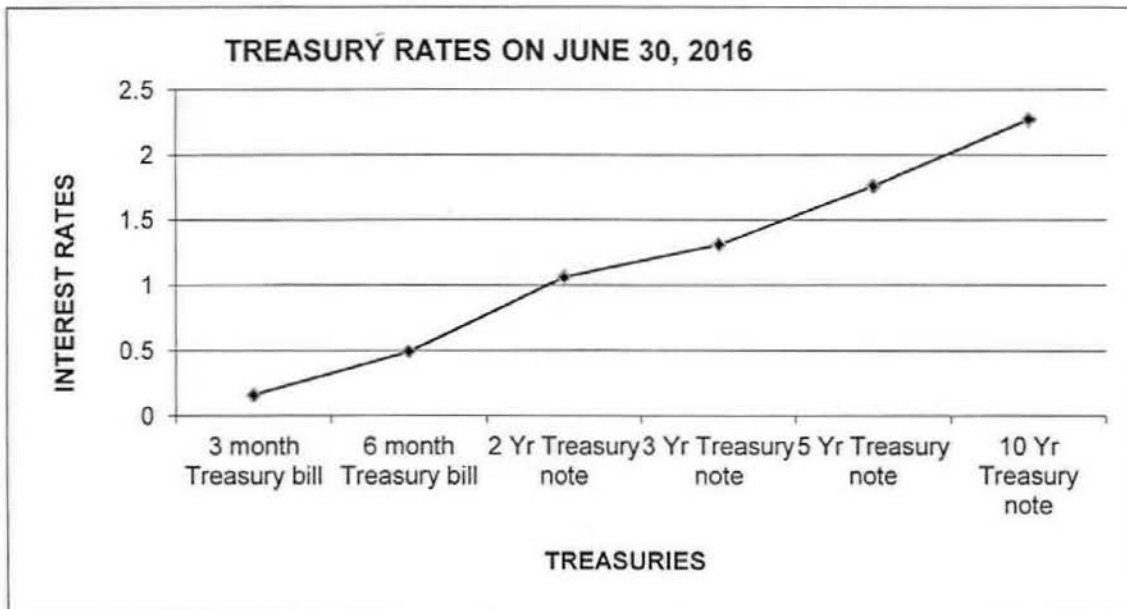
CD TOTAL \$ 16,479,000 \$16,552,311

**CITY OF CLOVIS
FINANCE DEPARTMENT
JUNE 30, 2016 TREASURY RATES**

Exhibit D

Treasury Rates as of June 30, 2016

3 month Treasury bill	0.26
6 month Treasury bill	0.36
2 Yr Treasury note	0.58
3 Yr Treasury note	0.71
5 Yr Treasury note	1.01
10 Yr Treasury note	1.49



As indicated in the above graph, 6 month treasuries are yielding a slightly higher interest rate than 3 month treasuries. Longer term treasuries are yielding a higher interest rate than shorter term treasuries.



AGENDA ITEM NO: **CC-D-2**

City Manager: 

CITY OF CLOVIS REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department 

DATE: September 6, 2016

SUBJECT: Receive and File - Treasurer's Report for the Month of June 2016

ATTACHMENTS: (A) Statement of Cash Balances
(B) Summary of Investment Activity
(C) Investments with Original Maturities Exceeding One Year

Attached for the Council's information is the Treasurer's Report for the month ended **June 30, 2016**.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. The first page of the report provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. The second page of the report summarizes the investment activity for the month and distribution, by type of investment, held by the City. The third page lists all investments with original maturities exceeding one year as of the month ended **June 30, 2016**.

**CITY OF CLOVIS
STATEMENT OF CASH BALANCES
AS OF JUNE 30, 2016**

Previous Balance	\$	47,897,616.45
Deposits		14,459,055.45
Disbursements		(16,498,793.76)
Current Balance	\$	<u>45,857,878.14</u>

<u>FUNDS</u>	<u>BALANCE</u>
100 General Fund	\$ 8,102,370.03
201 Local Transportation	10,316,606.26
202 Parking and Business Improvements	74,848.82
203 Off Highway Use	66,220.55
205 Senior Citizen Memorial Trust	50,291.97
207 Landscape Assessment District	2,451,268.69
208 Blackhorse III (95-1) Assessment District	117,317.95
275 HCD Block Grant Fund	214,975.68
301 Park & Recreation Acquisition	4,069,951.00
305 Refuse Equipment Reserve	1,211,322.84
310 Special Street Deposit Fund	15,481,406.84
313 Successor Agency	1,445,063.09
314 Housing Successor Agency	(204,441.69)
402 1976 Fire Bond Redemption	25,591.17
404 1976 Sewer Bond Redemption Fund	381,554.08
501 Community Sanitation Fund	13,740,246.01
502 Sewer Service Fund	29,090,646.88
504 Sewer Capital Projects-Users	1,306,676.70
506 Sewer Capital Projects-Developer	45,085.94
507 Water Service Fund	26,049,262.60
508 Water Capital Projects-Users	2,950,413.58
509 Water Capital Projects-Developer	1,398,858.43
515 Transit Fund	1,704,384.02
540 Planning & Development Services	7,638,013.39
601 Property & Liability Insurance	1,119,248.45
602 Fleet Maintenance	8,970,909.88
603 Employee Benefit Fund	7,797,734.36
604 General Government Services	6,116,417.19
701 Curb & Gutter Fund	149,243.76
702 Sewer Revolving Fund	111,358.26
703 Payroll Tax & Withholding Fund	2,378,396.41
712 Temperance/Barstow Assmt Dist (98-1)	70,760.83
713 Shepherd/Temperance Assmt Dist (2000-1)	138,943.71
715 Supp Law Enforcement Serv	162,206.41
716 Asset Forfeiture	8,374.70
720 Measure A-Public Safety Facility Tax	328,457.04
736 SA Admin Trust Fund	1,421.33
741 SA Debt Service Trust Fund	74,816.66
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	\$ 155,157,361.80
999 Invested Funds	(109,299,483.66)
TOTAL	\$ <u>45,857,878.14</u>

**CITY OF CLOVIS
SUMMARY OF INVESTMENT ACTIVITY
FOR THE MONTH OF JUNE 2016**

Balance of Investments Previous Month End		\$ 103,518,443.66
<u>Time Certificates of Deposit Transactions</u>		
Investments	245,000.00	
Withdrawals	(490,000.00)	
Total CD Changes		(245,000.00)
<u>Other Changes</u>		
Government Securities	6,026,040.00	
US Treasury Notes	0.00	
Local Agency Investment Fund	0.00	
Money Market	0.00	
UBOC-Premium IOC	0.00	
Total Other Changes		6,026,040.00
Balance of Investments Current Month End		\$ 109,299,483.66

**CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF JUNE 30, 2016**

Insured CD's	16,478,938.75
Government Securities	33,058,669.00
Local Agency Investment Fund	50,069,913.08
US Treasury Notes	0.00
Medium Term Notes	0.00
Money Market	9,691,962.83
UBOC-Premium IOC	0.00
Investment Total	\$ 109,299,483.66

**CITY OF CLOVIS
ORIGINAL MATURITIES EXCEEDING ONE YEAR
AS OF JUNE 30, 2016**

Institution	Face Value	Investment	Maturity	Stated Rate
		Balance At Amortized Cost		
FFCB-GOVT SEC	\$3,000,000	\$2,999,163	09/16/16	0.450%
FFCB-GOVT SEC	\$2,000,000	\$2,001,120	10/19/16	0.480%
FHLMCMTN-GOVT SEC	\$3,000,000	\$3,010,053	03/08/17	1.000%
FHLMC-GOVT SEC	\$3,000,000	\$3,007,944	07/28/17	1.000%
FHLB-GOV SEC	\$3,000,000	\$3,015,870	12/08/17	1.125%
FFCB-GOVT SEC	\$1,000,000	\$1,000,000	04/13/18	1.080%
FNMA-GOVT SEC	\$3,000,000	\$2,998,479	05/21/18	0.875%
FHLB-GOVT SEC	\$3,000,000	\$3,000,000	09/28/18	1.140%
FHLMCMTN-GOVT SEC	\$3,000,000	\$3,000,000	01/29/19	1.250%
FHLB-GOV SEC	\$3,000,000	\$3,000,000	04/29/19	1.250%
FNMA-GOVT SEC	\$3,018,480	\$3,018,480	12/14/18	1.125%
FFCB-GOVT SEC	\$3,007,560	\$3,007,560	06/06/19	1.300%



- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 6, 2016

SUBJECT: Approval - Authorization of an Agreement between the City of Clovis and Fresno Area Express for Fixed Route Transit Services for FY16-17

CONFLICT OF INTEREST

None

RECOMMENDATION

Approve the proposed FY16-17 agreement between the City of Clovis and Fresno Area Express for fixed route transit service for a total service fee of \$231,140.09; and, authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY

In order to provide a more seamless transportation system, Fresno Area Express provides FAX Route 9 bus service on Shaw in Clovis under contract. This contract is reviewed annually. The cost for FY 16-17 is \$231,140.09; a decrease of 4.6% over FY15-16 primarily due to a decrease in overall operating costs for Fresno Area Express services. The number of service hours and miles will remain unchanged from FY15-16.

BACKGROUND

An important transit element for the Clovis/Fresno Metropolitan area is the fixed route service on Shaw, which is provided through an annual contract with Fresno Area Express (FAX). The City's agreement with FAX is designed to renew at the beginning of each fiscal year and contains a provision to review the service fee on an annual basis.

The City of Clovis pays for the operation of FAX Route 9 on Shaw at thirty-minute intervals running consistently to the Sierra Vista Mall, Monday through Friday from 6:29 a.m. to 7:25 p.m. FAX Saturday and Sunday service on Route 9 provides service to the Sierra Vista Mall on thirty-minute intervals from 7:57 a.m. until 3:30 p.m.

Staff requested that the Route 9 proposal by FAX for FY2016-2017 contract be for the same service hours as FY 2015-2016, which includes weekend service from 7:57 a.m. to 3:30 p.m. and weekday service from 6:29 a.m. to 7:25 p.m.

The service fee proposed by FAX for fixed-route services for FY16-17 is \$231,140.09, which amounts to a 4.6% decrease over the FY15-16 rate. The service levels will remain the same. The reason for the increase is FAX has reduced their hourly rate for service from \$48.02 per hour to \$47.55 per hour.

FISCAL IMPACT

The amount of the proposed FAX service contract for FY16-17 is \$23,000 below the amount budgeted for this service, and represents a 4.6% decrease from the amount charged in FY15-16.

REASON FOR RECOMMENDATION

Staff has analyzed the recommendation for the regional fixed-route transit services operated by FAX for FY16-17 and have concluded that maintaining the same hours for service as FY15-16 would reasonably meet the needs of the community.

ACTIONS FOLLOWING APPROVAL

- The City Manager will execute Amendment No. 25 to the December 15, 1994, FAX agreement authorizing FAX transit services to the City of Clovis during FY16-17.
- Staff will prepare the Local Transportation Claim to reflect an extension of the December 15, 1994 FAX contract and Amendment No. 25.

Prepared by: Shonna Halterman, General Services Manager

Submitted by: Robert K. Ford, General Services Director





AGENDA ITEM NO: CC-E-2

City Manager: س

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 6, 2016

SUBJECT: Approval - Amending a Previously Approved Contract Between
the City of Clovis and Office Depot for Office Supplies

CONFLICT OF INTEREST

None

RECOMMENDATION

Amend the terms of a previously approved, three (3) year contract between the City of Clovis and Office Depot for office supplies to coincide with the expiration date of Office Depot's contract with The Cooperative Purchasing Network.

EXECUTIVE SUMMARY

On May 2, 2016, the City Council approved a recommended three (3) year contract with Office Depot from May 3, 2016 through May 2, 2019. Office Depot was awarded a three (3) year contract by The Cooperative Purchasing Network (TCPN) for the period of March 2015 through February 2018, with two (1) year renewal options. Office Depot's three (3) year proposal to the City was based largely on their ability to obtain the TCPN renewal options.

During final contract negotiations and despite Office Depot sales staff's proposal to the City of Clovis, Office Depot's legal department could only commit to the current Office Depot / TCPN contract term, which expires on February 28, 2016. Therefore, staff is requesting that the previously approved contract term be amended to coincide with the Office Depot / TCPN contract expiration date, which includes two (2) subsequent TCPN pricing renewals extended to the City, provided the TCPN pricing is renewed.

BACKGROUND

On May 2, 2016, the City Council approved a three (3) year contract with Office Depot with a term of May 3, 2016 through May 2, 2019. The original staff report recommending approval indicated that Office Depot was awarded a three (3) year contract by TCPN for the period of March, 2015 through February 2018, with two (1)

year renewal options. The original staff report further noted that TCPN contract #R141703 provides discounts on 1,250 office supply products at no cost to the participating entity. Contract pricing also applies to any acquisitions from local Office Depot outlets when using an Office Depot-issued Store Purchasing Card. If last year's procurement of office supplies from Office Max North America remained static, the City would realize a 6% savings utilizing the Office Depot / TCPN contract.

During the final contract negotiation process and despite Office Depot sales staff's three (3) year proposal to the City, it was subsequently noted that Office Depot's legal department could only commit Office Depot to the current Office Depot / TCPN contract term, which expires on February 28, 2018, which does not include the optional two (1) year extensions since TCPN is not bound to Office Depot to provide guaranteed pricing until the extensions are actually renewed. Therefore, staff is requesting that the previously approved contract term be amended to coincide with the Office Depot / TCPN expiration date, with the two (2) subsequent TCPN pricing renewals extended to the City if so renewed. Terms of the contract shall include a provision, allowing Office Depot and the City to have a mandatory negotiation window open three (3) months prior to expiration of the TCPN contract.

During interim contract negotiations, Office Depot has allowed the City to remain on the same pricing schedule that the City received prior to the expiration of the previous contract. This has allowed the City to remain within its budgetary parameters while working towards finalizing the Office Depot contract.

FISCAL IMPACT

The City's projected needs for office supplies are within the current FY16-17 budget allocation for these products.

REASON FOR RECOMMENDATION

The City desires a long-term contract for office supplies to alleviate unpredictable price hikes or market fluctuations. The proposed contract modification provides for that stability.

Pursuant to the City's Purchasing Procedures, purchases of items/services exceeding \$45,000.00 require City Council approval.

ACTIONS FOLLOWING APPROVAL

Staff will amend the previously approved three (3) year agreement with Office Depot for the City Manager's signature. The amended contract's term will be September 7, 2016 – February 28, 2018, and will include an option to extend the contract for two (1) year extensions, subject to the City Council's approval.

Prepared by: Larry Louie, Department Support Manager

Submitted by: Robert K. Ford, General Services Director





AGENDA ITEM NO: CC-E-3

City Manager: *[Signature]*

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 6, 2016

SUBJECT: Approval - Res. 16-____; Authorizing an Application for Youth Soccer and Recreation Development Program Grant Funds

ATTACHMENT: Res. 16-____

CONFLICT OF INTEREST

None

RECOMMENDATION

Approval - Res. 16-____; Authorizing an application for Youth Soccer and Recreation Development Program grant funds.

EXECUTIVE SUMMARY

The City of Clovis is eligible to apply for funds through the State of California, Department of Parks and Recreation "California Youth Soccer and Recreation Development Program" grant. This competitive grant provides funding for new youth softball, baseball, soccer, and basketball recreation opportunities; particularly in areas with low income, high youth crime, and high unemployment rate.

Staff has determined that rehabilitating existing softball/baseball fields at Sierra - Bicentennial Park as well as adding a new softball/baseball field, designated soccer field, lighting, bleachers and shade area, provide the best prospect for obtaining the grant funds. If approved, the total project cost of \$970,244 would be fulfilled through the grant funds.

BACKGROUND

On March 1, 2016, the State of California Department of Parks and Recreation released the application guide for the California Youth Soccer and Recreation Development Program grant. The intent of the program is to award grants on a competitive basis for the purposes of "fostering the development of new youth soccer, baseball, softball, and basketball recreation opportunities in heavily populated, low-income urban areas with a high youth crime and unemployment rate." There is no minimum grant request amount and the maximum request amount is \$1,000,000.

Staff has reviewed options for locations and need in the community and has determined that Bicentennial Park has the space for fields as well as a neighborhood demographic with lower income and higher unemployment as demonstrated by the grant's on-line demographic map report.

The grant request will include rehabilitating two (2) existing baseball/softball fields, building a new baseball/softball field with bleachers, backstop, fencing and shade structure; creating a designated soccer field; replacing existing field lights with energy efficient LED's and installing addition lights for the new fields. Some additional drainage and concrete work will also be completed as part of the project.

Utilizing an engineer's estimate for project completion, the grant request is for \$970,244. This includes actual construction costs in addition to design and construction management costs which may be fully funded by the grant.

FISCAL IMPACT

The grant is due November 1, 2016, and selected projects will be notified within six (6) months. If this competitive application is approved, revenue from the Youth Soccer and Recreation Development Program Grant Funds would be \$970,244.

REASON FOR RECOMMENDATION

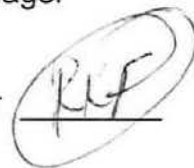
The existing sports fields at Sierra – Bicentennial Park are in need of refurbishment. This grant is one-time funding and while it is a competitive grant, staff feels there is value in submitting an application. In the event the application is not improved, the City is better prepared to compete in the grant process if another grant opportunity becomes available. The proposed Resolution and City Council approval are required in order to apply for the grant.

ACTIONS FOLLOWING APPROVAL

- Include a copy of the attached Resolution with the grant application.
- Complete the application and all required documents and submit no later than November 1, 2016.

Prepared by: Shonna Halterman, General Services Manager

Submitted by: Robert K. Ford, General Services Director



Resolution No: ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
Approving the Application for YOUTH SOCCER and RECREATION DEVELOPMENT PROGRAM
GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Youth Soccer and Recreation Development Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council hereby:
Approves the filing of an application for the Bicentennial Park Sports Fields Improvement Project, and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to (*designated position*) to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the 6th day of September, 2016

I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by the Clovis City Council following a roll call vote:

Ayes:

Noes:

Absent:

(Clerk)



AGENDA ITEM NO: CC-E-4

City Manager: سم

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: September 6, 2016

SUBJECT: Approval - Res. 16-____, Authorizing Amendments to the City Engineer Classification; and, Approval - Res. 16-____, Amending the City's Position Allocation Plan for FY16-17 in the Planning and Development Services Department by Deleting One (1) Assistant Director of Planning and Development Services Position and Adding One (1) City Engineer Position

ATTACHMENTS: 1) Resolution 16-____; Amendments to the City Engineer Classification
2) Exhibit A – Revised City Engineer Specification
3) Resolution 16-____; Position Allocation Plan Amendment
4) Exhibit B - Position Allocation Adjustment by Department

CONFLICT OF INTEREST

None

RECOMMENDATION

Approval - Res. 16-____, Authorizing amendments to the City Engineer Classification; and, approve Res. 16 - ____, amending the City's Position Allocation Plan for FY16-17 in the Planning and Development Services Department by deleting one (1) Assistant Director of Planning and Development Services position and adding one (1) City Engineer position.

EXECUTIVE SUMMARY

Currently, the Engineering Division of the Planning and Development Services Department is authorized one (1) Assistant Director of Planning and Development Services position (currently vacant). Following a recent review of staffing needs in the Engineering Division, it has been determined that a City Engineer position is needed in place of an Assistant Director of Planning and Development Services position. Updates to the City Engineer classification specification are recommended in order to clarify the education and licensing requirements for the classification.

Therefore, it is recommended that the City's FY16-17 Position Allocation Plan be amended by deleting one (1) existing, vacant Assistant Director of Planning and Development Services position and replacing it with one (1) City Engineer position; and, approve amendments to the City Engineer classification specification.

BACKGROUND

The Engineering Division of the Planning and Development Services Department is authorized one (1) Assistant Director of Planning and Development Services position in the FY16-17 Position Allocation Plan. This position is currently vacant. In anticipation of future recruitment efforts for the department it has been determined that a City Engineer position is better suited for the needs of the Engineering Division. Therefore, staff recommends deleting the vacant Assistant Director of Planning and Development Services position and replacing it with a City Engineer position.

The City Engineer classification currently requires an applicant to possess a Land Surveyor license from the State of California Department of Consumer Affairs. There is a limited number of individuals that currently possess a Land Surveyor license in the State of California, which will significantly limit the number of applicants eligible to apply for the position. It is recommended that the City Engineer classification be revised to state that the Land Surveyor license is desirable, rather than required, in order to facilitate a larger applicant pool of qualified individuals. In addition, it is recommended that the Bachelor's Degree requirement for the position be clarified.

FISCAL IMPACT

The recommended change in the City's Position Allocation Plan would result in cost savings of approximately \$2,773.00 over the remaining eight (8) months of FY16-17.

REASON FOR RECOMMENDATION

An analysis of the operational needs of the Planning and Development Services Department has determined that elimination of one (1) Assistant Director of Planning and Development Services position and the addition of one (1) City Engineer position will better meet the needs of the Engineering Division. Modifications to the City's Position Allocation Plan and classification specifications require the City Council's approval.

ACTIONS FOLLOWING APPROVAL

The updated class specification and position allocation for the Planning and Development Services Department will be modified as noted in Exhibits A and B attached.

Prepared by: Melissa Paminto, Management Analyst

Submitted by: Robert K. Ford, General Services Director



RESOLUTION 16-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AMENDMENTS TO THE CITY'S CLASSIFICATION PLAN FOR THE CITY ENGINEER
CLASSIFICATION**

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

WHEREAS, a review of the City Engineer classification specification has identified a need to update the classification specification; and,

WHEREAS, it has been determined that the classification's Bachelor's Degree requirement should be clarified and that the Land Surveyor license requirement should be modified to specify that the license is a desirable qualification; and,

WHEREAS, amendments to the City's Classification Plan require approval by the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's Classification Plan shall be amended to include the revised City Engineer classification specification as noted in Exhibit A attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

Dated: September 6, 2016:

Mayor

City Clerk

Exhibit A

City of Clovis
City Engineer

DEFINITION

Under administrative direction, plans, organizes, and directs the City's engineering, construction management, and capital improvement activities; to serve as City Engineer; to advise the Director of Planning and Development Services, the Public Utilities Director, the City Manager, and the City Council regarding engineering matters; and performs related work as required.

CLASS CHARACTERISTICS

This position is one of three division head positions in the Planning and Development Services Department. The incumbent is responsible to the Director of Planning and Development Services for advice and consultation on engineering matters and for the efficient operation of the division comprised of engineering, administration, special projects, development review unit, construction management, and capital improvement projects. The City Engineer exercises supervision over other managerial employees, making assignments, setting priorities, training and reviewing work. The incumbent is responsible for preparing performance evaluations, processing employee grievances, recommending employment, and for taking and recommending disciplinary action. Positions in this class act with a high degree of independence of action in the assigned area of responsibility. Direction received consists of the assignment of the responsibility to attain objectives according to policy guidelines, department, and city objectives. Incumbents are expected to develop methods and procedures and solve problems encountered. Except where a deviation in policy is involved, most work is not reviewed directly by a supervisor, and when work is reviewed, the review is directed toward final outcomes and results.

EXAMPLES OF DUTIES

Plans, organizes, and controls the activities of the Engineering Division under the direction of the Director of Planning and Development Services and in cooperation with the Director of Public Utilities; participates in evaluating the need for and helps develop plans and schedules for long-range public works programs; compiles estimates, contract provisions and specifications; negotiates agreements with developers, engineers, property owners, contractors, and other agencies for rights-of-way, easements and financial participation; confers with the Director of Planning and Development Services, the City Manager, other departments, and various public groups on proposed projects and improvements; confers with subordinates on the construction of new public works facilities; confers and negotiates with private engineering firms and developers; provides direction on problems of design, materials and processes proposed in connection with new construction or major repairs; prepares ordinances for Council consideration; participates in the selection of new employees; approves subdivision maps; approves improvement plans for private development and capital improvement projects; directs traffic studies and recommends improvement of traffic

control devices; represents the City in relations with other governmental agencies; conducts field inspections; in consultation with the Director of Planning and Development Services, formulates program definition and policy; develops and administers the Division budget, and the City capital improvement program budget; conducts performance evaluations; explains policies, procedures, and objectives of the division to staff by written directive and by oral communications; conducts staff and public information meetings; and performs related work as required.

TYPICAL QUALIFICATIONS

LICENSE REQUIRED

License:

- Possession of a valid California Driver's License and a good driving record;
- Possession of a current and valid Civil Engineer license from the State of California Department of Consumer Affairs Board for Professional Engineers and Land Surveyors.

License Desirable:

- Possession of a current and valid Land Surveyor license from the State of California Department of Consumer Affairs Board for Professional Engineers and Land Surveyors.

EDUCATION AND EXPERIENCE

Education:

- Graduation from an accredited college or university with a Bachelor's Degree in Civil Engineering or a closely related field.

Education Desirable:

- Master's Degree.

Experience:

- Five (5) years of increasingly responsible professional civil engineering and administrative experience, with a minimum of three (3) years in a supervisory or administrative capacity in municipal or county government.

QUALIFICATIONS

Knowledge of:

- Technical, legal, financial, and public relations problems involved in the conduct of municipal engineering programs;
- Methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to proposed municipal and public works facilities;
- Federal, state, and local laws and regulations relating to municipal works and engineering;
- Principles of supervision and training;
- Principles of budgeting and financial management;
- Engineering principles and practices as applied to the field of municipal government;

- Knowledge of traffic engineering;
- Appropriate safety precautions and procedures.

Ability to:

- Prepare comprehensive and complex technical reports;
- Establish and maintain effective working relationships with subordinates, public groups and organizations, City officials, and private and governmental agencies;
- Understand pertinent procedures and functions quickly;
- Read, understand and apply highly complex materials;
- Formulate and administer the division and CIP budget;
- Establish and maintain effective relationships with those contacted in the course of work;
- Help formulate and carry out City and department policy;
- Operate a vehicle observing legal and defensive driving practices.

SUPPLEMENTAL INFORMATION

PHYSICAL DEMANDS AND WORKING CONDITIONS

Incumbent is required to attend frequent evening meetings; required to travel within and out of the City to attend meetings; and the work is primarily sedentary.

RESOLUTION 16-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AMENDMENTS TO THE FY16-17 POSITION ALLOCATION PLAN**

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

WHEREAS, the FY16-17 Position Allocation Plan was approved as part of the FY16-17 City budget adoption process; and,

WHEREAS, a review of the staffing needs in the Planning and Development Services Department indicates that it is appropriate to delete one (1) vacant Assistant Director of Planning and Development Services position and to add one (1) City Engineer position; and,

WHEREAS, amending the City's adopted FY16-17 Position Allocation Plan requires City Council authorization.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's FY16-17 Position Allocation Plan shall be amended as noted in Exhibit B attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

Dated: September 6, 2016:

Mayor

City Clerk

Exhibit B

POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY16-17

<u>Department</u>	<u>Number of Positions</u>
--------------------------	-----------------------------------

Planning and Development Services Department

Delete:	Assistant Director of Planning and Development Services	1.0
---------	---	-----

Add:	City Engineer	1.0
------	---------------	-----



AGENDA ITEM NO: CC-F-1
City Manager: [Signature]

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 6, 2016

SUBJECT: Approval – A request for the City Council to Authorize the City Manager to Amend Cooperative Project Agreement K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues, with the Fresno County Transportation Authority for Regional Measure C Funds programmed in fiscal year 2016/17

ATTACHMENTS: (A) Amended Cooperative Project Agreement K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues (Amended Agreement)
(B) Project Location Exhibit

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to authorize the City Manager to amend Cooperative Project Agreement, K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues, with the Fresno County Transportation Authority (Authority) for programmed short-term Regional Measure "C" Extension street improvement funds for fiscal year 2016/17. The project location is identified on Attachment B.

EXECUTIVE SUMMARY

In order for the City to receive its 2016/17 programmed Regional Measure "C" Extension funds, the Council must authorize the City Manager to enter into a Cooperative Project Agreement (Agreement) and/or an Amended Agreement with the Authority. The Authority is the agency ultimately responsible for implementation of the Measure "C" Regional Transportation Program.

Regional Program funds for Herndon Avenue, from Temperance-DeWolf Avenues are programmed this fiscal year to commence right-of-way acquisition. Total available funds to complete this work are \$3,393,000. Local development funds of \$848,000 will be used to

augment this Measure money to ensure all necessary activities under this phase of work are completed.

Construction funds are programmed in 2017/18; staff will request an amendment to this Cooperative Agreement to include these additional programmed funds as they become available. Preliminary and final engineering funding totaling \$1,030,000 was authorized on this project by the Authority in fiscal year 2015/16.

BACKGROUND

In November 2006, the voters approved the extension of Measure "C", which further authorized the Authority to continue the half-cent sales tax for an additional 20-year period (2007/27). Measure C is intended to generate over a billion dollars in new revenues for transportation improvements in Fresno County. This new revenue source is allocated to various types of transportation improvements, one of which is the Regional Transportation Program (Regional Program), as referenced in the 2006 Measure "C" Extension Expenditure Plan.

The Regional Measure C Program funds a portion of the cost of projects that are capacity enhancing street and highway improvements slated in the Urban (Clovis and Fresno Spheres of Influence) and Rural areas. In many cases, Regional Measure "C" funds only cover up to 80% of the estimated project costs as programmed. Responsible agencies are required to fund the difference, 20%. The Authority is responsible for the administration and distribution of these regional funds in collaboration with the responsible agencies.

To assist in the administration of the Regional Program, the Council of Fresno County Governments (COG) prepared and approved a Short-Term Regional Transportation Program Handbook. This handbook addresses seven-year increments of the 20-year extension. COG approved this handbook in January 2009, with Authority approval in February 2009. The handbook outlines the specific guidelines for implementing the Regional Program, and identifies the specific projects slated to receive Measure "C" funds by fiscal year. This Handbook is regularly amended to reflect revenue adjustments and project schedule changes. The most current handbook (currently referred to as the Measure C Strategic Implementation Plan) was approved in May 2013 by the Authority.

Clovis is one of five agencies expected to deliver regional projects over the 20-year period. The other four agencies include: Caltrans, City of Fresno, City of Parlier, and County of Fresno.

In order to receive Regional Measure "C" funds (or Regional Transportation Mitigation Fee funds as eligible), responsible agencies must enter into an agreement or amend an existing agreement with the Authority. The agreement allows an agency to deliver a project and request eligible reimbursements for design, acquisition, and construction expenses as programmed. By entering into an agreement, agencies commit to the Authority that they have the staff and support services to deliver their project(s) within the approved budget and delivery schedule as programmed in the Handbook and Expenditure Plan.

Clovis has one project earmarked to receive Regional Program funds in 2016/17. See Attachment A for a copy of the Amended Agreement, the specific project scope, schedule and funding plan. The City must enter into this amended agreement with the Authority in order to claim reimbursement on these programmed funds.

FISCAL IMPACT

As a result of entering into the attached Agreement, the City will be eligible to receive 2016/17 Regional Measure "C" funds totaling \$3,393,000. A 20% local match of \$848,000 is required. The local match associated with K3 has been accounted for in the City's Capital Investment Program Budget, and will be funded through developer trust funds.

REASON FOR RECOMMENDATION

Staff is requesting Council authorize the City Manager to execute the attached Amended Agreement to ensure Regional Measure "C" funding is reimbursed to the City as programmed and available for K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues.

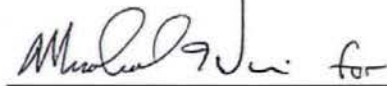
ACTIONS FOLLOWING APPROVAL

The City Manager will execute the amended Cooperative Agreement as attached.

City staff will transmit the executed Agreement to the Authority for further processing.

Prepared by: Renee Mathis, Engineering Program Supervisor

Submitted by:



Dwight Kroll, AICP
Planning and Development Services Department Director

AMENDMENT NO. 1
TO COOPERATIVE PROJECT AGREEMENT
Short-Term Regional Transportation Program (STRTP)
Project K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues

This **Amendment No. 1** to STRTP Project K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues is made and entered into the ____th day of ____, 2016 by and between the Fresno County Transportation Authority ("Authority") and the City of Clovis ("Responsible Agency").

1. **PARTIES.** The Authority and the City of Clovis are collectively referred to herein as "the Parties".

2. **RECITALS.**

2.1 WHEREAS, the Parties entered into the Cooperative Project Agreement for Project K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues, ("**Agreement**"), dated May 25, 2016, for funding of a transportation improvement project ("**Project**") in Fresno County pursuant to the Measure "C" Strategic Implementation Plan ("**SIP**"), and the Fresno County Measure "C" Expenditure Plan ("**Expenditure Plan**"), which was approved by the voters of Fresno County in November, 2006; and,

WHEREAS, Authority is authorized to approve and revise Project funding for payment to Responsible Agency in accordance with the **Agreement**, the **SIP** and the Expenditure Plan regarding the Project K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues; and,

WHEREAS, the original **Agreement** provided for an allocation of Measure C funding in the amount of **\$1,030,000** for Phase I (Preliminary Engineering) costs; and

WHEREAS, Authority shall provide additional funding to Responsible Agency for eligible Project costs "not to exceed" **\$3,393,000** of Measure "C" funding to be allocated for Phase 2 (Right of Way) work, which upon approval of this Amendment No. 1 will bring the cumulative amount of funding allocated for the Project to **\$4,423,000** as of the Effective Date of this **Amendment No. 1**.

2.2 The Parties now desire to amend the statements defining and delineating the Project Scope, Project Schedule, Project Funding, and Project Term, as set forth in the original **Agreement**, based on the following:

- Responsible Agency desires to increase the allocation of Measure C Regional Transportation Program ("**Measure C**") funding for the transportation improvement Project K3 Urban, Herndon Avenue from Temperance-DeWolf Avenues, per the revised Exhibits as more thoroughly described in Section 3.1 of this **Amendment No. 1**.

ATTACHMENT A

3. TERMS.

- 3.1 Exhibit "A (Project Scope), Exhibit "B" (Project Schedule) and Exhibit "C" (Project Funding Program), which hereinafter shall be referenced collectively as the "Original Exhibits" as provided in Section 1.1 of the original **Agreement** and fully incorporated therein by the provisions of Section 3.23 thereof, shall be and are hereby replaced by: Exhibit "A1" (Project Scope), Exhibit "B1" (Project Schedule) and Exhibit "C1" (Project Funding Program), which are attached hereto and incorporated herein by this reference, commencing upon the Effective Date of this **Amendment No. 1** to the **Agreement**.
- 3.2 All work performed by the Responsible Agency under the **Agreement** prior to the Effective Date of this **Amendment No. 1** shall be governed by and compensated pursuant to the applicable Exhibits and the original **Agreement**. All work commencing on or after the Effective Date of this **Amendment No. 1** shall be performed and compensated pursuant to the attached Exhibits A1, B1 and C1, and the terms of the **Agreement** as modified by this **Amendment No. 1**.
- 3.3 Effective Date. The Effective Date of this **Amendment No. 1** to the **Agreement** shall be 12:01 a.m. of the day following the date upon which it is signed by the Parties. In the event this **Amendment No. 1** to the **Agreement** is signed by the Parties on different dates, the Effective Date shall be 12:01 a.m. of the day following that date upon which it is signed by the second of the Parties. The effective term of the **Agreement** is extended by this **Amendment No. 1** to **June 30, 2019**.
- 3.4 All other terms and conditions contained in the Cooperative Project **Agreement** are unaffected by this **Amendment No. 1** and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned parties have executed this **Amendment No. 1** to **Agreement** on the day and year first written above.

FRESNO COUNTY TRANSPORTATION AUTHORITY

By _____ (Signature)	ATTEST By _____ (Signature)
Name <u>ERNEST "BUDDY" MENDES</u> (Typed)	Name <u>DIANA SEDIGH-DARBANDI</u> (Typed)
Title <u>Chairman Pro Tem</u>	Title <u>Interim Executive Director</u>

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG, COUNTY
COUNSEL

APPROVED AS TO ACCOUNTING
FORM:

By _____ (Signature)	By _____ (Signature)
Name <u>MICHAEL E. ROWE</u>	Name <u>VICKI CROW, C.P.A.</u>
Title <u>Senior Deputy County Counsel</u>	Title <u>Auditor-Controller/Treasurer-Tax Collector</u>

CITY OF CLOVIS

By _____ (Signature)	ATTEST By _____ (Signature)
Name <u>ROB WOOLLEY</u>	Name _____
Title <u>CITY MANAGER</u>	Title _____

APPROVED AS TO FORM
DAVID WOLFE, City Attorney

BY: _____



EXHIBIT A1 – PROJECT SCOPE

Urban Project K3 Herndon Avenue Temperance Avenue – DeWolf Avenue

Responsible Agency
City of Clovis

Project Limits

The limits of Urban Project K3 are Herndon Avenue from Temperance Avenue to DeWolf Avenue, approximately one mile.

Project Phase

X Phase 1 - Preliminary Engineering *[Includes Preliminary Design/Engineering (PS&E) and Environmental]*

X Phase 2 - Right-of-Way Acquisition

Phase 3 - Construction *(Includes Project Construction & Construction Management)*

Project Phase(s) Scope and Estimated Completion Date

The ultimate project includes constructing full improvements (widening, left turn lanes, installing a traffic signal, sidewalks, street lights, curb and gutter, median improvements, striping, and to overlay the street) along Herndon Avenue, from Temperance Avenue to DeWolf Avenue.

On December 7, 2011, the City of Clovis and the FCTA entered into a reimbursement agreement to complete design, right-of-way, and construction improvements along portions of Urban Project K3. The reimbursement agreement identified two phases of work as follows:

Phase A (Completed Under the FCTA Cooperative Project Reimbursement Agreement)

The first phase of the project included construction of permanent street improvements between Temperance and Locan Avenues consisting of widening to 3-lanes westbound and 2-lanes eastbound between Temperance and Coventry Avenues transitioning to one lane eastbound east of Coventry Avenue. A landscaped median island was constructed from Temperance Avenue to east of Coventry Avenue where it terminated to allow for transition to the existing County Road geometry east of Locan Avenue. The project also replaced the traffic signal at Coventry to its ultimate location and PG&E Rule 20 (approx.. 450 linear feet) along the south side of Herndon west of Coventry Avenue.

Phase B (To Be Completed Under a FCTA Cooperative Project Amended Agreement)

The remainder of the K3 project (Herndon Avenue, from Locan Avenue to DeWolf Avenue) will include further widening to a 6-lane divided facility between Temperance and Coventry Avenues, and a 4-lane divided roadway between Coventry and DeWolf Avenues. Existing overhead utilities on the south side of Herndon Avenue between Temperance and Locan will be placed underground. East of Locan Avenue the overhead utilities will be relocated outside the roadway. The project will include traffic signals at Locan Avenue and at DeWolf Avenue.

This Cooperative Agreement Amendment No. 1 is requesting approval of all right-of-way acquisition funding as eligible for the Phase A improvements that have been completed, and the Phase B improvements that will commence on Urban Project K3, Herndon Avenue, Temperance Avenue to DeWolf Avenue.



EXHIBIT A1 – PROJECT SCOPE

Urban Project K3 Herndon Avenue Temperance Avenue – DeWolf Avenue



Project Purpose

The purpose of this project is to provide for improved mobility by increasing capacity and the flow of traffic along Herndon Avenue to address the growing needs of Clovis Community Hospital and the developing surrounding land uses.

Transportation Benefit

The project is expected to reduce traffic congestion thereby improving travel time and motorist safety.

Implications of Not Doing the Project

The current City of Clovis General Plan identifies Herndon Avenue as an expressway corridor that moves traffic east and west through our community. The Level of Service (LOS) projected for this corridor is expected to reach "D" without the project, due to planned new development in the area. By widening Herndon Avenue, the City of Clovis expects to reduce the accident rate, traffic congestion, and delays that occur here today, and will only continue to be impacted as the City and County grows.

Community Engagement

The project limits are within residential and commercial areas. Property owners, tenants, and the general public will be informed of the Project's construction schedule through the City's Website and letters.

Construction Staging

Construction phasing will be implemented due to the potential impacts on adjacent residences and businesses, which use this facility to access their property. Appropriate phasing will be determined at the time of construction.

Detours

Detours are not necessary on this project; however, traffic will experience intermittent lane closures on Herndon Avenue as necessary to complete the project.

Current Status

Phase A PS&E, ROW, and construction work is complete. Phase B preliminary engineering and environmental work will commence upon approval of this cooperative agreement, and is expected to be complete by spring 2017.

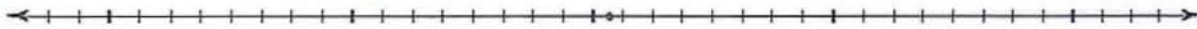
Contact

For inquiries, you may contact Mike Harrison, Interim City Engineer at (559) 324-2365, Renee Mathis, Engineering Program Supervisor at (559) 324-2351, or Thomas Cheng, Project Engineer at (559) 324-2374.



EXHIBIT B1 – PROJECT SCHEDULE

Urban Project K3 – Herndon Avenue, Temperance Avenue to DeWolf Avenue



Responsible Agency
City of Clovis

Project Limits

The limits of Urban Project K3 are Herndon Avenue from Temperance Avenue to DeWolf Avenue, approximately one mile.

Project Phase

X Phase 1 - Preliminary Engineering *[Includes Preliminary Design/Engineering (PS&E) and Environmental]*

X Phase 2 - Right-of-Way Acquisition

Phase 3 - Construction *[Includes Project Construction & Construction Management]*

Contact

For inquiries, you may contact Mike Harrison, Interim City Engineer at (559) 324-2365, Renee Mathis, Engineering Program Supervisor at (559) 324-2351, or Thomas Cheng, Project Engineer at (559) 324-2374

Project Schedule

See attached project schedule summary.

Urban K3 Project Reimbursement Agreement Exhibit B1 Schedule Table

Phase A

PROJECT PHASE	START	END	SHORT-TERM PROGRAM FY 2007/08 - 2013/14																																													
			2009/10												2010/11												2011/12												2012/13									
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J										
Prelim. Eng.*1																																																
1. Prelim. Design																																																
2. PS&E																																																
3. Environ. Doc.(EIR)																																																
4. Other (Explain)																																																
5. Other (Explain)																																																
Right-of-Way *2																																																
1. Parcel Research																																																
2. Appraisal																																																
3. Acquisition																																																
4. Other (Explain)																																																
5. Other (Explain)																																																
Construction *3																																																
1. Bid Devel.																																																
2. Construction																																																
3. Constr. Manage.																																																
4. Detour Process																																																
5. Other (Explain)																																																

*1 Preliminary Engineering: Preliminary Design/Engineering (PSE), Environmental

*2 Right-of-Way Acquisition

*3 Project Construction & Construction Management

[illegible]



EXHIBIT C1 – PROJECT FUNDING PROGRAM

Urban Project K3 – Herndon Avenue, Temperance Avenue to DeWolf Avenue

Responsible Agency
City of Clovis

Project Limits

The limits of Urban Project K3 are Herndon Avenue from Temperance Avenue to DeWolf Avenue, approximately one mile.

Project Phase

- X Phase 1 - Preliminary Engineering *(Includes Preliminary Design/Engineering (PS&E) and Environmental)*
- X Phase 2 - Right-of-Way Acquisition
- Phase 3 - Construction *(Includes Project Construction & Construction Management)*

Contact

For inquiries, you may contact Mike Harrison, Interim City Engineer at (559) 324-2365, Renee Mathis, Engineering Program Supervisor at (559) 324-2351, or Thomas Cheng, Project Engineer (559) 324-2374.

Funding Program

See attached project funding summary

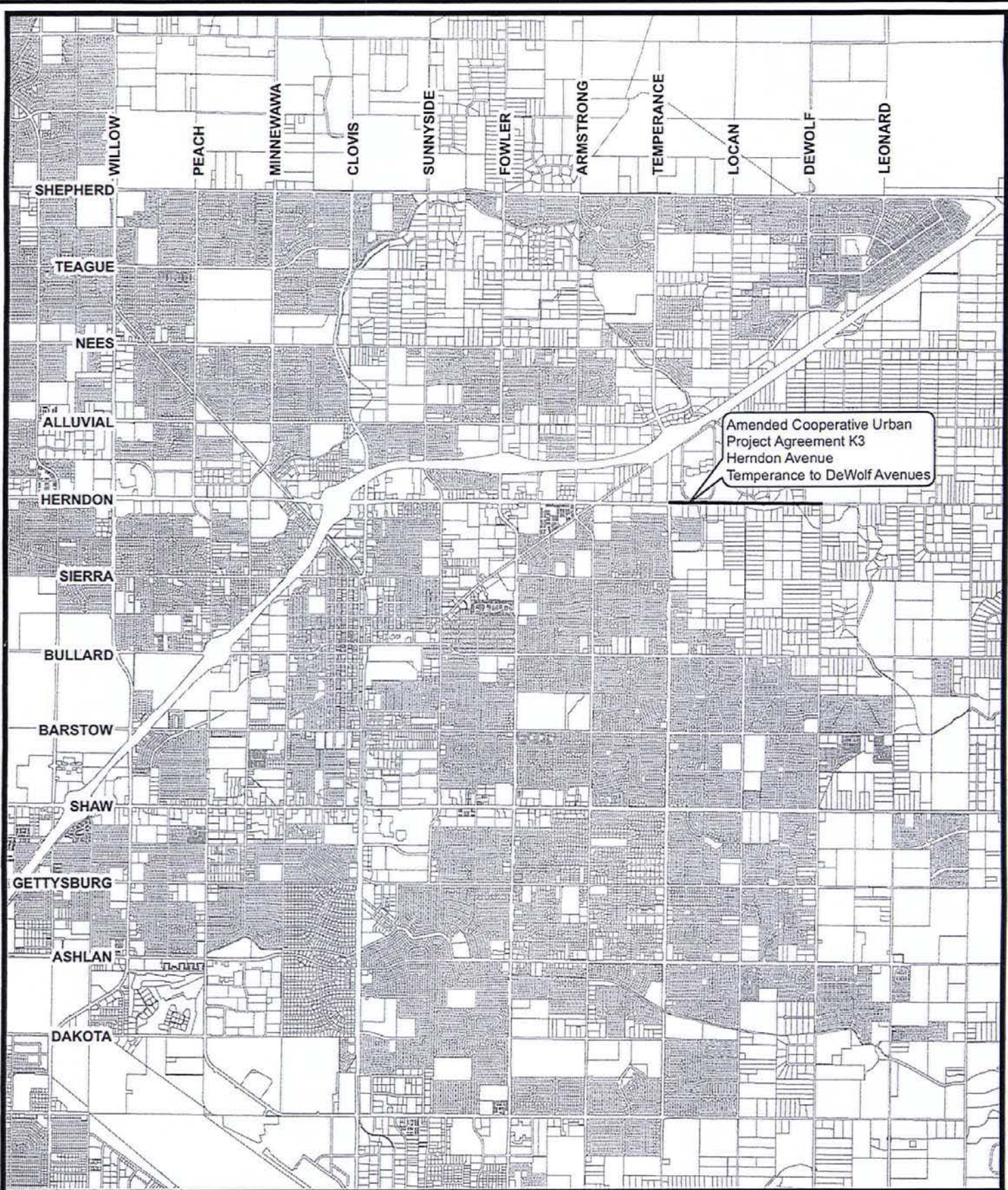
Urban K3 Project Reimbursement Agreement Exhibit C1 Funding Table

PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION							TOTAL COST & FUNDING
				SHORT-TERM PROGRAM FY 2007/08 - 2013/14							
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
Preliminary Engineering *1			\$0.000	\$1.288	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.288
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension				\$1.030							\$1.030
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees				\$0.258							\$0.258
Other State (Specify)											\$0.000
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 1:			\$0.000	\$1.288	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$1.288
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION							TOTAL COST & FUNDING
				SHORT-TERM PROGRAM FY 2007/08 - 2013/14							
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
Right-of-Way *2			\$0.000	\$0.000	\$4.241	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$4.241
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension					\$3.393						\$3.393
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees					\$0.848						\$0.848
Other State (Specify)											\$0.000
Other State (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 2:			\$0.000	\$0.000	\$4.241	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$4.241
PROJECT PHASE	START YEAR	END YEAR	PRIOR COST & FUNDING	NEW ALLOCATION							TOTAL COST & FUNDING
				SHORT-TERM PROGRAM FY 2007/08 - 2013/14							
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
Construction *3	2017/18	2017/18	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
FUNDING PROGRAM											
Measure "C" Original Program											\$0.000
Measure "C" Extension											\$0.000
RTMF											\$0.000
STIP											\$0.000
TCRP											\$0.000
Local Development Fees											\$0.000
Federal Aid (RSTP)											\$0.000
Federal Demonstration											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
Other Local (Specify)											\$0.000
TOTAL FUNDING PHASE 3:			\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
TOTAL FUNDING ALL PHASES:			\$0.000	\$1.288	\$4.241	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$5.529

*1 Preliminary Engineering: Preliminary Design/Engineering (P/E), Environmental

*2 Right-of-Way Acquisition

*3 Project Construction & Construction Management



2016 - 2017 REGIONAL MEASURE C EXTENSION PROJECTS ATTACHMENT B



Amended Cooperative Project Agreement

City Limits



1" = 4500'

AUG 11, 2016



AGENDA ITEM NO: CC-F-2

City Manager: AA

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 6, 2016

SUBJECT: Approval – Final Acceptance for CIP 14-20, Rialto Ranchos Subdivision

ATTACHMENTS: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to accept the work performed as complete and authorize recording of the notice of completion.

EXECUTIVE SUMMARY

The construction involves infrastructures for Rialto Ranchos Subdivision of Tract 5992. The work involves clearing, grubbing, earthwork, grading, construction of concrete curbs, gutters, valley gutters, drive approaches, sidewalks, ADA curb return ramps, asphalt-concrete pavements, public utilities including water, sewer, electrical, gas, communication, and cable facilities, street lighting, traffic striping, traffic signage, and miscellaneous facilities and operations.

Staff has evaluated the project site for all design aspects within the scope of the project for compliance with the Americans with Disabilities Act (ADA) accessibility standards as of September 6, 2016. The project was constructed to meet ADA standards.

BACKGROUND

Bids were received and the project was awarded to the contractor, Yarbs Grading and Paving, Inc., on March 21, 2016. The construction was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

1.	Award	\$ 607,410.00
2.	Cost increase/decrease resulting from differences between estimated quantities used for award and actual quantities installed.	\$ 13,187.62
3.	Contract Change Orders CCO1 – Additional AT&T Facilities \$12,198.34 CCO2 – Abandonment of Water Services \$4,565.00 CCO3 – Replacement of Existing Fence \$5,353.70	\$ 22,117.04
4.	Liquidated Damages Assessed	<u>\$ 0.00</u>

Final Contract Cost	\$ 642,714.66
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REASON FOR RECOMMENDATION

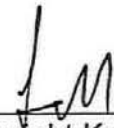
The Public Utilities Department, the City Engineer, the engineering inspector, and the project engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Yarbs Grading and Paving, Inc., has requested final acceptance.

ACTIONS FOLLOWING APPROVAL

1. The notice of completion will be recorded; and
2. All retention funds have been released pursuant to the funding requirements.

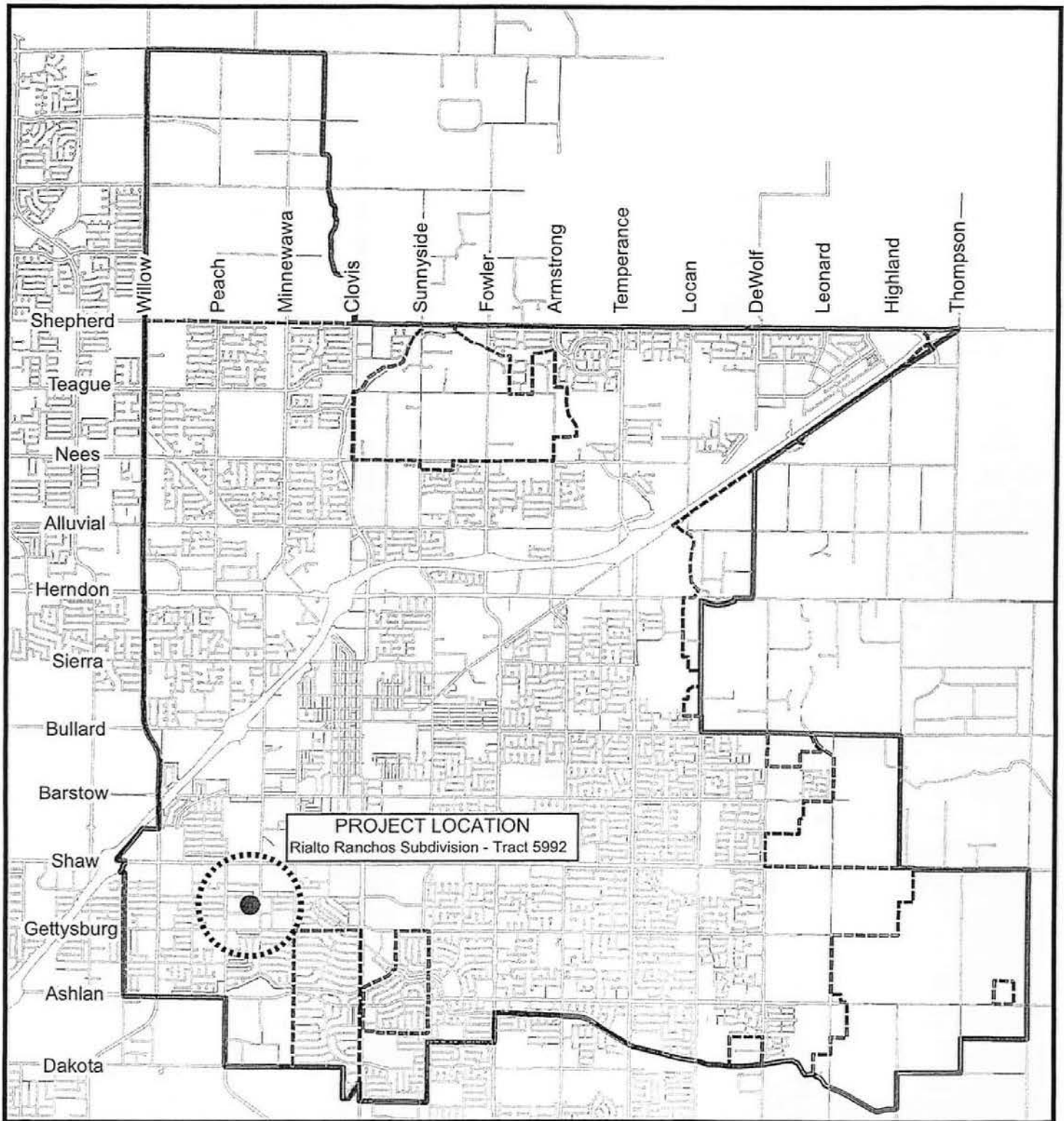
Prepared by: Thomas K. Cheng, Project Engineer

Submitted by: 
Michael Harrison
Interim City Engineer

Recommended by: 
Dwight Kroll
Director of Planning
and Development Services

VICINITY MAP

CIP 14-20 Rialto Ranchos Subdivision



August 8, 2016

ATTACHMENT A

CITY LIMITS SPHERE OF INFLUENCE



Prepared By: Thomas Cheng



AGENDA ITEM NO: CC-F-3

City Manager: AA

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 6, 2016

SUBJECT: Approval – Res. 16- _____, Final Map for Tract 6040, located at the northeast intersection of DeWolf Avenue and Barstow Avenue. (Wathen Castanos Homes).

ATTACHMENTS: Res. 16- _____

(A) Copy of Final Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 16- _____, which will:

1. Accept the offer of dedication of street and public utility easements within Tract 6040, and;
2. Authorize recording of the final map.

EXECUTIVE SUMMARY

The owner, WC Artisan 6040, LLC (Wathen Castanos Homes), acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street paving, sanitary sewers, water mains, paseos, mini-parks and Traffic Signals. The subject tract is located at the northeast intersection of DeWolf Avenue and Barstow Avenue. It

contains approximately 40.21 acres and consists of 188 units, zoned R-1 (Single-Family Residential – 6,000 sq. ft. min. lot size).

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, street paving, sanitary sewers, water mains, traffic signals, landscaping and irrigation, which will be perpetually maintained by the City of Clovis.

REASON FOR RECOMMENDATION


The subdivider has met all conditions of the tentative map. The developer is Wathen Castanos Homes and improvement plans are being processed by City staff. The development fees have since been paid or deferred in accordance with Municipal Code.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Nicholas Torstensen, Junior Engineer

Submitted by:


Michael Harrison
InterimCity Engineer

Recommended by:


Dwight Kroll, AICP
Director of Planning and
Development Services

RESOLUTION 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6040

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6040, by The City of Clovis, a Municipal Corporation, and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis as follows:

1. The final map of Tract 6040, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract, consisting of multiple sheets are being completed by City Staff.
3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$3,894,913.00.
4. The Subdivision Agreement between the City of Clovis and Subdivider, a copy of which is on file with the City Clerk, in connection with the installation and construction of improvements in said subdivision is hereby approved and adopted, and the City Engineer of the City of Clovis is directed to execute the same.
5. The offer and dedication for public use of the parcels, streets and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.

6. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.

7. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) or the sum of \$3,895,000 for guaranteeing specific performance of said agreement and fifty percent (50%) or the sum of \$1,947,000 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.

8. Subdivider shall furnish a bond in the sum of \$389,500 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

WC ARTISAN 5040, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: JFF CAPITAL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
ITS SOLE MEMBER

BY: JOSHUA E. PETERSON MANAGING MEMBER

OLD REPUBLIC TITLE COMPANY, A CALIFORNIA CORPORATION, AS TRUSTEE

BY: JAMES HOLLY VICE PRESIDENT

U.S. BANK ASSOCIATION D/B/A HOUSING CAPITAL COMPANY, AS BENEFICIARY

BY: CARRIE L. DURAN VICE PRESIDENT

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON _____, BEFORE ME, _____, WHO PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____
NAME _____
COUNTY OF _____
MY COMMISSION EXPIRES _____
MY COMMISSION NUMBER _____

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON _____, BEFORE ME, _____, WHO PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____
NAME _____
COUNTY OF _____
MY COMMISSION EXPIRES _____
MY COMMISSION NUMBER _____

TRACT NO. 6040

BEING A RE-SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN DECEMBER 2015, BY BRET A. GIANNETTA
CONSISTING OF THREE SHEETS
SHEET ONE OF THREE SHEETS

LEGAL DESCRIPTION

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO THE CITY OF CLOVIS BY GRANT DEED RECORDED DECEMBER 7, 2007 AS INSTRUMENT NO. 2007-0217497 OF OFFICIAL RECORDS OF FRESNO COUNTY.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE LAND CONVEYED TO THE CITY OF CLOVIS BY GRANT DEED RECORDED APRIL 30, 2014 AS INSTRUMENT NO. 2014-0048458 OF OFFICIAL RECORDS OF FRESNO COUNTY.

EXCEPTING THEREFROM AN UNDEVELOPED ONE HALF INTEREST IN ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN OR, THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES" EXECUTED BY FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND CITY OF FRESNO, RECORDED JULY 31, 1999 AS DOCUMENT NO. 95092128, OFFICIAL RECORDS.
2. PACIFIC GAS AND ELECTRIC COMPANY EASEMENT, RECORDED AUGUST 19, 1976 AS DOCUMENT NO. 72532 IN BOOK 6845, PAGE 688, FRESNO COUNTY RECORDS.
3. ENCROACHMENT AND MAINTENANCE AGREEMENT, RECORDED DECEMBER 7, 2007 AS DOCUMENT NO. 2007-0217498, FRESNO COUNTY RECORDS.
4. AGREEMENT AND GRANT OF EASEMENT, RECORDED JUNE 27, 2012 AS DOCUMENT NO. 12-89541, FRESNO COUNTY RECORDS.
5. AMENDED NOTICE OF SPECIAL TAX LIEN, RECORDED JUNE 10, 2018 AS DOCUMENT NO. 2018-0074671, FRESNO COUNTY RECORDS.

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON _____, BEFORE ME, _____, WHO PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____
NAME _____
COUNTY OF _____
MY COMMISSION EXPIRES _____
MY COMMISSION NUMBER _____

SURVEYOR'S STATEMENT:

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOSH PETERSON ON DECEMBER 1, 2015. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

BRET A. GIANNETTA, P.L.S. 8177 LIC. EXP. 12/31/18

DATE

CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON P.L.S. 8088 EXP. 3/31/18
CITY ENGINEER

DATE

CITY CLERK'S CERTIFICATE

I, JOHN HOLY, DO HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF CLOVIS BY RESOLUTION ADOPTED ON _____, 2018 APPROVED THE WITHIN MAP AND ACCEPTED SUBJECT TO IMPROVEMENT ON BEHALF OF THE PUBLIC ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION. THIS INCLUDES APPROVAL OF WRITTEN NOTATIONS OF ALL ABANDONED EASEMENTS CONTAINED WITHIN THIS MAP.

DATE: _____ BY: JOHN HOLY, CITY CLERK

RECORDER'S CERTIFICATE:

DOCUMENT NO. _____ FEE PAID _____
FILED THIS _____ DAY OF _____, 2018, AT _____, IN VOLUME _____ OF PLATS AT PAGES _____ AND _____, FRESNO COUNTY RECORDS, AT THE REQUEST OF GARY G. GIANNETTA

PAUL A. DIETOS, C.P.A., FRESNO COUNTY ASSESSOR-RECORDER

BY: _____
DEPUTY

ATTACHMENT A

TRACT NO. 6040

BEING A RE-SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN DECEMBER 2015, BY BRET A. GIANNETTA

CONSISTING OF THREE SHEETS
SHEET TWO OF THREE SHEETS

BASIS OF BEARINGS

THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS BEARING NORTH 89°19'32" WEST AS PER THE FINAL MAP OF TRACT NO. 5950, RECORDED IN VOLUME 83 OF PLATS, AT PAGES 30, 31, AND 32, FRESNO COUNTY RECORDS.

SCALE: 1" = 100'

LEGEND:

- MONUMENT FOUND AND ACCEPTED AS NOTED
- SET 3/4" IRON PIPE, 30" LONG, 6" DOWN, TAGGED LS B177, OR AS NOTED.
- () RECORD DATA AS PER THE FINAL MAP OF TRACT NO. 5950, RECORDED IN VOLUME 83 OF PLATS, AT PAGES 30, 31, & 32, FRESNO COUNTY RECORDS.
- [] RECORD DATA AS PER RECORD OF SURVEY RECORDED IN VOLUME 48, PAGES 48 AND 49 OF RECORD OF SURVEYS, FRESNO COUNTY RECORDS
- (()) RECORD DATA AS PER PARCEL MAP NO. 7676, RECORDED IN BOOK 59 OF PARCEL MAPS, AT PAGE 55, FRESNO COUNTY RECORDS.
- △ PREVIOUSLY DEEDED TO THE CITY OF CLOVIS AS PER GRANT DEED, RECORDED DECEMBER 7, 2007 AS DOC. NO. 2007-217497, FRESNO COUNTY RECORDS.
- △ PREVIOUSLY DEEDED TO THE CITY OF CLOVIS AS PER GRANT DEED, RECORDED APRIL 30, 2014 AS DOC. NO. 2014-0048455, FRESNO COUNTY RECORDS.
- △ PACIFIC GAS & ELECTRIC COMPANY POLE LINE EASEMENT, RECORDED AUGUST 19, 1976 IN BOOK 6645, PAGE 668, FRESNO COUNTY RECORDS.
- ***** INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS
- CALC CALCULATED FROM RECORD DATA
- F.C.R. FRESNO COUNTY RECORDS
- LE LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION
- (R) INDICATES RADIAL BEARING
- PM 7676 PARCEL MAP NO. 7676, RECORDED IN BOOK 59 OF PARCEL MAPS, AT PAGE 55, FRESNO COUNTY RECORDS.
- TRACT 5950 FINAL MAP OF TRACT NO. 5950, RECORDED IN VOLUME 83 OF PLATS, AT PAGES 30, 31, & 32, FRESNO COUNTY RECORDS.
- INDICATES THE LIMITS OF THIS SUBDIVISION

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED
AS AN EASEMENT FOR PUBLIC PURPOSES.

PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE.

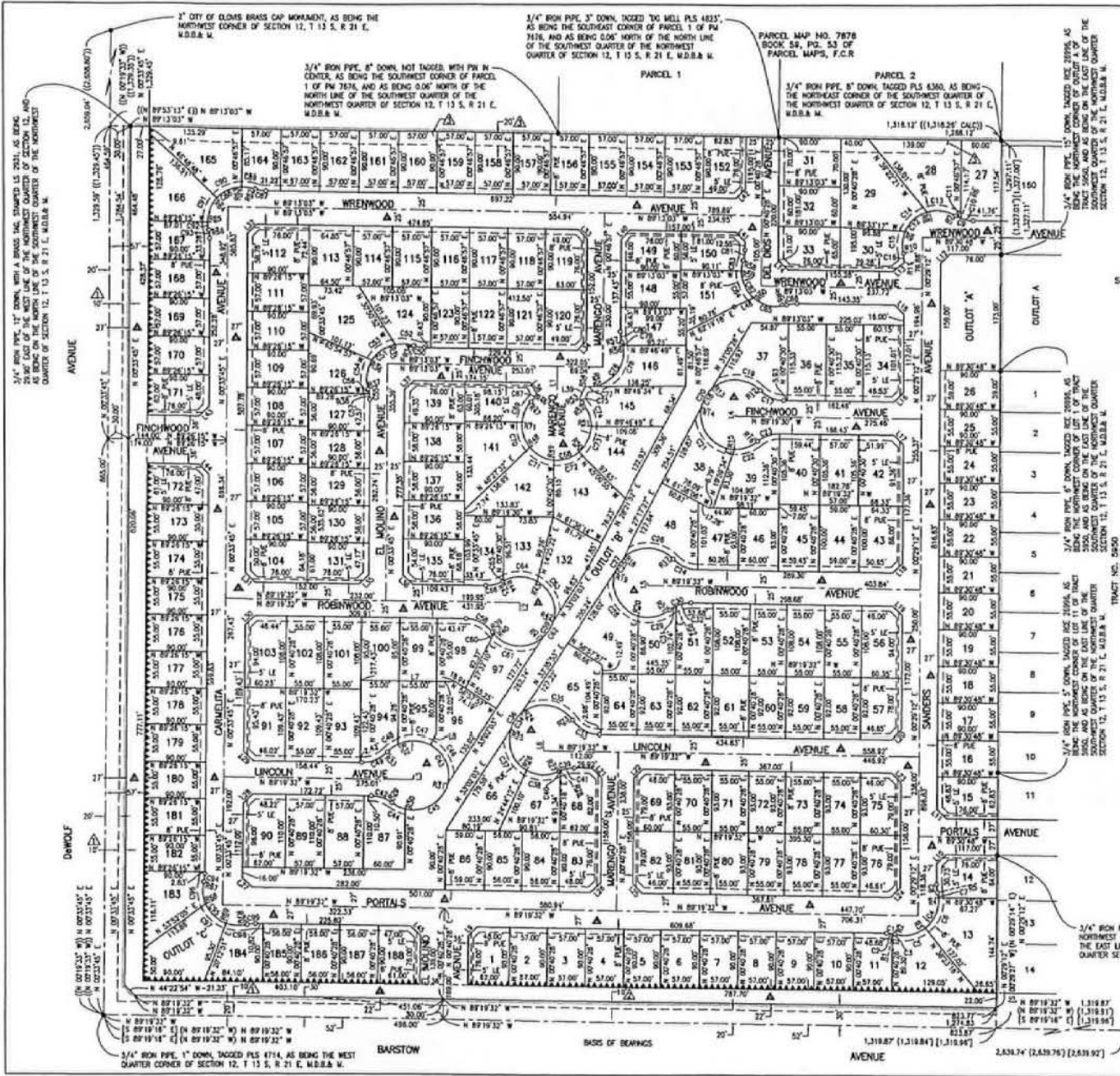
THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED
IN FEE FOR PUBLIC PURPOSES.

△ NOW OFFERED FOR PUBLIC STREET AND UTILITY PURPOSES TO THE CITY OF CLOVIS.

OUTLOTS A, B & C NOW OFFERED FOR PUBLIC USE TO THE CITY OF CLOVIS.

NOTE:

1. SET 3/4" IRON PIPE, 6" DOWN, TAGGED LS B177 AT ALL LOT CORNERS.
2. THE GRANT OF EASEMENT FOR SEWER MAIN PIPELINE GRANTED TO THE CITY OF CLOVIS, RECORDED JUNE 27, 2012 AS DOC. NO. 2012-0089541, FRESNO COUNTY RECORDS, WHICH IS NOT DELINEATED ON THIS MAP IS DEEMED ABANDONED PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT.



TRACT NO. 6040

BEING A RE-SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN DECEMBER 2015, BY BRET A. GIANNETTA

CONSISTING OF THREE SHEETS
SHEET THREE OF THREE SHEETS

RACIAL	DIRECTION
R1	N 101°45' E
R2	S 14°58'18" W
R3	S 38°21'17" E
R4	N 84°39'14" E
R5	N 79°32'21" E
R6	S 22°36'50" W
R7	N 31°57'13" E
R8	N 18°54'18" W
R9	N 63°56'05" E
R10	S 79°32'21" W
R11	S 87°56'08" E
R12	N 45°30'40" E
R13	N 42°42'19" W
R14	N 78°35'47" E
R15	S 61°34'43" W
R16	S 39°43'53" E
R17	N 48°44'34" E
R18	N 45°35'41" W
R19	N 72°20'40" W
R20	S 19°14'38" W
R21	S 38°21'40" E
R22	N 22°30'09" W
R23	N 55°20'03" E
R24	N 40°27'00" W
R25	N 72°34'30" W
R26	S 29°24'38" W
R27	S 26°10'44" E
R28	N 24°15'42" W
R29	S 37°34'32" W
R30	S 13°44'27" W
R31	S 74°56'28" E
R32	N 26°36'12" W
R33	N 47°10'58" W
R34	N 18°47'12" E
R35	N 17°28'11" W

RACIAL	DIRECTION
R36	N 57°50'09" W
R37	S 72°34'04" W
R38	N 80°31'20" E
R39	S 57°14'27" W
R40	S 48°46'21" W
R41	S 41°01'20" E
R42	S 72°54'30" E
R43	N 28°27'10" E
R44	N 28°19'10" W
R45	N 29°41'59" W
R46	S 62°20'48" E
R47	N 48°40'08" W
R48	S 50°13'40" W
R49	S 04°59'17" W
R50	S 40°15'08" E
R51	S 08°56'37" E
R52	N 47°53'43" E
R53	S 55°51'52" W
R54	S 05°27'39" W
R55	S 10°02'08" E
R56	N 78°24'51" E
R57	N 72°44'53" E
R58	N 71°18'41" W
R59	N 89°13'03" W
R60	S 41°01'08" W
R61	S 17°13°44" E
R62	N 18°47'48" E
R63	N 03°53'31" W
R64	N 48°48'52" W
R65	S 09°28'14" W
R66	S 26°27'59" W
R67	N 72°30'29" W
R68	S 87°06'45" W
R69	S 18°55'20" W
R70	S 12°15'22" E
R71	N 84°31'53" W

CURVE	DELTA	RADIUS	LENGTH
C1	133°50'50"	50.00	12.18
C2	09°34'28"	50.00	8.30
C3	04°31'22"	50.00	3.80
C4	118°02'56"	53.00	107.14
C5	82°59'35"	53.00	48.10
C6	56°57'29"	53.00	51.69
C7	08°05'51"	53.00	7.33
C8	133°50'50"	50.00	12.18
C9	31°28'01"	50.00	27.45
C10	22°07'38"	50.00	19.31
C11	09°20'33"	50.00	8.15
C12	125°23'51"	53.00	122.88
C13	48°51'31"	52.00	44.34
C14	49°03'47"	53.00	44.53
C15	37°28'33"	52.00	34.01
C16	19°28'33"	50.00	13.51
C17	44°30'10"	50.00	39.13
C18	265°14'33"	53.00	340.73
C19	88°12'59"	53.00	80.06
C20	35°53'28"	52.00	33.57
C21	87°20'28"	52.00	36.50
C22	47°38'40"	52.00	37.86
C23	40°24'25"	50.00	35.25
C24	46°03'56"	50.00	40.20
C25	263°06'04"	52.00	240.80
C26	87°09'05"	52.00	83.86
C27	26°44'59"	52.00	24.28
C28	52°24'54"	52.00	63.67
C29	53°38'08"	52.00	48.65
C30	39°02'08"	50.00	34.06
C31	12°21'31"	50.00	10.83
C32	26°38'29"	50.00	23.15
C33	54°38'20"	50.00	49.70
C34	361°30'51"	52.00	337.34
C35	89°47'03"	52.00	86.83
C36	32°27'30"	52.00	28.48
C37	77°46'54"	52.00	70.50
C38	50°35'24"	52.00	50.43
C39	26°51'18"	50.00	25.43
C40	01°55'06"	50.00	1.87
C41	24°56'10"	50.00	21.76
C42	36°54'28"	50.00	32.21
C43	36°44'53"	52.00	240.79
C44	33°50'30"	52.00	31.64
C45	88°42'53"	52.00	80.52
C46	76°28'23"	52.00	69.57
C47	54°06'21"	52.00	49.01
C48	21°27'44"	52.00	19.36
C49	47°51'24"	50.00	41.70
C50	18°06'20"	50.00	15.71

CURVE	DELTA	RADIUS	LENGTH
C51	138°13'13"	52.00	114.55
C52	30°15'28"	52.00	27.46
C53	48°21'58"	52.00	42.08
C54	47°35'47"	52.00	45.01
C55	17°39'41"	50.00	15.72
C56	08°17'25"	50.00	7.23
C57	09°42'19"	50.00	8.47
C58	52°33'51"	50.00	43.87
C59	262°56'34"	52.00	238.64
C60	04°28'04"	52.00	4.06
C61	08°47'44"	52.00	81.50
C62	31°33'05"	52.00	28.94
C63	77°38'14"	52.00	70.48
C64	57°45'35"	52.00	52.43
C65	01°22'47"	52.00	1.25
C66	30°22'25"	50.00	26.51
C67	18°43'54"	50.00	14.60
C68	265°20'09"	52.00	240.81
C69	37°45'49"	52.00	34.27
C70	45°14'33"	52.00	41.06
C71	45°14'33"	52.00	41.06
C72	45°14'33"	52.00	41.06
C73	48°01'31"	52.00	44.15
C74	43°06'40"	52.00	38.17
C75	07°58'09"	50.00	6.85
C76	117°42'45"	52.00	102.20
C77	13°29'47"	52.00	14.06
C78	87°33'51"	52.00	83.89
C79	08°28'58"	52.00	5.14
C80	18°02'04"	50.00	15.74
C81	18°00'51"	50.00	15.72
C82	125°58'13"	52.00	114.28
C83	17°54'22"	52.00	16.25
C84	49°43'48"	52.00	45.16
C85	58°15'02"	52.00	52.87
C86	18°06'51"	50.00	15.72
C87	18°06'51"	50.00	15.72
C88	127°28'53"	52.00	140.87
C89	22°41'19"	52.00	20.59
C90	42°55'21"	52.00	38.99
C91	47°32'54"	52.00	38.52
C92	17°08'19"	52.00	11.80
C93	12°58'50"	50.00	12.16
C94	17°26'50"	50.00	12.18
C95	117°44'53"	52.00	108.87
C96	37°22'50"	52.00	33.83
C97	47°31'23"	52.00	43.13
C98	32°26'42"	52.00	28.81
C99	13°45'30"	50.00	12.18

LINE	DIRECTION	DISTANCE
L1	N 02°33'47" E	88.57
L2	N 02°40'28" E	11.50
L3	N 02°40'28" E	6.56
L4	N 02°40'30" E	2.87
L5	N 02°40'28" E	4.23
L6	N 02°40'28" E	18.00
L7	N 89°19'32" W	134.57
L8	N 39°22'09" E	16.75
L9	N 45°40'28" E	19.80
L10	N 45°29'12" E	19.80
L11	N 44°30'48" W	19.80
L12	N 45°29'12" E	19.80
L13	N 50°25'59" E	21.34
L14	N 44°16'18" W	19.82
L15	N 44°21'55" W	19.80
L16	N 45°34'51" E	19.77
L17	N 44°25'08" W	19.83
L18	N 45°34'50" E	19.77
L19	N 44°25'10" W	19.83
L20	N 45°34'50" E	19.77
L21	N 44°19'32" W	19.80
L22	N 45°40'28" E	19.80
L23	N 44°25'10" W	19.83
L24	N 45°34'50" E	19.77
L25	N 44°19'32" W	19.80
L26	N 45°40'28" E	19.80
L27	N 44°22'54" W	19.82
L28	N 45°37'06" E	19.78
L29	N 44°22'54" W	19.82
L30	N 45°37'06" E	19.78
L31	N 44°22'54" W	19.82
L32	N 45°40'28" E	19.78
L33	N 44°13'53" W	19.80
L34	N 45°46'37" E	19.80
L35	N 45°37'06" E	19.78
L36	N 44°22'54" W	19.82
L37	N 45°40'28" E	19.78
L38	N 29°44'00" W	19.45
L39	N 29°18'49" E	20.27
L40	N 45°46'37" E	19.80
L41	N 44°16'18" W	19.82
L42	N 45°43'49" E	19.78
L43	N 45°23'49" E	19.80
L44	N 44°26'13" W	19.80
L45	N 44°19'32" W	19.80
L46	N 44°27'05" E	51.78



AGENDA ITEM NO: CC-F-4

City Manager: *AA*

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 6, 2016

SUBJECT: Approval – Res. 16-_____, Annexation of Proposed Tract 6040, located at the northeast intersection of DeWolf Avenue and Barstow Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. (Wathen Castanos Homes).

ATTACHMENTS: Res. 16-_____

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 16-_____, that will annex proposed Tract 6040, which is located at the northeast intersection of DeWolf Avenue and Barstow Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, WC Artisan 6040, LLC (Wathen Castanos Homes), acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Vesting Tentative Tract Map 6040.

BACKGROUND

Wathen Castanos Homes, the developer of Tract 6040, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks. Each annexation to the District has a separate assessment so that the cost of landscape maintenance of this landscaped area will be borne entirely by the benefit area that includes this tract.

Under the provisions of the Landscaping and Lighting Act of 1972, and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation, and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6040</u>	<u>Year to Date</u>
LMD Landscaping added:	2.120 acres	17.573 acres
Resource needs added:	0.212 person	1.756 person

The resource needs estimate is based on 1 person per 10 acres of landscaped area.


REASON FOR RECOMMENDATION


The property owners for the subject tract have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6040 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Nicholas Torstensen, Junior Engineer

Submitted by: 
Michael Harrison
Interim City Engineer

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

RESOLUTION 16-

A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA, APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6040, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. That the public interest and convenience require that certain property described in Exhibit "A" attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.

2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Exhibit "A" which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

Exhibit "A"

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO THE CITY OF CLOVIS BY GRANT DEED RECORDED DECEMBER 7, 2007 AS INSTRUMENT NO. 2007-0217497 OF OFFICIAL RECORDS OF FRESNO COUNTY.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE LAND CONVEYED TO THE CITY OF CLOVIS BY GRANT DEED RECORDED APRIL 30, 2014 AS INSTRUMENT NO. 2014-0048456 OF OFFICIAL RECORDS OF FRESNO COUNTY.

EXCEPTING THEREFROM AN UNDIVIDED ONE HALF INTEREST IN ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.



AGENDA ITEM NO: CC-G-1

City Manager: pm

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: September 6, 2016

SUBJECT: Approval – Res. 16__, Amending the Police Department's Budget for FY 2016-2017 to reflect the award of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$16,434.00

ATTACHMENTS: 1. Resolution
2. Summary of Expenditures

CONFLICT OF INTEREST

There is no conflict of interest with these funds.

RECOMMENDATION

1. Approve the use of FY 2016 – 2017 Justice Assistance Grant (JAG) funds.

EXECUTIVE SUMMARY

The Clovis Police Department has been awarded the amount of \$16,434.00 in JAG funds for federal FY 2016 to fund one Part-Time Community Service Officer. The Grant period starts October 1, 2016 and ends September 30, 2017.

The funds are provided through the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG). This program furthers the Department of Justice's mission by assisting state and local efforts to prevent and/or reduce crime and violence. The Clovis Police Department will maintain one part-time Community Service

Officer to assist patrol in several functions in the Police Department. These functions could include, but not be limited to, patrol field work, jail duties, animal services duties in patrol, community events, and other duties which would prevent and reduce crime.

BACKGROUND

These funds are provided by the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG). This program furthers the Department of Justice's mission by assisting state and local efforts to prevent and/or reduce crime and violence.

FISCAL IMPACT

The grant award from U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) will be used to maintain one Part-Time Community Service Officer.

REASON FOR RECOMMENDATION

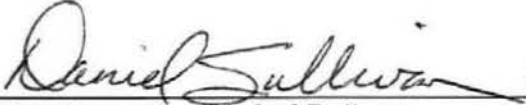
To approve the use of FY 2016 Justice Assistance Grant funds.

ACTIONS FOLLOWING APPROVAL

A resolution is attached for approval

Prepared by: Sandi Macy- Principal Office Assistant

Submitted by:

 FOR CHIEF BASGALL
Matt Basgall, Chief of Police

ATTACHMENT 1

RESOLUTION NO. 16-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL YEAR
2016-2017**

WHEREAS, the City Council of the City of Clovis approved the 2016-2017 Budget on June 13, 2016 and

WHEREAS, the Police Department has need for 1 part-time Community Service Officer; and

WHEREAS, the Police Department has been awarded a grant from the Bureau of Justice Assistance Grant (JAG); and

WHEREAS, the Police Department will receive JAG funds in the amount of \$16,434.00 to use towards law enforcement services; and

WHEREAS, the City Council determines that the expenditures are necessary.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the 2016-2017 Budget be amended as provided in Exhibit A.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

ATTACHMENT 2

EXHIBIT A

SUMMARY OF EXPENDITURES BY DEPARTMENT	
DEPARTMENT	Police
	\$16,434.00

SUMMARY OF EXPENDITURES BY FUND	
FUND	General Fund
	\$16,434.00


SUMMARY OF REVENUES BY DEPARTMENT	
DEPARTMENT	Police
	\$16,434.00

SUMMARY OF REVENUES BY FUND	
FUND	General Fund
	\$16,434.00

All expenditures will be from 56300 (Police Department Grants)



AGENDA ITEM NO: 1-A-1&2

City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 6, 2016

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #46 – PM2016 - 01, T6143, T6137, T6068, T6102, T6134, T5720A, T6128, various locations) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). (Staff: J. Hughson)

1. Consider Approval - Res. 16-___, A Resolution annexing territory (Annexation#46–PM2016-01, T6143, T6137, T6068, T6102, T6134, T5720A, T6128, various locations) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #46) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
2. Consider Approval - Res. 16-___, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

ATTACHMENTS: (A) Resolution of Annexation
(B) Resolution Declaring Results
(C) Exhibit A – Canvass and Statement of Result Election
(D) Map

CONFLICT OF INTEREST

None

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #46) to Community Facilities District No. 2004-1.

- Consider Approval – Res. 16-____, A Resolution of annexation of territory (Annexation #46) to the Community Facilities District (City of Clovis Community Facilities District No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.
- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 16-____, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #46 (ROI) to annex territory to the CFD on August 1, 2016. The ROI set a public hearing for September 6, 2016. The action today finalizes the annexation to the CFD.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #46 (ROI) to annex territory to the CFD. The ROI set a public hearing for September 6, 2016. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

The conditions as provided in the Rate and Method of Apportionment will apply to territory annexed to the Community Facilities Districts to provide funding for public safety operations in new growth areas. The major conditions include:

1. The maximum annual tax will be \$235.77 for single family residential and \$203.57 for multi-family residential.
2. The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.
3. There will be a review not later than five years of inception of the CFD.
4. The annual tax will not apply to commercially zoned property.
5. The tax will apply only to that property for which a building permit is issued after January 1, 2004.
6. The costs of salary and benefit increases funded by the CFD will be limited to the Escalator Factor.

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any property owner within the proposed boundaries. If no property owner protests are received, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and approving calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds of the property within the proposed boundaries vote in favor of the CFD, then the Council can take the action to direct the recording of Notice of Special Tax Lien. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

After the annexation is complete and the Notice of Tax Lien has been recorded, any final maps within the CFD may be recorded and construction permits for homes can be issued. One of the conditions of the CFD is that the tax will only be collected on those properties where a building permit for a residence has been issued.

FISCAL IMPACT

If approved, residential units built within the boundaries of the CFD will be assessed annually according to the conditions of the CFD formation and those assessments will be utilized to fund police and fire services.

REASON FOR RECOMMENDATION

All requirements for the annexation of territory to the CFD have been completed and the Council may take action to annex territory to the CFD.

ACTIONS FOLLOWING APPROVAL

After approval of the resolution directing the recordation of the Notice of Tax Lien, the lien will be recorded.

Submitted by: Jamie G. Hughson, Finance Director



RESOLUTION NO. 16-__

**A RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND
SUBMITTING LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS**

**CITY OF CLOVIS
Community Services District No. 2004-1
(Police and Fire Services)
Annexation No. 46**

RESOLVED by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

WHEREAS, this Council, on August 1, 2016, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District and stating the services to be provided and the rate and method of apportionment of the special tax to be levied within the District to pay for the services for the District, is on file with the Clerk of the Council and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the District by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing District, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to the District, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 46 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

NOW, THEREFORE, IT IS HEREBY ORDERED,

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 46 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 16- adopted by this Council for the District on August 1, 2016, each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on September 6, 2016, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5th Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall

accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on September 6, 2016, whether received by mail or by personal delivery.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis September 6, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATE: September 6, 2016

Mayor

City Clerk

RESOLUTION NO. 16-__

**A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION,
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF
AMENDED NOTICE OF SPECIAL TAX LIEN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 46**

RESOLVED by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"); and

WHEREAS, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election, a copy of which is attached hereto as Exhibit A; and

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 16-, a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted August 1, 2016.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Fresno, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 6, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 6, 2016

Mayor

City Clerk

EXHIBIT A

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 46**

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date, in the territory annexed to Community Facilities District No. 2004-1 (Police and Fire Services) of the City of Clovis which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory to be annexed and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

Qualified Landowner Votes	Votes Cast	YES	NO
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**City of Clovis
Community Facilities District No. 2004-1
(Police and Fire Services), Annexation No. 46
Special Tax Annexation Election,
September 6, 2016.**

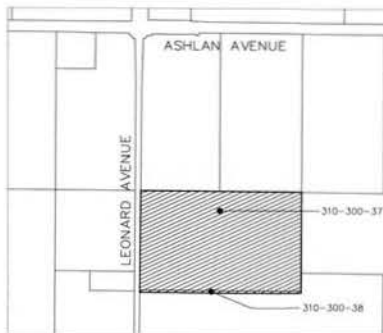
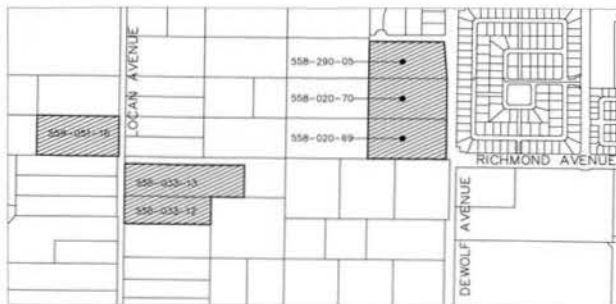
BALLOT MEASURE: Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 16-___ of the City of Clovis, adopted by its Council on September 6, 2016?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2016.

CITY OF CLOVIS

By: _____
City Clerk

Attachment C



LEGEND

- PARCEL
 — ANNEXATION BOUNDARY
 APN 559-051-16
 APN 558-290-05
 APN 558-020-70
 APN 558-020-69
 APN 558-033-13
 APN 558-033-12
 APN 571-010-01
 APN 571-010-02
 APN 571-010-79
 APN 555-020-05
 APN 555-263-09
 APN 310-300-37
 APN 310-300-38

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 2016. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 46 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 8TH DAY OF _____, 2016, BY ITS RESOLUTION NO. 16-_____

JOHN HOLT
 CITY CLERK
 CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2016, AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

PAUL A. DICTOS, C.P.A. BY DEPUTY COUNTY RECORDER
 COUNTY ASSESSOR-RECORDER
 COUNTY OF FRESNO
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 46

COMMUNITY FACILITIES DISTRICT NO. 2004-1
 (POLICE AND FIRE SERVICES)



CITY OF CLOVIS
 COUNTY OF FRESNO
 STATE OF CALIFORNIA

Attachment D



AGENDA ITEM NO: **1-B**

City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Clovis Police Department

DATE: September 6, 2016

SUBJECT: Consider Introduction – Ord. 16-____, Amending Subdivision 15, of Section 10.3 of Title 10 the Municipal Code Pertaining to Prohibited Acts in City Parks to Prohibit the Use of Electronic Smoking Devices.

ATTACHMENT: Ord. 16-____

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a request to amend Section 10.3 of the Clovis Municipal Code to include a prohibition on the use of electronic smoking devices, including but not limited to those which are commonly referred to as “E-Cigarette”, “Hookah” or other means of delivery of nicotine, cannabis or other vaporized liquids to a person inhaling from the device.

EXECUTIVE SUMMARY

The Clovis Municipal Code currently prohibits smoking and the use of tobacco related products in City parks for the public health, safety and welfare. Recently there has been a proliferation of electronic smoking devices making their way to the public. These devices are commonly referred to as “E-cigarettes” and the practice of using these devices as “vaping”. With the proliferation of these devices, the Governor of the State of California recently signed Senate Bill X2-5 which makes applicable to these electronic smoking devices the same regulatory provisions that exist for smoking and using tobacco products.

With the proliferation of these devices, and their use in the community it has become necessary to amend the City’s ordinance to also expressly prohibit the use of electronic smoking devices in City parks and making a violation of this ordinance an infraction.

BACKGROUND

The use of various styles of electronic cigarettes has proliferated in recent years. These devices typically utilize flavored oil which is heated to a vapor and inhaled by the user. This oil typically contains nicotine. The vapor is inhaled and then exhaled, as in smoking tobacco, and the vapor cloud is expended into the air around the user, again, as is done in smoking tobacco. This has been termed "second hand smoke" and is offensive and dangerous to those who do not smoke. It has also been the experience of Law Enforcement to find that some users of electronic cigarettes also smoke a marijuana product in the devices. This product is a distilled form of THC that is created in home labs, and the production method is very dangerous. It is for these reasons that the municipal code should be amended at this time.

FISCAL IMPACT

Fiscal Impact is negligible related to the cost of new signage for all City parks reflecting the prohibition on use of electronic smoking devices in City parks, and the enforcement of the municipal code by the Police Department. Signs are already set to be replaced to reflect hours of operation and that cost has already been budgeted prior to this request. Adding the amended verbiage to the signs will not add to the cost of the signs.

REASON FOR RECOMMENDATION

The growing use of electronic smoking devices in the community has made it necessary to expressly prohibit the use of these devices in City parks by amending our Municipal Code. This change in the code would prohibit the use of electronic smoking devices as it currently prohibits smoking or using tobacco products in City parks.

ACTIONS FOLLOWING APPROVAL

This ordinance shall go into effect and be in full force and operation from and after (30) days after its final passage and adoption. Signs for all City parks will be made and installed that reflect the prohibition on the use of tobacco and tobacco products and the use of electronic smoking devices in City parks.

Prepared by: Brett Hershberger, Police Lieutenant

Submitted by: Matthew Basgall, Chief of Police 

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING SUBDIVISION 15, OF SECTION 10.3.01, OF CHAPTER 10.3 OF
TITLE 10, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO
PROHIBITED ACTS IN CITY PARKS TO PROHIBIT THE USE OF
ELECTRONIC SMOKING DEVICES**

WHEREAS, the City currently prohibits smoking and the use of tobacco related products in City parks for the public health, safety, and welfare of the community; and

WHEREAS, with the proliferation of electronic smoking devices and vaping, there is a need to amend the City's ordinance to also expressly prohibit the use of electronic smoking devices; and

WHEREAS, the Governor recently signed into law Senate Bill X2 5, which makes applicable to electronic smoking devices the same regulations that currently exist for smoking tobacco and using tobacco related products.

NOW, THEREFORE, the City Council of the City of Clovis does ordain as follows:

SECTION 1. AMENDMENT TO MUNICIPAL CODE.

Subdivision 15, of Section 10.3.01, of Chapter 10.3 of Title 10, of the Clovis Municipal Code is hereby amended to read as follows:

15. Use a tobacco or tobacco related product; or dispose of any tobacco or tobacco related product in any place other than a designated waste disposal container. Signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying a City park that smoking and tobacco related product use is prohibited within the area.

For purposes of this subsection, tobacco or tobacco related product shall have the following meanings:

(a) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(b) A product containing, made, or derived from any other weed or plant, including products made with cannabis, that is smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff. This subsection shall not apply to food products intended for nourishment and sustenance.

(c) An electronic device that delivers nicotine, cannabis, or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

For purposes of this subsection, use shall mean lighted, heated, burning, smoking, chewing, ingesting, snorting, sniffing, inhaling, absorbing, dissolving, and vaping.

A violation of this subsection is an infraction.

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:

Nathan Magsig, Mayor

John Holt, City Clerk

* * * *

The foregoing ordinance was introduced at a regular meeting of the City Council held on _____ 2016 and was adopted at a regular meeting of said Council held on _____, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

DATED _____, 2016

CITY CLERK



AGENDA ITEM NO: **2-A-1**

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 6, 2016

SUBJECT: Adopt – Ord. 16-17, Amending Clovis Municipal Code Section 2.2.217 of Chapter 2.2 of Title 2 of the Clovis Municipal Code Relating to Prohibited Political Activities of Employees in the Competitive Service of the City of Clovis. (Vote 4-0-1 with Councilmember Armstrong absent)

Please direct questions to the City Manager's office at 559-324-2060.



AGENDA ITEM NO: 2-B-1

City Manager: AA

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: September 6, 2016

SUBJECT: Consider Approval – Joint Powers Agreement for Groundwater Sustainability Agency and appointment of Director to JPA Board and Alternate Director

ATTACHMENTS: (A) North Kings Groundwater Sustainability Agency Joint Powers Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

For the Council to approve the Joint Powers Agreement for the North Kings Groundwater Sustainability Agency, appoint a Councilmember to serve as a Director on the Board of the Agency, and appoint an alternate to serve in the absence of the appointed Director.

EXECUTIVE SUMMARY

The Sustainable Groundwater Management Act of 2014 (SGMA) requires public agencies that have water supply, water management, and/or land use responsibilities within a groundwater basin to manage and regulate the underlying groundwater in a sustainable manner. The City entered into a Memorandum of Understanding (MOU) between various agencies with these responsibilities in the Fresno Area / North Kings Groundwater Sub-Basin, to provide the framework for cooperative efforts to form a Groundwater Sustainability Agency and implement the measures necessary to comply with the SGMA. The agencies developed an agreement for a joint powers authority for

the North Kings Groundwater Sustainability Agency (NKGSA), and staff conducted a workshop with Council regarding the draft Joint Powers Agreement on August 1, 2016. Only minor modifications have been made to the Agreement since that workshop. Staff is recommending that Council approve the final Agreement, appoint a Councilmember to serve as a Director on the Board of the NKGSA, and appoint an alternate Councilmember to serve in the absence of the appointed Director.

BACKGROUND

On September 16, 2014, the Governor signed into law AB 1739, SB 1168, and SB 1319, which collectively are known as the Sustainable Groundwater Management Act of 2014. The SGMA requires local agencies with water supply, water management, and/or land use responsibilities to manage the underlying groundwater in a sustainable manner. More specifically, the SGMA requires that these local agencies form, by June 30, 2017, Groundwater Sustainability Agencies (GSAs) to manage and regulate the groundwater. The SGMA further requires the GSAs to adopt by January 31, 2020, Groundwater Sustainability Plans (GSPs) identifying the specific measures that will be taken to sustainably manage the underlying groundwater. And last, the SGMA requires that the GSAs achieve sustainability by January 31, 2040.

On May 18, 2015, Council approved an MOU for the implementation of the SGMA within the entire Kings Sub-Basin. Other participants in that MOU included the City of Fresno, Fresno County, Tulare County, Kings River Conservation District, Fresno Irrigation District, and Consolidated Irrigation District. The primary purpose of that MOU was to facilitate a cooperative relationship between several local agencies to explore, study, evaluate, develop and implement mutually beneficial approaches and strategies for forming GSAs and implementing the SGMA within the sub-basin. Staff has participated in regular meetings with this group to achieve those goals.

Through these efforts, the representatives from these agencies have reached a general consensus that the large geographic area of the sub-basin, combined with the wide disparities in land uses, soil types, and availability of surface water, make a single GSA that serves the entire sub-basin impractical. As a result, there will be five to six GSAs formed within the Kings Sub-Basin. Clovis is within the Fresno Area / North Kings Area GSA. On November 12, 2015, the City entered into an MOU with Fresno Irrigation District, City of Fresno, Fresno County, Malaga County Water District, Garfield Irrigation District, Biola Community Service District, Pinedale County Water District, Fresno State University, Fresno Metropolitan Flood Control District, City of Kerman, International Water District and Bakman Water Company to work on developing a strategy to implement the SGMA.

This group of agencies developed a draft agreement for a joint powers authority to serve as the GSA for the area. On August 1, 2016, staff conducted a workshop with Council regarding the draft agreement. The only changes to the agreement that have

occurred since that workshop is that Pinedale County Water District has withdrawn from the authority and there have been relatively minor changes to the cost-sharing allocations. Staff recommends that Council approve the final agreement, which is attached to this report.

The NKGSA will be governed by a Board of Directors appointed by each participating agency. Clovis will have a permanent seat on the Board of Directors, and the Directors from the public agencies participating in the NKGSA must be elected officials. Staff recommends that Council appoint a Councilmember to serve as a Director.

The agreement also provides for the appointment of up to two Alternate Directors that would serve in the absence of the appointed Director. The Alternate Directors may be, but are not required to be, elected officials. Due to the significant policies that will be developed by the Board of Directors, staff recommends that Council appoint a second Councilmember as Alternate Director.

FISCAL IMPACT

There will be a financial cost commitment to be a member with voting rights on the Joint Powers Authority. The initial cost is estimated to be between \$100,000 and \$200,000 over a three year period and will fund the development of the Sustainable Groundwater Management Plan and the initial start-up costs of the JPA. This cost could be significantly reduced if the NKGSA is successful in obtaining grant funds for some of this work.

REASON FOR RECOMMENDATION

The best way for Clovis to comply with SGMA is to participate in the NKGSA.

ACTIONS FOLLOWING APPROVAL

The Mayor will sign the agreement for the NKGSA. Staff will continue to coordinate with staff from the other parties in the NKGSA and will support the appointed Director and Alternate Director in their duties to the joint powers authority.

Prepared by: Luke Serpa, Public Utilities Director

Submitted by: LS
Luke Serpa, Public Utilities Director

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS AGREEMENT

THIS NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS AGREEMENT (this "Agreement") is made and entered into this _____ day of _____, 2016 (the "Effective Date") by and between the Fresno Irrigation District, the County of Fresno, the City of Fresno, the City of Clovis, the City of Kerman, Biola Community Services District, Garfield Water District, and International Water District, each a "Member" and collectively, the "Members."

RECITALS

- A. Whereas, on September 16, 2014, the Governor of the State of California signed into law Senate Bills 1168 and 1319, and Assembly Bill 1739 collectively, the Sustainable Groundwater Management Act, which is codified at Water Code Sections 10720 *et seq.*; and
- B. Whereas, the Act allows certain local agencies to become a Groundwater Sustainability Agency ("GSA") and adopt a Groundwater Sustainability Plan ("GSP") as a means to manage and regulate groundwater in an underlying groundwater basin, which is defined as a basin or subbasin identified and defined in California Department of Water Resources Bulletin 118; and
- C. Whereas, each Member is a local agency as defined in Section 10721(n) of the California Water Code that is eligible to become a GSA and adopt a GSP as provided in the Act; and
- D. Whereas, the Act set forth that multiple local agencies overlying a single groundwater basin or subbasin may adopt individual GSPs if those plans are coordinated, or may join together to adopt a single plan; and
- E. Whereas, each Member to this Agreement overlies a portion of the Kings Subbasin as it is currently defined by the California Department of Water Resources Bulletin 118 and each Member desires to participate in the implementation of the Act specifically within the area identified as the North Kings Subbasin in Exhibit A; and
- F. Whereas, the Joint Exercise of Powers Act (Government Code Sections 6500 *et seq.*) provides that two or more public agencies may by agreement jointly exercise any powers common to those agencies and may by that agreement create an entity separate from the Members to the Agreement; and
- G. Whereas, each Member signing this Agreement is a public entity organized and operating under the laws of the State of California, and/or a public agency as defined in California Government Code Section 6500; and
- H. Whereas, the Members intend by this Agreement to create a joint powers authority ("JPA") for the purpose of acting as a separate and independent public agency and as a single GSA for this area, hereinafter identified as the North Kings Groundwater Sustainability Agency ("NKGSA"); and
- I. Whereas, the Members, agree among themselves, and agree to require Contracting Entities and Interested Parties, to comply with Section 10720.5 of the Act, which states, in part, "nothing in this part, or in any groundwater

management plan adopted pursuant to this part, determines or alters surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights."

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein and these Recitals, which are hereby incorporated by this reference, it is agreed by and among the Members hereto as follows:

Article I: Definitions

As used in this Agreement, unless the context requires otherwise, the meaning of the terms hereinafter set forth shall be as follows:

- A. "Act" shall mean the Sustainable Groundwater Management Act of 2014 and all regulations adopted under the legislation (SB 1168, SB 1319, and AB 1739) which collectively comprise the Act, as that legislation and those regulations may be amended from time to time.
- B. "Authority" or "NKGSA" shall mean the North Kings Groundwater Sustainability Agency Joint Powers Authority, which is the public and separate legal entity created by this Agreement.
- C. "Board of Directors" or "Board" shall mean the governing body of the Authority as established by Section 3.01 of this Agreement.
- D. "Contracting Entity" shall mean one of any number of water companies regulated by the California Public Utilities Commission providing water service in the North Kings Subbasin that enters into a Participation Agreement, as defined below, with the Authority. The initial Contracting Entity shall be Bakman Water Company, as established through execution of a Participation Agreement.
- E. "Fiscal Year" shall mean that period of twelve (12) months established as the Fiscal Year of the Authority pursuant to Section 4.01 of this Agreement.
- F. "Groundwater Sustainability Agency" or "GSA" shall mean an agency enabled by the Act to regulate all or a portion of a subbasin in a coordinated manner with all other surrounding Groundwater Sustainability Agencies in compliance with the terms and provisions of the Act.
- G. "Groundwater Sustainability Plan" or "GSP" shall mean the plan developed, adopted and implemented by the Authority in accordance with the Act.
- H. "Interested Parties" shall mean those public and private entities that have (i) either opted not to become Members of the Authority or are legally precluded from becoming Members, and/or (ii) been designated by the Board of Directors as "Interested Parties" as required by Water Code. Those identified on the attached Exhibit B shall be the initial Interested Parties. The Board of Directors may from time to time add additional Interested Parties or remove Interested Parties. An Authority Board-authorized representative of an Interested Party is eligible to serve as a member of the Board of Directors through execution of a Memorandum of Understanding with the Authority. Interested Parties shall be provided with

an opportunity to provide input on the Authority's activities for consideration by the Board of Directors, committees and Members.

- I. "Member" shall mean any of the signatories to this Agreement and "Members" shall mean all of the signatories to this Agreement.
- J. "Party" or "Parties" shall mean the collective whole of Members signing this agreement, and those Contracting Entities and Interested Parties involved in the Authority via a Participation Agreement(s) or one or more Memorandum of Understanding approved by the Board of Directors.
- K. "North Kings Subbasin" shall mean the area depicted on Exhibit A.
- L. "Participation Agreement" means an agreement between the Authority and a Contracting Entity, which provides that the Contracting Entity: (1) may be represented on the Board of Directors of the Authority; (2) shall otherwise participate in the GSA formed by the Authority; (3) shall contribute to the costs of the Authority as specified in such Participation Agreement; and (4) shall have the rights and duties as set forth in this Agreement and the Participation Agreement.
- M. "Project Agreement" means an agreement between the Authority and two or more of its Parties to provide for carrying out Special Activities, as defined below, that are within the authorized purposes of the Authority, and sharing in the costs and benefits by the parties to the Project Agreement.
- N. "Special Activities" shall mean activities consistent with the purpose of this Agreement, but which are undertaken by fewer than all Parties.

Article II: Creation of Authority

Section 2.01 – Creation.

- A. Pursuant to Government Code Section 6503.5, the Members of this Agreement hereby create a public entity separate and independent from the Members.
- B. Pursuant to Government Code section 6509, the County of Fresno is the designated agency with respect to the Authority's exercise of power.
- C. Within thirty (30) days after the Effective Date of this Agreement and after any amendment, the Authority shall cause a notice of such Agreement or amendment to be prepared and filed with the office of the California Secretary of State containing the information required by Government Code Section 6503.5.
- D. Within seventy (70) days after the Effective Date of this Agreement, the Authority shall file with the Secretary of State on a form prescribed by the Secretary of State and also with the county clerk of each county in which the Authority maintains an office, a statement of the following facts:
 - 1. The full legal name of the Authority.
 - 2. The official mailing address of the governing body of the Authority.
 - 3. The name and residence or business address of each member of the governing body of the public agency.
 - 4. The name, title, and residence or business address of the chairman, president, or other presiding officer, and clerk or secretary of the governing body of the Authority.

- E. Within ten (10) days after any change in the facts listed in section 2.01(C), the Authority shall file an amended statement as required in Government Code Section 53051.

The Members, pursuant to their joint exercise of powers, hereby create a public entity to be known as the "North Kings Groundwater Sustainability Agency."

Section 2.02 – Purpose.

The Authority is formed with the purpose and intent of jointly forming a separate entity to fulfill the role of a GSA so that the Members, in consultation with the Contracting Entities and Interested Parties involved in the Authority via a Participation Agreement(s) or one or more Memorandum of Understanding, may collectively develop, adopt, and implement a GSP for the sustainable management of groundwater for that portion of the Kings Subbasin underlying the jurisdictional boundaries of the Members, as those boundaries may be amended from time to time.

Notwithstanding their intent to collectively develop, adopt, and implement a GSP, the Parties shall maintain complete control and autonomy over the surface water and groundwater supply assets to which they are currently legally and individually entitled, and make no commitments by entering into this Agreement to share or otherwise contribute their water supply assets as part of the preparation or participation in a GSP.

The Members may exercise independent power within their own jurisdiction, including but not limited to, conducting Special Activities establishing or approving fees, and exercising and administering all powers held by each Member with regards to groundwater management and regulation as they existed prior to the approval of this Agreement or consistent with the Act, except as otherwise provided in this Agreement or as required by the Act. Members may be responsible within each of their own jurisdictions or service areas (or a Contracting Entity may be responsible with its Public Utility Commission service area as provided in a Board of Director's approved Participation Agreement, or the area of an Interested Party as provided in a Board of Director's approved Memorandum of Understanding), for the implementation of any GSP developed by the Authority, unless otherwise provided for in this Agreement, by decision of the Board of Directors, or as required by the Act. Members that are responsible for implementation and have overlapping jurisdictional boundaries may enter into a separate memorandum of understanding to determine their respective responsibilities under this paragraph, subject to the approval of the Board of Directors. Each Member will be responsible for adhering to the terms of this Agreement, for constructively participating in the efforts to achieve compliance with the Act, and for timely payment of contributions that are approved by the Board of Directors in compliance with this Agreement.

Activities unrelated to the sustainable management of groundwater in the Kings Subbasin as provided in the Act shall not be undertaken by the Authority.

Section 2.03 –Powers.

The Authority shall have the power to take any action to carry out the purposes of this Agreement. Subject to the applicable voting requirements described in this Agreement, the Authority is authorized, in its own name, to do all acts necessary for the exercise of said powers, including, but not limited to, any and all of the following:

- A. Undertaking, on behalf of the Parties, all actions required by the California Department of Water Resources ("DWR") and State Water Resources Control Board ("SWRCB") for GSA purposes under the Act.
- B. Conducting research and investigations and compiling appropriate reports for preparing a GSP, and for developing Coordination Agreements, as defined in Water Code section 10721(d), with other GSAs.
- C. Developing, adopting, and implementing a GSP.
- D. Adopting initial and annual operating budgets, and establishing Member, Contracting Entity and Interested Party contributions.
- E. Making and assuming contracts, and employing agents, employees, consultants, and other such persons or firms as the Board may deem necessary to exercise the Authority's powers.
- F. Incurring debts, liabilities, or obligations, subject to the limitations provided in this Agreement.
- G. Issuing bonds and all other forms of indebtedness, on behalf of the GSA and any separate entity as permitted by the Board of Directors, to the extent and on the terms provided by law for the Authority.
- H. Cooperating, acting in conjunction with, and contracting with the United States, the State of California or any agency thereof, Counties, and other local agencies, commensurate with the Authority's powers as a GSA.
- I. Applying for, accepting and receiving licenses, permits, new or future water rights (to the extent such application does not infringe on the rights of Members, Contracting Entities, or Interested Parties to this agreement), approvals, agreements, grants, loans, gifts, contributions, donations, or other aid from any agency of the United States, the State of California, or other public or private person or entity necessary for fulfilling the purposes of the GSA.
- J. Acquiring, by eminent domain or otherwise, holding, and disposing of real or personal property.
- K. Acquiring, leasing, owning, constructing, managing, maintaining, operating, and disposing of buildings, works, or improvements.
- L. Suing and being sued in its own name
- M. Providing for the prosecution of, defense of, or other participation in actions or proceedings at law or in public meetings in which the Members, pursuant to this agreement, a Contracting Entity pursuant to a Participation Agreement, or an Interested Party pursuant to a Memorandum of Understanding, may have an interest, and employing counsel or other expert assistance for that purpose.
- N. Participating in groundwater sustainability projects related to the Act.
- O. Assisting the Members, pursuant to this agreement, a Contracting Entity pursuant to a Participation Agreement, or an Interested Party pursuant to a Memorandum of Understanding, in groundwater sustainability projects related to the Act.
- P. Creating committees and sub-committees.
- Q. Employing the GSA enforcement powers identified in the Act.
- R. Imposing fees as authorized by the Act.

- S. Adopting rules, bylaws, regulations, policies and procedures for governing the operation of the GSA, and adopting and implementing a GSP consistent with the powers and purposes of the Authority and as authorized by the Act.
- T. Entering into Memorandums of Understanding ("MOU"s), or other legal agreements with private water companies, or other private or public entities, to enable them to participate in the GSA.
- U. Entering into Project Agreements with Members, Contracting Entities or Interested Parties.

Section 2.04 – Adoption of GSP.

The Members agree that the GSP shall be coordinated and managed by the Authority, and all modifications or amendments of the GSP shall be adopted only by the Authority's Board of Directors and in accordance with this Agreement.

Article III: Internal Organization

Section 3.01 – Governing Body.

The governing body of the Authority shall be a seven (7) - member Board of Directors that includes Members, Contracting Entities and Interested Parties, as identified in this Agreement. Table 1 defines the apportionment of Board seats.

Table 1 – NKSGSA Governing Body

Seat	Assignment
1	Fresno Irrigation District
2	Garfield Water District, International Water District, and Fresno Irrigation District ¹
3	Bakman Water Co., Biola Community Services District, California State University-Fresno, and City of Kerman
4	City of Clovis
5	City of Fresno
6	County of Fresno
7	At-Large

¹ As identified in Exhibit C, Note 1: Fresno Irrigation District ("FID"), International Water District ("IWD") and Garfield Water District ("GWD") have entered into a separate written agreement dealing with how they will exercise the governance responsibilities and voting for Seat # 2, including but not limited to how to exercise the voting rights, succession rights, financial participation in the GSA, the consequences of any mergers or consolidation of any or all of those districts into municipalities, etc., as it affects this "Board Seat Portion" # 2 voting and participation rights in the NKSGSA. All Members acknowledge that any withdrawal or termination of IWD or GWD from this JPA shall not divest FID's retaining its interest in Seat 2 under that separate agreement, any § 5.03 Member vote under this JPA notwithstanding.

Directors shall be elected officials who have been appointed to serve on the Authority's Board of Directors by their respective boards, councils or commissions, or are the authorized representatives of a Member, Contracting Entity or Interested Party. Where a seat has more than one assigned Party to serve in a Director position, the designation of which Party shall serve a Board term shall be decided through mutual agreement of those who share that seat. If those who share the seat cannot reach a mutual agreement to assign one Party to the seat within sixty (60) days of the seat becoming available, the decision will be made by the remaining members of the Board of Directors. The At-Large seat is appointed by a vote of the remaining Board of Directors of the Authority. Those eligible for this At-Large seat include municipal/industrial water supply Members not currently serving on the Board of Directors, Contracting Entities, and Interested Parties.

- A. Alternates - Each Director representing a Party, or Parties, on the Board of Directors of the Authority may identify up to two alternates to serve on the Party's, or Parties', behalf. Alternates need not be elected officials and may also include a representative of another Party.
- B. At-Large Alternate – The remaining Board of Directors may designate up to two Members, Contracting Entities or Interested Parties to serve as alternates to the appointed At-Large Director position.
- C. Vacancies – Filling a vacancy of a Director's seat (#'s 1-6) is the responsibility of the Party, or Parties, who are represented by that Director's seat on the Board of Directors. In the event of a vacancy of the At-Large seat (#7), the remaining Board of Directors (Seat #'s 1-6) shall convene a meeting to appoint a designee to fill that seat within ninety (90) days of the vacancy.
- D. If the Board of Directors determines that reasonable cause exists to remove a Director from the Board, it can request that the Party or Parties that appointed the Director remove the individual and appoint a new Director.

Section 3.02 – Board Terms.

All Board terms shall be two (2) years. For initiation of the Board, four (4) seats shall be three (3)-year terms. The Member seats with an initial three (3)-year term shall be those seats exclusively held by the City of Clovis, the City of Fresno, County of Fresno, and Fresno Irrigation District.

Section 3.03 – Administration and Officers.

The officers of the Authority are the Chair, Vice-Chair, Secretary and Treasurer.

- A. *The Board of Directors shall, at its first meeting and thereafter at its first meeting following July 1 of each succeeding year, elect a Chair and Vice-Chair from among the Directors. The Vice-Chair shall assume responsibilities of the Chair in the absence of the Chair.*
- B. *The Secretary shall (1) keep or cause to be kept, at the principal executive office or such other place as the Board may direct, a book of summary minutes of all meetings and actions of the Board of Directors and committees of the Authority, with the time and place of holding, whether regular or special, and, if special, how authorized, the notice given, the names of those present at such meetings and the proceedings of such meetings; and (2) give, or*

cause to be given, notice of all meetings of the Board and committees of the Authority required by the Bylaws be given. The Secretary has such powers and may perform such other duties as may be prescribed by the Board.

- C. *The Board of Directors shall designate a qualified person to act as the Treasurer of the Authority. The person holding the position of Treasurer of the Authority shall have charge of the depositing and custody of all funds held by the Authority. The Treasurer shall perform such other duties as may be imposed by provisions of applicable law, including those duties described in Government Code section 6505.5, and that may be prescribed by the Board or the Bylaws. In the event that the person designated by the Board is not a Director, the person serving as Treasurer may be reasonably compensated for performing such work. In the event that the person designated by the Authority to perform such services is an employee of a Member, the governing body of that Member shall determine the reasonable charges to be made against the Authority for the services of the Treasurer.*

The Treasurer shall be responsible for all money of the Authority from whatever source. All funds of the Authority shall be strictly and separately accounted for and regular reports shall be rendered of all receipts and disbursements at least quarterly during the Fiscal Year. The books and records of the Authority shall be open to inspection by the Members and by bondholders as and to the extent provided by resolution or indenture. The Treasurer shall contract with a certified public accountant to make an annual audit of the accounts and records of the Authority which shall be conducted in compliance with Section 6505 of the California Government Code.

- D. Management: In addition to, or in lieu of, hiring employees, the Authority may engage one or more third parties to manage any or all of the business of the Authority on terms and conditions acceptable to the Board of Directors. A third party so engaged may, but need not, be a Member, Contracting Entity or Interested Party. Any third party so engaged shall have such responsibilities as are set forth in the contract for such third party's services.
- E. Fiscal Agent: Without limiting the breadth of Section 3.03(D), the Board of Directors may select a Member or a third party to act as the fiscal agent for the Authority pursuant to an agreement with the fiscal agent approved by the Board of Directors.

Section 3.04 – Voting Thresholds.

All decisions require a majority vote of the present and voting Board of Directors, except the following:

Table 2 – Voting Thresholds of the NKGSA Board of Directors

Key Authority	Threshold
Adoption of or amendments to the GSP	Unanimous vote of all Directors
To incur debts, liabilities or obligations	Five Affirmative Votes by Directors

on behalf of the Authority	
Adoption of or revisions to policies of the Authority	Five Affirmative Votes by Directors
GSA Enforcement	Five Affirmative Votes by Directors
Authorization to obligate the Authority to participate in litigation, or other legal proceedings	Five Affirmative Votes by Directors
Amendment of the Agreement	Unanimous vote of all Directors, subject to ratification by all Members under 7.01
Any Assessment or Fees levied or imposed by the GSA	Unanimous vote of all Directors
Budget allocation among Parties for GSA operations after initial GSP	Five Affirmative Votes by Directors
Removal of a Member from the GSA	Five Affirmative Votes by Directors

Section 3.05 - Compensation, Expenses, and Reimbursement.

Directors and their alternates shall not be compensated by the Authority for participation on the Board. The Authority shall develop a policy for reimbursement associated with direct expenses.

Section 3.06 - Conflicts of Interest.

The Authority shall adopt a conflict of interest policy.

Section 3.07 – Application of Laws to Authority Functions.

The Authority shall comply with all applicable laws in the conduct of its affairs, including, but not limited to, the Joint Exercise of Powers Act (Gov. Code §6500, et seq.); Ralph M. Brown Act (Gov. Code § 54950, et seq.); and conflict of interest laws/regulations (such as Gov. Code §1090, et seq., the requirements of the California Political Reform Act, Gov. Code § 87100, et seq., and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification, 2 California Code of Regulations §18700, et seq., as amended.

Section 3.08 – Meetings.

The Board of Directors shall fix the hour, date, and place for its regular meetings.

Section 3.09 – Committees.

The Board of Directors may establish standing committees and ad hoc committees as it deems necessary. The Board of Directors shall establish membership of those committees. The Board of Directors may also dissolve any committee it deems to be no longer necessary.

Article IV: Financial Provisions

Section 4.01 – Fiscal Year.

The Fiscal Year of the Authority shall be from July 1 through June 30 of each year.

Section 4.02 – Property Custodian.

The Board of Directors shall from time to time designate the officers and persons, in addition to those specified in Section 3.03 above, who shall have charge of, handle, or have access to any property of the Authority. The Authority shall acquire such fidelity bonds or comparable insurance covering such officers and persons in amounts designated by the Board of Directors; provided, that if no bond amount is set by the Board of Directors, no bond shall be required. Such designation shall be subject to ratification by the Members in compliance with California Government Code Section 6505.1.

Section 4.03 – Budget.

The initial cost-share for the NKGSA is defined in the attached Exhibit C. These funds serve to develop the Authority's initial GSP. Subsequent budgets shall be set by the Board of Directors each Fiscal Year, and the Board of Directors shall adopt an annual budget for the Authority for the ensuing Fiscal Year.

The Contribution and Participation Percentage may be adjusted by the Board of Directors in the event of admission, withdrawal, reinstatement or termination of a Member consistent with Section 5.03.

Section 4.04 – Member Contributions To The Authority.

All contributions adopted by the Board of Directors as provided in Section 4.03 shall be paid to the Authority on a schedule set by the Board of Directors; provided, that no Party shall be obligated to make any such payment unless and until such Party's governing body has approved and appropriated the funds necessary to make such payment. In the event a payment by a Party is otherwise required – but is not made because such Party's governing body has not approved such payment or appropriated the funds necessary to make such payment – such Party shall be subject to termination from the Authority pursuant to Section 5.03(D), but upon any such termination shall not be liable for the amount of such payment.

Article V: Relationship of Authority and Its Members

Section 5.01 – Separate Entity.

In accordance with California Government Code Sections 6506 and 6507, the Authority shall be a public entity separate from the Members. To the greatest extent permitted by law, unless otherwise specifically agreed herein by all Members as to a specific debt, liability and/or obligation, the debts, liabilities and obligations of the Authority shall not be debts, liabilities or obligations of the Members under California Government Code Section 6508.1. The Authority shall own and hold title to all funds, property and works acquired by it during the term of this Agreement.

No Member has the power to obligate any other Member hereof and no Member debt, liability or obligation due any third party may be asserted or collected against this JPA, the GSA or any individual Member as a result of membership in this GSA by and among the Members. The Authority shall indemnify, defend, and save harmless the Members, their officers, agents, directors, and employees, from and against any and all claims and losses whatsoever, occurring or resulting to persons, firms, or entities furnishing or supplying work, services, labor, materials or supplies to the Authority in connection with the performance of this Agreement, and, except as expressly provided for by law, from any and all claims and losses accruing or resulting to any persons, firm or entity, for damage, injury, death arising out of or connected with the Authority's performance of its obligations under this Agreement. The Authority may also acquire such policies of directors and officers liability insurance and in such amounts as the Board of Directors shall deem prudent. The Board of Directors members, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers, and in the performance of their duties pursuant to this Agreement. The Board of Directors shall not be liable to the Members to this Agreement for any mistake of judgment or any other action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through the investment of Authority funds or failure to invest same. To the extent authorized under California law, no Director, officer or employee of the Authority shall be responsible for any action made, taken, or omitted, by any other Director, officer or employee.

Section 5.02 – Insurance.

The Board of Directors shall, from time to time and at least annually, review the general liability, automobile, directors and officers, and other insurance coverage maintained by the Authority for adequacy and determine the nature, extent and limits of insurance to be maintained by the Authority. The Authority shall purchase and maintain such insurance as the Board of Directors determines to be appropriate after such review.

Section 5.03 – Admission, Withdrawal, Reinstatement and Termination of Members.

- A. *Additional qualified Contracting Entities or Interested Parties may participate in the NKGSA by entering into a Participation Agreement or Memorandum of Understanding, as applicable, with the Authority. Withdrawal, reinstatement, and termination of Contracting Entities and Interested Parties shall be governed by the applicable Participation Agreement or MOU.*

- B. Additional public agencies or mutual water companies may join in this Agreement and become a Member to the Authority upon the approval of the Board of Directors. Any new Member to the Authority shall agree to be bound to the terms of this Agreement as if they had been an original signatory hereto.
- C. Notwithstanding anything herein to the contrary, any Member may withdraw from this Agreement by giving sixty (60) days written notice of its election to do so, which notice shall be given to the Board of Directors, any Contracting Entity, and each Interested Party; provided, that such withdrawal does not in any way impair any contracts, resolutions, indentures or other obligations of the Authority then in effect. In the event of a disagreement between the Authority and the withdrawing Member as to whether such withdrawal shall cause the impairment of any contracts, resolutions, indentures or other obligations of the Authority, such determination shall be made by a majority vote of the Board of Directors as defined in Section 3.04. Any Member that withdraws and later seeks reinstatement to the Authority shall provide funds to the Authority, proportionate to their responsibility, as if they had never left.

A withdrawing Member shall in all events remain liable for its proportionate share of (i) its full amount of the adopted fiscal year budget; (ii) any call for funds or assessment levied by the Authority prior to the date it provides its notice of withdrawal; (iii) any contribution required by Section 4.03 to reflect the Participation Percentages in existence at the time the subject act or omission occurred; and (iv) the amount of any annual budget approved prior to the date it provides its notice of withdrawal.

Should a Member choose to withdraw from the Authority in accordance with the terms of this Agreement, that Member expressly retains the right to serve as the GSA for the portion of the groundwater basin underlying its jurisdictional boundaries to the extent permitted by the Act.

- D. Any Member may be terminated, by a vote of the Board of Directors as set forth in Section 3.04 above, and upon termination shall no longer be a Member of the Authority. A Member so terminated shall not be liable for the amounts described in clauses (i), (ii) and (iii) of the immediately preceding paragraph except to the extent they are delinquent on the date of termination.
- E. In the event a Member withdraws from the Authority or is terminated in accordance with the terms and conditions hereof, such Member shall not receive a refund of any amounts advanced to the Authority by such Member prior to the date of its withdrawal or termination and shall be obligated to continue to pay its share of any legal fees and costs for any action in which the Member is named or participating as part of the Authority.
- F. Notwithstanding the foregoing provisions of Section 5.03, should the Authority be sued for any action or inaction by the Authority, then the Members constituting the Authority at the time of said action/inaction complained of shall not have the right to withdraw from the Authority during the pendency of that suit. Similarly, if the action or inaction upon which a suit is/was filed occurred when a Member

was in the Authority but subsequently withdrew prior to the filing of a suit against the Authority, then such departed Member shall participate in the defense of that action as if it was still a Member to the Authority.

Section 5.04 – Term and Disposition Of Property Upon Dissolution.

A. The Authority shall be formed and come into existence on the Effective Date and shall continue in existence unless terminated by the governing body of each of the Members then a party to this Agreement or at any point in time at which there ceases to be at least two parties to this Agreement, at which point in time this Agreement shall be automatically terminated; provided however, that the Authority and this Agreement shall continue to exist for the purpose of disposing of liabilities distributing funds, property and/or other assets (such funds, property and/or other assets, collectively, the "Authority Assets"), and all other functions necessary to conclude the business of the Authority.

B. Notwithstanding any other provision herein, this Agreement shall remain in effect and be binding upon the Members hereto and upon all subsequent Members joined herein for such a period as the Authority desires to engage in any activities under this Agreement. The foregoing provision shall not apply, however, to any Member that withdraws or is terminated from its participation in the Authority in accordance with this Agreement.

C. Upon termination of this Agreement, after the payment and fulfillment of all obligations of the Authority, any Authority Assets remaining shall be distributed to the Parties in proportion to the total contribution made by the Parties toward the funding of the Authority over the lifetime of the Authority's existence. The Authority shall cease to exist when the Authority Assets have been distributed according to the provisions contained in this Section, this Agreement generally, and the Joint Exercise of Powers Act (Gov. Code §6500 *et seq.*).

Article VI: Liabilities

- A. The Authority, and those persons, agencies and instrumentalities used by it to perform the functions authorized herein, whether by contract, employment or otherwise, shall be exclusively liable for any/all injuries, costs, claims, liabilities, damages of whatever kind arising from or related to activities of the Authority.
- B. The Authority shall hold harmless and indemnify the Members, and each of them, including their officers and employees, from any claim or liability arising from acts or omissions of the Authority in pursuit of this Agreement, and in so doing, shall provide the Members, and each of them, with legal defense of any and all claims or liabilities and shall pay reasonable attorney's fees and costs incurred in providing such defense.
- C. Funds of the Authority may be used to defend, indemnify, and hold harmless the Authority, the Members, and any officers, agents, and employees for their actions taken within the scope of their duties while acting on behalf of the Authority.

Article VII: Miscellaneous Provisions

Section 7.01 – Amendment.

This Agreement may be amended from time to time by the unanimous vote of all of the Members.

Section 7.02 – Severability And Validity Of Agreement.

Should the participation of any Member to this Agreement, or any part, term or provision of this Agreement be decided by the courts or the legislature to be illegal, in excess of that Member's authority, in conflict with any law of the State of California, or otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms or provisions of this Agreement shall not be affected thereby and each Member hereby agrees it would have entered into this Agreement upon the same terms as provided herein as if that Member had not been party to in this Agreement.

Section 7.03 – Assignment.

Except as otherwise provided in this Agreement, the rights and duties of the Members to this Agreement may not be assigned or delegated without the approval of the Board of Directors. Any attempt to assign or delegate such rights or duties in contravention of this section shall be null and void. Any assignment or delegation permitted under the terms of this Agreement shall be consistent with the terms of any contracts, resolutions or indentures of the Authority then in effect. This Agreement shall inure to the benefit of and be binding upon the successors and Board of Directors-authorized assigns of the Members hereto. This section does not prohibit a Member from entering into an independent agreement with another agency regarding the financing of that Member's contributions to the Authority or the disposition of proceeds which that Member receives under this Agreement so long as such independent agreement does not affect, or purport to affect, the rights and duties of the Authority or the Members under this Agreement.

Section 7.04 – Execution In Parts Or Counterparts.

This Agreement may be executed in parts or counterparts, each part or counterpart being an exact duplicate of all other parts or counterparts, and all parts or counterparts shall be considered as constituting one complete original and may be attached together when executed by the Members hereto. Facsimile and electronic signatures shall be binding.

Section 7.05 – Notices.

Notices authorized or required to be given pursuant to this Agreement shall be in writing and shall be deemed to have been given when mailed, postage prepaid, or delivered during working hours to the addresses set forth for each of the Members beneath their signatures on this Agreement, or to such other changed addresses communicated to the Authority and the Members in writing.

Section 7.06 – Governing Law and Venue.

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of California, excluding any conflict of laws rule which would

apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Fresno County, California. The parties to this Agreement hereby expressly waive any right to remove any action to a county other than Fresno County as permitted pursuant to California Code of Civil Procedure Section 394.

Section 7.07 – Dispute Resolution.

The Members agree that any dispute regarding the enforcement or interpretation of any term, covenant or condition of this Agreement ("Dispute") shall first, for a period of not less than thirty (30) days, be submitted to mediation before a mutually acceptable mediator prior to initiation of litigation or any other binding arbitration or adjudicative dispute resolution process. The Members shall: (i) mediate in good faith; (ii) exchange all documents which each believes to be relevant and material to the issue(s) in the Dispute; (iii) exchange written position papers stating their position on the Dispute and outlining the subject matter and substance of the anticipated testimony of persons having personal knowledge of the facts underlying the Dispute; and (iv) engage and cooperate in such further discovery as the Members agree or mediator suggests may be necessary to facilitate effective mediation. Each Member shall bear its own costs, fees and expenses of the mediation. Venue of the mediation shall be a mutually agreeable city within Fresno County, California.

Section 7.08 – Attorney's Fees.

If any Member commences any proceeding or legal action to enforce or interpret any term, covenant or condition of this Agreement, the prevailing Member in such proceeding or action shall be entitled to recover from the other Member(s) its reasonable attorney's fees and legal expenses.

IN WITNESS WHEREOF, the Members hereto, pursuant to resolutions duly and regularly adopted by their respective governing boards, have caused their names to be affixed by their proper and respective officers as of the day and year first above-written.

NAME OF MEMBER: *Agency*

By: _____
Its: *Name*
Title

By: _____
Its: *Name*
Title

Dated: _____

Member's Address:

Address

Kings Subbasin



Interested Parties

California State University, Fresno

Cargill Beef

Community Water Center

E&J Gallo Wine

Fresno County Farm Bureau

Fresno Metropolitan Flood Control District

Malaga County Water District

Pinedale County Water District

Self-Help Enterprises

Contracting Entities

Bakman Water Company

EXHIBIT C

North Kings Groundwater Sustainability Agency Contribution and Participation Percentage		
Agency	Capped 3- Year Budget*	Participation Percentage
Fresno Irrigation District	\$ 623,880	32.24%
City of Fresno	\$ 416,938	21.54%
City of Clovis	\$ 195,270	10.09%
Bakman Water Company	\$ 67,966	3.51%
City of Kerman	\$ 66,992	3.46%
County of Fresno	\$ 308,582	15.95%
Garfield Water District	\$ 80,884	4.18%
Biola Community Service District	\$ 30,000	1.55%
California State University Fresno	\$ 67,190	3.47%
International Water District	\$ 77,518	4.01%
Total Estimated GW Management Plan Cost	\$ 1,935,220	100.00%
*Budget projected through January 2020; per-agency costs capped at amount displayed.		



AGENDA ITEM NO: 4-A

City Manager: rw

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 6, 2016

SUBJECT: Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference October 5 – 7, 2016

Attachment: Packet of Annual Resolutions

CONFLICT OF INTEREST

None

RECOMMENDATION

Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference on October 5 – 7, 2016 and provide policy direction for voting delegates.

EXECUTIVE SUMMARY

Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolutions and provide policy direction to the City's voting delegate. On July 18, 2016, Council assigned Mayor Nathan Magsig as the primary voting delegate and Mayor Pro Tem Bob Whalen as the alternate.

BACKGROUND

Resolutions of policy action to come before the League of Cities' Board of Directors are submitted each year to a vote by cities at the Annual Business Meeting of the League of California Cities to occur during the Annual Conference from October 5 – 7, 2016. There is one resolution this year for consideration for voting by the delegation. The City will have one voting delegate at the Annual Business Meeting and any policy direction with respect to the resolution should be provided to the voting delegate in advance of the meeting.

Resolution No. 1: RESOLUTION COMMITTING THE LEAGUE OF CALIFORNIA CITIES TO SUPPORTING VISION ZERO, TOWARD ZERO DEATH, AND OTHER PROGRAMS OR INITIATIVES TO MAKE SAFETY A TOP PRIORITY FOR TRANSPORTATION PROJECTS AND POLICY FORMULATION, WHILE ENCOURAGING CITIES TO PURSUE SIMILAR INITIATIVES

Each year more than 30,000 people are killed on streets in the U.S. in traffic collisions. Traffic fatalities in America hit a seven-year high in 2015 and are estimated to have exceeded 35,000 people. This Resolution: (1) Supports Vision Zero, Toward Zero Deaths, and other programs, policies or initiatives that prioritize transportation safety; (2) Encourages cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways; and (3) Encourages the State to consider adopting transportation safety as a top priority for transportation projects and policy formation.

Staff Recommendation:

Staff recommends City Council support the proposed Resolution.

REASON FOR RECOMMENDATION

The City Council should provide policy direction to the City's voting delegate to the Annual Business Meeting concerning policies of the League on behalf of all cities in the State. Mayor Magsig is an active member of the League Board of Directors on behalf of the South San Joaquin Division and may have more insight and comments to share with the City Council regarding the Resolution.

ACTIONS FOLLOWING APPROVAL

The City Manager will follow up with any action as directed by the City Council.

Recommended by: Robert Woolley, City Manager *rw*



*Annual Conference
Resolutions Packet*

2016 Annual Conference Resolutions



Long Beach, California

October 5 – 7, 2016

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: One policy committee will meet at the Annual Conference to consider and take action on the resolution referred to them. The committee is Transportation, Communication and Public Works. The committee will meet 9:00 – 10:30 a.m. on Wednesday, October 5, 2016, at the Hyatt Regency. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 6, at the Hyatt Regency in Long Beach, to consider the report of the policy committee regarding the resolution. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 7, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 6. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 5
Hyatt Regency Long Beach
200 South Pine Street, Long Beach

9:00 – 10:30 a.m.: Transportation, Communication & Public Works

General Resolutions Committee

Thursday, October 6, 1:00 p.m.
Hyatt Regency Long Beach
200 South Pine Street, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 7, 12:00 p.m.
Long Beach Convention Center
300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

TRANSPORTATION, COMMUNICATION, AND PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Vision Zero			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. RESOLUTION COMMITTING THE LEAGUE OF CALIFORNIA CITIES TO SUPPORTING VISION ZERO, TOWARD ZERO DEATHS, AND OTHER PROGRAMS OR INITIATIVES TO MAKE SAFETY A TOP PRIORITY FOR TRANSPORTATION PROJECTS AND POLICY FORMULATION, WHILE ENCOURAGING CITIES TO PURSUE SIMILAR INITIATIVES

Source: City of San Jose

Concurrence of five or more cities/city officials: Cities: Fremont; Los Angeles; Sacramento; San Diego; San Francisco; Santa Monica; and West Hollywood

Referred to: Transportation, Communication and Public Works Policy Committees

Recommendation to General Resolution Committee:

WHEREAS, each year more than 30,000 people are killed on streets in the United States in traffic collisions; and

WHEREAS, traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people; with pedestrians and cyclists accounting for a disproportionate share; and

WHEREAS the Centers for Disease Control recently indicated that America's traffic death rate per person was about double the average of peer nations; and

WHEREAS Vision Zero and Toward Zero Deaths are comprehensive strategies to eliminate all traffic fatalities and severe injuries using a multi-disciplinary approach, including education, enforcement and engineering measures; and

WHEREAS a core principal of Vision Zero and Toward Zero Deaths is that traffic deaths are preventable and unacceptable; and

WHEREAS cities across the world have adopted and implemented Vision Zero and Toward Zero Deaths strategies and successfully reduced traffic fatalities and severe injuries occurring on streets and highways; and

WHEREAS safe, reliable and efficient transportation systems are essential foundations for thriving cities.

RESOLVED that the League of California Cities commits to supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety;

AND encourage cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways;

AND encourage the State of California to consider adopting safety as a top priority for both transportation projects and policy formulation.

////////

Background Information on Resolution to Support Transportation Safety Programs

Each year more than 30,000 people are killed on streets in the United States in traffic collisions. Traffic fatalities in America hit a seven-year high in 2015 and are estimated to have exceeded 35,000 people, with children, seniors, people of color, low-income and persons with disabilities accounting for a disproportionate share. The Centers for Disease Control recently reported that the traffic death rate per

person in the United States was about double the average of peer nations, with close to 10% of these deaths occurring in California (3,074 in 2014). California's largest city, Los Angeles, has *the* highest rate of traffic death among large U.S. cities, at 6.27 per 100,000 people.

Cities around the world have adopted traffic safety projects and policies that underscore that traffic deaths are both unacceptable and preventable. In 1997, Sweden initiated a program called Vision Zero that focused on the idea that "Life and health can never be exchanged for other benefits within the society." The World Health Organization has officially endorsed Vision Zero laying out traffic safety as an international public health crisis and the United Nations General Assembly introduced the Decade of Action for Road Safety 2011-2020 and set the goal for the decade: "to stabilize and then reduce the forecast level of road traffic fatalities around the world" by 50% by 2020.

As of this writing, 18 U.S. cities have adopted Vision Zero programs (including New York City, Boston, Ft. Lauderdale, Austin, San Antonio, Washington DC, and Seattle) to reduce the numbers of fatal crashes occurring on their roads (<http://visionzeronetwork.org/map-of-vision-zero-cities/>). California cities lead the way, with the cities of San Jose, San Francisco, San Mateo, San Diego, Los Angeles, Long Beach and Fremont having adopted Vision Zero strategies and many others are actively considering adoption.

In 2009 a national group of traffic safety stakeholders launched an effort called "Toward Zero Deaths: A National Strategy on Highway Safety". This initiative has been supported by the Federal Highway Administration (FHWA) (<http://safety.fhwa.dot.gov/tzd/>) and states throughout the United States, including California (http://www.ots.ca.gov/OTS_and_Traffic_Safety/About_OTS.asp).

This past January the U.S. Department of Transportation launched its "Mayors' Challenge for Safer People and Safer Streets." This effort calls on elected officials to partner with the USDOT and raise the bar for safety for people bicycling and walking by sharing resources, competing for awards, and taking action. The California cities of Beverly Hills, Davis, Maywood, Cupertino, Culver City, Rialto, Santa Monica, Porterville, Los Angeles, San Jose, Monterey, Glendale, Irvine, Oakland, Palo Alto, Alameda, West Hollywood and Fullerton signed on to this effort. Additionally, the Institute of Transportation Engineers (ITE), a leading organization for transportation professionals, recently launched a new initiative to aggressively advance the Vision Zero and Towards Zero Deaths movements (<http://library.ite.org/pub/ed59a040-caf4-5300-8ffc-35deb33ce03d>).

Ultimately all of these programs share the fundamental belief that a data-driven, systems-level, interdisciplinary approach can prevent severe and fatal injuries on our nation's roadways. They employ proven strategies, actions, and countermeasures across education, enforcement and engineering. Support for many of these life-saving programs extends far beyond government agencies, and includes National Association of City Transportation Officials (NACTO), American Association of State Highway and Transportation Officials (AASHTO), Kaiser Permanente, AARP, the National Safe Routes to School Partnership, and the International Association of Chiefs of Police, among many others.

There is wide-spread recognition that cities and towns need safe, efficient transportation systems to be economically prosperous. A resolution by the League of California Cities to support transportation safety policies like Vision Zero and Toward Zero Deaths, and encourage implementation of projects and programs that prioritize safety will help California elevate the health and safety of its residents and position us as a leader in national efforts to promote a culture of safe mobility for all.

////////

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo
Committee: Transportation, Communication, and Public Works

Summary:

The resolved clauses in Resolution No. 1: commits the League of California Cities to:

- 1) Supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety;
- 2) Encouraging cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways; and
- 3) Encouraging the State to consider adopting transportation safety as a top priority for transportation projects and policy formulation.

Background:

The City of San Jose notes national and international efforts to reduce fatal and severe injury traffic collisions through systematic data driven approaches, such as Vision Zero and Toward Zero Deaths. According to the World Health Organization (WHO), "Vision Zero is a traffic safety policy, developed in Sweden in the late 1990s and based on four elements: ethics, responsibility, a philosophy of safety, and creating mechanisms for change."¹ Below is a summary of each Vision Zero element, according to WHO:

1. Ethics – Life and health trump all other transportation benefits, such as mobility.
2. Responsibility – Responsibility for crashes and injuries is shared between the providers of the system and the road users.
3. Safety Philosophy – Asserts that a transportation system should account for the unstable relationship of human error with fast/heavy machinery to avoid deaths/serious injury, but accept crashes/minor injuries.
4. Driving Mechanisms for Change – Asserts that road users and providers must both work to guaranteeing road safety, taking measures such as: improving levels of seat belt use, installing crash-protective barriers, wider use of speed camera technology, increasing random breathalyzer tests, and promoting safety in transportation project contracts.

A Vision Zero City meets the following minimum standards:

- Sets clear goal of eliminating traffic fatalities and severe injuries
- Mayor has publicly, officially committed to Vision Zero
- Vision Zero plan or strategy is in place, or Mayor has committed to doing so in clear time frame
- Key city departments (including police, transportation and public health) are engaged

List of cities that meet the minimum Vision Zero standards nationally include: Anchorage, AK; Austin, TX; Boston, MA; Cambridge, MA; Denver, CO; Eugene, OR; Fort Lauderdale, FL; Fremont, CA; Los Angeles, CA; New York, NY; Portland, OR; Sacramento, CA; San Antonio, TX; San Diego, CA; San Francisco, CA; San Jose, CA; Seattle, WA; Washington, DC

List of cities that are considering adoption of Vision Zero nationally include: Ann Arbor, MI; Bellevue, OR; Bethlehem, PA; Chicago, IL; Columbia, MO; Houston, TX; Long Beach, CA;

¹ http://who.int/violence_injury_prevention/publications/road_traffic/world_report/chapter1.pdf

New Orleans, CA; Philadelphia, PA; Pittsburgh, PA; San Mateo, CA; Santa Ana, CA; Santa Cruz, CA; Santa Monica, CA; St. Paul, MN; Tampa, FL²

Vision Zero – Samples:

1. San Francisco – In 2015, the City established a two-year action strategy that outlines the projects and policy changes to implement its Vision Zero goal of zero traffic deaths by 2024. The strategy adopts five core principles, such as: 1) traffic deaths are preventable and unacceptable; 2) safety for all road modes and users is the highest priority; 3) transportation system design should anticipate inevitable human error; 4) education, enforcement, and vehicle technology contribute to a safe system; and 5) transportation systems should be designed for speeds that protect human life.³ The strategy focuses on engineering, enforcement, education, evaluation, and policy changes that can be made to achieve their goals. The City is working on projects, such as:
 - a. Creating protected bike lanes
 - b. Building wider sidewalks
 - c. Reducing traffic speeds⁴

The City is also exploring policy changes to state law that will allow the City to place traffic cameras near schools and senior centers to cite speeding drivers through automated speed enforcement.⁵

2. Los Angeles – the City has established a commitment to eliminate all traffic deaths by 2025. They have identified a network of streets, known as the High Injury Network (HIN)⁶, which maps out their areas of concern where they plan on making strategic investments in reducing deaths/severe injury. According to the City, only 6% of their city streets account for 2/3 of all deaths/severe injury for pedestrians. The City highlights the three following projects as part of their Vision Zero efforts⁷:
 - a. Installation of 22 new Leading Pedestrian Intervals (LPIs) at signals throughout the city, which gives pedestrians a head start against right-turning vehicles when crossing
 - b. Installation of a pedestrian scramble at the intersection of Hollywood and Highland, which stops traffic in all four-directions during pedestrian crossing.
 - c. Installation of curb extensions along Cesar E. Chavez Avenue in their HIN, which reduces the crossing distance for pedestrians, narrows the intersections, and reduces speed for turning vehicles.

San Francisco's Vision Zero Categories:

1. Engineering – implement treatments and redesign streets to reduce the frequency and severity of collisions (i.e. using/implementing: high injury network maps, signal timing, high visibility crosswalks, bus stop lengths, etc.)
2. Enforcement – use data driven approach to cite and focus on violations of the California Vehicular Code and S.F. Transportation Code that identify as causative in severe and fatal collisions (i.e. explore implementation of E-citation Pilot, reporting on traffic collision data, police training, etc.)

² <http://visionzeronetwork.org/wp-content/uploads/2016/02/VZ-map-April-20-2016-4.jpg>

³ <http://www.joomag.com/magazine/vision-zero-san-francisco/0685197001423594455?short>

⁴ <http://visionzerosf.org/vision-zero-in-action/engineering-streets-for-safety/>

⁵ <http://visionzerosf.org/vision-zero-in-action/public-policy-for-change/>

⁶ <http://ladot.maps.arcgis.com/apps/MapJournal/index.html?appid=488062f00db44ef0a29bf481aa337cb3>

⁷ <http://visionzero.lacity.org/actions/>

3. Education – coordinate among city departments to create citywide strategy for outreach and safety programs, such as Safe Routes to Schools. (i.e. education campaign includes – Safe Streets SF, large vehicle safe driving for municipal vehicles, etc.)
4. Evaluation – evaluate the impact of engineering, enforcement, education and policy efforts to provide recommendations for refinement (i.e. use of web-based data sharing and tracking systems for transparency and accountability).
5. Policy – support and mobilize local and state policy initiatives that advance Vision Zero (i.e. Advance Automated Safety Enforcement initiative at the state level, in-vehicle technology usage, partnering with state and federal agencies on administrative and legal issues, etc.)

In its annual reporting, the City has established the following measures for successful benchmarks:

- Decreasing total severe and fatal injuries
- Decreasing the proportion of severe and fatal injuries in communities of concern to address social inequities
- Decreasing medical costs at SF General Hospital relating to collisions
- Increasing the number of engineering projects and miles of streets receiving safety improvements
- Decreasing the speeds on SF streets
- Increasing investigation and prosecution of vehicular manslaughter
- Increasing public awareness of Vision Zero and traffic safety laws
- Increasing policy changes made at the state and local levels to advance Vision Zero

Toward Zero Deaths – The Federal Highway Administration (FHWA) within the United States Department of Transportation (USDOT) is committed to the vision of eliminating fatalities and serious injuries on national roadways. FHWA has a strategic goal of ensuring the “nation’s highway system provides safe, reliable, effective, and sustainable mobility for all users.”⁸ It is essentially the national version of Vision Zero administered primarily through the Highway Safety Improvement Program (HSIP).

At the state level, the California Office of Traffic Safety (OTS) has a mission to “effectively and efficiently administer traffic safety grant funds to reduce traffic deaths, injuries, and economic losses.”⁹ They make available grants to local and state public agencies for traffic law enforcement, public traffic safety education, and other programs aimed at reducing fatalities, injuries, and economic loss from collisions.

Support: City of Fremont, City of Los Angeles, City of Sacramento, City of San Francisco, City of San Jose, City of Santa Monica, and City of West Hollywood

Opposition: One individual

Fiscal Impact: Unknown. The costs to any particular city can vary tremendously depending on the level and scope of investment any particular city would seek to make. For example, the City of San Francisco has Vision Zero project costs ranging from \$30,000 for pedestrian safety treatments up to \$12,000,000 for a Streetscape project. The cost of any particular effort could be well below, above, and anywhere between those ranges for Vision Zero implementation.

⁸ <http://safety.fhwa.dot.gov/tzd/>

⁹ http://www.ots.ca.gov/OTS_and_Traffic_Safety/About_OTs.asp

Comment:

- 1) Policy committee members are encouraged to consider carefully how the adoption of the resolved clause in this resolution may affect the League's future policy when it comes to advocating for transportation funding and other existing priorities. While the clause "encouraging cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways" provides an opportunity to highlight strategies that can be considered to improve transportation safety, two other aspects of the resolved appear to establish new policy for the organization in that it would "commit" the League to:
 - Supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety.
 - Encouraging the State to consider adopting transportation safety as a top priority for transportation projects and policy formulation.
- 2) Effects of various strategies to improve transportation safety can vary. According to an article published in the San Francisco Chronicle on March 26, 2016, deaths in San Francisco traffic were not falling despite Vision Zero efforts.¹⁰ The article notes that there were seven deaths in 2016, while there was only one in the first 10 weeks of 2015 and seven in 2014 during the same period. The San Francisco Department of Public Health commented that despite these incidents, it's too early to make any conclusions about Vision Zero's effectiveness. In Los Angeles, however, the city has cited significant decreases in severe and fatal injuries with implementation of certain technologies, such as installation of pedestrian scrambles. The success of Vision Zero in any particular city will likely depend on the level of investment and scope of the project(s) as the projects can vary widely.
- 3) In the fifth "Whereas" clause from the top, the word "principal" should be "principle."

Existing League Policy: "The League supports additional funding for local transportation and other critical unmet infrastructure needs. One of the League's priorities is to support a consistent and continuous appropriation of new monies from various sources directly to cities and counties for the preservation, maintenance and rehabilitation of the local street and road system. New and additional revenues should meet the following policies:

- System Preservation and Maintenance. Given the substantial needs for all modes of transportation, a significant portion of new revenues should be focused on system preservation. Once the system has been brought to a state of good repair, revenues for maintenance of the system would be reduced to a level that enables sufficient recurring maintenance.
- Commitment to Efficiency. Priority should be given to using and improving current systems. Recipients of revenues should incorporate operational improvements and new technology in projects.
- All Users Based System. New revenues should be borne by all users of the system from the traditional personal vehicle that relies solely on gasoline, to those with new hybrid or electric technology, to commercial vehicles moving goods in the state, and even transit, bicyclists, and pedestrians who also benefit from the use of an integrated transportation network.
- Alternative Funding Mechanisms. Given that new technologies continue to improve the efficiency of many types of transportation methods, transportation stakeholders must be open to new alternative funding mechanisms. Further, the goal of reducing greenhouse gases is also expected to affect vehicle miles traveled, thus further reduce gasoline consumption and revenue from the existing gas tax. The

¹⁰ <http://www.sfchronicle.com/bayarea/article/Deaths-in-S-F-traffic-not-falling-despite-Vision-7182486.php>

existing user based fee, such as the base \$0.18-cent gas tax is a declining revenue source. Collectively, we must have the political will to push for sustainable transportation revenues.

- Unified Statewide Solution. For statewide revenues, all transportation stakeholders must stand united in the search for new revenues. Any new statewide revenues should address the needs of the entire statewide transportation network, focused in areas where there is defensible and documented need.
- Equity. New revenues should be distributed in an equitable manner, benefiting both the north and south and urban, suburban, and rural areas as well as being equally split between state and local projects.
- Flexibility. Needs vary from region to region and city to city. New revenues and revenue authority should provide the flexibility for the appropriate level of government to meet the goals of the constituents.
- Accountability. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level.”¹¹

Additionally, the League adopted to “Increase Funding for Critical Transportation and Water Infrastructure” as its number one strategic goal for 2016. It reads, “Provide additional state and federal financial assistance and new local financing tools to help meet the critical transportation (streets, bridges, active transportation, and transit) and water (supply, sewer, storm water, flood control, etc.) infrastructure maintenance and construction needs throughout California’s cities.”¹²

¹¹ <http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Policy-Development/2016-Summary-of-Existing-Policy-and-Guiding-Princi.aspx>

¹² <http://www.cacities.org/Secondary/About-Us/Strategic-Priorities>

LETTERS OF CONCURRENCE

Resolution No. 1

VISION ZERO



Office of the Mayor

3300 Capitol Avenue, Building A | P.O. Box 5006, Fremont, CA 94537-5006
510 284-4011 *ph* | 510 284-4001 *fax* | www.fremont.gov

July 21, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION AND
IMPLEMENTATION OF INITIATIVES TO PRIORITIZE TRAFFIC SAFETY THROUGHOUT CALIFORNIA

Dear President Michael,

The City of Fremont enthusiastically endorses the proposed resolution to support the implementation of initiatives to eliminate traffic deaths and severe injuries on our roadways. Fremont is among the early adopters of the Vision Zero traffic safety strategy. With City Council's approval of our Fremont Vision Zero 2020 action plan in March 2016, we are already seeing the benefits of building a safety first culture in our community.

I strongly encourage other California cities to join a growing coalition of support for Vision Zero. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Fremont has embraced Vision Zero and we are in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

A handwritten signature in black ink that reads "Bill Harrison". The signature is fluid and cursive, with a long, sweeping underline.

Bill Harrison
Mayor



CITY HALL
LOS ANGELES, CALIFORNIA 90012

August 2, 2016

The Honorable Dennis Michael
President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: League of California Cities Resolution Supporting Initiatives to Prioritize Traffic Safety

Dear President Michael:

We write in support of the proposed resolution to support the adoption and implementation of Vision Zero initiatives throughout California to eliminate traffic fatalities and injuries. Vision Zero and Towards Zero Deaths strategies have been adopted in cities throughout California, including the City of Los Angeles. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Every year, more than 200 people are killed while trying to move around Los Angeles. Nearly half of the people who die on Los Angeles streets are people walking and bicycling, and an alarming number of them are children and older adults. The safety of our residents and visitors is paramount. If we can realize Vision Zero throughout California, children will be safer walking to school, families will be safer going to the park, and commuters will be safer getting to work.

The City of Los Angeles adopted Vision Zero as part of its Transportation Strategic Plan, and an executive directive was issued in 2015 directing its implementation. We are in strong support of Vision Zero in California, and we support the proposed Resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Garcetti".

ERIC GARCETTI
Mayor

A handwritten signature in black ink, appearing to read "Joe Buscaino".

JOE BUSCAINO
Councilmember, 15th District
League of California Cities Representative



OFFICE OF THE
CITY COUNCIL

CITY OF SACRAMENTO
CALIFORNIA

JAY SCHENIRER

COUNCILMEMBER
DISTRICT FIVE

July 27, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION
AND IMPLEMENTATION OF INITIATIVES TO PRIORITIZE TRAFFIC SAFETY
THROUGHOUT CALIFORNIA

Dear President Michael,

The City of Sacramento supports the proposed resolution to support the adoption and implementation of initiatives to prioritize transportation safety toward eliminating death and severe injuries on our roadways. **Vision Zero** and **Towards Zero Deaths** strategies have been adopted in many cities and Sacramento is currently developing its own **Vision Zero Action Plan**.

Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and are estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on roads and streets of our cities. We must put safety as a top priority for all users of our streets. It is fundamental for prosperity of California cities as safety, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Sacramento is in strong support of prioritized and expanded transportation safety in California cities and supports the proposed Resolution.

Sincerely,

Jay Schenirer, Council Member
Chair, Law & Legislation Committee



THE CITY OF SAN DIEGO

August 9, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Michael:

RE: A resolution of the league of California Cities Supporting the Adoption and Implementation of Initiatives to Prioritize Traffic Safety throughout California

The City of San Diego Transportation & Storm Water Department supports the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California, including the City of San Diego (Attachment 1). Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of San Diego Transportation & Storm Water Department has embraced Vision Zero/Towards Zero Death and I am in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

Kris McFadden
Director

Attachment: A Resolution of the Council of the City of San Diego Adopting a Vision Zero Plan to Eliminate Traffic Fatalities and Serious Injuries in the Next Ten Years

cc: Katherine Johnston, Director of Infrastructure and Budget Policy, Office of the Mayor
Kristin Tillquist, Director of State Government Affairs, Office of the Mayor
Vic Bienes, Assistant Director, Transportation & Storm Water Department
Linda Marabian, Deputy Director, Traffic Engineering Operations



Transportation & Storm Water Department

202 C Street, 9th Floor, MS 9A • San Diego, CA 92101
Tel (619) 236-6594 Fax (619) 236-6570

RESOLUTION NUMBER R- 310042

DATE OF FINAL PASSAGE NOV 03 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING A VISION ZERO PLAN TO ELIMINATE TRAFFIC FATALITIES AND SERIOUS INJURIES IN THE NEXT TEN YEARS.

WHEREAS, on average one person each day is seriously injured or killed on the road while walking, bicycling, or driving the streets of San Diego; and,

WHEREAS, the City has adopted numerous studies and plans that outline design concepts to improve safety for people walking and biking in the City including a Pedestrian Master Plan and Bicycle Master Plan; and,

WHEREAS, the City of San Diego's draft Climate Action Plan proposes to achieve 50 percent of commuter mode share for walking, biking and transit use in transit priority areas by 2050 and safer conditions for walking and biking can help implement this Plan; and,

WHEREAS, the City will increase in population by approximately 30 percent by 2050 and the majority of growth will result from infill development thereby increasing demand for safe walking and bicycling; and,

WHEREAS, communities in San Diego have prioritized infrastructure projects that improve walking and biking safety among other project types as represented by the Community Planning Committee report to Infrastructure Committee in November 2013; and,

WHEREAS, the City incurs costs to respond to lawsuits alleging the City's failure to provide safer streets; and,

WHEREAS, restoring infrastructure in the City is a priority of the Council and Mayor; and,

WHEREAS, Vision Zero provides a framework for reducing traffic deaths to zero through a combination of safe engineering measures, education, and enforcement practices; and,

WHEREAS, Vision Zero has been adopted in many cities throughout the country, most notably in New York City which has seen the lowest number of pedestrian fatalities in its first year of implementation since documentation began in 1910; and,

WHEREAS, Circulate San Diego is convening an Advisory Committee to advance Vision Zero Goals; NOW, THEREFORE,

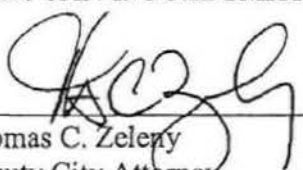
BE IT RESOLVED, by the Council of the City of San Diego, that it hereby adopts a goal of eliminating traffic deaths and serious injuries by 2025; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that it urges City staff from the Mayor's office, Transportation and Stormwater Department, San Diego Police Department, and a representative of the City's Bicycle Advisory Committee to attend meetings of Circulate San Diego's Vision Zero Advisory Committee for a limited time to develop a traffic safety plan that will help the City reach the goal of zero traffic deaths and serious injuries; and

BE IT FURTHER RESOLVED, that the traffic safety plan will be guided by innovative engineering solutions to improve road safety for all users, especially the most vulnerable; will measure and evaluate performance annually; and will include enforcement and education strategies to prevent the most dangerous behaviors that cause public harm, especially along the corridors where collisions are most frequent.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Thomas C. Zeleny
Deputy City Attorney

TCZ:cfq

September 24, 2015

Or.Dept:Envir. Comm.

Doc. No.: 1116742

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 27 2015.

ELIZABETH S. MALAND
City Clerk

By


Deputy City Clerk

Approved:

11/2/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 27 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 03 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310042



August 1, 2016

The Honorable Dennis Michael
President, League of California Cities
1400 K Street
Sacramento, CA 95814

Re: Resolution of the League of California Cities Supporting the Adoption and Implementation of Initiatives to Prioritize Traffic Safety Throughout California


Dear President Michael,

On behalf of the City and County of San Francisco, I am writing to express my support for the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California including San Francisco, San Jose, San Mateo, San Diego, Los Angeles, Santa Barbara, and Santa Monica. Accordingly, I encourage the submission of the resolution to support Vision Zero, Toward Zero Deaths, and other initiatives that make traffic safety a priority, which will be considered by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Every year in San Francisco, approximately 30 people lose their lives and over 200 more are seriously injured while traveling on our streets. These deaths and injuries are unacceptable and preventable, and the City is strongly committed to stopping further loss of life. San Francisco adopted Vision Zero as a policy in 2014, committing to build better and safer streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes that save lives. Our goal is to create a culture that prioritizes traffic safety and to ensure that mistakes on our roadways do not result in serious injuries or deaths. The safety of our residents and the over 18 million visitors that use our streets each year is paramount, and the same holds true for cities across the California, which need safe, efficient, and organized transportation systems to support economically vibrant and sustainable communities.

The City and County of San Francisco has embraced Vision Zero, and I am in strong support of expanded transportation safety in California cities and, in turn, the proposed Resolution.

Sincerely,


Edwin M. Lee
Mayor



Mayor Tony Vazquez
Mayor Pro Tempore Ted Winterer

Councilmembers

Gleam Davis
Sue Himmelrich
Kevin McKeown
Pam O'Connor
Terry O'Day

July 21, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: THE LEAGUE OF CALIFORNIA CITIES CONSIDERATION OF INITIATIVES TO PRIORITIZE TRAFFIC SAFETY THROUGHOUT CALIFORNIA

Dear President Michael:

The City of Santa Monica supports initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California, leading to the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

The City of Santa Monica embraced Secretary Anthony Foxx's Mayor's Challenge for *Safer People, Safer Streets* in March 2015. Simultaneously, the Council directed staff to initiate work on Vision Zero and 8-80 cities – a movement created by Gil Penalosa, to make cities that work for people aged 8 to 80. Combined, these two efforts aim to create streets that are safe and comfortable for people in all modes and of all abilities. In February 2016 the Santa Monica City Council adopted a Vision Zero target in our first Pedestrian Action Plan. We are now actively working to incorporate these visionary targets into City operations.

Our City cares deeply about the safety of our people, and their ability to access good, services, education, social networks and employment. Creating a New Model for Mobility is one of the Council's Five Strategic Goals, identified to organize and advance work on our top priorities. A safe mobility network supports our urgent need to provide transportation options that reduce greenhouse gas emissions, and provide equitable access to places and activities that support community Wellbeing. Reducing and ultimately eliminating severe injury and fatal crashes part of a resilient, safe and prosperous community.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Santa Monica has embraced **Vision Zero/Towards Zero Deaths** and I am in strong support of expanded transportation safety in California cities.

Sincerely,


Tony Vazquez
Mayor



CITY OF WEST HOLLYWOOD

CITY HALL

8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
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OFFICE OF THE CITY MANAGER

PAUL AREVALO
CITY MANAGER

July 21, 2016

The Honorable L. Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION AND IMPLEMENTATION OF INITIATIVES TO PRIORITIZE TRAFFIC SAFETY THROUGHOUT CALIFORNIA - SUPPORT

Dear President Michael:

The City of West Hollywood supports the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. *Vision Zero* and *Towards Zero Deaths* strategies have been adopted in numerous cities throughout California. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015, and it is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of West Hollywood is in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

Paul Arevalo,
CITY MANAGER

c: Honorable Members of the West Hollywood City Council

