



CITY of CLOVIS

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.

April 3, 2017

6:00 PM

Council Chamber

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

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

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- A. Presentation - Recognition of the Clovis Police Department's participation in the Baker to Vegas Run - "120 miles of pavement, 20 stages, over 8,000 runners, guests, family members, and support staff. Hot days and cold nights. Blood. Sweat. Pride. Honor."

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

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

CONSENT CALENDAR 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 Approval - Res. 17-____, CUP2016-04, A request to approve a conditional use permit for a proposed 18-bed, single-story extended care facility with associated parking on approximately one acre of land located at 250 Villa Avenue. Pagosyan Family Trust, owner; Vanik & Arsen LLC, applicant; Jose Luis Vargas, representative. (Staff: O. Ramirez)

2. CITY MANAGER COMMENTS

3. COUNCIL ITEMS

- A. Consider Approval – Appointment to Planning Commission. (Staff: Mayor Whalen)
- B. Consider Review and Update - California Open Governance Laws: Ralph M. Brown Act and California Public Records Act. (Staff: D. Wolfe)
- C. Council Comments

4. CLOSED SESSION

**Closed Session will be held at 1033 Fifth Street, Clovis, CA, 93612
Administration Building, Yosemite Conference Room**

- A. Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

ADJOURNMENT

Meetings and Key Issues			
Apr. 10, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 17, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 1, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 8, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 15, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
June 5, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
June 12, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
June 19, 2017 (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 October 3, 2016, March 20, 2017 Council meeting.

B. ADMINISTRATION

- 1) No items.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) No items.

D. FINANCE

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

E. GENERAL SERVICES

- 1) Approval - Res. 17-____, Authorizing the Execution of the Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP); and Approval - Res. 17- ____, Approving the Submittal of One Project for Fiscal Year 2016-17 for the Low Carbon Transit Operations Program (LCTOP).
- 2) Approval - Res. 17-____, Authorizing Amendments to the Transit Supervisor Classification.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) Approval – Final Acceptance for Tract 5867, located west of Polson and Randy Avenues (DeYoung Properties).
- 2) Approval – Final Acceptance for Tract 6020 located in the southwest area of Bullard and DeWolf Avenues. (6020 Enterprises, LP – Wilson).

G. PUBLIC SAFETY

- 1) Receive and File - Police Department Report for the month of January 2017.

H. PUBLIC UTILITIES

- 1) No items.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

CLOVIS CITY COUNCIL MEETING

October 3, 2016

6:00 P.M.

Council Chamber

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

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

Councilmember Harry Armstrong participated in the meeting via teleconference from 6720 E. Kings Canyon Rd, Fresno, CA 93727. A copy of the agenda was posted at the teleconference location and was open to the public during the meeting.

6:03 PUBLIC COMMENTS

Alisha Wolfe, resident, commented on not getting adequate support after putting a request into the CRM system. Mayor Magsig referred her to Assistant City Manager John Holt.

Marlo Jenkins, Michelle Jenkins, and Romero Cruz, residents commented on the proposed UHS mental health facility.

6:24 - CONSENT CALENDAR

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

- A1) Approved - Minutes for the September 19, 2016 Council meeting.
- A2) Adopted – **Ord. 16-23**, An Ordinance of the City Council of the City of Clovis Amending Chapter 5.22, of Title 5, of the Clovis Municipal Code Pertaining to Medical and Recreational Marijuana.
- B1) Approved - Closure of City Administrative Offices for In-Service Day on Columbus Day, October 10, 2016.
- B2) Approved – Change of Council Meeting Schedule.
- C1) Approved – FY 2016-17 Agreement between the City of Clovis and the Economic Development Corporation Serving Fresno County.
- C2) Approved – Fourth Amendment to Disposition and Development Agreement between the City of Clovis and Innovative Development and Living Solutions of California.
- D1) Approved - **Res. 16-137**, Approving the 2016-2017 Local Transportation Fund Claim to the Council of Fresno County Governments.
- D2) Approved – **Res. 16-138**, Amending the 2016-17 Budget to reappropriate carryover funding from the 2015-16 budget.
- D3) Approved - **Res. 16-139**, A Resolution of the City Council of the City of Clovis Approving, Authorizing, and Directing the Execution and Delivery of the

- Agreement to Terminate the Central California Joint Powers Health Financing Authority Between the City of Fresno and the City of Clovis.
- E1) Approved - **Res. 16-140**, Authorizing Amendment of the City's Classification Plan and the Facilities Maintenance Supervisor Classification.
 - E2) Approved - **Res. 16-141**, Authorizing Amendments to the Community Service Officer Classification; and Approval - **Res. 16-142**, Authorizing Amendments to the Police Service Officer Classification; and Approval - **Res. 16-143**, Authorizing Amendments to the City's FY16-17 Position Allocation Plan in the Police Department by adding one (1) Police Service Officer Position and deleting one (1) Community Service Officer Position.
 - E3) Approved - **Res. 16-144**, Amending the City's Compensation Plan to Adopt a New Salary Range for the City Manager effective January 1, 2017.
 - F1) Approved - **Res. 16-145**, Final Map for Tract 6147, located at the southeast area of Gettysburg and Armstrong Avenues (De Young Properties 6147, L.P., a California Partnership, De Young Properties).
 - F2) Approved - **Res. 16-146**, Annexation of Proposed Tract 6147, located at the southeast area of Gettysburg and Armstrong Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis (De Young Properties 6147, L.P., a California Partnership, De Young Properties).
 - F3) Approved - Rejection of all bids for CIP 15-22, Fire Station 3 Fencing and Camera System.

6:25 ITEM 1 - PERSONNEL ANNOUNCEMENT – CITY MANAGER

Mayor Magsig announced that City Manager Rob Woolley has announced his resignation and retirement effective December 30, 2016. Council commented.

6:35 ITEM 2 - CLOSED SESSION

- A. Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager
- B. Government Code Section 54957
PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
Title: City Manager
- C. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Attorney, David J. Wolfe
Unrepresented Employee: City Manager

Assistant City Attorney Scott Cross reported out that the City Council has selected Public Utilities Director Luke Serpa as the interim city manager effective January 1, 2017. Motion by Councilmember Armstrong, seconded by Mayor Magsig to approve interim city manager Luke Serpa effective January 1, 2017, and to begin him at step one of the new salary. Approved by unanimous vote.

6:49 ITEM 3A1 - APPROVED – APPOINTMENT TO PERSONNEL COMMISSION.

General Services Director Robert Ford recommended the appointment of Jerry Brady to the Personnel Commission. Jerry Brady commented. Discussion by the Council. Motion by Council Ashbeck, seconded by Councilmember Flores, for the Council to appoint Jerry Brady to the Personnel Commission. Motion carried by unanimous vote.

6:51 ITEM 3A2 - CONDUCT THE PUBLIC HEARING AS REQUIRED FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 (TAX EQUITY AND FISCAL RESPONSIBILITY ACT ("TEFRA")) IN CONNECTION WITH THE PROPOSED ISSUANCE OF BONDS BY MILLENNIUM HOUSING OF CALIFORNIA WITH RESPECT TO THE WOODS MOBILE HOME PARK (1001 SYLMAR AVENUE, CLOVIS, CA, 93612); AND APPROVAL - RES. 16-147, AUTHORIZING, AND DIRECTING EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT WITH THE INDEPENDENT CITIES FINANCE AUTHORITY

Assistant Finance Director Jay Schengel presented a report and conducted a Public Hearing as required for purposes of Section 147(f) of the Internal Revenue Code of 1986 (Tax Equity and Fiscal Responsibility Act ("TEFRA")) in connection with the proposed Issuance of bonds by Millennium Housing of California with respect to the Woods Mobile Home Park (1001 Sylmar Avenue, Clovis, CA, 93612); and Approval - **Res. 16-147**, Authorizing, and Directing Execution of an Associate Membership Agreement with the Independent Cities Finance Authority. Millennium Housing of California, a California nonprofit public benefit corporation (the "Owner"), has requested that the Authority issue and sell its Mobile Home Park Revenue Bonds (The Woods Mobile Home Park) in one or more series (the "Bonds") in an aggregate principal amount of not to exceed \$33,500,000 to (i) finance the acquisition and renovation of a 260-space mobile home park known as the Woods Mobile Home Park located at 1001 Sylmar Avenue, Clovis, California (the "Project"), (ii) finance additional renovations to be made to the Project, (iii) finance a repair and replacement reserve fund and a rental assistance fund and (iv) finance certain costs of issuing the Bonds.

Since the City of Clovis is the jurisdiction in which the property is located, the Council must hold a public hearing under the provisions of the Tax Equity and Fiscal Responsibility Act ("TEFRA") within the Internal Revenue Code to receive any public testimony regarding the project before it considers authorizing the Authority to issue the Bonds. The adoption of the resolution is the first step in the process for the Authority to issue the Bonds.

Should the City approve the Authority's issuance of the Bonds, the City would have no obligation or liability associated with this Project or with the Bonds. Neither the City nor its staff have reviewed or considered the financial feasibility of the Project or the expected ongoing operation of the Project. Adopting the resolution will not obligate the City to provide any financing to the Borrower or for the Project. The Bonds will not constitute indebtedness or obligation, or a pledge of the faith and credit, of the City. The Bonds will be limited obligations of the Authority.

George Turk, representing Millennium Housing, commented on the project and addressed questions, and spoke in support.

Myra Cunus, President of the GSMOL Woods chapter, and resident of Woods Mobile Home Park, commented on and spoke in support of the acquisition. Jean Crowder, president of GSMOL – statewide spoke in support. Dan, resident of the Woods, spoke in opposition. Anita Golf, resident, commented on and spoke in support of the proposal.

Discussion by the Council. Motion by Council Ashbeck, seconded by Councilmember Flores, for the Council to conduct a Public Hearing as required for purposes of Section 147(f) of the Internal Revenue Code of 1986 (Tax Equity and Fiscal Responsibility Act ("TEFRA")) in connection with the proposed Issuance of bonds by Millennium Housing of California with respect to the Woods Mobile Home Park (1001 Sylmar Avenue, Clovis, CA, 93612); and Approval - Res. 16-147, Authorizing, and Directing Execution of an Associate Membership Agreement with the Independent Cities Finance Authority.. Motion carried by unanimous vote.

7:22 ITEM 4 - CITY MANAGER COMMENTS

None

7:22 ITEM 6 - CLOSED SESSION

D. Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Clovis Police Officers Association, Clovis Fire Fighters Association, Clovis Employees Association, Clovis Public Works Employees Association, Clovis Public Safety Support Association, Clovis Professional and Technical Employees Association, Clovis Transit Employees Bargaining Unit, Clovis Technical and Financial Professionals, Unrepresented Management Employees

E. Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION

Workers Compensation Case in Regards to: Sandra Wolfe

ADJOURNMENT

Mayor Magsig adjourned the meeting of the Council to October 10, 2016

Meeting adjourned: 7:35 p.m.

Mayor

City Clerk

CLOVIS CITY COUNCIL MEETING

March 20, 2017

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Pro Tem Whalen
Flag Salute led by Councilmember Ashbeck

Roll Call: Present: Councilmembers Ashbeck, Flores, Mayor Pro Tem Whalen
Absent: None

6:02 - CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar, except item D1, be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

- A1) Approved - Minutes for the March 6, 2017 Council meeting.
- A2) Adopted - **Ord. 17-03**, OA2017-01, A request to amend the Clovis Development Code as a semi-annual cleanup to address typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant. (Vote: 3-0)
- A3) Adopted - **Ord. 17-04**, R2016-14, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. (Vote: 3-0)
- E1) Approved - Waive the City's Usual Purchasing Procedures and Contract with Compass Energy Solutions for the Purpose of Conducting a Feasibility Study to Implement LED Lighting Systems at City-Owned Facilities.
- E2) Approved - Authorize the City Manager to approve placement of a full time Bus Driver at Step 5 of the salary range.
- E3) Approved - Claim Rejection of the General Liability claim submitted for Jo Marie Allen.
- F1) Approved – Bid Award for CIP 16-13, ADA Ramp Project – Phase 9 and; Authorize the City Manager to execute the contract on behalf of the City.
- F2) Approved - Bid Award for CIP 15-22, Fire Station 3 Security Fence, and; Authorize the City Manager to execute the contract on behalf of the City.
- H1) Approved - **Res. 17-25**, Dissolving the Fresno-Clovis Metropolitan Solid Waste Commission and associated JPA and MOU by mutual agreement; and Approval - **Res. 17-26**, Authorizing the Designation of the Assembly Bill 939 Memorandum of Understanding Committee as the Integrated Waste Management Local Task Force.
- H2) Received and Filed – Public Utilities Report for the month of December 2016.

6:03 - CONSENT CALENDAR ITEM (D1) - APPROVED - RES. 17-24, A RESOLUTION OF INTENTION (ROI) TO ANNEX TERRITORY (ANNEXATION #49) (T5176-NORTHEAST CORNER SHAW/LOCAN, T6101-NORTHEAST CORNER SHIELDS/LEONARD, T6164 SOUTHWEST CORNER ASHLAN/LEONARD), TO THE COMMUNITY FACILITIES DISTRICT (CFD) 2004-1 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SETTING THE PUBLIC HEARING FOR MAY 1, 2017

Assistant City Manager John Holt presented a report on a request to approve a Resolution of Intention (ROI) to Annex Territory (Annexation #49) (T5176-Northeast Corner Shaw/Locan, T6101-Northeast Corner Shields/Leonard, T6164 Southwest Corner Ashlan/Leonard), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for May 1, 2017. John Holt indicated that the agendized item reported out T6101 being at the Northeast Corner Shields/Leonard. John Holt indicated that it should have been listed at "Near the intersection of Ashlan and Leonard". There being no public comment, Mayor Pro Tem Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a Resolution of Intention (ROI) to Annex Territory (Annexation #49) (T5176-Northeast Corner Shaw/Locan, T6101-Northeast Corner Shields/Leonard, T6164 Southwest Corner Ashlan/Leonard), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for May 1, 2017.

6:06 **ITEM 1A1 - APPROVED - RES. 17-27, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #48 – T6145 NORTHWEST CORNER DE WOLF/OWENS MTN PKWY AND T6168 NORTHWEST CORNER GETTYSBURG/LEONARD) 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 #48) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND ITEM 1A2 - APPROVED - RES. 17-28, 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).**

Assistant Finance Director Jay Schengel presented a report on various actions related to Annexation of Territory (Annexation #48 - T6145 northwest corner De Wolf/Owens Mtn Pkwy and T6168 Northwest corner Gettysburg/Leonard) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). 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. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #48. There being no comment, Mayor Pro Tem Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to approve **Resolution 17-27**, a Resolution annexing territory (Annexation #48 - T6145 northwest corner De Wolf/Owens Mtn Pkwy and T6168 Northwest corner Gettysburg/Leonard) 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 #48) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of 2 ballots representing 59 votes all in favor and noted passage of the ballot measure. There being no comment, Mayor Magsig closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to approve **Resolution 17-28**, 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). Motion carried by unanimous vote.

6:11 ITEM 2A1 - CONSIDERED - A REQUEST FROM THE YOUTH LEADERSHIP INSTITUTE (YLI), TO AMEND CLOVIS MUNICIPAL CODE SECTION 9.34.060(S) AND SECTION 9.34.100(E), TO REDUCE THE ALLOWABLE PROMOTIONAL WINDOW SIGN AREA FROM 25% TO 15% ON COMMERCIAL BUSINESSES

Associate Planner Orlando Ramirez presented a report on a request from the Youth Leadership Institute (YLI), to amend Clovis Municipal Code Section 9.34.060(S) and Section 9.34.100(E), to reduce the allowable promotional window sign area from 25% to 15% on commercial businesses. Staff received correspondence from the Youth Leadership Institute (YLI) on behalf of the Clovis Youth Leadership Academy, a youth-led organization. The letter indicated that the current sign ordinance as it pertains to temporary signs is too lenient and has a negative effect on youth. Specifically, the youth-based organization indicated that the existing ordinance does not regulate specific placement of signs, creating direct line-of-sight marketing towards youth as they enter local area businesses such as convenience and liquor stores. As part of this review, the City Council is being requested to determine whether there is significant need to amend the existing ordinance and how the Ordinance Amendment would be funded. The cost of an Ordinance Amendment is \$3,975 and is typically paid for by an applicant. This cost covers staff time in processing and preparing a report associated with the item and legal notification of the request to the newspaper.

Cynthia Rocha, representing the Youth Leadership Institute, spoke in support of the request. Delani and Justin, students, also commented on and spoke in support of the request. Discussion by the Council.

It was the consensus of City Council to direct staff to work on enforcing the existing requirement limiting store frontage advertising limiting to 25% versus changing to 15% as requested by the YLI. Direction also provided to reach out to local business organizations to pursue compliance.

6:53 ITEM 2A2 - APPROVED – AWARD THE ARCHITECTURAL SERVICES CONTRACT FOR LANDMARK COMMONS SENIOR ACTIVITY CENTER AND TRANSIT CENTER (CIP 15-03) TO PAUL HALAJIAN ARCHITECTS AND; AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Community and Economic Development Director Andy Haussler presented a report on a request to award the Architectural Services Contract for Landmark Commons Senior Activity Center and Transit Center (CIP 15-03) to Paul Halajian Architects and; Authorize the City Manager to execute the contract on behalf of the City. The development of Landmark Commons (755 Third Street) with a Regional Library, Senior Activity Center, and Transit Center is a multi-year, multi-phase project. Site demolition has been completed and the City is in the process of completing the civil design. Staff is

recommending that an architect be hired to complete the architectural design, construction documents, and oversee the bidding and building construction phases of the Senior Activity Center and the Transit Center. The County of Fresno will hire an architect, on a separate contract, to complete the architectural design for the Regional Library. There being no public comment, Mayor Pro Tem Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to award the Architectural Services Contract for Landmark Commons Senior Activity Center and Transit Center (CIP 15-03) to Paul Halajian Architects and; and authorize the City Manager to execute the contract on behalf of the City. Motion carried by unanimous vote.

6:59 ITEM 2A3 - APPROVED – RES. 17-29, BID AWARD FOR CIP 15-07, NEES AVENUE RECYCLED WATER MAIN, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AMENDING THE 2016-2017 COMMUNITY INVESTMENT PROGRAM BUDGET FOR SEWER DEVELOPER ACCOUNT WATER REUSE – NEES/DEWOLF MAINS

City Engineer Mike Harrison presented a report on a request to award the bid for CIP 15-07, Nees Avenue Recycled Water Main, and Authorize the City Manager to execute the contract on behalf of the City; Amending the 2016-2017 Community Investment Program Budget for Sewer Developer account Water Reuse – Nees/DeWolf Mains. In August of 2017, the city entered into an agreement with the “Harlan Ranch Community Association” to expedite the extension of the non-potable water system to the Harlan Ranch Community. As part of the agreement the Harlan Ranch Community Association agreed to provide \$1,000,000 in funding as a no interest loan to be repaid as recycled water development fees are collected. With the expectation of this project moving forward \$130,000 was approved for design in the current year. Staff is recommending that Council approve a budget amendment in the amount of \$870,000 in the Sewer Developer Fund that will match the budget with the maximum agreed funding of \$1,000,000 provided by the Harlan Ranch Community Association. The amount will account for expenditures for the bid award of the Nees Avenue Recycled Water Main project, the purchase of utility easements in Nees Avenue for the alignment, and engineering staff time. The project involves construction of a recycled water main along Nees Avenue and Owens Mountain Parkway, from N. Temperance Avenue to Kenosha Avenue, and north of Owens Mountain Parkway, between N. DeWolf Avenue and N. Pamela Avenue. This project also includes installation of seven recycled water meter assemblies at various locations within the Harlan Ranch development. The project improvements include PVC piping, meters, air release valves, gate and butterfly valves, boxes, vaults, and related appurtenances, removal and salvaging of existing blow-offs, trench resurfacing, inclusive of aggregate base rock and asphalt concrete, and re-establishment of existing grades and drainage patterns. Staff has evaluated the project site and all design aspects within the scope of this project for compliance with the Americans with Disabilities Act (ADA) accessibility standards as of March 20, 2017. There being no public comment, Mayor Pro Tem Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to approve Resolution 17-29, Bid Award for CIP 15-07, Nees Avenue Recycled Water Main, and Authorize the City Manager to execute the contract on behalf of the City; Amending the 2016-2017 Community Investment Program Budget for Sewer Developer account Water Reuse – Nees/DeWolf Mains. Motion carried by unanimous vote.

7:05 ITEM 3 - CITY MANAGER COMMENTS

Interim City Manager provided Council an update on the Baker to Vegas run the Clovis Police Department is participating in this weekend.

7:06 ITEM 4A - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.

Interim City Manager Luke Serpa reported out that staff is recommending adding the meeting of March 27, 2017 for a Council Reorganization reporting out the results of the March 7, 2017 election. There is a need to change the schedule of meetings for the City Council in March. Staff is recommending that City Council approve a special meeting on March 27, 2017. There being no public comment, Mayor Pro Tem Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve adding the meeting of March 27, 2017. Motion carried by unanimous vote.

7:07 ITEM 4B - COUNCIL COMMENTS

Councilmember Ashbeck indicated that she will not be at the City Council meeting on April 17, 2017.

Mayor Pro Tem Whalen indicated that he would not be at the Council meetings of April 10, 2017, and May 1, 2017.

7:15 ITEM 5A - CLOSED SESSION

Government Code Section 54956.9(A)

CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION

Workers Compensation Case in Regards to: Louis Jackson

ADJOURNMENT

Mayor Pro Tem Whalen adjourned the meeting of the Council to April 3, 2017

Meeting adjourned: 7:30 p.m.

Mayor

City Clerk



AGENDA ITEM NO: CC-D-1

City Manager: LS

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: April 3, 2017

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

Exhibits:

- (A) Distribution of Investments
- (B) Monthly Investment Transactions
- (C) Certificates of Deposit
- (D) Graph of December 31, 2016 Treasury Rates

Attached is the Investment Report for the month of December 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 December 2016. Exhibit C lists the certificates of deposit. Exhibit D is a graph of Treasury rates on December 31, 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 adherence with the safeguards and diversity of a prudent investor.
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 0.33%. The rate of return for the City of Clovis portfolio is 0.85%. The goal for the City of Clovis investment return is 120% of the 90 day Treasury bill rate. The current rate of return is 258% 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 December 2016 the average investment life of the City's investment portfolio is 0.77 years.

Current Investment Environment and Philosophy

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

On December 31, 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

- No government securities were purchased.
- 1 government security totaling \$3,000,000.00 was 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 December, the federal funds rate was maintained at .25% - .50%.
- On December 31, 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 December 31, 2016.

Prepared by: Haley Lynch, Deputy Finance Director


Submitted by: Jay Schengel, Finance Director 

Exhibit A

CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF DECEMBER 31, 2016

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 12/31/2016</u>
<u>GOV'T SECURITIES</u>								
FHLMCMTN	3,010,053	3,010,053	3,002,400	1.000%	1.000%	12/01/15	03/08/17	67
FHLMC	3,007,944	3,007,944	3,004,650	1.000%	1.000%	12/01/15	07/28/17	209
FHLB	3,015,870	3,015,870	3,007,470	1.125%	1.125%	07/02/15	12/08/17	342
FNMA	2,998,479	2,998,479	2,991,600	0.875%	0.875%	09/29/15	05/21/18	506
FHLB	3,000,000	3,000,000	2,978,970	1.250%	1.250%	04/29/16	04/29/19	849
FNMA	3,018,480	3,018,480	2,993,820	1.125%	1.125%	06/09/16	12/14/18	713
FFCB	3,007,560	3,007,560	2,987,280	1.300%	1.300%	06/09/16	06/06/19	887
FNMA	3,006,150	3,006,150	2,983,290	1.250%	1.250%	07/13/16	06/28/19	909
FNMA	3,002,400	3,002,400	2,959,860	1.125%	1.125%	07/26/16	07/26/19	937
FNMA	3,000,000	3,000,000	2,966,160	1.250%	1.250%	11/16/16	11/15/19	1,049
FHLMC	3,000,000	3,000,000	2,976,210	1.300%	1.300%	11/28/16	11/27/19	1,061
FNMA	3,000,000	3,000,000	2,998,740	1.700%	1.700%	12/30/16	12/30/19	1,094
SECURITIES TOTAL	<u><u>\$ 36,066,936</u></u>	<u><u>\$ 36,066,936</u></u>	<u><u>\$35,850,450</u></u>					
LAIF		<u><u>\$ 50,214,214</u></u>	<u><u>\$ 50,214,214</u></u>					
MONEY MARKET		<u><u>\$ 9,691,963</u></u>	<u><u>\$ 9,691,963</u></u>					
PREMIUM-IOC		<u><u>\$ -</u></u>	<u><u>\$ -</u></u>					
TOTAL CD'S		<u><u>\$ 14,769,000</u></u>	<u><u>\$ 14,777,687</u></u>					
TOTAL INVESTMENTS		<u><u>\$ 110,742,113</u></u>	<u><u>\$ 110,534,314</u></u>					

* Market values for securities obtained from BNY Western Trust Company

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

Exhibit B

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
Morton Community	CD	Purchase	245,000	245,000	1.500%	12/15/16	12/16/19
FNMA	Gov Sec	Maturity	(3,000,000)	(3,000,000)	1.700%	12/30/16	12/30/19
Mercantil	CD	Maturity	(245,000)	(245,000)	1.000%	12/19/16	12/19/16
Mb Financial	CD	Maturity	(245,000)	(245,000)	0.700%	12/29/16	12/29/16

PORTFOLIO DATA

Current Month (12/16)

	Book	Market
CD'S	\$ 14,769,000	\$14,777,687
Gov't Securities*	36,066,936	35,850,450
LAIF	50,214,214	50,214,214
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 110,742,113	\$110,534,314

One Month Previous (11/16)

	Book	Market
CD'S	\$ 15,014,000	\$15,072,641
Gov't Securities*	33,066,936	32,874,330
LAIF	50,214,214	50,214,214
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 107,987,113	\$107,853,148

Three Months Previous (9/16)

	Book	Market
CD'S	\$ 16,233,939	\$16,308,839
Gov't Securities*	32,068,056	32,053,550
LAIF	50,138,032	50,138,032
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 108,131,990	\$108,192,384

Six Months Previous (6/16)

	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 Year 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

*Adjusted Quarterly for Premium/Discount Amortization

Exhibit C

CITY OF CLOVIS
CERTIFICATES OF DEPOSIT
AS OF DECEMBER 31, 2016

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 12/31/16	INTEREST FREQUENCY
FIRST NATIONAL BANK	245,000	245,037	0.800%	07/16/14	01/17/17	17	MONTHLY
UNITED REP BANK	245,000	245,037	0.550%	05/29/15	01/30/17	30	MONTHLY
COMPASS BANK	245,000	245,162	1.000%	02/26/14	02/27/17	58	SEMI-ANNUALLY
BAR HARBOR BANK	245,000	245,074	0.750%	06/30/15	02/28/17	59	MONTHLY
FIRST CITY BANK OF COMMERCE	245,000	245,059	1.000%	07/25/14	03/24/17	83	MONTHLY
MINNESOTA NATIONAL	245,000	245,152	0.800%	07/15/15	04/17/17	107	MONTHLY
TRADITION CAPITAL	245,000	245,152	0.800%	07/17/15	04/17/17	107	MONTHLY
UNITED	245,000	245,154	0.650%	07/15/15	04/17/17	107	MONTHLY
BARCLAYS BANK	245,000	245,331	1.050%	04/15/14	04/18/17	108	SEMI-ANNUALLY
NBT BANK	245,000	245,380	1.000%	05/14/14	05/15/17	135	SEMI-ANNUALLY
FRANKLIN SYNERGY	245,000	245,201	0.900%	07/17/15	05/17/17	137	MONTHLY
MERRICK BANK	245,000	245,377	0.900%	06/11/14	06/12/17	163	MONTHLY
NORTHBROOK BANK AND TRUST	245,000	245,392	1.000%	06/27/14	06/27/17	178	SEMI-ANNUALLY
FIRSTTRUST	245,000	245,309	1.000%	06/30/15	06/30/17	181	MONTHLY
APPLE BK	245,000	245,561	1.000%	01/13/16	07/13/17	194	SEMI-ANNUALLY
BANK HAPOLIM	245,000	245,497	1.150%	07/17/14	07/17/17	198	SEMI-ANNUALLY
EVERBANK FLORIDA	230,000	230,591	1.250%	06/24/14	07/17/17	198	SEMI-ANNUALLY
AMERICAN EXPRESS	245,000	245,573	1.200%	08/07/14	08/07/17	219	SEMI-ANNUALLY
CUSTOMER'S BANK	245,000	245,813	1.350%	09/10/14	09/11/17	254	SEMI-ANNUALLY
CAMBRIDGE TRUST	245,000	245,385	1.050%	07/22/15	09/22/17	265	MONTHLY
CAPITAL ONE BANK	245,000	245,387	1.350%	10/01/14	10/02/17	275	SEMI-ANNUALLY
PINNACLE BANK SCOTTSDALE	245,000	245,568	1.100%	10/30/14	10/30/17	303	MONTHLY
DOLLAR BANK FED	245,000	245,539	1.200%	11/17/14	11/17/17	321	SEMI-ANNUALLY
BANKUNITED	245,000	245,512	1.200%	11/21/14	11/21/17	325	SEMI-ANNUALLY
FLUSHING BANK	245,000	245,590	1.300%	12/12/14	12/12/17	346	MONTHLY
CATHAY BANK	245,000	245,605	1.150%	07/07/15	12/29/17	363	MONTHLY
GUARANTY BANK	245,000	244,633	0.900%	05/15/15	01/16/18	381	MONTHLY
MERCANTILE BANK	245,000	244,980	1.050%	01/30/15	01/30/18	395	MONTHLY
JP MORGAN CHASE	245,000	246,058	1.200%	02/27/15	02/27/18	423	QUARTERLY
CONNECTONE BANK	245,000	245,887	1.150%	03/13/15	03/13/18	437	MONTHLY
WEBBANK CORP	245,000	245,098	1.200%	03/27/15	03/27/18	451	MONTHLY
PEOPLES UNITED	245,000	244,762	1.050%	04/15/15	04/16/18	471	SEMI-ANNUALLY
INVESTORS BANK	245,000	245,811	1.100%	04/30/15	04/30/18	485	SEMI-ANNUALLY
YADKIN BANK	245,000	245,473	1.050%	05/08/15	05/08/18	493	MONTHLY
WORLDS FOREMOST	200,000	200,240	1.300%	05/13/15	05/14/18	499	MONTHLY
B-BAY LLC PROMI	245,000	245,274	1.300%	05/22/15	05/22/18	507	SEMI-ANNUALLY
COMMERCE BANK	245,000	245,252	1.250%	06/18/15	06/18/18	534	MONTHLY
FIRST COMMERCIAL	245,000	245,181	1.250%	06/26/15	06/26/18	542	MONTHLY
ENERBANK	245,000	245,725	1.400%	07/14/15	07/13/18	559	MONTHLY
WELCH STATE BANK	245,000	246,054	1.350%	07/17/15	07/17/18	563	MONTHLY
CAPITAL ONE N.A.	245,000	246,409	1.650%	07/29/15	07/30/18	576	SEMI-ANNUALLY
FIRST BUSINESS	245,000	245,644	1.400%	08/18/15	08/17/18	594	SEMI-ANNUALLY
BUCKS COUNTY BANK	245,000	246,786	1.300%	08/31/15	08/31/18	608	MONTHLY
WASHINGTON COUNTY	129,000	129,949	1.250%	09/23/15	09/24/18	632	MONTHLY
KEY BANK	245,000	246,691	1.300%	11/12/15	11/13/18	682	SEMI-ANNUALLY
WELLS FARGO BANK	245,000	246,468	1.400%	11/12/15	11/13/18	682	MONTHLY
GOLDMAN SACHS BK	245,000	247,570	1.750%	01/13/16	01/14/19	744	SEMI-ANNUALLY
FIRST SAVINGS BANK	245,000	244,304	1.250%	02/19/16	02/19/19	780	MONTHLY
FIRST WESTERN	245,000	246,303	1.150%	02/26/16	02/26/19	787	MONTHLY
KATAHDIN TRUST	245,000	245,350	1.200%	02/26/16	02/26/19	787	MONTHLY
BRYN MAWR TR	245,000	245,176	1.200%	03/30/16	03/29/19	818	MONTHLY
PRIVATE BANK	245,000	244,388	1.100%	05/20/16	05/20/19	870	SEMI-ANNUALLY
HORIZON BANK	245,000	243,508	1.100%	05/25/16	05/24/19	874	MONTHLY
QUANTUM NATIONAL BANK	245,000	243,430	1.150%	06/22/16	06/21/19	902	QUARTERLY
DISCOVER BANK	245,000	243,442	1.200%	07/01/16	07/01/19	912	SEMI-ANNUALLY
NORTHERN BANK TRUST	245,000	243,324	1.100%	07/12/16	07/12/19	923	QUARTERLY
WEX BANK	245,000	242,479	1.200%	08/12/16	08/12/19	954	SEMI-ANNUALLY
FNB OF MCGREGOR	245,000	242,552	1.100%	08/18/16	08/19/19	961	MONTHLY
ALLY BANK	245,000	242,271	1.300%	09/15/16	09/16/19	989	SEMI-ANNUALLY
ATLANTIC	245,000	242,165	1.200%	09/30/16	09/30/19	1,003	MONTHLY
MORTON COMMUNITY BANK	245,000	244,610	1.500%	12/15/16	12/16/19	1,080	

Negotiable CD TOTAL \$ 14,769,000 \$ 14,777,687

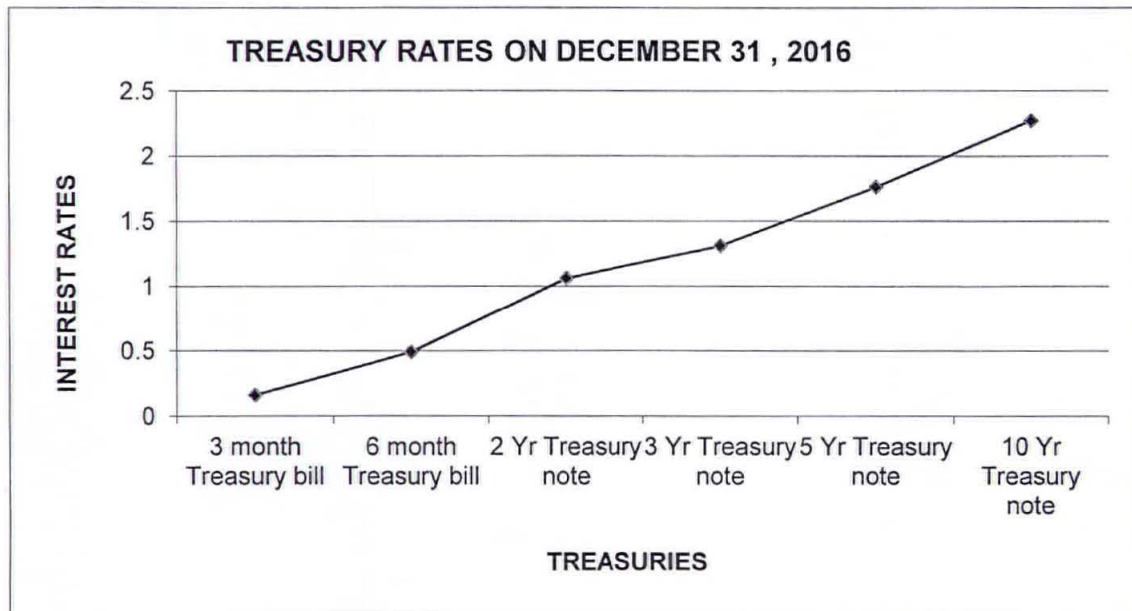
CD TOTAL \$ 14,769,000 \$ 14,777,687

**CITY OF CLOVIS
FINANCE DEPARTMENT
DECEMBER 31, 2016 TREASURY RATES**

Exhibit D

Treasury Rates as of December 31, 2016

3 month Treasury bill	0.51
6 month Treasury bill	0.62
2 Yr Treasury note	1.20
3 Yr Treasury note	1.47
5 Yr Treasury note	1.93
10 Yr Treasury note	2.45



As indicated in the above graph, treasuries climb at a steady pace as duration increases with an increase that is only slightly more pronounced at the interval between 6 months and 2 years.



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

City Manager: LS

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: April 3, 2017

SUBJECT: Receive and File - Treasurer's Report for the Month of December 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 **December 31, 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 **December 31, 2016**.

Prepared by: Haley Lynch, Deputy Finance Director

Submitted by: Jay Schengel, Finance Director 

**CITY OF CLOVIS
STATEMENT OF CASH BALANCES
AS OF DECEMBER 31, 2016**

Previous Balance	\$ 39,645,881.93
Net of Deposits/Disbursements	<u>(5,399,388.87)</u>
Current Balance	<u>\$ 34,246,493.06</u>

<u>FUNDS</u>	<u>BALANCE</u>
100 General Fund	\$ (2,688,694.53)
201 Local Transportation	8,772,945.49
202 Parking and Business Improvements	86,211.00
203 Off Highway Use	66,369.00
205 Senior Citizen Memorial Trust	48,604.18
207 Landscape Assessment District	1,042,384.45
208 Blackhorse III (95-1) Assessment District	88,729.62
275 HCD Block Grant Fund	(147,381.83)
301 Park & Recreation Acquisition	4,751,379.90
305 Refuse Equipment Reserve	1,264,364.58
310 Special Street Deposit Fund	16,323,258.27
313 Successor Agency	(940,867.92)
314 Housing Successor Agency	271,460.94
402 1976 Fire Bond Redemption	25,591.17
404 1976 Sewer Bond Redemption Fund	382,417.95
501 Community Sanitation Fund	13,746,942.21
502 Sewer Service Fund	30,118,064.18
504 Sewer Capital Projects-Users	740,440.53
506 Sewer Capital Projects-Developer	(1,999,408.32)
507 Water Service Fund	32,169,552.99
508 Water Capital Projects-Users	2,868,517.26
509 Water Capital Projects-Developer	2,165,419.12
515 Transit Fund	(29,704.83)
540 Planning & Development Services	8,597,056.36
601 Property & Liability Insurance	673,174.83
602 Fleet Maintenance	8,910,166.90
603 Employee Benefit Fund	7,216,509.45
604 General Government Services	7,006,513.34
701 Curb & Gutter Fund	149,830.70
702 Sewer Revolving Fund	122,764.54
703 Payroll Tax & Withholding Fund	2,620,016.50
712 Temperance/Barstow Assmt Dist (98-1)	70,919.52
713 Shepherd/Temperance Assmt Dist (2000-1)	7,613.53
715 Supp Law Enforcement Serv	75,957.41
716 Asset Forfeiture	8,391.75
720 Measure A-Public Safety Facility Tax	329,200.25
736 SA Admin Trust Fund	1,421.39
741 SA Debt Service Trust Fund	71,335.95
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	<u>\$ 144,988,605.81</u>
999 Invested Funds	<u>(110,742,112.75)</u>
TOTAL	<u><u>\$ 34,246,493.06</u></u>

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

<u>Balance of Investments Previous Month End</u>		<u>\$ 107,987,112.75</u>
<u>Time Certificates of Deposit Transactions</u>		
Investments	245,000.00	
Withdrawals	<u>(490,000.00)</u>	
Total CD Changes		(245,000.00)
<u>Other Changes</u>		
Government Securities	3,000,000.00	
US Treasury Notes	0.00	
Local Agency Investment Fund	0.00	
Money Market	0.00	
UBOC-Premium IOC	<u>0.00</u>	
Total Other Changes		<u>3,000,000.00</u>
Balance of Investments Current Month End		<u>\$ 110,742,112.75</u>

**CITY OF CLOVIS
DISTRIBUTION OF INVESTMENTS
AS OF DECEMBER 31, 2016**

Insured CD's	14,769,000.00
Government Securities	36,066,936.00
Local Agency Investment Fund	50,214,213.92
US Treasury Notes	0.00
Medium Term Notes	0.00
Money Market	9,691,962.83
UBOC-Premium IOC	<u>0.00</u>
Investment Total	<u>\$ 110,742,112.75</u>

**CITY OF CLOVIS
ORIGINAL MATURITIES EXCEEDING ONE YEAR
AS OF DECEMBER 31, 2016**

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
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%
FNMA-GOVT SEC	\$3,000,000	\$2,998,479	05/21/18	0.875%
FHLB-GOV SEC	\$3,000,000	\$3,000,000	04/29/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,018,480	12/14/18	1.125%
FFCB-GOVT SEC	\$3,000,000	\$3,007,560	06/06/19	1.300%
FNMA-GOVT SEC	\$3,000,000	\$3,006,150	06/28/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,002,400	07/29/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,000,000	11/15/19	1.250%
FHLMCMTN-GOVT SEC	\$3,000,000	\$3,000,000	11/27/19	1.300%
FNMA-GOVT SEC	\$3,000,000	\$3,000,000	12/30/19	1.700%



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

City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: April 3, 2017

SUBJECT: Approval – Res.____; Authorizing the Execution of the Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP); and, Approval Res. 17-____; Approving the Submittal of One Project for Fiscal Year 2016-17 for the Low Carbon Transit Operations Program (LCTOP)

- ATTACHMENTS: (A) Res. 17-____ Authorizing the Execution of the Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP)
(B) Res. 17-____ Approving the Submittal of One Project for Fiscal Year 2016-17 for the Low Carbon Transit Operations Program (LCTOP)
(C) Certification and Assurances Document

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 17-____; Authorizing the Execution of the Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP); and, Res. 17-____; Approving the Submittal of a Project for Fiscal Year 2016 – 17 for the Low Carbon Transit Operations Program (LCTOP).

EXECUTIVE SUMMARY

The City of Clovis is eligible for annual allocations of Low Carbon Transit Operations Program (LCTOP) funds effective FY 2014-15. Starting in FY 2015-16 and beyond, five percent (5%) of the annual auction proceeds in the Greenhouse Gas Reduction Fund will be appropriated for LCTOP. The City of Clovis will be eligible for funding on a formulaic basis. At least 50% of the funds must be spent in designated disadvantaged areas. In the City of Clovis, the designated area is south of Herndon Avenue and west of Clovis Avenue to the city limits.

Caltrans administers the disbursement of LCTOP funds and ensures that proper reporting is completed. Caltrans staff is requiring City Council approval of the Certifications and Assurances document (attached) of the LCTOP funds and requests the authorization of a staff person to complete applications, required reports, and audits to maintain compliance

with the program. The attached resolution lists the position of General Services Manager as the authorized staff person to oversee the applications, procurement, records keeping and reporting for the remaining LCTOP projects.

In addition, a second resolution is required to approve the specific project for FY 2016-17. The FY 2016-17 funds, \$54,105, will be rolled over into allocations from FY 2017-18 and FY 2018-19 and used for a transit route redesign project. In anticipation of the new transit hub building located near downtown Clovis, a study of current routes will be conducted to evaluate efficiency and convenience. New routes will be designed and LCTOP funds will be used to purchase, construct, and install bus stops and enhancements along new transit routes.

BACKGROUND

The LCTOP is one of several programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 by SB 862. The LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions, and improve mobility with an emphasis on serving disadvantaged communities. At least 50% of the total funds must be expended on projects that benefit disadvantaged communities. In Clovis, the project areas are south of Herndon Avenue, west of Clovis Avenue, to the city limits west and south.

Caltrans administers the LCTOP projects and the required reporting. Caltrans is requiring City Council approval of the Certifications and Assurances document (attached). The document lists the application and reporting requirements and authorizes the General Services Manager to oversee the grant for the City of Clovis.

In addition, Caltrans is requiring a resolution approving the application of the FY 2016-17 project. LCTOP funds from FY 2016-17, \$54,105, will be rolled into allocations from FY 2017-18 and FY 2018-19 and used for a transit route redesign project. In anticipation of the new transit hub building located near downtown Clovis, a study of current routes will be conducted to evaluate efficiency and convenience. New routes will be designed and LCTOP funds will be used to purchase, construct, and install bus stops and enhancements along new transit routes.

FISCAL IMPACT

Revenue from the LCTOP grants is in the amount of \$54,105, for FY 2016-17. Revenue will be combined with revenue from LCTOP in FY 2017-18 and FY 2018-19. Project implementation is planned for FY 2019-20.

REASON FOR RECOMMENDATION

The resolutions and Certifications and Assurances documents are required by Caltrans for LCTOP funds.

ACTIONS FOLLOWING APPROVAL

Staff will send a copy of the resolutions and Certifications and Assurances document to Caltrans. The General Services Manager will continue to apply for LCTOP annual funding and will complete required program reporting and documentation requirements.

Prepared by: Amy Hance, General Services Manager

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 17-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES
FOR LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)**

WHEREAS, the City of Clovis is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and,

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and,

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and,

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and,

WHEREAS, the City of Clovis wishes to delegate authorization to execute these documents and any amendments thereto to the General Services Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Services Manager shall be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the 3rd day of April, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: April 3, 2017

Mayor

City Clerk

RESOLUTION 17 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS TO
APPROVE THE SUBMITTAL OF A PROJECT FOR THE FISCAL YEAR 2016-17
LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)**

WHEREAS, the City of Clovis is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) now or sometime in the future for transit projects; and,

WHEREAS, the statutes related to state-funded transit project require a local or regional implementing agency to abide by various regulations; and,

WHEREAS, Senate Bill 862 (2014) names the Department of Transportation (Department) as the administrative agency for the LCTOP; and,

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clovis that the fund recipient agrees to comply with all conditions and requirements set forth in applicable statutes, regulations, and guidelines for all LCTOP funded transit projects.

BE IT FURTHER RESOLVED, by the City Council of the City of Clovis that it hereby authorizes the submittal of the project nomination and allocation request to Caltrans requesting \$54,103 in FY 2016-2017 LCTOP funds for one project: funds will be combined with FY 2017-2018 and FY 2018-2019 allocations for bus route redesign project, bus stop purchase, relocation, and construction.

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the 3rd day of April, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

OBSTAIN:

Dated: April 3, 2017

Mayor

City Clerk

ATTACHMENT C

**Low Carbon Transit Operations Program (LCTOP)
CERTIFICATIONS AND ASSURANCES**

Project Sponsor: Council of Fresno County Governments

Agency Name: City of Clovis

Effective Date of this Document: April 3, 2017

The California Department of Transportation (Department) has adopted the following certifications and assurances for the Low Carbon Transit Operations Program. As a condition of the receipt of LCTOP funds, project lead must comply with these terms and conditions.

A. General

- (1) The project lead agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
- (2) The project lead must submit to the Department a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

- (1) The project lead certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The project lead assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
- (2) The project lead certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
- (3) The project lead certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
- (4) The project lead certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
- (5) The project lead certifies that they will notify the Department of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
- (6) The project lead must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
- (7) Any interest the project lead earns on LCTOP funds must be used only on approved LCTOP projects.
- (8) The project lead must notify the Department of any changes to the approved project with a Corrective Action Plan (CAP).
- (9) Under extraordinary circumstances, a project lead may terminate a project prior to completion. In the event the project lead terminates a project prior to completion, the project lead must (1) contact the Department in writing and follow-up with a phone call

verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

- (10) Funds must be encumbered and liquidated within the time allowed.

C. Reporting

- (1) The project lead must submit the following LCTOP reports:
- a. Semi-Annual Progress Reports by May 15th and November 15th each year.
 - b. A Final Report within six months of project completion.
 - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to the Department within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.
- (2) Other Reporting Requirements: ARB is developing funding guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with ARB's funding guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

- (1) The project lead agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The project lead agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
- a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and
 - b. Those parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (3) Any project cost for which the project lead has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by the project lead to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs submit to repayment by the project lead to the State. Should the project lead fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the project lead from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

- (1) The project lead agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the project lead, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the project lead, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the project lead, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the project lead pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the project lead's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
- (2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the project lead's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the project lead shall furnish copies thereof if requested.
- (3) The project lead, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

The Department may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at the Department's discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

BY:

AMY HANCE, General Services Manager
City of Clovis



AGENDA ITEM NO: CC-E-2

City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: April 3, 2017

SUBJECT: Approval – Res. 17-____, Authorizing Amendments to the Transit Supervisor Classification

ATTACHMENTS: Res. 17-____, Amendments to the Transit Supervisor Classification
Exhibit A – Transit Supervisor Classification

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 17-____; Authorizing amendments to the Transit Supervisor classification specifications in order to clarify the education and experience requirements for the position.

EXECUTIVE SUMMARY

It is necessary to revise the classification specifications in order to clarify the education and experience requirements for the position.

BACKGROUND

Following a review of the Transit Supervisor classification it has been determined that the classification should be revised in order to clarify educational and experience requirements. Specifically, the current language for the Transit Supervisor classification states that "Up to two (2) years of additional qualifying experience may be substituted for the required education on a year-to-year basis." Considering the number of staff supervised, the high level of decision making and analysis done in this position, it is recommended that the educational requirements clarify that a Bachelor's Degree is required in addition to the minimum years of experience.

In advance of future recruitments in this classification, clarification of the educational and experience requirements is recommended.

The Transit Supervisor classification is a management classification and is not represented by an employee bargaining unit.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Transit Supervisor classification is recommended for revision in order to reflect accurate descriptions of the education and experience requirements of the classifications. Modification of the City's Classification Plan requires the City Council's approval.

ACTIONS FOLLOWING APPROVAL

The City's Classification Plan will be updated to include the revised Transit Supervisor classifications (Exhibit A).

Prepared by: Shonna Halterman, General Services Director

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 17-__

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

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

WHEREAS, a review of the Transit Supervisor classification has identified a need to update the education and experience criteria in the classification specification; and

WHEREAS, it has been determined that the minimum educational requirements should be updated to clarify that a Bachelor's Degree is required, in addition to a minimum of three (3) years of increasingly responsible work experience, two of which shall be in a lead or supervisory capacity; and

WHEREAS, modification of the City's Classification Plan requires authorization 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 modified to include the revised Transit Supervisor classification specification (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 April 3, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: April 3, 2017:

Mayor

City Clerk

Exhibit A

**City of Clovis
TRANSIT SUPERVISOR**

DEFINITION

Under general direction, plans, organizes and directs the activities of the City's Transit Section and performs related work as required.

CLASS CHARACTERISTICS

The Transit Supervisor classification is a management level classification that oversees the day to day operation of the City's transit systems, manages transit contracts with vendors and serves as a liaison between other City departments and various outside agencies. Reporting to the General Services Manager, incumbents are expected to resolve most problems confronted through the application of judgment and precedent, referring to the supervisor only those which involve the establishment of new procedures or which involve solutions which are inconsistent with departmental procedures. Incumbents in this classification are exempt from overtime requirements of the Fair Labor Standards Act.

EXAMPLES OF DUTIES

Plans, organizes and directs the activities of public transit systems; supervises a staff of bus drivers, trainers, dispatchers and clerical personnel; evaluates the performance of subordinates; completes performance reviews and disciplinary actions of staff as needed; manages and adjusts schedules for staff and public transit systems; analyzes and plans transit operations; recommends and implements modification or elimination of schedules and routes; markets and promotes the use and expansion of the transit system through meetings with community groups, the general public and through the media; responds to inquiries, complaints and correspondence from customers and the public; prepares staff reports, route analysis and studies related to transit operations; coordinates/conducts transit investigations; monitors fare box recovery and reconciliation; assists in the preparation of the section budgets and monitors budgets throughout the fiscal year; prepares annual reports required by local, state and federal authorities; supervises transit safety and training programs and coordinates driver physical exams as needed; coordinates maintenance and installation of bus stops; responds to passenger accidents or incidents requiring intervention; administers transit contracts with contract vendors; assists the General Services Manager with various programs and services provided by the Community Services Division; and performs related work as required.

LICENSE REQUIRED

Possession of a valid Class C California Driver's License with a good driving record. May be required to obtain a Class B California Drivers License with passenger endorsement.

QUALIFICATIONS

Knowledge of:

- Basic State and federal requirements for public transit systems
- Administration and operation of public transportation systems and related safety procedures, ordinances, regulations and traffic laws
- Modern business management principles and practices
- Government funding sources as well as general budget principles and practices
- Computerized transit systems and record keeping
- Current personnel management practices

Ability to:

- Direct, supervise and evaluate transit personnel and activities
- Supervise drivers in operating buses and bus schedules
- Plan, implement and maintain a comprehensive employee training and development program
- Maintain good labor relations with employees and manage labor related issues
- Resolve minor grievances and disciplinary actions
- Investigate and resolve customer complaints courteously and in a timely manner
- Express ideas effectively in oral and written form
- Establish and maintain effective working relationships with others
- Respond in an emergency and provide transit services as needed
- Provide instruction on computer use and program management
- Develop and maintain a budget

EDUCATION AND EXPERIENCE

A combination of education and experience is required.

Education:

Graduation from an accredited college or university with a BA/BS Degree in Business Administration, Public Administration, or related field;

AND

Experience:

Three (3) years of increasingly responsible experience, two (2) years of which shall have been in a lead or supervisory capacity.

PHYSICAL DEMANDS AND WORKING CONDITIONS

Work is primarily sedentary with occasional lifting, pulling, and/or pushing of objects weighing up to 25 pounds, and infrequent lifting, pulling and/or pushing of objects weighing up to 50 pounds.

Incumbent will be required to attend periodic evening meetings. Incumbent is required to travel within and outside of the City to attend meetings, conferences, etc.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: April 3, 2017

SUBJECT: Approval – Final Acceptance for Tract 5867, located west of Polson and Randy Avenues (DeYoung Properties).

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 5867; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Acceptance, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

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

The owner has requested a deferment of sidewalk and street tree improvements to the building permits of adjacent lots. Construction of sidewalk improvements will require an encroachment permit for each lot. The street trees will be installed and sidewalk improvements will be completed according to the approved plans and ADA specifications prior to finaling the lot.

With the exception of the sidewalk and street trees, the construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

FISCAL IMPACT

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


REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

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

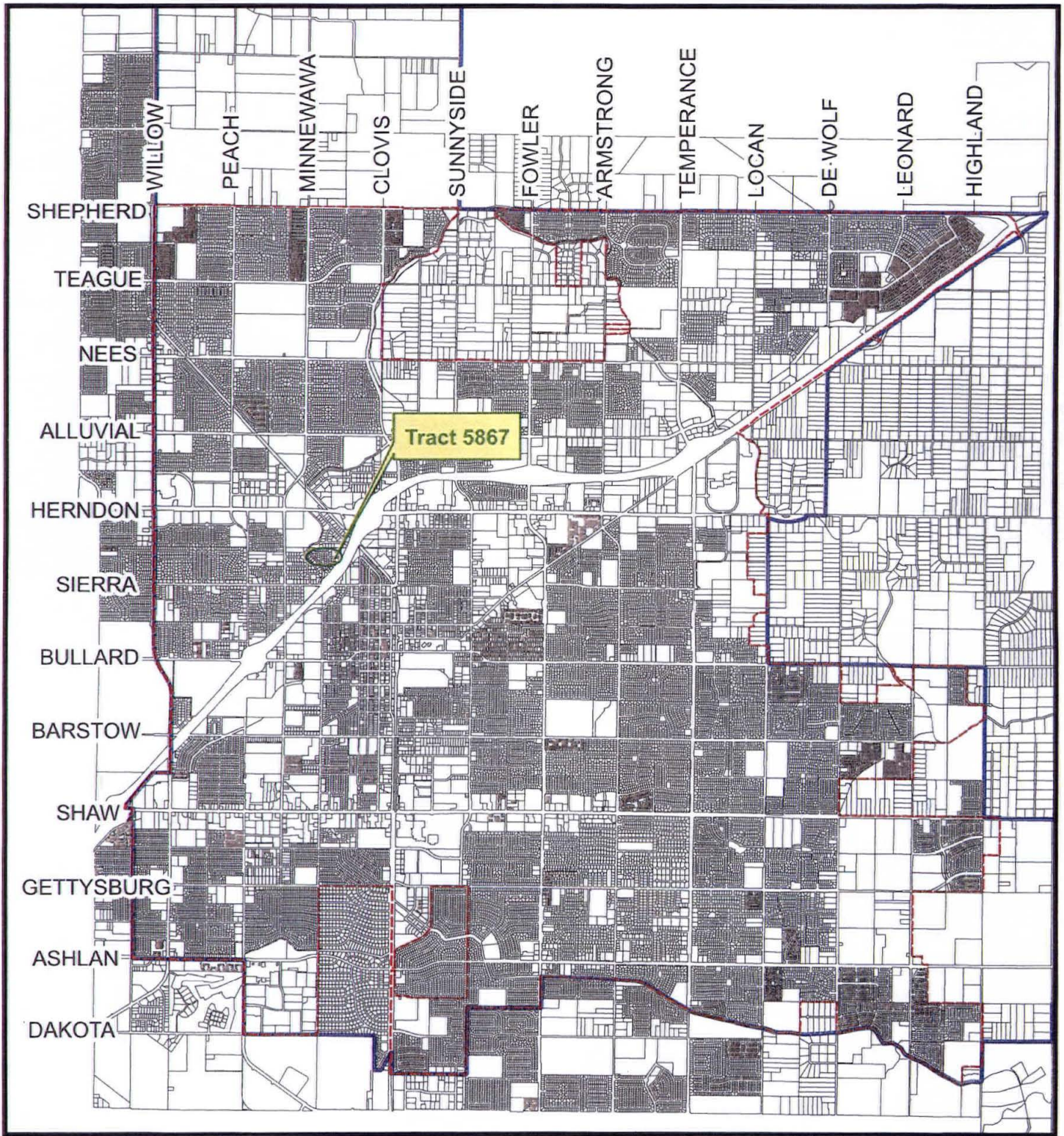
Prepared by: David Gonzalez, DRU Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

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

VICINITY MAP

Tract 5867
Final Acceptance



ATTACHMENT A

 CITY LIMITS SPHERE OF INFLUENCE



1" = 5500'

**CITY of CLOVIS**

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: April 3, 2017

SUBJECT: Approval – Final Acceptance for Tract 6020 located in the southwest area of Bullard and DeWolf Avenues. (6020 Enterprises, LP – Wilson)

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 6020; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Acceptance, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

Tract 6020 received from Council a partial acceptance on May 16, 2016 of all public improvements constructed or installed in conjunction with Tract 6020, with the exception of the installation of sidewalk and driveway approaches along the east side of Maine Avenue, and replacing existing landscaping and irrigation along the parcel at the southeast corner of Maine and Bullard Avenues. The owner, 6020 Enterprises, LP, has requested a full

final acceptance of the Tract. The construction or installation of the public improvements is complete. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer.

As required by Municipal Code, the developer has furnished the required surety to guarantee the public improvements during this maintenance period.

Staff is recommending approval of their request.

FISCAL IMPACT

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

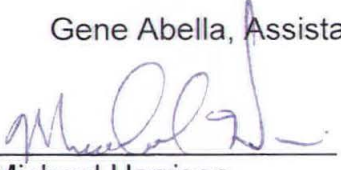
REASON FOR RECOMMENDATION

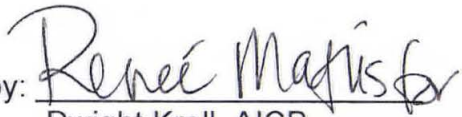
The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required and the appropriate sureties are released.

ACTIONS FOLLOWING APPROVAL

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

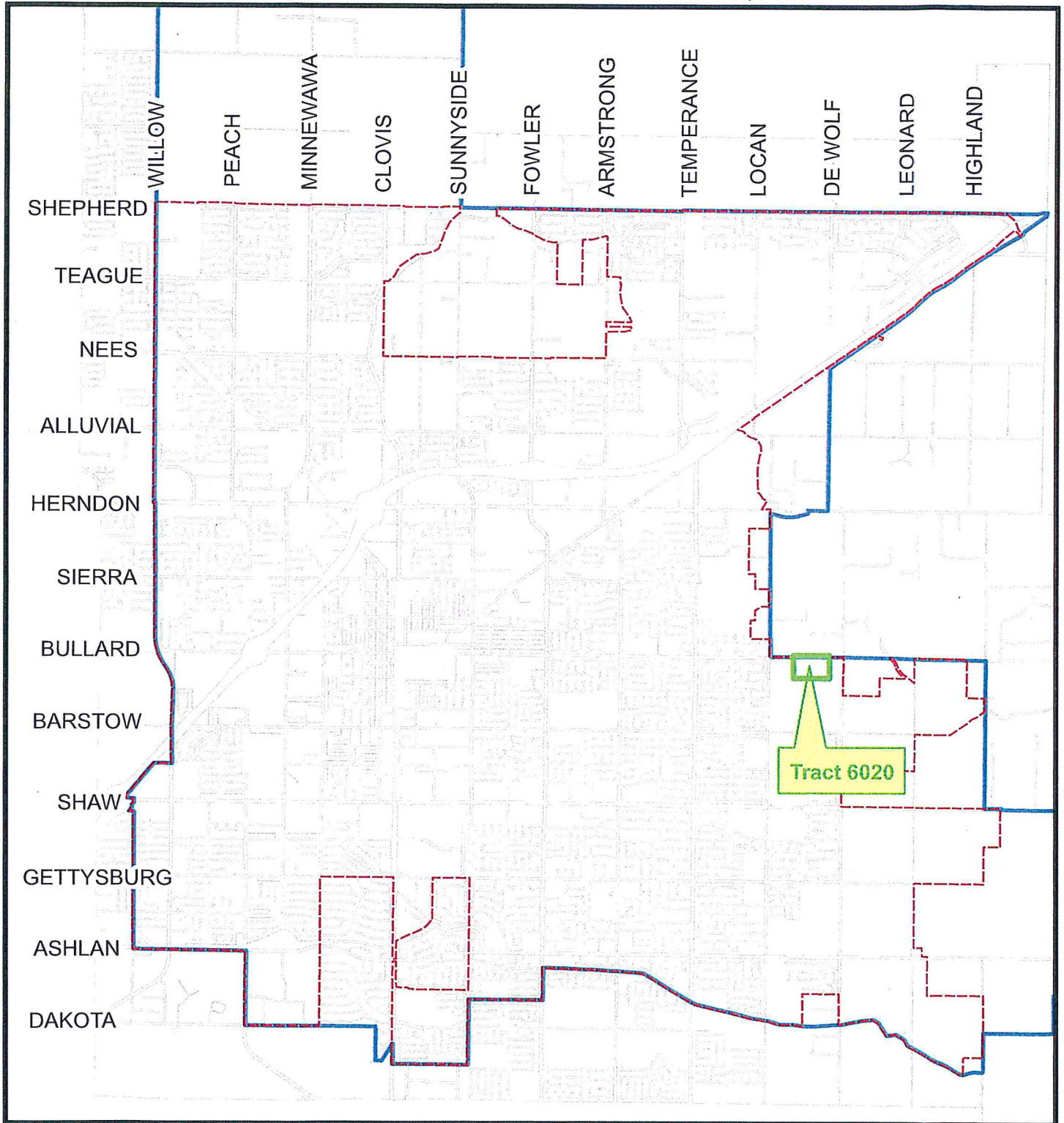
Prepared by: Gene Abella, Assistant Engineer

Submitted by: 
Michael Harrison
City Engineer

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

VICINITY MAP

Tract 6020
6020 Enterprises, LP (Wilson Homes)



ATTACHMENT A

 CITY LIMITS  SPHERE OF INFLUENCE



1" = 5500'



AGENDA ITEM NO: **CC-G-1**
City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Clovis Police Department
DATE: April 3, 2017
SUBJECT: Monthly Report to Council, January 2017

CONFLICT OF INTEREST

None

RECOMMENDATION

Receive and file January 2017 Police Department Monthly Report to City Council.

EXECUTIVE SUMMARY

The Police Department provides monthly updates to City Council Members on department activities.

BACKGROUND

The Police Department Monthly Report contains statistical data along with timely articles.

Clovis Police Department

Monthly Report to Council, January 2017

CLOVIS POLICE OFFICER/STAFF ACCOMPLISHMENTS

FBI Crime Index Statistics for January

Homicide	0	Burglary	53
Vehicle Theft	15	Forcible Rape	6
Robbery	6	Larceny Theft	242
Arson	0	Aggravated Assault	14

Clovis Police Department Statistics for January:

Calls for Service: Public: 3,922 Officer Initiated: 2,479 Total: 6,401

(Average Calls for Service per Day: 206.483)

Arrests: Adults: 262 Juveniles: 10 Total: 272

Traffic Accidents: Fatal: 1 Injury: 23 Non-Injury: 47 DUI: 6 Hit & Run: 17

DUI Arrests: 27 Traffic Cites: 296 Parking Cites: 87

Municipal Citations: 74 Priority One Response Time: 4.34 min.

Citizen Surveys of Service:

(Above average or excellent)

Oct. Nov. Dec.

100% 100% 92%

Volunteer Hours for January (@ \$22.14 per hour):

78 volunteers donated 973.8 hours for a monthly cost savings to our department of \$21,559.93

Explorer Hours for January (@ \$11.50 per hour):

Twenty Explorers **donated 92.5 hours for a monthly cost savings of \$1,063.75**

Hours Served: **128.8** Total Savings: **\$877.45.**

Pet Adoption Center Volunteers contributed 599 hours

Community Development Block Grant Stats for December: Warnings/Courtesy Notices: 41

Closed CRMs due to compliance: 24

News Releases Available online and on Facebook

Congratulations to all of you for making Clovis the Safest City in the Valley again for 2016. As you know, we use the California Crime Index as our measuring tool for our internal goal and, again, you made it happen. With all of the challenges and obstacles we continue to face each year, we are still getting it done!

Thank you for your hard work and dedication!

Chief Basgall



Clovis Police Sergeant Jim Munro orchestrated a recruitment video with uniformed and professional staff on duty near the flag poles at 2 p.m. on February 29th. He used a drone and a professional videographer to make the event happen. Thank you, Jim.



AGENDA ITEM NO: 1-A

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: April 3, 2017

SUBJECT: Consider Approval, Res. 17- ____, CUP2016-04, A request to approve a conditional use permit for a proposed 18-bed, single-story extended care facility with associated parking on approximately one acre of land located at 250 Villa Avenue. Pagosyan Family Trust, owner; Vanik & Arsen LLC, applicant; Jose Luis Vargas, representative.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit A:	CUP2016-04 Conditions of Approval
Attachment 1:	Draft Resolution
Attachment 2:	Correspondence
Attachment 3:	Planning Commission Minutes
Attachment 4:	City Council Minutes
Attachment 5:	Operational Statement
Attachment 6:	Letter of Opposition
Exhibit B:	Previous Site Plan, Floor Plan and Elevations
Exhibit B-1:	Revised Site Plan and Elevation

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that City Council approve CUP2016-04, subject to the conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to allow a 12,700 square foot extended care facility at the Project site. The Project includes an 18-bed facility for short and long-term care of adult patients.

Approval of this conditional use permit will allow the developer to move forward with the Site Plan Review process and development of the site.

Some issues of discussion included in this report deal with comments and direction from the City Council at the December 12, 2016, public hearing specific to the number of patients proposed at the facility, compatibility with the surrounding area and neighborhood outreach.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4.0 DU/AC).
- Specific Plan Designation: None (Former Northwest Area Specific Plan)
- Existing Zoning: R-1 (Single-Family Residential)
- Lot Size: Total area is approximately 1 acre
- Current Land Use: Rural Residential
- Adjacent Land Uses:
 - North: Rural Residential
 - South: Low Density Residential
 - East: Ponding Basin
 - West: Low Density Single Family

PROPOSAL AND ANALYSIS

Zoning

On December 12, 2016, the City Council approved a rezone for the property located at 250 Villa Avenue from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1 (Single-Family Residential) Zone District.

Conditional Use Permit

Description of Use

The applicant is requesting approval of a conditional use permit to allow for the construction of an 18-bedroom extended care facility. A previous notice to the

Business Journal inadvertently included that the use would be a “senior” care facility. This specific request would allow for patients 18 years of age and over which is permitted subject to a use permit. The R-1 Zone District allows extended care facilities with an approved conditional use permit.

Congregate Living Health Facility

The applicant's proposal is defined by the State of California as a Congregate Living Health Care Facility (CLHF) which is classified in the Clovis Development Code as Medical Services - Extended Care. A CLHF is a residential home which provides patient care including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, and recreational needs. Services are generally less complex than an in-patient setting but more comprehensive than a skilled nursing facility. CLHF's serve both long-term and short-term residents.

CLHF facilities provide care for:

- Individuals who are mentally alert, physically disabled who may be ventilator dependent;
- Individuals who have a diagnosis of terminal illness, diagnosis of a life-threatening illness or both;
- Individuals who are catastrophically and severely disabled due to a traumatic event such as brain and spinal cord injuries;
- Patients are bed-bound, 18 years of age or older, requiring 24 -hour skilled nursing care. Patients are referred to the facility via local and surrounding area hospitals due to cost of care in a typical hospital.

The Development Code provides for CLHF's in residential zone districts subject to a use permit; specifically, the correct application defines these facilities under Medical Services-Extended Care, providing nursing and health-related care as a principal use with in-patient beds, including skilled nursing facilities within a residential setting. The applicant's proposal falls within this definition.

Consistency with State Law

Article 2 Administration of the Health and Safety Code for the State of California states that CLHF's serving persons who are terminally ill, persons who are catastrophically and severely disabled, persons who are mentally alert but physically disabled, or any combination of these persons, shall be permitted in homelike settings and that the living accommodations and grounds shall be related to the facility's function and clientele.

Number of Beds

Assembly Bill 1211, Chapter 483, of the California Legislature, as it pertains to health care facilities passed a recent urgency act that increased the number of beds permitted in an inpatient and skilled nursing care facility from 12 to 18 beds in a residential setting. Additionally, there is current legislation that permits expansion to the number of beds in a residential setting to 25 based on County size.

Consistency with the General Plan

The General Plan designates the site as low density residential, with a primary use of single family residential plus allowances for additional compatible residential uses such as Medical Service-Extended Care. The following land use objectives from the Plan, which emphasize the need for a variety of housing needs, are relevant:

3.2.1 Land Use Objectives - Residential

- Provide a mix of residential, commercial, industrial, and public uses consistent with the capabilities of the City and other agencies to provide services.
- Provide an attractive, quality residential environment to accommodate a variety of lifestyles.

3.2.1 Land Use Objectives - Housing

- Promote diverse high quality housing products, types and price ranges organized to create harmonious and compatible neighborhoods.

The General Plan encourages the promotion of a community image that portrays a diverse, yet well maintained environment in which to live in. The overall concept of the Plan is to also encourage development in the plan area that will meet the needs of existing and future residents, integrating that need over time with the larger context of the City of Clovis.

The Project meets all parking, setback, lot coverage and other development requirements. Additional discussion of the development requirements is set forth under the Design, Building and Operational Section of this staff report.

The following land use goals and policies, which emphasize the need for a variety of housing needs and the importance of infill development, are relevant:

2014 General Plan Land Use Element

Goal 5: A city with housing, employment, and lifestyle opportunities for all ages and income of residents.

Policy 5.1: Housing variety in developments. The Clovis General Plan has been planned to provide a variety of housing product types suitable to each stage of a person's life.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.2: Smart growth. The city is committed to the following smart growth goals.

- Create a range of housing opportunities and choices.
- Mix land uses.
- Strengthen and direct development toward existing communities.

The Project proposes an 18-bed extended care facility on property designated for low density residential. The Project if approved, would add diversity in housing to the area.

Clovis General Plan Housing Element

Government Code Section 65863 et seq., prohibits the City from reducing the residential density for any parcel unless the local government makes written findings that the reduction is consistent with the adopted General Plan, including the Housing Element. The subject Project will not affect the overall potential residential unit count from the R-1 Zone District. The Project will include 18 potential beds within a proposed new building, not affecting the land use designation above that used by the Department of Housing and Community Development in determining compliance with Housing Element law. This Project is therefore not subject to the provisions of Section 65863, and no specific findings are necessary.

The adopted Housing Element also provides goals specific to meeting the needs of a classified "special needs" group. The following land use element goals and policies, which emphasize the need for a variety of housing needs and the importance of infill development, are relevant:

6.6 The State Housing Law requires that the special needs of certain disadvantaged groups be addressed: the needs of the elderly, handicapped, large families, female heads of household and farm workers.

6.7 Existing Housing Needs

- Segment of the population that have traditionally experienced unusual difficulty in obtaining adequate housing for those with special needs.

6.7 Persons with Disabilities

- Any person who has lost, or has lost the use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistant device.

One of the goals of the element is to promote housing for both long-term and short-term medical care. The adopted Housing Element identifies that the disabled are of important concern to the City of Clovis and that persons maintain special needs related to housing construction, location, access to facilities (i.e. medical, shopping) and transit facilities.

Infill Development

The Project is located on an approximate one acre site surrounded by developed single-family residential. The applicant has an opportunity to utilize the property as an extended care facility in accordance with the General Plan policies noted above.

Summary Analysis

The conditional use permit would provide for a housing development of one acre for the housing of individuals with special needs.

- Because the Project would not amend the General Plan's land use diagrams intensity, there is no conflict between the proposed use and the existing land use designation.
- The proposal is consistent with the goals and policies of the General Plan and Housing Element. The development standards of the General Plan and Development Code/Zoning address residential and commercial development.
- The developer will be required by conditions of approval to make necessary public improvements required by the Project. There are no conflicts with city programs, improvements, or activities.

- Based upon the Initial Study and comments received, there is no substantial evidence that the Project will have a significant effect on the environment.

Site Design and Circulation

The Project went through several design changes prior to presentation to the Planning Commission. Staff and the applicant had initial concerns regarding general parking, ADA path of travel, service access and internal circulation. The applicant met with staff on several occasions in working out a solution to address the aforementioned concerns. Based on these discussions, the applicant redesigned the project and has modified the Project providing the necessary setbacks, parking, loading and service vehicle access.

Planning Commission Comments, November 17, 2016

The applicant's proposal was heard by the Planning Commission where there was no opposition to the Project. The Commission approved the Project with the conditions as presented in this report.

City Council Hearing December 12, 2016

The applicant's proposal was presented to the City Council for consideration. Area residents expressed concern that the facility could be considered a commercial facility within a residential setting and could affect traffic to the area. The Council had concerns with the proposed building size (Exhibit B), noting that it should be reduced in size in order to fit in character with the surrounding neighborhood. Additionally, the Council felt that the number of patients requested (18), should be reduced in order to limit activity to the area. Subsequently, the Council stated that they did not feel the applicant had conducted comprehensive outreach to area residents on the specific nature of the Project. The Council did not take action on the use permit, continuing the item until the applicant had an opportunity to conduct a broader outreach with area property owners.

Subsequent to the December 12, 2016, City Council meeting, the applicant met with staff on several occasions in working out a solution to address the aforementioned concerns. Based on these discussions, the applicant redesigned the project site plan (Exhibit B-1), to include the following:

- Enhanced landscaping and screening from the public right of way per the attached Exhibit B-1;
- Increased interior courtyard and perimeter landscaping to provide more internal open space for patients of the facility and to soften the boundary from adjoining residential;

- Removal of the southern drive approach and replacing with additional landscaping in an effort to further buffer the building from Villa Avenue;
- Provision of additional landscaping along the southern front property line to screen the required trash enclosure;
- Addition of two more onsite parking stalls for employee/visitor parking;
- Increase in the side yard setback on the north side of the project;
- Relinquishment of any type of on-building and freestanding/monument signage;
- Additional treatment of windows and doors;
- Color schemes for the overall building and roofing material that compliments architecture of the surrounding neighborhood.

Neighborhood Meeting

Per Council direction, the applicant and their representative conducted the required neighborhood meeting on March 1, 2017, which was held at the City of Clovis Community Room and attended by staff. An area resident indicated that he came on behalf of a few area property owners. He asked about the height of the building to which the applicant stated that it would be a single-story building. The resident indicated he was satisfied and had no opposition to the project. No other residents came to speak in support or opposition.

The applicant believes it has addressed all concerns, and they are ready to move forward with their Project. The applicant feels that the aforementioned synopsis of modifications made to the original plan as well as the State provisions allowing for congregate care facilities in residential areas, provide the Council and the neighborhood with a sense that the applicant has heard the concerns and has worked diligently to address those key issues.

Parking

The dependent care use requires a minimum of one parking space for each two units for a required total of nine parking stalls. Additionally, this project requires that five of the stalls be covered. Although the applicant is meeting the parking requirement, the applicant will be required to modify the site to provide a covered ADA stall at the front of the building.

Overall, the applicant's proposal exceeds the parking count in providing seven additional stalls (16 parking spaces total), as identified on the applicant's site plan (Exhibit B-1). Staff will work with the applicant through the site plan review process to address the required covered ADA stall.

Residential Building Heights

The Development Code limits the maximum building height in the R-1 Zone District to 35 feet. The project includes a single-story building on the site. The building has a proposed roof height of 20'-6", therefore, not exceeding the 35-foot maximum height.

Floor Plan

The developer is proposing a single-story floor plan within the 12,700 square foot residential structure. The floor of the care facility will include 18-one bedroom units on the north side of the building with services and administrative uses on the east and south.

Walls and Fencing

The project will require construction of a masonry wall along all three of the boundaries adjacent to residential homes. Staff has provided the wall/fencing requirement as a condition of the project.

Hours of Operation

The applicant is requesting operation of the facility on a 24-hour basis for the ongoing care of patients. Visitation hours are limited from 9:00 a.m. - 8:00 p.m. daily.

Signage

The applicant has modified the request for signage, electing to eliminate any on-building and freestanding identification in order to further assimilate with the neighborhood.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has received one letter of opposition prior to finalization of the staff report.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan

Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, and the State Department of Fish and Wildlife.

Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Conditional Use Permit

The following are the findings the Council must make to approve the CUP, along with an analysis of those findings based upon the record.

1. The Project is consistent with the General Plan and any applicable specific plan.

The applicant is proposing to develop an extended care facility utilizing the development standards of the General Plan and the City's Development Code/Zoning. The proposed use is consistent with the General Plan residential land use diagrams and land use goals and policies which, together with the Development Code/Zoning, provide for congregate living facilities in all residential zones of the City subject to a conditional use permit.

2. The Project is conditionally allowed within and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of the Development Code.

The proposed use is located within the low density land use designation of the General Plan. With the previously approved zoning request, the property is zoned R-1 (Single Family Residential). The applicant is proposing a project for the care of adults with the intent of integrating individuals into the community as prescribed by the California Health & Safety Code Section 1267.13. These facilities are allowed in the R-1 Zone District with a conditional use permit. The proposal is consistent with the conditional use permit requirements for parking, setbacks, building layout and development. Potential impacts from the use are addressed in this staff report.

3. The design, location, size, and operating characteristics of the Project are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public health, safety, or general welfare of the City.

The Project falls within the definition of infill development and when completed, would provide a comprehensive care facility which would be a part of the community. The proposed use has been analyzed specific to noise, traffic, pedestrian safety, light, aesthetics, parking, neighborhood character, and other issues, as reflected and addressed in the Initial Study. The use can be considered a harmonious inclusion to the neighborhood.

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.

The Project is proposed on an approximate one acre site located at 250 Villa Avenue. The site would be considered an infill project on a residential site. The proposed 18 bed extended care facility fits well on this parcel with adequate setbacks, parking, landscaping, on site circulation, and ingress and egress, as shown on the Site Plan (Exhibit B-1).

5. The street plan in the neighborhood is adequate to handle the traffic generated by the Project.

A traffic impact study analysis prepared for the Project determined that the proposed use would fall below the minimum thresholds that would trigger a formal traffic study. The traffic analysis was based on the following:

- Project-generated traffic is expected to be less than 100 vehicle trips during any peak hour.
- The Project does not include a General Plan Amendment (GPA) which changes the use to a designation that has a potential to generate a higher number of vehicle trips than the existing, or originally planned land use designation.
- The Project does not substantially affect an intersection or roadway segment already identified as operating at an unacceptable level of service.
- The Project will not substantially change the offsite transportation system or connection to it as determined by the City Engineer.

Additionally, the Project will be served via Villa Avenue to avoid any potential impacts to neighboring properties on the west. All vehicular and pedestrian access is proposed through a single access point at the center of the Project. No deliveries will occur off of W. Escalon Avenue.

6. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

The site has existing services that can accommodate the use. These facilities are allowed in the R-1 Zone District with a conditional use permit and services were analyzed accordingly.

7. The conditions of approval are necessary to protect the public health, safety, and general welfare.

Staff has determined that the Conditions of Approval set forth in Exhibit A-1 are necessary to make the foregoing findings, and are otherwise necessary to protect the public health, safety, and general welfare of the citizens of Clovis. Without the Conditions of Approval, the Project could not be approved.

California Environmental Quality Act (CEQA)

The Project is exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than 5 acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d) and (e). A Notice of Exemption has been completed during the preliminary review and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in The Business Journal on Wednesday, March 22, 2017.

FISCAL IMPACT

None.

REASONS FOR RECOMMENDATION

The Project is consistent with the goals and policies of the General Plan and Zoning and provides a diversity of housing within an in-fill property. Planning Commission and staff therefore recommend that the City Council approve CUP2016-04, subject to the attached conditions of approval listed as Exhibit A-1.

ACTIONS FOLLOWING APPROVAL


None.

NOTICE OF HEARING

Property owners within 600 feet notified:	76
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Senior Planner

Submitted by:

 *for D.K.*
Dwight Kroll, AICP
Director of Planning and Development Services

**FIGURE 1
PROJECT LOCATION MAP**



EXHIBIT A
Conditions of Approval – CUP2016-04

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

1. All conditions of the Conditional Use Permit and Site Plan Review shall be printed on the architectural construction drawings.
2. All conditions of approval for Rezone R2016-12 and CUP2016-04 shall be incorporated into this project approval.
3. CUP2016-04 is approved for an 18-bed congregate health facility within an 18-bed care facility per Exhibit B of the staff report. Any major modifications or increase in the number of beds will require an amendment to the conditional use permit.
4. This conditional use permit may be reviewed after a period of one year. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and may present findings of review to the Planning Commission.
5. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.
6. The applicant shall comply with Section 9-3.215.6 of the Clovis Zone Ordinance requiring a Site Plan Review. Elevations and a colors and materials board shall be submitted during this process.
7. The applicant shall provide a required covered ADA parking stalls per Building Department regulations.
8. There shall be no on-building signage at this facility.
9. There shall be no freestanding/monument signage at this facility.
10. All lights on the site shall be directed away from residential properties and shall not interfere with the safety of vehicular traffic. Prior to final occupancy, the lights shall be inspected by Planning. At that time, a determination will be made if additional screening of lights is required.
11. The applicant shall provide for a 26-foot backup area for all parking stalls.
12. The developer shall construct and maintain a 6-foot high masonry wall adjacent all residential boundaries. This wall shall measure a minimum of 6-feet high from the highest side (finished grade).

13. Visitation is limited from 9:00am-8:00pm daily.

POLICE DEPARTMENT CONDITIONS

(Max Garces, Department Representative – (559) 324-2400)

14. Construction work shall not commence before the hours of 7:00 a.m. as outlined in the Clovis Municipal Code (noise nuisance standards).
15. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project so Clovis Police Department can properly contact those parties in the event of thefts and/or emergencies occurring on the property.
16. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours.
17. At the very least temporary street signs shall be posted at each of the roadways so as to clearly provide locations as necessary until the completion of the project or until the City of Clovis has erected permanent street signs for the existing roadways.
18. Property maintenance and general condition of the property's worksite shall remain in compliance with the Clovis Municipal Codes and standards set forth by the City of Clovis. This pertains to excessive garbage and debris, which may be strewn about the worksite and scattered into already established neighborhoods, parks, and roadways.
19. During the building phase, the construction materials shall be within a secured area when not in use. The storage area for construction materials shall have lighting during the hours of darkness, or clearly visible for proper patrol.

FRESNO COUNTY HEALTH COMMENTS

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS

(Robert Villalobos, FMFCD Representative - 456-3292)

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

DRAFT RESOLUTION

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF THE CITY COUNCIL FOR APPROVAL OF A CONDITIONAL USE PERMIT TO
ALLOW AN 18-BED EXTENDED CARE FACILITY TO BE LOCATED AT 250 VILLA AVENUE**

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

LEGAL DESCRIPTION:

See Exhibit "One," which is on file with the City Clerk's office.

WHEREAS, Vanick & Arsen, LLC, 7212 N. Stacia Avenue, Fresno, CA 93720, has applied for a Conditional Use Permit CUP2016-04; and

WHEREAS, this is a request to approve a conditional use permit to allow to allow an 18-bed extended care facility to operate within the property located at 250 Villa Avenue, in the City of Clovis; County of Fresno, California; and

WHEREAS, a public notice was sent out to area residents within 600 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, on April 3, 2017, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

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

WHEREAS, on April 3, 2017, Council considered said application and after hearing and receipt of testimony relative thereto and consideration thereof finds and determines that said conditional use permit should be approved on the conditions hereafter provided.

NOW, THEREFORE, BE IT RESOLVED:

1. Conditional Use Permit application CUP2016-04, is hereby approved.
2. Said approval and conditional use permit are conditioned on the compliance by the applicant with each and all of the conditions set forth in Exhibit "A-1," which is on file with the City Clerk's office.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on April 3, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: April 3, 2017

Mayor

City Clerk

CORRESPONDENCE



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR
DR. KEN BIRD, HEALTH OFFICER

August 30, 2016

LU0018652
2602

Lily Cha, Associate Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Cha:

PROJECT NUMBER: DRC2016-26

A request for an 18-bed health care facility located at 250 Villa.

APN: 492-100-74

ADDRESS: 250 Villa Avenue

Recommended Conditions of Approval:

- Since an operational statement was not included by the applicant for this project, and it is unknown if the kitchen will provide food services, concessions, vending or food products for sale. Should the facility prepare food onsite, then prior to the issuance of building permits, food facility plans shall be submitted for review and approval by the Fresno County Department of Public Health Consumer Food Protection Program. The applicant may also be required to obtain a permit to operate a food facility. The applicant may contact the Consumer Food Protection Program at (559) 600-4058 for more information.

Note: If food is not prepared onsite, then the foods must be commercially prepared and/or prepackaged from permitted commissaries. All perishable foods must be maintained at proper holding temperatures. Please submit a copy of the proposed operational statement for food service to the Fresno County Department of Public Health, Environmental Health Division. The applicant may contact the Consumer Food Protection Program at (559) 600-4058 for more information.

- The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/> or <https://www.fresnocupa.com/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno
County Department of Public Health,
ou=Environmental Health Division,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2016.08.30 13:15:22 -07'00'

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

cc: Tolzmann, Rogers, Moreno, Goodman & Sauls- Environmental Health Division (CT 56.06)
Vanik Pogosyan, Applicant (annagero@yahoo.com)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.433

Page 1 of 3

PUBLIC AGENCY

ORLANDO RAMIREZ
DEPARTMENT OF PLANNING AND
DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

VANIK POGOSYAN, VANIK & ARSEN LLC
7212 N. STACIA AVE.
FRESNO, CA 93720

PROJECT NO: 2016-004
ADDRESS: 250 VILLA
APN: 492-100-74

SENT: 11/7/16

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
5B/5C	\$10,507.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$190.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$10,507.00		Total Service Charge: \$240.00		

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/17 based on the site plan submitted to the District on 10/17/16 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- Fees related to undeveloped or phased portions of the project may be deferrable.
- Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

CL CUP No. 2016-004

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 2 of 3

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. ☒ a. Drainage from the site shall BE DIRECTED TO VILLA AVENUE.
☐ b. Grading and drainage patterns shall be as identified on Exhibit No.
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
☐ Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
☒ None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
☒ Grading Plan
☐ Street Plan
☐ Storm Drain Plan
☐ Water & Sewer Plan
☐ Final Map
☐ Drainage Report (to be submitted with tentative map)
☐ Other
☐ None Required

4. Availability of drainage facilities:
☒ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
☐ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
☐ d. See Exhibit No. 2.

5. The proposed development:
☐ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
☒ Does not appear to be located within a flood prone area.

6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

CL CUP No. 2016-004

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

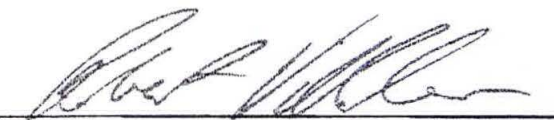
Page 3 of 3

CL CUP No. 2016-004

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.



Debbie Campbell
Design Engineer



Robert Villalobos
Project Engineer

OTHER REQUIREMENTS
EXHIBIT NO. 2

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Development No. Clovis CUP 2016-004

CLOVIS PLANNING COMMISSION MINUTES
November 17, 2016

- X-4 Consider items associated with approximately 1 acre of land located at 250 Villa Avenue. Pagosyan Family Trust, owner; Vanik & Arsen LLC, applicant; Jose Luis Vargas, representative.
- a. Consider Approval, Res. 16-67, **R2016-12**, Rezone approximately 1 acre of property from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1 (Single-Family Residential – 6,000 sq. ft.) Zone District to accommodate a senior care facility.
 - b. Consider Approval, Res. 16-68, **CUP2016-04**, A conditional use permit for a proposed 18-bed, single-story senior care living facility with associated parking.

Orlando Ramirez presented the staff report.

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

Jose Luis Vargas, spoke in favor and provided a presentation of the project.

Mr. Vargas provided a correction to the CUP description. The care facility is not only for seniors, but anyone 18 years of age or older.

Commissioner Kallsen asked where most of the referrals will be coming from.

Mr. Vargas stated that most referrals will be coming from hospitals.

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

None.

At this point the chair opened the floor to persons in opposition to the project.

None.

Commissioner Kallsen indicated that this is a much needed facility in our community.

At this point a motion was made by Commissioner Kallsen, seconded by Commissioner Pawlowski to approve R2016-12 with description modification. The motion was approved by a vote of 4-0-1, Hinkle Abstained.

At this point a motion was made by Commissioner Pawlowski, seconded by Commissioner Kallsen to approve CUP2016-04. The motion was approved by a vote of 4-0-1, Hinkle Abstained.

CLOVIS CITY COUNCIL MINUTES
December 12, 2016

ITEM 1C1 - APPROVED INTRODUCTION - **ORD. 16-29**, R2016-12, REZONE FROM THE R-A (SINGLE-FAMILY RESIDENTIAL – 24,000 SQ. FT.) ZONE DISTRICT TO THE R-1 (SINGLE-FAMILY RESIDENTIAL – 6,000 SQ. FT.) ZONE DISTRICT; AND **ITEM 1C2** - CONTINUED - **RES. 16-XX**, CUP2016-04, A CONDITIONAL USE PERMIT FOR A PROPOSED 18-BED, SINGLE-STORY CONGREGATE CARE FACILITY WITH ASSOCIATED PARKING

Associate Planner Orlando Ramirez presented a report on items associated with approximately one acre of land located at 250 Villa Avenue. The applicant is requesting to rezone approximately one acre of land located at 250 Villa Avenue, from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1 (Single-Family Residential), Zone District. Approval of the request will bring the property into conformance with the General Plan. The applicant is also requesting approval of a conditional use permit to allow a 12,700 square foot congregate living health care facility at the Project site. When evaluating congregate living health care developments, it is necessary to determine if adequate parking is available for the intended use. Approval of this rezone and conditional use permit will allow the developer to move forward with the Site Plan Review process and development of the site. Some issues of discussion included in this report deal with land use and parking.

Abel Garcia, representing his father who lives next to the facility, spoke in opposition due to concerns with a commercial facility being located in a residential neighborhood. Joel Vargas, representing the applicant, commented on and spoke in support of the proposal. Resident, who lives north of the proposed location, spoke in opposition to the proposed project due to the impact on property values, increased traffic, and the negative impact on neighborhood. Pet Estrada lives adjacent the facility, spoke in opposition. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve the Introduction - **Ord. 16-29**, R2016-12, Rezone from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1 (Single-Family Residential – 6,000 sq. ft.) Zone District. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council continue CUP2016-04, a conditional use permit for a proposed 18-bed, single-story congregate care facility with associated parking to a date uncertain. Motion carried by unanimous vote.

Operational Statement

February 16, 2017

Property Owners:

Vanik Pogosyan, CEO

Vanik & Arsen, LLC

Grand Villa

250 Villa Ave.

Clovis, CA 93612

Phone: (559) 273-1706

Applicant:

Same as above

Representative:

Dirk Poeschel Land Development Services, Inc.

923 Van Ness Ave., Suite 200

Fresno, CA 93721

Location:

250 Villa Ave. Clovis, Ca.

Request

R2016-12, A request to rezone from the R-A (Single-Family Residential - 24,000 sq. ft.) Zone District to the R-1 (Single-Family Residential), Zone District.

CUP2016-04, A request to approve a conditional use permit for a proposed 18-bed, single-story congregate living health facility with associated parking.

Please see the attached project site plan and building renderings prepared by Associate Design Professionals of Fresno, Ca.

Background

The subject site is generally long and narrow typical of other lots in the vicinity that were developed in the county prior to the cities urbanization of the area. This site is designated for low-density single-family residential uses. The site could be considered as an in-field site as urbanization surrounds or is proximate to the subject site in all directions.

The proposed use is a residential care facility as defined by the City of Clovis zoning ordinance, as defined by the State of California, and the City of Clovis Congregate Living Health Facility (CLHF) (A), (B) and (C) provide long and short term care to individuals who are mentally alert, physically disabled and may be ventilator dependent and, who are catastrophically and severely disabled due to a traumatic event. The City of Clovis defines the proposed use as Congregate Living Health Facility *that provides 24-hour primarily non-medical care and supervision for residents of 60 years of age or older.* care for:

Individuals who are mentally alert, physically disabled who may be ventilator dependent;
Individuals who have a diagnosis of terminal illness, diagnosis of a life-threatening illness or both;
Individuals who are catastrophically and severely disabled due to a traumatic event such as brain and spinal cord injuries;

Patients are bed-bound, 18 years of age or older, requiring 24-hour skilled nursing care. Patients are referred to the facility via local and surrounding area hospitals due to cost of care in a typical hospital.

The Development Code provides for Congregate Living Health Facilities in residential zone districts subject to a use permit; specifically, the correct application defines these facilities under Medical Services-extended care, providing nursing and health-related care as a principal use with in-patient beds, including skilled nursing facilities within a residential setting. The applicant's proposal falls within this definition.

Consistency with State Law

Article 2 Administration of the Health and Safety Code for the State of California states that congregate living health facilities serving persons who are terminally ill, persons who are catastrophically and severely disabled, persons who are mentally alert but physically disabled, or any combination of these persons, shall be permitted in homelike settings and that the living accommodations and grounds shall be related to the facility's function and clientele.

Number of Beds

Assembly Bill 1211, Chapter 483 of the California Legislature, as it pertains to health care facilities passed a recent urgency act that increased the number of beds permitted in an inpatient and skilled nursing care facility from 12 to 18 beds in a residential setting. Additionally, there is current legislation under review seeking to expand the number of beds in a residential setting to 25.

The project is **not** for the those adjudicated or referred by a court of law or for psychological or sexual criminals, is **not** a drug treatment, drug rehabilitation or drug "half way house" and the facility will not be used for long-term housing of individuals who are cognitively impaired.

Such residential care facilities are typically located within residential areas to facilitate visitation and to create a residential atmosphere for the clients. In addition, the subject site is approximate to two major regional hospitals and a variety of medical and physical rehabilitation services.

The nature of the proposed use is residential in character. The main exception that the clients do not drive. The site is designed to be residential in character by Associate Design Professionals. The site will be nicely landscaped.

Experience of the City of Clovis and other communities indicate these types of facilities have a substantially lower crime rate than a typical residential uses, they are well maintained, are generally quiet and as such do not adversely affect neighborhoods in which they are located.

In addition, it will be licensed by the State of California and meet all operational and maintenance criteria for such uses. The site will also comply with City of Clovis development standards. The proposed use will appear residential in character and not annoy adjacent property owners by its activities, character or design.

National and California population trends rapidly gentrifying seniors places a high demand on facilities such as the one proposed. In addition, such facilities relieve traditional hospital beds from being used for these types of services and provide care for those whose families simply cannot provide the required level of care. State and federal law facilitate the permitting and operation of these types of uses to address social and economic costs of the private and public sector.

Consistency with Plans and Policies

The proposed use is consistent with the adopted City of Clovis general plan and specifically the following provisions:

1. Provision of housing for all types of citizens is a major component of the City of Clovis Housing Element in general plan. The proposed use implements that goal by providing quality housing for people in need of special medical care in a residential setting.
2. Subject site is substantially surrounded by urban development and is therefore considered as an "in fill" property. Promotion of the development of in-field sites reduces service delivery costs and completes the urban form as contemplated in the general plan.
3. State and federal law promote and protect the approval of Congregate Living Health Facilities as they provide lower cost care for those people with special medical needs than can be provided in a typical hospital setting. In addition, the services provided at the proposed facility often relieve a financial and social burden on the family. Statistics indicate that in a typical family the family member requiring extra ordinary care is typically cared for by the female member of the family who quits her job or reduces her work to provide the necessary care. This phenomenon can create a variety of social, financial and emotional problems for the entire family.

Conditional Use Permit/Proposed Operational Characteristics

The proposed project will be a *Congregate Living Health Facility* licensed by Community Care Licensing Division of the California Department of Health Care Services. The facility will offer amenities and services designated to clients as comfortable as possible in a sensitive and humane environment. The proposed facility will be nicely appointed and secure.

The proposed facility will have 18 beds in a building of 12,700 sq. ft. As depicted on the project site plan, the site will be surrounded by a solid masonry wall.

The applicant will retain, legal nurse consultant with over 30 years experience in designing, permitting and operating Congregate Living Health Facilities, hospice and skilled nursing facilities. A copy of Medical Legal Review, LLC and Myrna M. Rodillon, RN is attached.

Medical Legal Review, LLC will direct the selection and acquisition of all necessary equipment, beds, data processing and related equipment, supplies and services necessary to operate the facility in accordance with the established professional and legal standards.

Local registered nurses, certified nurse assistants and other medical professionals will be hired from the Fresno/Clovis metropolitan area to provide the necessary certified services for a congregate living health facility. Medical doctors will visit the site as required. There will be a Director of Nursing who is a registered nurse, licensed vocational nurses and housekeeping/food preparation staff.

The health services management consulting company will work side-by-side the staff to assure compliance with all professional and legal standards and established medical protocols developed for the facility. This type of management relationship is typical of many congregate living health facilities in California and assures that the highest quality of care is provided to clients.

The intake process at the proposed facility will be quite simple. A family member or guardian will meet with the patient medical and or social welfare advisor and determined that it is appropriate for the client to obtain care at the proposed facility.

As per the type of patients we will provide services for, patients who would qualify for the kind of long-term care we will provide, such as: the majority of all patients will have been a victim to some sort of catastrophic incident, they became paraplegic and can no longer breathe on their own, and thus the ventilator device is used to force air into the tube. These patients are often the results of MVAs (motor vehicle accidents), Sporting Accidents, Stroke, and other injuries that have left the spinal cord severed, broken, torn or some other type of trauma like head injury.

Administrative certifications and confirmation of the patient's physical and mental status will be confirmed and the patient will be transported to the facility by a public medical transport or an ambulance. Ambulances do not require sirens.

Upon entering the facility, the patient will be checked in assigned a room and provided an overview of the project rules, eating times, group activities etc. Doctors, social welfare and similar medical professionals will visit daily to confirm appropriate medication and care levels. In most cases, client's do not leave the facility and never drive themselves in those circumstances should they leave.

There will be a common kitchen and meeting room. Each residential room will have its own bathroom sink and two beds. Laundry and other housekeeping responsibilities are undertaken by the project operator.

Clients do not drive. While on site, clients are closely monitored under medical supervision to be in safe and enclosed areas. Ratios of medical and supervisory staff are set by state regulations and needs of the clients which are as follows.

Amenities and services provided by CLHF-(A), (B) and (C) may include, but not necessarily limited to both long and short-term residents will be:

- Medically trained and certified personnel supervising all activities
- 24-hour skilled nursing and supportive staff
- Pharmacy (provision of medication)
- Diabetic management program
- Specially trained dementia care
- Three home-style nutritious meals every day
- Exercise programs are facilitated by staff per doctor's orders
- Personal laundry and housekeeping services
- Transportation as needed
- Hourly and respite care
- Palliative Care

Architectural Integration

Please see the attached site and floor plan prepared by Associate Design Professionals. One of the important goals of the project is to create an inviting architectural design. The proposed project will be integrated with the residential character of the neighborhood utilizing similar colors, earthen materials and textures consistent with homes in the area.

Employees

Three shifts of employees will be used with the largest number of employees being used during the AM shift from 7am to 4pm. Likely ten employees/professional staff will be working during the AM shift. The 4pm to 11pm shift will have seven employees and a 11pm to 7am shift will likely have seven employees. Likely 5-6 employees/professional staff on site all the times during each shift.

The project and its personnel will meet all applicable federal and state standards for licensing, training, recertification and coverage ratios.

Noise

The project is adjacent to S. Villa Ave. is designated in the General Plan as a Collector. Collector roads typically produce above a 65 db noise level at adjacent properties. All such noise will easily "mask" or cover the noise levels of the proposed facility.

Generation of noise and other types of annoyances are contrary to the character of the proposed facility. Limited outdoor activities that consist of walking or sitting in the gated open space area will occur. All clients are monitored to assure no adverse impacts occur to themselves or surrounding properties.

Operational Hours

The proposed residential care facility will operate 7 days a week on a 24/7 basis. Visitation is proposed from 9am-8:00pm daily.

Security

The proposed facility operators take the security of its clients very seriously. The proposed facility will meet and/or exceed industry-wide safety standards and will employ many of the same safety initiatives that medical hospitals use. All portions of the interior and exterior of the building will have security cameras.

All exterior area gates will be locked as are all exterior doors. Each section of the facility will require a programmed key and identification fob.

Having a culture of safety in which all staff are trained on the highest industry recognized safety protocols and procedures, during both their initial orientation and annual trainings, enhances the safety of all clients, the staff and the community.

Traffic/Parking

As mentioned above, the subject site is designated and zoned for *low density residential* uses in the adopted City of Clovis General Plan. The adopted R-A zone allows lots with a minimum lot size of 24,000 sq. ft. would allow 1 single family home but could yield four residential lots under the current land use designation.

There are occasional visits to the site by resident's family and friends. Deliveries are done by small vans and no large truck deliveries are anticipated.

According to the *Institute of Transportation Engineers Trip Generation Manual, 9th Edition*, a single family detached residence will generate 1.01 peak trips from 4 pm to 6pm on a weekday. Therefore, four theoretical residences would generate **4.04 peak pm trip ends per day**. Weekday pm peak hour was utilized as that period generates the highest trip ends. (4 homes x 1.01 peak pm trips = **4.04 trips**)

As stated above, the proposed use is a residential care facility where the clients **do not** drive. The project will have 18 beds within a 12,700 sq. ft. residential like structure.

The *Institute of Transportation Engineers Trip Generation Manual, 9th Edition* estimates *Assisted Living* facilities ITE land use code 254 has the following trip generation characteristics:

Per Bed	Factor
Weekday A.M. Peak Hour (between 7-9 a.m.)	.14
Weekday P.M. Peak Hour (between 4-6 p.m.)	.22

Using the number of beds as the variable, assuming 18 beds at full project occupancy which generate .22 peak am trips per bed, the subject residential care project would generate **3.96 peak**

pm trip ends per day. Weekday pm peak hour was utilized as that period generates the highest trip ends. (18 beds x .22 peak pm trips = **3.96 trips/use 4**)

Per Employee

Weekday P.M. Peak Hour (between 4-6 p.m.) .55

Using the number of employees as the variable, assuming 10 employees which generate .55 peak am trips per employee, the subject residential care project would generate **5.5 (use 6) peak pm trip ends per day.**

It is noted the trip generation estimates produced by the *Institute of Transportation Engineers* for *Congregate Care* facilities (ITE land use code 253) are almost identical to those for *Assisted Living* facilities (ITE land use code 254). Also note that a condition of the project land use approval will be to comply with the number of employees, beds and nature of use characterizations presented herein. Parking meets all applicable City of Clovis standards including the shading of various on-site parking stalls.

In comparison to the planned roadway capacity, the existing street volumes of Villa Ave. and the difference between the planned trip generation and the proposed use, traffic will not have a measurable effect on Villa Ave.

Other Considerations

No information exists from independent research to suggest that such facilities have an adverse impact on property values. The facility will be residential in character and generate fewer potential impacts than most residential uses. The project is to be located on an "infill" parcel as defined, therefore its development has certain public benefits described at the time of the general plan adoption. Further, the proposed site is proximate to three regional hospitals and is served by excellent freeway service.

No credible evidence exists to suggest the required findings to grant the proposed Conditional Use Permit cannot be made.

December 7, 2016

Dear City Council:

Due to prior obligations I will not be able to attend the public hearing in person on December 12, 2016. I have requested my son Abel Garcia to speak on my behalf. I have full confidence that the City Council will reject the proposed changes at 250 Villa Ave., Clovis, CA 93612 and avoid getting legal counsel involved.

Honorable members of the City Council, this letter is in regards to the proposed rezoning (R2016-12) and proposed 18 bed congregate nursing home (CUP2016-04) at 250 Villa Ave., Clovis, CA. 93612. Approval of this proposed arrantly placed business among homes and families would be nothing less then a blatant act of oversight. Let it be clear, as a long time member in this community, as a tax payer, voter, church member, and most importantly a father and grandfather=I am vehemently opposed to both the rezoning and building of this congregate nursing home next door to my home.

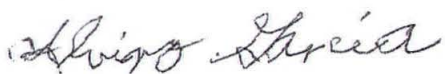
Allowing just one currently zoned residential property the ability to erratically morph into a commercial business (**24,000 sq. ft.**) is discouraging and brings to question the planning commission abilities on this matter. I'm sure no one on the City Council would like to wake up the next day to hear a proposed 18 bed nursing home that runs 24 hours, 7 days a week, and is open 365 days a year is being built feet from ones home/bedroom window, which I have lived in since the mid-80's.

I and/or my son (Abel Garcia) have spoke with many in our neighborhood, and the consensus is the same, many are opposed to the proposed building and rezoning. Evident by the lack of signatures Mr. Joel Vargas (Project Manager) was unable to obtain even after solicitation and offer to pay \$5,500 for rezoning fees.

Request the Council members to ask themselves one simple question in regards to this matter, in keeping with the City of Clovis General Plan. Does this project add to the "Small Town" sense of place? This project erodes at the very idea of maintaining quality sustainable neighborhood and **does not** coincide with the comprehensive planning of the future for the City of Clovis.

Sincerely,

Mr. Alvino Garcia



262 Villa Ave. Clovis, CA. 93612. Home Owner.

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DAVID PALACIOS

GRAND VILLA
CONGREGATE LIVING
HEALTH FACILITY
250 Villa Avenue, Clovis, California 93612

SHEET

SITE PLAN

SCALE: 3/32" = 1'-0"

Date Issued For:

REVISIONS

NO. Description Date:

JOB. NO.

DATE

09-28-16

PROJECT COORDINATOR

DAVID PALACIOS

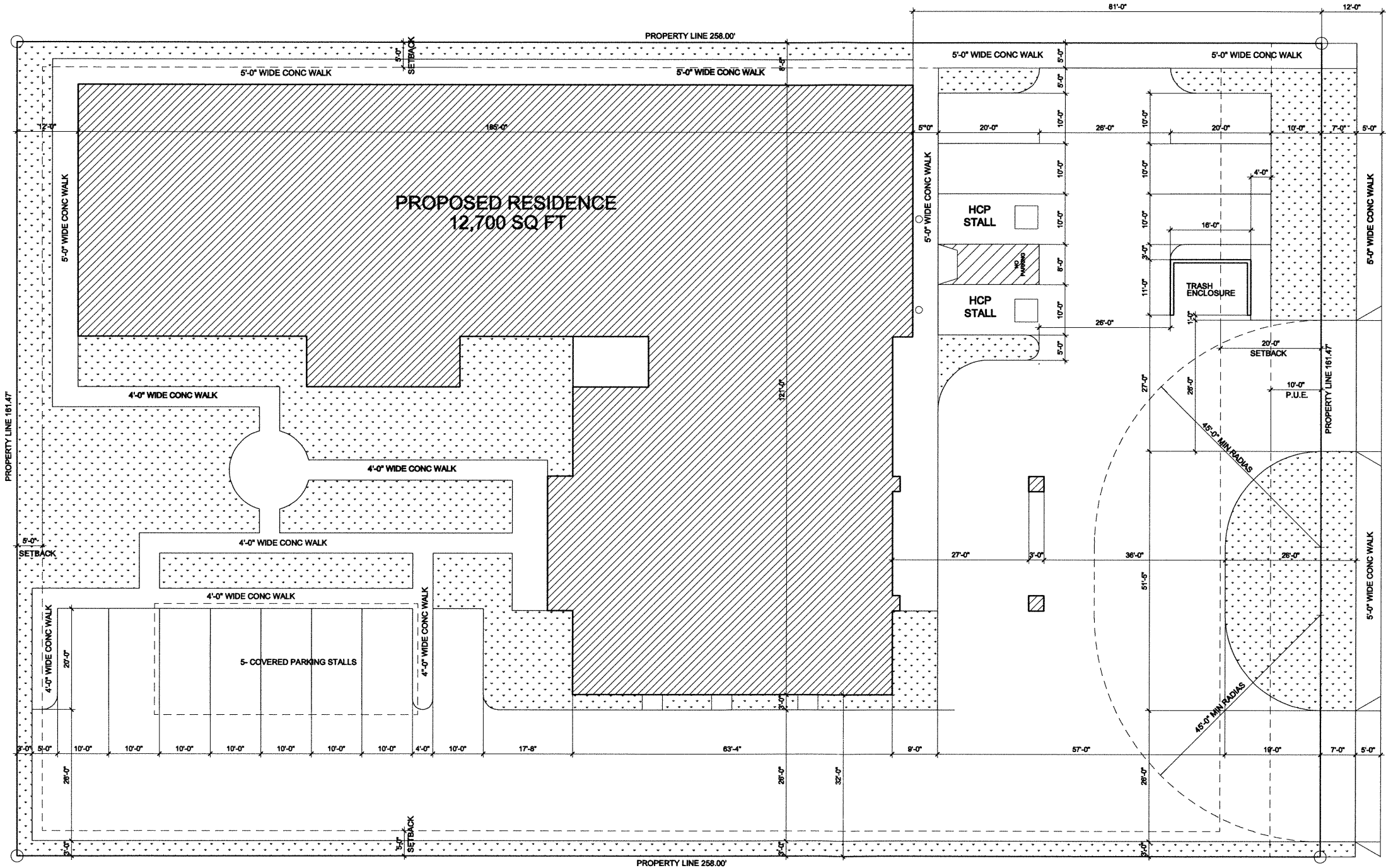
SCALE

As Shown

SHEET NO. 1 OF 1

A2

PLAN CHECK

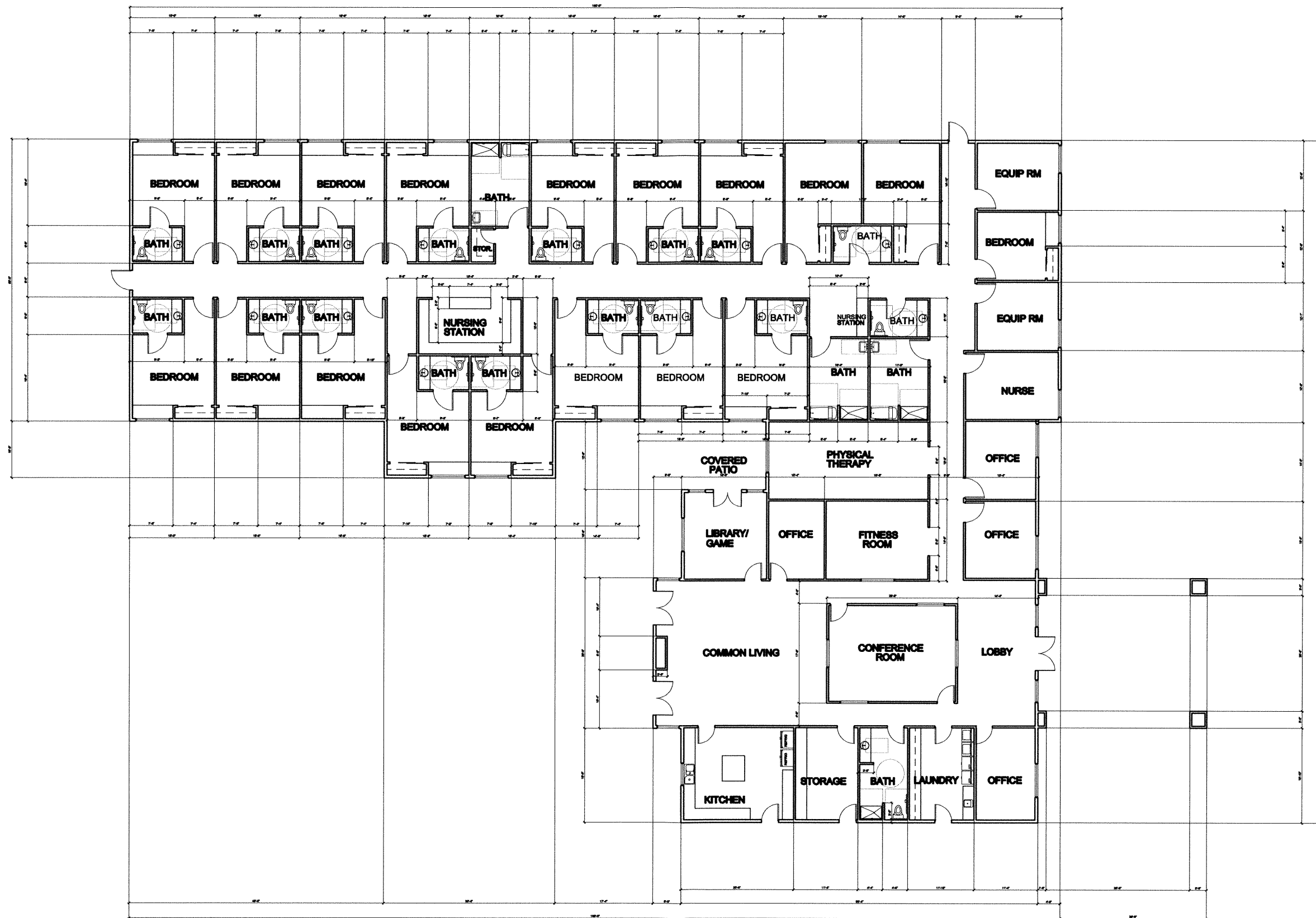


SITE PLAN

SCALE 3/32"=1'-0"

NORTH

VILLA AVENUE



FLOOR PLAN
SCALE 1/8"=1'-0"

DAVID PALACIOS
DESIGNER
9910 N WINERY
FRESNO, CA 93720
559-269-1058

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DAVID PALACIOS

**GRAND VILLA
CONGREGATE LIVING
HEALTH FACILITY**
250 Villa Avenue, Clovis, California 93619

SHEET
FLOOR PLAN

SCALE: 1/8" = 1'-0"

Date: Issued For:

REVISIONS		
NO.	Description	Date:

JOB. NO.

DATE
10-1-16
PROJECT COORDINATOR

SCALE
As Shown

SHEET NO. 1 OF

A3

DAVID PALACIOS
DESIGNER

9910 N WINERY
FRESNO, CA 93720
559-269-1058

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DAVID PALACIOS

GRAND VILLA
CONGREGATE LIVING
HEALTH FACILITY
250 Villa Avenue, Clovis, California 93612

SHEET
EXTERIOR
ELEVATIONS
SCALE: 1/8" = 1'-0"

Date: Issued For:

REVISIONS

NO. Description Date:

JOB. NO.

DATE

10-22-16

PROJECT COORDINATOR

SCALE

As Shown

SHEET NO. 1 OF 1

A4

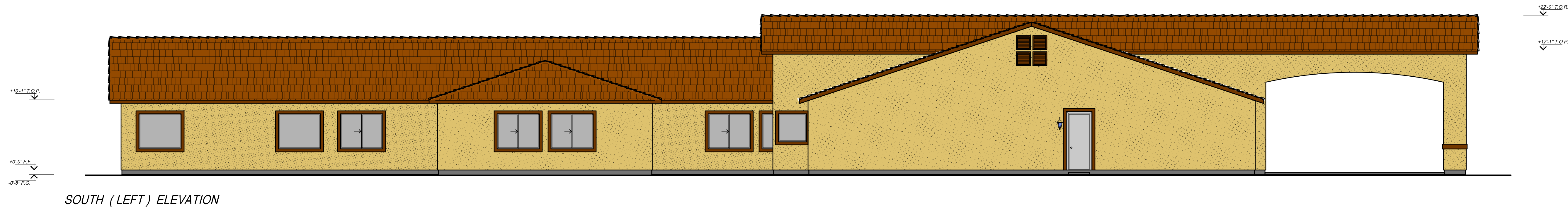
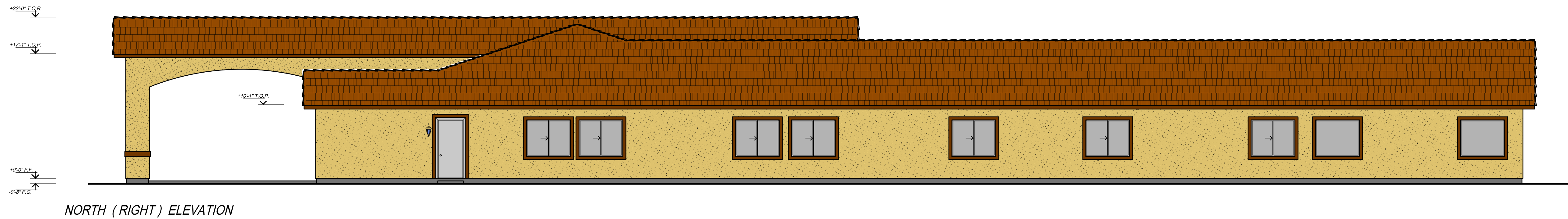
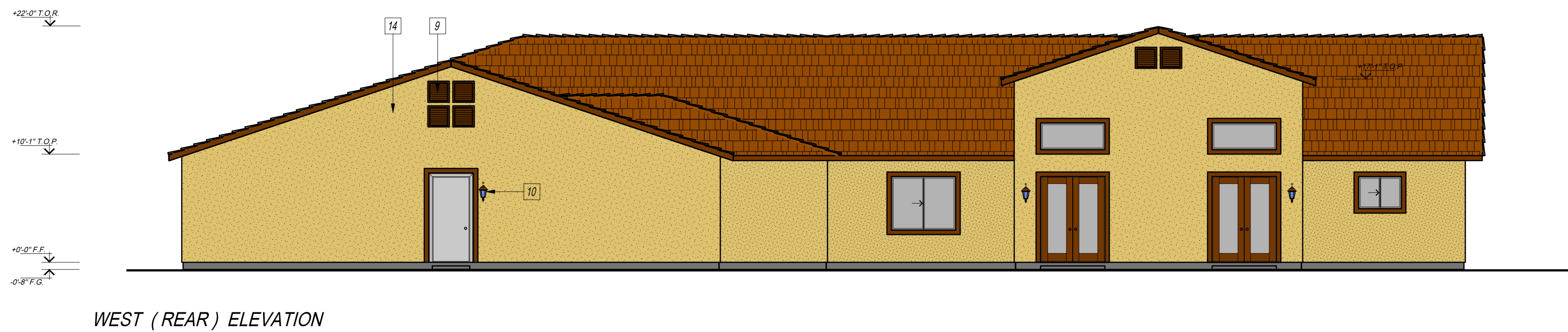
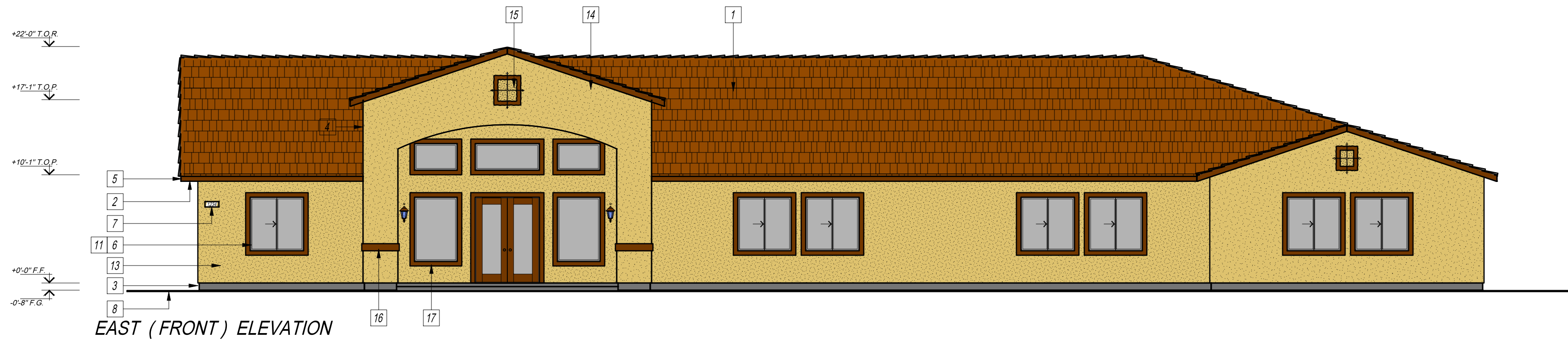
PLAN CHECK

SOUTH ELEVATION
SCALE 1/8"=1'-0"

NORTH ELEVATION
SCALE 1/8"=1'-0"

EAST ELEVATION
SCALE 1/8"=1'-0"

WEST ELEVATION
SCALE 1/8"=1'-0"



ELEVATIONS KEY NOTES	
1	CONCRETE TILE ROOFING CLASS "A" - CERTANTEED MANUF.
2	20.5" OVERHANG INCLUDING 1.5" FACIA, TYP. U.N.O.
3	3 1/2" V-TYPE WEEP SCREED ATTACHMENT FLANGE, TYP. SEE DETAIL 1 @ A-2.0
4	PROVIDE G.I. SHEET METAL FLASHING AND COUNTER FLASHING OVER STEP FLASHING, TYP. @ VERTICAL WALL TO ROOF
5	2x FASCIA
6	VINYL WINDOW - DUAL PLANE, CLEAR GLASS - SEE WINDOWS SCHEDULE @ SHEET A - 3.0
7	BUILDING SHALL HAVE APPROVED ADDRESS NUMBERS PLACED IN A POSITION THAT IS VISIBLE FROM THE STREET OR ROAD, FRONTING THE PROPERTY (CRC R319.1). NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE LEGIBLE. NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 1/2"
8	PROPOSED FINISH GRADE
9	ATTIC GABLE END VENTS
10	LIGHT FIXTURE
11	PROVIDE FLASHING ON ALL WINDOWS, TYP. - SEE DET. XX / AD - 1
12	CONDENSING UNIT LOCATION ON CONCRETE PAD
13	TYPICAL STUCCO "OMEGA" STUCCO SYSTEM (ESR - 1194) @ 1" WIRE MESH @ FOAM BOARD "INSULFOAM" (ESR - 1788) OR "FALCON" (ESR - 1962) @ 2- LAYERS OF 60 MIN. GRADE "D" PAPER
14	STUCCO AT EXPOSED ATTIC AREAS: "OMEGA" STUCCO SYSTEM (ESR-1194) @ 1" WIRE MESH @ "INSULFOAM" (ESR-1788) FOAM BOARD @ 2 LAYERS 60 MIN. GRADE "D" PAPER @ 1-LAYER SUPERIOR RADIANT BARRIER (CLASSIFIED UL-R1085, ASTM E-84)
15	MEDALION - OWNER TO SELECT
16	STUCCO OVER FOAM BAND 1" x 8"
17	STUCCO OVER FOAM TRIM AT WINDOW

SERGEY CHEVYCHALOV
DRAFTING & DESIGN

2202 E. CHENNAULT AVE.,
FRESNO, CA, 93720
business phone (559) 269-1659

SABZEZAR
ENGINEERING
BOBBY

Clovis, California 93612 PHONE: 559-246-0657

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BOBBY SABZEZAR

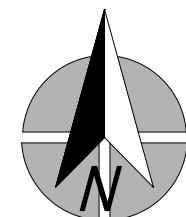
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GRAND VILLA
CONGREGATE LIVING HEALTH FACILITY
250 VILLA AVE., CLOVIS, CA 93619

2/28/2017

DRAWN	
JOB #	
DATE	
REVISION	

A-2.0



A-1.0



AGENDA ITEM NO: **3-A**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Administration
DATE: April 3, 2017
SUBJECT: Consider Approval - Appointment to Planning Commission

CONFLICT OF INTEREST

None.

RECOMMENDATION

Approve the appointment of William Terrence to the Clovis Planning Commission.

EXECUTIVE SUMMARY

Planning Commissioner Mike Pawlowski's term of office expires in May of 2017. Mr. Pawlowski does not want to be reappointed for another 4-year term. Mayor Bob Whalen and Planning & Development Services Director Dwight Kroll conducted interviews with citizens who made application and expressed interest in serving on the Planning Commission. Mayor Whalen recommends the appointment of William Terrence to the Planning Commission to replace Mike Pawlowski. Mr. Terrence's appointment would become effective on May 1 and his proposed term of office would end in May 2021.

BACKGROUND

Planning Commissioner Mike Pawlowski does not want to be reappointed for another 4-year term. Mayor Bob Whalen and Planning & Development Services Director Dwight Kroll conducted interviews with citizens who made application and expressed interest in serving on the Planning Commission. Mayor Whalen recommends the appointment of William Terrence whose term would become effective May 1, 2017 and end in May of 2021.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

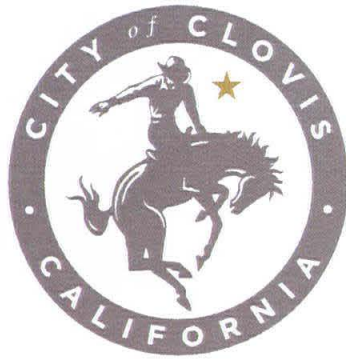
Pursuant to Clovis Municipal Code Chapter 9.1, the Mayor, with the approval of the City Council, shall make appointment to the Planning Commission.

ACTIONS FOLLOWING APPROVAL

Staff will inform Mr. Terrence of the action taken by the City Council and provide additional orientation and information about the role and responsibilities of the Planning Commission.

Prepared by: Jacquie Pronovost, Exec. Asst.

Submitted by: Luke Serpa, Interim City Manager LS



AGENDA ITEM NO:	3-B
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CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: April 3, 2017

SUBJECT: Consider Review and Update - California Open Governance Laws:
Ralph M. Brown Act and California Public Records Act.

City Attorney will give an oral presentation on this item. Please direct questions to the City Manager's office at 559-324-2060.