



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.

September 11, 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 Mouanoutoua

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- A. Presentation of Certificates recognizing American Legion Boys/Girls State participants.
- B. Presentation of Proclamation recognizing September 16, 2017 as National Gymnastics Day.
- C. Presentation of Proclamation recognizing September 10-16, 2017 as Suicide Prevention week.
- D. Presentation by Fire Chief John Binaski to Clovis Emergency Response Team (CERT) Members Recognizing the Month of September as National Preparedness Month.
- E. Presentation by California State Fire Marshal Dennis Mathisen to Fire Chief John Binaski for completing the capstone testing to be the 36th Certified Fire Chief in the State of California.

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-____, Adoption of the City of Clovis 2016-17 Consolidated Annual Performance and Evaluation Report (CAPER) for expenditure of Community Development Block Grant Funds. (Staff: H. Crabtree)
- B. Consider Introduction - Ord. 17-____, R2017-09, A request to approve a rezone from the R-A (Single Family Residential - 24,000 Sq. Ft.) Zone District to the R-1-7500 (Single Family Residential – 7,500 Sq. Ft.) Zone District for approximately 1 acre of property located at 3072 De Wolf Avenue. Ekam Construction, Inc, owner/applicant; Dale G. Mell & Associates, representative. (Staff: O. Ramirez)
- C. Consider Introduction - Ord. 17-____, R2017-12, A request to rezone approximately .2 acres of property located at the northeast corner of Fifth Street and Stanford Avenues, from the C-1 (Neighborhood Commercial) Zone District to the R-1 (Single-Family Residential) Zone District. City of Clovis, owner/applicant. (Staff: B. Araki)
- D. Consider items associated with approximately 38.68 acres of land located at the northwest corner of Gettysburg and Leonard Avenues. Joginder Matharu & Jaswant Chahal-Matharu Family Trust, owners; Tri-Wilson, L.P., applicant; Harbour & Associates, representative. (Staff: G. Gonzalez) (Continued to October 2, 2017)
 1. Consider Introduction - Ord. 17-____, R2016-17, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas #7, #8 and #9 within the Loma Vista Community Center South. Additionally, create two new Planning Areas within the Loma Vista Community Center South, titled Planning Area #7A and Planning Area #8A. Planning Area #7A and Planning Area #8A are proposed to be classified to the R-3 (Medium Density Multiple Family Residential) and R-4 (High Density Multiple Family Residential) Zone Districts, respectively.
 2. Consider Approval - Res. 17-____, TM6168, A request to approve a vesting tentative tract map for a 205-lot single-family residential subdivision.

- E. Consider - Res. 17-____, CUP2017-03, A request to appeal the Planning Commission's denial and approve a conditional use permit for a proposed convenience market with fuel sales, beer and wine sales, and fast food with a drive-thru for property located at 1075 Herndon Avenue. M & S Krueger Holdings, LLC. owner; Deep Dewal, applicant; AGC Design Concept, representative. (Staff: L. Cha)

2. ADMINISTRATIVE ITEMS

A. COMMUNITY AND ECONOMIC DEVELOPMENT

1. Consider Approval - Approving Sales Tax Participation Agreement Terms and Authorizing the City Manager to execute the Anlin Industries Sales Tax Participation Agreement between the City of Clovis and Anlin Industries. (Staff: A. Haussler)
2. Receive and File – Information Regarding Shaw Avenue Property Based Improvement District Formation. (Staff: S. Miller)

B. PLANNING AND DEVELOPMENT SERVICES

1. Consider Approval – Policy establishing criteria for deferring connections to City Sewer. (Staff: M. Harrison)

3. CITY MANAGER COMMENTS

- A. Consider City Position Regarding SB-649 Wireless telecommunications facilities.

4. COUNCIL ITEMS

- A. Council Comments

5. CLOSED SESSION

- A. Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3)
of Subdivision (d) of Section 54956.9.
2 potential cases

ADJOURNMENT

Meetings and Key Issues			
Sep. 11, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Sep. 18, 2017 (Mon.)	6:00 P.M.	Joint Meeting with CUSD	CUSD
Oct. 2, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 9, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 16, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 6, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 13, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 20, 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 September 5, 2017 Council meeting.
- 2) Adopt – **Ord. 17-17**, An Ordinance of the City Council of the City of Clovis amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election. (Vote: 5-0)
3. Adopt - **Ord. 17-18**, R2017-07, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Virginia R. & David Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Herbert Paul Bethel, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative. (Vote: 5-0)

B. ADMINISTRATION

- 1) No items.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) No items.

D. FINANCE

- 1) No items.

E. GENERAL SERVICES

- 1) No items.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) Approval - Bid Award for CIP 16-08, Fowler Avenue Street Improvements, and; Authorize the City Manager to execute the contract on behalf of the City.

G. PUBLIC SAFETY

- 1) Approval – Authorize 1979 USAR Vehicle VIN C18CY9V121005 as Surplus and Approve Donation to City of Tulare.

H. PUBLIC UTILITIES

- 1) Approval - Bid Award for CIP 17-27, Exterior Painting of Water Tank #1, and; Authorize the City Manager to execute the contract on behalf of the City.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

PROCLAMATION

NATIONAL GYMNASTICS DAY

Whereas, USA Gymnastics and its member clubs across the nation annually celebrate National Gymnastics Day to showcase the sport of gymnastics and to encourage and promote physical fitness among our nation's youth; and

Whereas, Gymnastics provides a great foundation for building strength, flexibility, and fitness and also for life skills, enhancing self-esteem and goal-setting abilities; and

Whereas, On National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten visibility of the sport and encourage participation at the grassroots level; and

Whereas, Collectively, our nation, our state, and USA Gymnastics strive to encourage greatness and achievement in our young people; and

Whereas, National Gymnastics Day is integrated as a means of promotion for the sport of gymnastics globally; and

Whereas, On National Gymnastics Day USA Gymnastics focuses clubs toward creating activities centered on gymnastics as a means of fitness, education, diversity, and inclusion; and

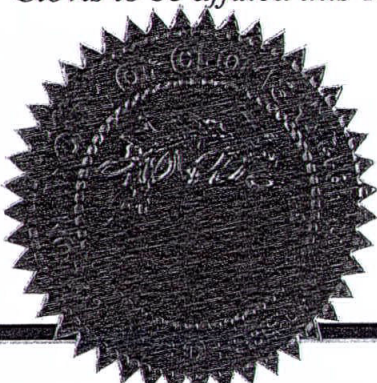
Whereas, Grants awarded to clubs for National Gymnastics Day support grassroots growth as well as diversity and inclusion in the sport through events/initiatives held at or by gym clubs on National Gymnastics Day; and

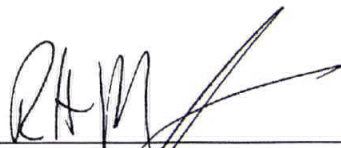
Whereas, Grants will also be awarded to support clubs providing scholarships to athletes in need of financial assistance to remain active in the sport.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council does hereby proclaim September 16, 2017, as

NATIONAL GYMNASTICS DAY

IN WITNESS THEREOF, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed this 11th day of September, 2017.





Mayor

PROCLAMATION

RECOGNIZING SEPTEMBER 10-16, 2017 AS SUICIDE PREVENTION WEEK

WHEREAS, Suicide is a public health issue that requires vigilant attention and preventative action with over 101 deaths by suicide recorded in Fresno County during 2016; and each death by suicide directly impacts numerous family members, friends, loved ones, and by extension the entire community; and

WHEREAS, In the most recent year available, over 2,045 people from Fresno County called the National Suicide Prevention Lifeline for assistance; and

WHEREAS, The Fresno County Suicide Prevention Collaborative was formed by a large cross sector of behavioral health, physical health, schools, hospitals, public safety, emergency medical systems providers, advocates, community based organizations, county and community leaders, to collectively develop a local plan to prevent suicides; and

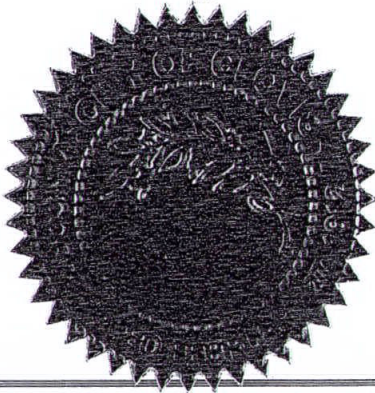
WHEREAS, No single suicide prevention effort will be sufficient or appropriate for all populations or communities; all are asked to join together and take a stand to prevent suicide; and

WHEREAS, September 10th through 16th is recognized across the United States as Suicide Prevention Week and provides the opportunity to educate our community about warning signs and how best to help those most in need.

NOW, THEREFORE, BE IT RESOLVED that the City of Clovis does hereby proclaim the week of September 10-16, 2017 be declared

“SUICIDE PREVENTION WEEK”

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed this 11th day of September, 2017.





Mayor

PROCLAMATION

RECOGNIZING SEPTEMBER AS NATIONAL PREPAREDNESS MONTH

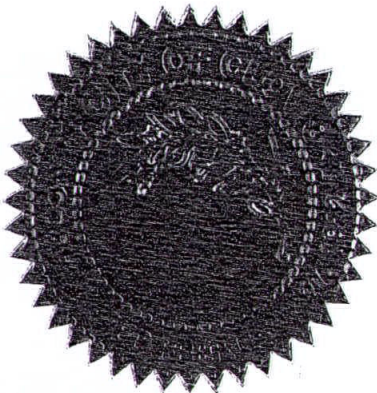
- WHEREAS,** *"Disasters Don't Plan Ahead, You Can." We can all take action to prepare; and*
- WHEREAS,** *National Preparedness Month's goal is to increase the overall number of individuals, families and communities that engage in preparedness actions at home, work, business, school and places of worship; and*
- WHEREAS,** *The City has undertaken efforts within departments and with community stakeholders to prepare, mitigate, respond and recover during times of crisis; and*
- WHEREAS,** *Since 2005, the Clovis Emergency Response Team (CERT) has graduated over 300 volunteers who have played key roles in sandbagging, public education, cooling center staffing, incident support and exercises that encourage preparedness and emergency volunteerism throughout the community; and*
- WHEREAS,** *We all need to plan to help our neighbors and community; to practice and build our plans for preparedness; and to get involved and be a part of something larger than ourselves.*

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council, on behalf of the citizens of Clovis, does hereby recognize September as

NATIONAL PREPAREDNESS MONTH

and encourages community members to prepare home emergency plans and kits and to observe this month by participating in CERT and other local community volunteer programs that assist during times of crisis.

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed this 11th day of September, 2017.





Mayor

CLOVIS CITY COUNCIL MEETING

September 5, 2017

6:00 P.M.

Council Chamber

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

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

6:02 - PUBLIC COMMENTS

Lorenzo Rios, Chief Executive Officer, Clovis Veterans Memorial District, invited City Council to an event at the Memorial District on September 17, 2017.

6:06 - CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar, except item B1 and D4, be approved. Motion carried by unanimous vote.

- A1) Approved - Minutes for the August 7, 2017 Council meeting.
- C1) Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, April – June 2017.
- D1) Approved - **Res. 17-97**, A Resolution of Intention (ROI) to Annex Territory (Annexation #50) (T6174- Southeast Corner Ashlan/Leonard, T6102- Southeast Corner Shaw/Highland, PM2017-1 Southeast Corner Shepherd/Locan), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for October 9, 2017.
- D2) Received and Filed – Investment Report for the month of June 2017.
- D3) Received and Filed – Treasurer's Report for the month of June 2017.
- E1) Approved – Contract with Labor Finders for temporary labor services.
- E2) Approved - Claim Rejection of the General Liability claim submitted on behalf of Kathryn Marie Gunn.
- F1) Approved - Final Acceptance for CIP 14-24, Dry Creek Business Park Expansion.
- F2) Approved - Bid Award for CIP 16-06 Minnewawa/Cherry Lane and Cherry Lane/Oxford Alley Improvements.
- F3) Approved - Final Acceptance for CIP 16-13, ADA Ramp Project - Phase 9.
- G1) Approved - **Res. 17-98**, Authorizing the Police Department's use of funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for one part-time Cadet in the amount of \$16,255.00.
- H1) Received and Filed – Public Utilities Report for the month of June 2017.

6:07 - CONSENT CALENDAR ITEM (B1) - APPROVED – **RES. 17-96**, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION TO EXPAND THE CITY OF CLOVIS' SPHERE OF INFLUENCE IN THE NORTHEAST AREA OF THE CITY

Assistant City Manager John Holt presented a report on a request to approve the submittal of an application to the Fresno County Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence in the Northeast area of the city. The City of Clovis Sphere of Influence was last amended in 2015. In September 2014, City Council provided policy direction to move forward with a sphere change in the northwest and a portion of the northeast. Since that time, Fresno County and the Local Agency Formation Commission (LAFCo) approved the SOI in the northwest for adding approximately 860 acres. At that same meeting in 2014, Council directed staff to move forward with pursuing a sphere change in the northeast after completing the northwest sphere change. Staff has begun to work with Fresno County to amend the recently approved tax sharing memorandum of understanding to amend the SOI to include a portion of the northeast area. Staff has also begun work with LAFCo on a full application for a SOI change in the northeast. This application requires a resolution from Council approving its submittal.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores for the Council to approve the submittal of an application to the Fresno County Local Agency Formation Commission to expand the City of Clovis' Sphere of Influence in the Northeast area of the city. Motion carried by unanimous vote.

6:10 - CONSENT CALENDAR ITEM (D4) APPROVED – WAIVE THE CITY'S STANDARD BID PROCEDURE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH DATA TICKET, INC., TO PROCESS CITY OF CLOVIS PARKING CITATIONS

Finance Director Jay Schengel presented a report on a request to waive the city's standard bid procedure and authorize the city manager to execute a contract with Data Ticket, Inc., to process City of Clovis parking citations. The City had utilized Judicial Data Systems Corporation (JDS) for its parking citation processing for over twenty years. However, the City was recently notified that, as of July 1, 2017, JDS had closed its doors and assigned its service contracts to Data Ticket, Incorporated (Data Ticket). As such, Data Ticket has been forwarded current outstanding citations, as well as the City's information from its agreement with JDS. Data Ticket has provided a scope of services and pricing model commensurate with that being formerly utilized with JDS; between that pricing model, the need for an ease and continuity of services, and the potential for onerous costs related to a formalized bidding process, staff feels it is in the City's best interest to utilize the services of Data Ticket. This vendor has many years of experience, hundreds of governmental clients (those surveyed rated them very highly), and the requisite staffing and infrastructure to provide the needed service levels to the City. Further, expanded services could be available to the City, should the needs of the program change or expand. Staff is recommending that bidding procedures be waived and the City Manager be authorized to execute the contract with Data Ticket to perform the proposed services.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua for the Council to approve a request to waive the city's standard bid

procedure and authorize the city manager to execute a contract with Data Ticket, Inc., to process City of Clovis parking citations. Motion carried by unanimous vote.

- 6:17 ITEM 1A - APPROVED INTRODUCTION – **ORD. 17-17**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 1.6.01, AND ADDING SECTIONS 1.6.02 AND 1.6.03 TO CHAPTER 1.6, OF TITLE 1, OF THE CLOVIS MUNICIPAL CODE, PERTAINING TO GENERAL MUNICIPAL ELECTIONS, WHICH INCLUDES A PLAN TO CONSOLIDATE THE ELECTION WITH A STATEWIDE ELECTION BEGINNING WITH THE NOVEMBER 8, 2022, STATEWIDE GENERAL ELECTION

Assistant City Manager John Holt presented a report on a request to approve the introduction of an ordinance amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election. SB 415, effective January 1, 2016, prohibits a city from holding an election on any date other than a statewide election date (i.e. March) if doing so in the past has resulted in turnout that is at least 25 percent below the average turnout in that jurisdiction in the last four statewide general elections. The City currently conducts its elections in March of odd years which is referred to as an "off-cycle election". Turnout for the City's off-cycle election is significantly below the threshold in SB 415 requiring the City to change to November even year elections beginning with the November 2022 election. The March 2019 and 2021 elections will continue to be held as standalone elections but the term of both elections will need to be adjusted to accommodate the November 2022 election.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores for the Council to approve the introduction of an ordinance amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election. Motion carried by unanimous vote.

- 6:31 ITEM - 1B - APPROVED INTRODUCTION - **ORD. 17-18**, R2017-07, APPROVING A PREZONE OF APPROXIMATELY 7.34 ACRES OF LAND LOCATED ON THE EAST SIDE OF DE WOLF AVENUE, BETWEEN SHAW AND SAN JOSE AVENUES FROM THE COUNTY AE-20 ZONE DISTRICT TO THE CLOVIS R-3 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONE DISTRICT. VIRGINIA R. & DAVID SIMPSON, MARCELLA A. DEANDA TRS., LIRU HUANG & MICHAEL BLACKSTON, HERBERT PAUL BETHEL, OWNERS; WESTGATE CONSTRUCTION AND DEVELOPMENT, APPLICANT; BURRELL CONSULTING GROUP, REPRESENTATIVE.

Associate Planner George Gonzalez presented a report on a request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. The applicant is requesting to prezone approximately 7.34 acres of property from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. The

requested rezoning is necessary to accommodate an adjacent commercial project to the east within the Loma Vista Community Center North encompassing an annexation of approximately 77 acres.

Dirk Poeschel, representing the applicant, spoke in support of the request. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a the introduction of an ordinance approving a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Motion carried by unanimous vote.

6:41 ITEM 1C - APPROVED - RES. 17-99, RO295, A RESOLUTION OF APPLICATION FOR THE ANNEXATION OF THE TERRITORY KNOWN AS THE SHAW-LEONARD NORTHWEST REORGANIZATION LOCATED ON THE NORTH SIDE OF SHAW AVENUE, BETWEEN DE WOLF AND LEONARD AVENUES. VARIOUS OWNERS; WESTGATE CONSTRUCTION AND DEVELOPMENT, APPLICANT; BURRELL CONSULTING GROUP, REPRESENTATIVE

Associate Planner George Gonzalez presented a report on a request to approve a resolution of application for the annexation of the territory known as the Shaw-Leonard Northwest Reorganization located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. The total area of the annexation is approximately 77 acres located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. The 69.56 acres located between the Jefferson Canal and Leonard Avenue include the Loma Vista Specific Plan's Urban Center North, approved with Site Plan Review SPR2008-10. Four parcels totaling approximately 7.34 acres along the east side of De Wolf Avenue, between Shaw and San Jose Avenues, have been made part of this annexation with no development plans currently proposed.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution of application for the Annexation of the Territory known as the Shaw-Leonard Northwest Reorganization located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Motion carried by unanimous vote.

6:48 ITEM 2A1 - APPROVED - CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF PUBLIC UTILITIES DIRECTOR

City Manager Luke Serpa presented a report on a request to confirm the City Manager's Appointment of Public Utilities Director. The City has been involved with the recruitment process to select the Public Utilities Director position since Luke Serpa was appointed as City Manager, thus opening up that position. Scott Redelfs was hired with the City of Clovis in June of 2005. In August of 2013, he was promoted to the position of Assistant Public Utilities Director. The City Manager has determined that Scott Redelfs is well

qualified and prepared for this leadership position, and has made the appointment as Public Utilities Director, subject to City Council confirmation, effective immediately.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Bessinger, for the Council to confirm the City Manager's appointment of Scott Redelf's as Public Utilities Director. Motion carried by unanimous vote.

- 6:53 ITEM 2A2 - APPROVED ADOPTION – **ORD. 17-16**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING CHAPTER 8 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

Mayor Whalen indicated that this item was on the regular agenda because at introduction it was approved 4-0-1 with Councilmember Ashbeck absent. Discussion by the Council. There being no public comment, Mayor Whalen closed the public portion. Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council to adopt Ordinance 17-16, amending Chapter 8 of the Clovis Municipal Code Pertaining to expedited, streamlined permitting process for electrical vehicle charging stations. Motion carried by unanimous vote.

- 6:55 ITEM 2A3 - APPROVED – **RES. 17-100**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CONFIRMING ASSESSMENT FOR COSTS FOR ABATEMENT OF NUISANCE, 162 N. PEACH AVENUE, CLOVIS, CA, APN NO: 410-361-21

Mayor Whalen indicated that he would recuse himself from deliberating on this item due to a potential conflict of interest due to his employment, and left the dais at 6:55.

Assistant City Manager John Holt presented a report on a request to approve a resolution confirming assessment for costs for abatement of nuisance, 162 N. Peach Avenue, Clovis, CA, APN No: 410-361-21. The City incurred costs of Twenty Eight Thousand Seven Hundred Ninety Dollars and Zero Cents (\$28,790.00) related to the demolition of a derelict structure located at 162 N. Peach Avenue ("Property"). The Property owner, Mark S. Waters, is currently awaiting sentencing for related arson charges and failed to demolish the structure in accordance with the stipulation in lieu of criminal prosecution regarding abatement of property nuisance attached as an exhibit. At this time the City is entitled to recover its abatement and enforcement costs from Mr. Waters and the Property. Approval of the attached resolution will confirm these costs as an assessment and regular lien against the Property if not paid within 15 days of the passage of the resolution.

Discussion by the Council. There being no public comment, Mayor Pro Tem Bessinger closed the public portion. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution confirming assessment for costs for abatement of nuisance, 162 N. Peach Avenue, Clovis, CA, APN No: 410-361-21. Motion carried 4-0-1 with Mayor Whalen abstaining.

Mayor Whalen returned to the dais at 7:01

7:01 ITEM 3 - CITY MANAGER COMMENTS

City Manager Luke Serpa commented on the recent heat wave.

7:02 ITEM 4A - APPROVED - THE LEAGUE OF CALIFORNIA CITIES' ANNUAL RESOLUTIONS SET FOR APPROVAL AT THE ANNUAL CONFERENCE SEPTEMBER 13-15, 2017

City Manager Luke Serpa presented a report on a request to approve the League of California Cities' Annual Resolutions set for approval at the Annual Conference September 13-15, 2017. Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolutions and provide policy direction to the City's voting delegate. On July 17, 2017, Council assigned Mayor Bob Whalen as the primary voting delegate and Mayor Pro Tem Drew Bessinger as the alternate. Resolutions of policy action to come before the League of Cities' Board of Directors are submitted each year to a vote by cities at the Annual Business Meeting of the League of California Cities to occur during the Annual Conference from September 13 – 15, 2017. There are two resolutions this year for consideration for voting by the delegation. The City will have one voting delegate at the Annual Business Meeting and any policy direction with respect to the resolution should be provided to the voting delegate in advance of the meeting. There are two resolutions being considered this year and staff is recommending approval of both.

Resolution No. 1: A resolution of the league of california cities calling upon the governor and legislature to enter into discussion with league and other public safety stakeholders to identify and implement strategies that will reduce the unintended negative impacts of existing criminal law. Staff recommends City Council support the proposed resolution.

Resolution No. 2: A resolution of the League of California Cities supporting legislation amending Government Code section 38611 to clarify the definition of local control providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions. Staff recommends City Council support the proposed resolution.

There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the two resolutions being proposed. Motion carried by unanimous vote.

7:16 ITEM 4B - COUNCIL COMMENTS

Councilmember Bessinger indicated that he had met with Fresno Irrigation District today to learn more about the special district.

Councilmember Ashbeck reported out on attending CAL-ID RAN meeting. She also reported out on attending a recent Fresno County Transportation Authority meeting.

Councilmember Flores indicated he will not be able to attend the League of California Cities conference next week.

Councilmember Mouanoutoua commented on a Habitat for Humanity event recently attended. He also commented on Deyoung Properties energy efficient homes in Clovis. He also reported out on a SB649 Conference attended last week.

Mayor Whalen showed an image of the announcement of Councilmember Ashbeck being selected as Fresno State Top Dog Alumni for 2017.

7:23 ITEM 5A. CLOSED SESSION

Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: L. Serpa, L. Shively

Employee Organization: Clovis Fire Fighters Association

5B. Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION

Workers Compensation Case in Regards to: Harry Jacks

5C. Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3)
of Subdivision (d) of Section 54956.9.

2 potential cases

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to September 11, 2017

Meeting adjourned: 8:55 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

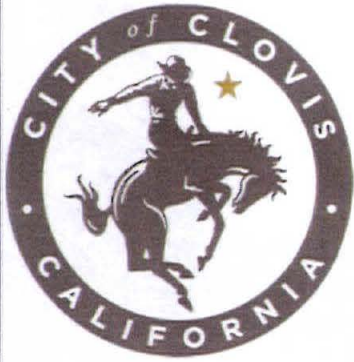
FROM: Administration

DATE: September 11, 2017

SUBJECT: Adopt – Ord. 17-17, An Ordinance of the City Council of the City of Clovis amending Section 1.6.01, and adding Sections 1.6.02 and 1.6.03 to Chapter 1.6, of Title 1, of the Clovis Municipal Code, pertaining to General Municipal Elections, which includes a plan to consolidate the election with a statewide election beginning with the November 8, 2022, statewide general election. (Vote: 5-0)

Adopt - Ord. 17-18, R2017-07, A request to approve a prezone of approximately 7.34 acres of land located on the east side of De Wolf Avenue, between Shaw and San Jose Avenues from the County AE-20 Zone District to the Clovis R-3 (Medium Density Multiple Family Residential) Zone District. Virginia R. & David Simpson, Marcella A. Deanda Trs., Liru Huang & Michael Blackston, Herbert Paul Bethel, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative. (Vote: 5-0)

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



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

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: September 11, 2017

SUBJECT: Approval - Bid Award for CIP 16-08 Fowler Avenue Street Improvements - Tollhouse to Herndon, and; Authorize the City Manager to execute the contract on behalf the City.

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. For the City Council to award a contract for CIP 16-08 Fowler Avenue Street Improvements - Tollhouse to Herndon to Don Berry Construction, Inc. in the amount of \$ 438,984.00 and;
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

The work to be completed consists of a street reconstruction on Fowler Avenue from Tollhouse to Herndon Avenue. The work to be performed shall include asphalt concrete pavement, grinding, concrete improvements, new pavement markings, and installation of traffic loops.

BACKGROUND

The following is a summary of the bid results of August 29, 2017:

BIDDERS

Don Berry Construction, Inc.
Dave Christian Construction Co., Inc.
Agee Construction
Central Valley Asphalt
Bush Engineering, Inc.
Dawson-Mauldin Construction, Inc.

BASE BIDS

\$ 438,984.00
\$ 452,043.00
\$ 488,621.00
\$ 498,147.00
\$ 503,976.00
\$ 525,696.14

ENGINEER'S ESTIMATE

\$ 503,678.00

All bids were examined and the bidders' submittals were found to be in order. Staff has validated the lowest responsive bidder contractor's license status; the contractor is in good standing with no record of complaints recorded in the last three years. A record search for complaints or violations was performed through Cal OSHA, and there were no violations found.

FISCAL IMPACT

This project was approved in the 2017-2018 fiscal year budget. The project is solely supported by the City Community Investment Program, funded by Regional Surface Transportation Program (RSTP).

REASON FOR RECOMMENDATION

Don Berry Construction, Inc. is the lowest responsible bidder. There are sufficient funds available for the anticipated costs of this project.

ACTIONS FOLLOWING APPROVAL

1. The contract will be prepared and executed, subject to the contractor providing performance security that is satisfactory to the City.
2. Construction will begin approximately two (2) weeks after contract execution and be completed in twenty-five (25) working days thereafter.

Prepared by: John Armendariz, Project Engineer

Submitted by:



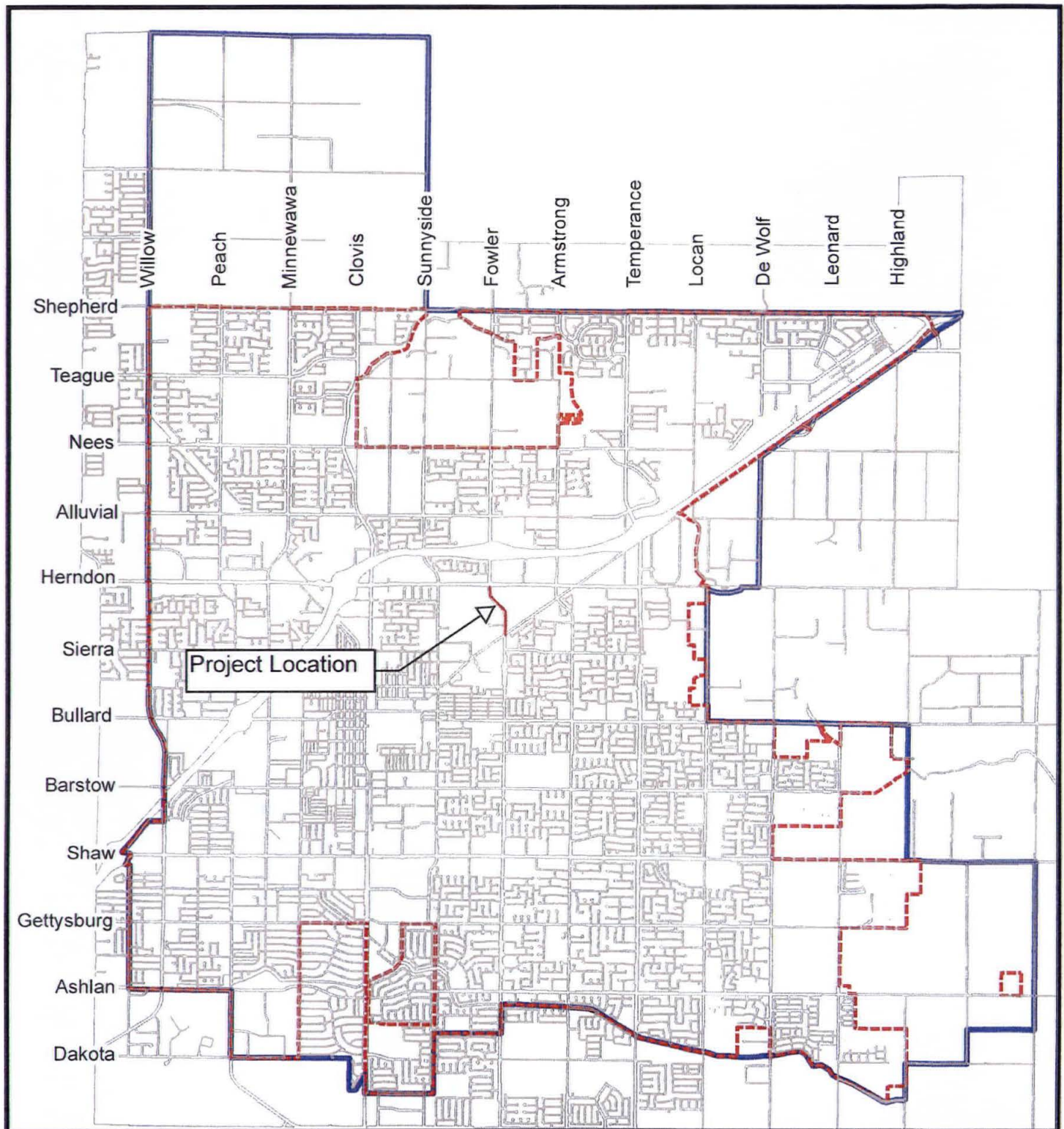
Michael J. Harrison
City Engineer

Recommended by:


Dwight Kroll
Director of Planning and
Development Services

VICINITY MAP

CIP 16-08 Fowler Avenue Street Improvements



ATTACHMENT A



September 11, 2017

 CITY LIMITS  SPHERE OF INFLUENCE

Prepared By: John Armendariz



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

City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: September 11, 2017

SUBJECT: Approval – Authorize 1979 USAR Vehicle VIN C18CY9V121005 as Surplus and Approve Donation to City of Tulare.

ATTACHMENTS: Letter from City of Tulare Fire Department requesting the donation of the Fire Department's 1979 USAR vehicle.

CONFLICT OF INTEREST

None

RECOMMENDATION

Consider Approval – Declaring the 1979 USAR vehicle as surplus and donation to Tulare City Fire Department.

EXECUTIVE SUMMARY

On May 1, 2017, the Fire Department placed a new 2016 Pierce Urban Search and Rescue (USAR) vehicle into service. The addition of this unit has resulted in the need to decommission our 1979 USAR vehicle, which the Department converted from a used bottling delivery truck. This 28-year old Fire USAR vehicle was retired because it no longer meets the Fire Department's emergency response readiness requirements and could not accommodate all of the required equipment to be certified as a Type 1 USAR Team with the California Office of Emergency Services.

BACKGROUND

With the recent delivery of a new 2016 Pierce USAR Vehicle, the Fire Department needs to decommission its 1979 USAR vehicle. It is common practice for fire departments to donate decommissioned fire apparatus to other fire departments, local fire academies or other organizations. Many jurisdictions cannot afford to purchase specialty-type fire apparatus for their special teams such as Hazardous Materials or Urban Search and Rescue. As a result, they carry the required equipment in trailers or other vehicles converted for this special purpose. This is how the Clovis Fire Department initially accomplished its goal of becoming a Regional USAR Team. The Department acquired a used bottle delivery truck and converted it to hold all of the required equipment. Now that the Fire Department is a Type 1 USAR Team, it required the Department to upgrade its capabilities and quantity of equipment carried on the apparatus.

The City of Tulare is a Type 2 USAR Team and this older vehicle can bridge the gap to convert from multiple trailers to a single vehicle.

Clovis Municipal Code Section 2.7.10 authorizes the disposition of surplus property owned by the City. When surplus property is donated, City Council authority is required.

FISCAL IMPACT

Minimal – the average surplus auction price for a pre-1980 fire apparatus is under \$250. No additional costs would be incurred by the City for making this donation.


REASON FOR RECOMMENDATION

Adopting the Master Services Plan affirms commitment to a planned means of delivering fire services to the community, assists with accreditation and improves ratings by evaluation services like the Insurance Services Office. Adoption of the Master Services Plan is not binding but demonstrates the City's commitment to the planning process.

ACTIONS FOLLOWING APPROVAL

The title for the 1979 USAR vehicle will be transferred to the City of Tulare.

Prepared by: John P. Binaski, Fire Chief

Submitted by: John P. Binaski, Fire Chief 



FIRE DEPARTMENT

Luis Nevarez
Division Chief

Tel: 559.331-0711
Fax: 559.685.2397

Dear Chief Binanksi,

As our department continues to evolve in all facets, the Urban Search and Rescue Team (US&R) is searching to condense our rescue equipment from the current truck and trailer to one single rescue unit.

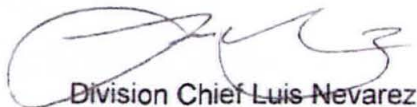
It has been brought to my attention that the Clovis Fire Department has recently purchased a US&R Type 1 unit in the form of replacing your previous US&R vehicle.

The City of Tulare Fire Department is interested in acquiring your previous US&R unit in the form of a donation. In acquiring this unit, our US&R equipment will be confined to one unit, resulting in the increase of our incident response time.

If this donation is approved thorough Clovis City Council, please inform me in the process of moving forward with title arrangements and a possible pick up date.

Thank you for assisting our department.

Respectfully,



Division Chief Luis Nevarez

August 17, 2017



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

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Public Utilities Department
DATE: September 11, 2017
SUBJECT: Approval - Bid Award for CIP 17-27, Exterior Painting of Water Tank #1, and;
Authorize the City Manager to execute the contract on behalf of the City.

CONFLICT OF INTEREST

None

RECOMMENDATION

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

EXECUTIVE SUMMARY

This project will repaint the exterior of Water Tank #1. The Old Town logo on the west side of the tank will also be replaced with the newly developed Old Town logo.

BACKGROUND

All bids will be opened on September 12, 2017. Staff will examine the bids and validate the lowest bidder contractor's license status; and verify that the contractor is in good standing. A record search for complaints or violations will be performed through Cal OSHA for violations.

FISCAL IMPACT


The Engineer's estimate for this project is \$250,000 and is appropriated in the current year's fiscal budget in the Water Services fund. The construction cost has been estimated as noted above and funding is available and allocated. Staff will evaluate the lowest responsible bids in comparison with the estimated construction costs and will execute the contracts only if the lowest bid is financially responsive to the allocated funding.


REASON FOR RECOMMENDATION

Staff is requesting that the City Council pre-authorize the City Manager to award and execute the contract to the lowest responsible bidder. Staff is requesting this expedited process to maintain the current project requirements and schedule commitments. Pre-authorization for awarding of this project will allow the timely delivery of the project. The bids will be opened on September 12, 2017 and are not available at this time.

ACTIONS FOLLOWING APPROVAL

1. Staff expects to open bids and determine the lowest responsible bidder for the project, and Council will receive a report of the bid award.
2. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
3. Construction is scheduled to begin September 25, 2017, after contract execution and be completed before October 31, 2017.

Submitted by: 
Glenn Eastes, PE
Associate Civil Engineer

Recommended by: 
Lisa Koehn, PE
Assistant Public Utilities Director



AGENDA ITEM NO: **1-A**
City Manager: LS

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 11, 2017

SUBJECT: Consider Approval - Res. 17- __, Adoption of the City of Clovis 2016-17 Consolidated Annual Performance and Evaluation Report (CAPER) for expenditure of Community Development Block Grant Funds.

ATTACHMENTS: (A) Resolution
(B) 2016-17 Consolidated Annual Performance and Evaluation Report (CAPER)

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution adopting the City of Clovis 2016-17 Consolidated Annual Performance and Evaluation Report (CAPER) for expenditure of Community Development Block Grant Funds.

EXECUTIVE SUMMARY

The U. S. Department of Housing and Urban Development (HUD) requires the City to adopt the attached 2016-17 CAPER reporting on the expenditure of Community Development Block Grant Funds.

BACKGROUND

As an entitlement city for the purpose of receiving Community Development Block Grant Funds from HUD, Clovis must adopt a CAPER which reports on the status of CDBG projects and on the expenditure of funds for the previous funding year.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

HUD requires the City Council to adopt a CAPER each year reporting on the previous year's activity in completing CDBG projects and expending funds. The recommended action meets HUD's requirements to receive CDBG funds as an entitlement city.

ACTIONS FOLLOWING APPROVAL

The 2016-17 CAPER and Resolution will be submitted to HUD.

Prepared by: Heidi Crabtree, Housing Program Coordinator



Submitted by: Andrew Haussler, Community and Economic Development Director



RESOLUTION 17-

A RESOLUTION OF THE CITY COUNCIL OF CLOVIS ADOPTING THE 2016-17 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

WHEREAS, the City Council of the City of Clovis is a U. S. Department of Housing and Urban Development (HUD) entitlement city for the purpose of receiving Community Development Block Grant funds; and

WHEREAS, HUD requires the City of Clovis to adopt a Consolidated Annual Performance and Evaluation Report (CAPER) to report on the 2016-17 project year's activity in completing CDBG projects and expending funds.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council approves and adopts the 2016-17 CAPER.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 11th day of September, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 11, 2017

Mayor

City Clerk

City of Clovis

DRAFT

Consolidated Annual Performance And Evaluation Report (CAPER) FY 2016-2017



Two of the new mobile homes purchased through the mobile home replacement program.

Community and Economic Development Department

1033 Fifth Street
Clovis, California 93612

Submission Date:
September 12, 2017

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	330	141	42.73%	67	77	114.93%
Code Enforcement	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	19255	19255	100.00%	19255	19255	100.00%
Economic Development	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	10	0	0.00%			
Public Facilities	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	30000	30000	100.00%	32419	32419	100.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

All activities were determined through the Citizen Participation Plan process to be high priority, and were funded with CDBG.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	68
Black or African American	1
Asian	8
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	77
Hispanic	34
Not Hispanic	43

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Racial and ethnic status is only tracked for the Housing Rehabilitation activity, and is reflected on the chart above.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	786,952	746,429
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

2016 expenditure totals include amounts associated with CDBG funding from PY 2016 and prior years.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

The Consolidated Plan did not identify any targeted areas. Instead, Clovis will spread resources throughout the City, and will result in a 100% LMI benefit.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

There is no matching requirement for CDBG. However, the City did donate property to affordable housing project. With a value of approximately \$700,000, land was donated by Clovis to an affordable housing developer to construct 48 units of senior assisted living. 24 of those units will be designated for low-income persons for a minimum of 55 years. The project is under construction and nearing completion. In addition, Clovis developed (infrastructure and site improvements) and donated a 10-lot subdivision to Habitat for Humanity. All ten of the homes are in various stages of construction.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	67	77
Number of Special-Needs households to be provided affordable housing units	0	0
Total	67	77

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	67	77
Number of households supported through Acquisition of Existing Units	0	0
Total	67	77

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

No problems were encountered. Clovis exceeded the goal by 10 units.

Discuss how these outcomes will impact future annual action plans.

It shows that the need for this activity is high, which will likely result in the continuation of the activity at a high level.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	59	0
Low-income	18	0
Moderate-income	0	0
Total	77	0

Table 7 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Clovis has no dedicated homeless shelters or services. However, the City is an active supporter of the MAP Point at POV, and those needing services within Clovis are provided an opportunity to utilize the MAP services. Operated by the Poverello House (a homeless shelter), MAP (Multi-Agency Access Program) is an integrated intake process that connects individuals facing homelessness, and connects them with housing. In addition, MAP connects those homeless facing challenges with behavior health, substance abuse, physical health and/or mental health to the appropriate social services.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Clovis does not receive funding for this type of service. However, Clovis is an active member of the Fresno Madera Continuum of Care, which is the organization that acts as the regional planning body to address homelessness in the region. In addition, the City of Clovis recently amended its Development Code to allow emergency shelters and transitional housing by-right, in all areas zoned as residential.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Clovis does not have supportive housing for those described in this section. However, Clovis residents have access to many facilities within Fresno County. In the neighboring City of Fresno, there are 236 licensed community care facilities with a total of 4,386 supportive housing beds available for person with health-related conditions.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were

recently homeless from becoming homeless again

The City of Clovis has no dedicated homeless shelters or services. However, the City is an active supporter of the MAP Point at POV, and those needing services within Clovis are provided an opportunity to utilize the MAP services. Operated by the Poverello House (a homeless shelter), MAP (Multi-Agency Access Program) is an integrated intake process that connects individuals facing homelessness, and connects them with housing. In addition, MAP connects those homeless facing challenges with behavior health, substance abuse, physical health and/or mental health to the appropriate social services.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Consolidated Plan did not identify any immediate plans for the development of public housing in Clovis. However, Clovis is a partner of the Fresno Housing Authority, and has discussed the possibility of potential future development partnerships.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Clovis has a first-time homebuyer program funded with State HOME funds, and advertises the program throughout the City. During the 2016 PY, 5 low-income homebuyers were assisted through this program.

Actions taken to provide assistance to troubled PHAs

The Fresno Housing Authority is not considered troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

In its 2015-23 Housing Element, Clovis identified several governmental constraints to the development, maintenance, and improvement of housing and affordable housing, as follows: Zoning Code Amendments, Lot Consolidation and Lot Splits, and Monitoring of Planning and Development Fees. Clovis is working to resolve these constraints, but the process will not be quick. Relative to the lots splits, Clovis Planning and Development recently launched a cottage home program that allows the development of these homes on lots already containing single-family homes, and the City has provided three sets of building plans that can be used free of charge.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City of Clovis immediately began the implementation of the projects described in the action plan. The City has also continued to pursue additional Federal, State, and private funding, when available, to assist in meeting the underserved needs of Clovis residents. During the program year, the City has operated a \$1,000,000 State grant for a first-time homebuyer program, and another \$1,000,000 State grant for a mobile home replacement program.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Clovis continues to work with the Fresno County Department of Public Health's Residential Housing and Lead Program when necessary. During the previous program year, staff referred three households to this program.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Poverty-level families are at constant risk of homelessness. Unfortunately, Clovis does not receive funding specifically for homeless services. However, the City is an active member of the Fresno Madera Continuum of Care, and continues to help Clovis' most vulnerable residents access the services of the region's social service providers.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Clovis staff is responsible for the administration of the CDBG program. Staff takes full advantage of training opportunities provided by HUD, as well as local and regional training.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

During the program year, Clovis maintained memberships and were active participants with the Fresno Madera Continuum of Care and the San Joaquin Valley Housing Collaborative. In addition, Clovis has current projects under construction that are in partnership with Habitat for Humanity and a local affordable housing developer.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Clovis continues to refer residents who have a fair housing issue to the Fair Housing Council of Central California, who was a partner in the development of Clovis' analysis of impediments to fair housing.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Clovis is the lead for monitoring compliance for the CDBG program. The City has established procedures based upon HUD guidelines, technical support publications, and HUD monitoring handbooks to ensure the CDBG program is in compliance with applicable rules and regulations. The City's monitoring ranges from determining income-eligibility, project location eligibility, accounting procedures, and on-site inspections for funded activities.

The City's engineering department monitors the minority business outreach for all funded activities.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

On August 25, 2017, the City advertised the availability for review of the draft 2016-17 CAPER, and in the same advertisement identified a 18-day comment period for the document. The advertisement also detailed the date, time, and location of the public hearing relative to the formal adoption of the 2016-17 CAPER.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes have been made to Clovis' program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes have been made to Clovis' program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.



AGENDA ITEM NO: 1-B

City Manager: *SA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 11, 2017

SUBJECT: Consider Introduction, Ord. 17-____, R2017-09, A request to approve a rezone from the R-A (Single Family Residential - 24,000 Sq. Ft.) Zone District to the R-1-7500 (Single Family Residential – 7,500 Sq. Ft.) Zone District for approximately one acre of property located at 3072 De Wolf Avenue. Ekam Construction, Inc, owner/applicant; Dale G. Mell & Associates, representative.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A.:"	Conditions of Approval
Attachment 1:	Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and staff recommend the City Council approve R2017-09, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting to rezone approximately one acre of land located at 3072 De Wolf Avenue, from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1-7500 (Single Family Residential – 7,500 Sq. Ft), Zone District. Approval of the request will bring the property into conformance with the General Plan and permit future development of single-family homes.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4.0 DU/AC).
- Specific Plan Designation: Loma Vista Specific Plan
- Existing Zoning: R-A (Single-Family Residential – 24,000 sq. ft.)
- Lot Size: Total area is approximately 1.04 acres
- Current Land Use: Rural Residential
- Adjacent Land Uses: North: Rural Residential
South: Rural Residential
East: Educational Facility
West: Low Density Residential
- Previous Entitlements: None

PROPOSAL AND ANALYSIS

The applicant is requesting to rezone the property located at 3072 De Wolf Avenue from the R-A Zone District to the R-1-7500 District. The request would classify the site as a Low Density R-1-7500 Zone District for consistency with low density development (2.1 to 4.0 du/ac) in the area. The property encompasses an approximate one acre parcel that will be subdivided to accommodate future development. The property is bounded by rural and low density single family development on three sides and the Reagan Educational facility on the east.

The applicant and staff did reach out to the property owner to the south for inclusion into this zoning request; however, staff has not received any indication of interest from the adjacent property owner previous to the finalizing of this report.

Consistency with the General Plan and Herndon-Shepherd Specific Plan

Any future development of this site requires that the zoning and General Plan are consistent. Approval of the rezone is a clean-up action which will bring the zoning into conformance with the General Plan.

Associated Applications

The applicant has received Planning Commission approval of a variance for the future development of a 2-lot subdivision. The applicant is also seeking planning approval of an associated Parcel Map which is contingent upon zoning approval.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received any inquiries prior to finalization of the staff report.

Planning Commission Discussion

The Planning Commission considered this Project on August 24, 2017. The Commission accepted testimony from the public both in support and opposition of the Project. Two property owners adjacent to the project expressed concern specific to any future two-story construction on the proposed parcels. The Commission approved the Rezone request.

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 Game.

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.

Methodology

Plan conformity is defined as the upholding of the General Plan Vision and goals. Conforming activities or actions should not result in the following:

- Direct or indirect conflict with the Vision or goals;
- Result in new or more significant environmental impacts; or
- Conflict with other city program, improvements, or activities.

A General Plan Conformity Rule establishes conformity as a coordination process in which the economic, environmental, and social aspects of ongoing, cumulative land planning and development are considered. In other words, General Plan conformity refers to the process of evaluating plans, programs, and projects to determine and demonstrate they meet the Vision and subordinate goals of the General Plan and Specific Plan as these are implemented over the life of the plan.

Analysis

The rezone would provide for a Single Family Development at a low density designation.

- Because the project would not amend the General and Specific plans' land use diagrams intensity, if approved there would be no conflict between the proposed use and the existing land use designation.
- The proposal is consistent with the goals and policies of the housing element and the General Plan. At a zoning level, the development standards of the General Plan address residential development.
- The R-1-7500 Zone District will provide for future development subject to conditions of approval. These will be developed by staff and subject to review through the Parcel Map process during the course of noticed public hearings.
- The developer will be required by conditions of approval to make the necessary public improvements required by the project. There are no other conflicts with other city programs, improvements, or activities.

Consistency with the General Plan and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 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 walkable neighborhoods
- Encourage community and stakeholder collaboration
- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair, and cost-effective
- Mix land uses
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Strengthen and direct development toward existing communities
- Take advantage of compact building design
- Enhance the economic vitality of the region
- Support actions that encourage environmental resource management

California Environmental Quality Act (CEQA)

This project is in substantial conformance with the environmental analysis performed for the 2014 General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

The City published notice of this public hearing in The Business Journal on Wednesday, August 30, 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 R2017-09, subject to the attached conditions of approval listed as Exhibit "A".

ACTIONS FOLLOWING APPROVAL


The second reading of the rezone Ordinance will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption.

NOTICE OF HEARING

Property Owners within 600 feet notified:	53
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Senior Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and
Development Services

**FIGURE 1
PROJECT LOCATION MAP**

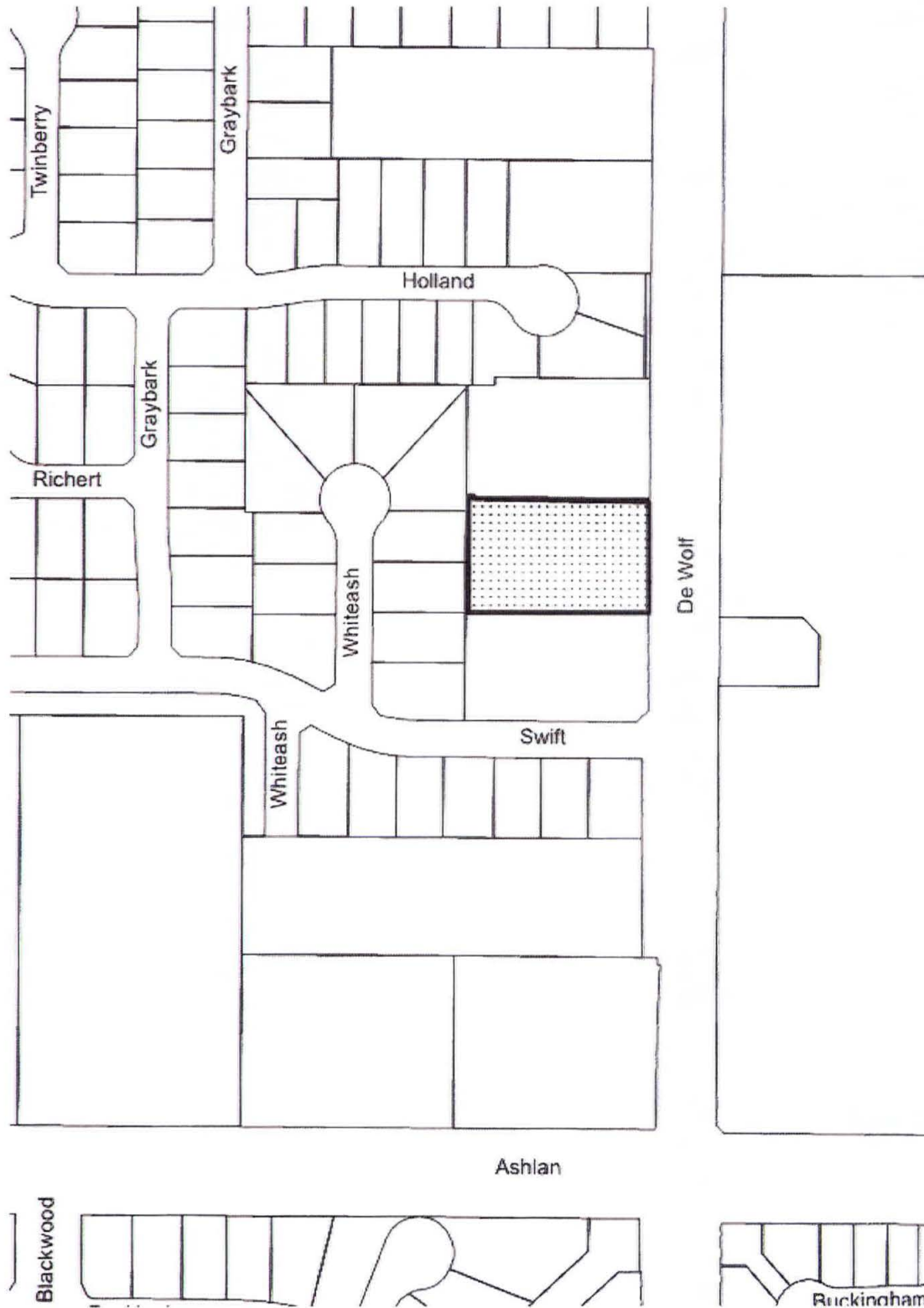


EXHIBIT "A"
Conditions of Approval – R2017-09

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

1. Development of this site shall be consistent with the General Plan, Low Density Designation (2.1 to 4.0 DU/AC).
2. Rezone R2017-09 approves an R-1-7500 Zoning permitting the development of Single Family Development. Density shall be consistent with the General Plan and not exceed 4.0 dwelling units per acre.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Development of this parcel shall be a consistent with the R-1-7500 Zone District.
5. Prior to development, the applicant shall submit a building permit along with required documentation for demolition of any structures as warranted.

**DRAFT
ORDINANCE 17-__**

AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO RECLASSIFY LAND LOCATED AT 3072 DE WOLF AVENUE AND CONFIRMING ENVIRONMENTAL FINDINGS

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, EKAM Construction, Inc., 5879 N. Torrey Pines Avenue, Fresno, CA 93723, has applied for a Rezone R2017-09; and

WHEREAS, this is a request to rezone approximately one acre from the R-A (Single Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-7500 (Single Family Residential – 7,500 Sq. Ft.) Zone District for property located 3072 De Wolf Avenue, in the City of Clovis, County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on August 24, 2017, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Rezone R2017-09; and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for consideration; and

WHEREAS, the City published Notice of a City Council Public Hearing for September 11, 2017, to consider Rezone R2017-09. A copy of the Notice was delivered to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council does find the project in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update, pursuant to CEQA guidelines.

WHEREAS, the City Council held a noticed public hearing on September 11, 2017, to consider the approval of Rezone R2017-09; and

WHEREAS, on September 11, 2017, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Rezone R2017-09, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Rezone R2017-09, or otherwise commented on the Project; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS. The Council finds as follows:

1. That the proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

SECTION 2: The Official Map of the City is amended in accordance with Sections 9.8.020 and 9.86.010 of the Clovis Municipal Code by reclassification of certain land in the City of Clovis, County of Fresno, State of California, to wit:

From Classification R-A to Classification R-1-7500

The property so reclassified is located at 3072 De Wolf Avenue in the City of Clovis, County of Fresno, California, and is more particularly described as shown in "Exhibit One."

SECTION 3: This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

SECTION 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of record is the City Planner.

APPROVED: September 11, 2017

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on September 11, 2017, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

City Clerk



AGENDA ITEM NO: 1-C

City Manager: *AA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 11, 2017

SUBJECT: Consider Introduction. Ord. 17-___, R2017-12, A request to rezone approximately .2 acres of property located at the northeast corner of Fifth Street and Stanford Avenue, from the C-1 (Neighborhood Commercial) Zone District to the R-1 (Single-Family Residential) Zone District. City of Clovis, owner/applicant.

ATTACHMENTS:

Figure 1: Location Map
Attachment 1: Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and staff recommend the City Council approve R2017-12.

EXECUTIVE SUMMARY

The City of Clovis owns property at the northeast corner of Fifth Street and Stanford Avenue, acquired through the Clovis Community Development Agency in 2010. The property is currently designated Low Density Residential (2.1 to 4.0 units per acre) and zoned C-1 (Neighborhood Commercial). The City is requesting to rezone the property to the R-1 Zone District to bring the site into conformance with the General Plan.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4 units per acre)
- Existing Zoning: C-1 (Neighborhood Commercial)
- Lot Size: .2 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Single-Family Residential
 - South: Single-Family Residential
 - East: Single-Family Residential
 - West: Single-Family Residential
- Previous Entitlements: None

PROPOSAL AND ANALYSIS

The site was purchased by the former Clovis Community Development Agency (CCDA) in 2010, utilizing Housing Set-Aside Bond funds. The property is currently zoned C-1 which accommodated a neighborhood market prior to its demolition immediately after purchase.

During the General Plan Update in 2014, the site was re-designated to Low Density Residential to allow the site to be redeveloped as a single-family home. Subsequent zoning was required to bring the site into conformance with the General Plan and State Planning and Zoning Laws. This generally occurs through a comprehensive zoning update or when the property is ready to be developed.

On July 17, 2017, the City Council approved a resolution to allow the City to enter into an agreement with Habitat for Humanity to redevelop the lot for affordable housing. Habitat for Humanity would immediately begin construction upon approval of this rezone.

Property Development Standards

The property is proposed to be rezoned to the R-1 Zone District which carries specific development standards. The site is a corner lot which shall comply with the following:

Front Setback (Fifth Street):	20 feet
Street Side Setback:	10 feet to home, no setback for fence
Side (interior):	5 feet
Rear:	20 feet to home / 6 feet to a garage face
Lot Coverage:	40%
Building Height:	2 1/2 stories/35 feet
Garage:	2-car (20'x22' minimum inside dimension)

Neighborhood Comments

The rezone was mailed to property owners within 600 feet of the Project. Staff has not received any inquiries prior to finalization of the staff report.

Planning Commission Comments

The Planning Commission considered this Project on August 24, 2017. The Commission accepted testimony from the public both in support and opposition of the Project. The Commission approved the Rezone request.

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, State Department of Fish and Wildlife, and the County of Fresno.

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.

California Environmental Quality Act (CEQA)

This Project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and the 2014 Development Code Update. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project; therefore, subject to California Government Code Section 65457, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 30, 2017.

FISCAL IMPACT

None

REASONS FOR RECOMMENDATION

The request to rezone this property to the R-1 Zone District is consistent with the General Plan and would bring the site into conformance with State Planning and Zoning Laws. Staff therefore recommends that the Planning Commission approve Rezone R2017-12.

ACTIONS FOLLOWING APPROVAL


The second reading of this Ordinance will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption.

NOTICE OF HEARING

Property Owners within 600 feet notified:	123
Interested individuals notified:	10

Prepared by: Bryan Araki, City Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and
Development Services

F:\Planning Projects\Rezone\R 2017\R2017-12 (1605 Fifth)\Documents\PDS - CC Staff Report R2017-12.doc

**FIGURE 1
PROJECT LOCATION MAP**



**DRAFT
ORDINANCE 17-__**

**AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY
OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS
MUNICIPAL CODE TO RECLASSIFY LAND LOCATED AT 3072 DE WOLF AVENUE AND
CONFIRMING ENVIRONMENTAL FINDINGS**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, EKAM Construction, Inc., 5879 N. Torrey Pines Avenue, Fresno, CA 93723, has applied for a Rezone R2017-09; and

WHEREAS, this is a request to rezone approximately one acre from the R-A (Single Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-7500 (Single Family Residential – 7,500 Sq. Ft.) Zone District for property located 3072 De Wolf Avenue, in the City of Clovis, County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on August 24, 2017, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Rezone R2017-09; and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for consideration; and

WHEREAS, the City published Notice of a City Council Public Hearing for September 11, 2017, to consider Rezone R2017-09. A copy of the Notice was delivered to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council does find the project in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update, pursuant to CEQA guidelines.

WHEREAS, the City Council held a noticed public hearing on September 11, 2017, to consider the approval of Rezone R2017-09; and

WHEREAS, on September 11, 2017, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Rezone R2017-09, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Rezone R2017-09, or otherwise commented on the Project; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS
FOLLOWS:**

SECTION 1: FINDINGS. The Council finds as follows:

1. That the proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

SECTION 2: The Official Map of the City is amended in accordance with Sections 9.8.020 and 9.86.010 of the Clovis Municipal Code by reclassification of certain land in the City of Clovis, County of Fresno, State of California, to wit:

From Classification R-A to Classification R-1-7500

The property so reclassified is located at 3072 De Wolf Avenue in the City of Clovis, County of Fresno, California, and is more particularly described as shown in "Exhibit One."

SECTION 3: This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

SECTION 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of record is the City Planner.

APPROVED: September 11, 2017

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on September 11, 2017, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 11, 2017

SUBJECT: Consider items associated with approximately 38.68 acres of land located at the northwest corner of Gettysburg and Leonard Avenues. Joginder Matharu & Jaswant Chahal-Matharu Family Trust, owners; Tri-Wilson, L.P., applicant; Harbour & Associates, representative.

1. Consider Introduction Ord. 17-____, R2016-17, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas #7, #8 and #9 within the Loma Vista Community Center South. Additionally, create two new Planning Areas within the Loma Vista Community Center South, titled Planning Area #7A and Planning Area #8A. Planning Area #7A and Planning Area #8A are proposed to be classified to the R-3 (Medium Density Multiple Family Residential) and R-4 (High Density Multiple Family Residential) Zone Districts, respectively.
2. Consider Approval Res. 17-____, TM6168, A request to approve a vesting tentative tract map for a 205-lot single-family residential subdivision.

The applicant is requesting that the City Council continue the Project to allow the applicant to address concerns raised during the Planning Commission hearing. Staff recommends continuance to the October 2, 2017, City Council hearing and will re-notice these items to the adjacent property owners.



AGENDA ITEM NO: 1-E

City Manager: JA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 11, 2017

SUBJECT: Consider Approval, Res. 17-____, CUP2017-03, A request to appeal the Planning Commission's denial and approve a conditional use permit for a proposed convenience market with fuel sales, beer and wine sales, and fast food with a drive-thru for property located at 1075 Herndon Avenue. M & S Krueger Holdings, LLC. owner; Deep Dewal, applicant; AGC Design Concept, representative.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	Conditions of Approval
Attachment 1:	Draft Resolutions and Ordinance
Attachment 2:	Correspondence from Agencies
Attachment 3:	Correspondence from Paynter Realty Investments, Inc.
Attachment 4:	Planning Commission Minutes
Attachment 5:	Applicant's Letter of Appeal
Exhibit "B:"	Proposed Site Plan
Exhibit "C"	Proposed Site Plan with Traffic Mitigation
Exhibit "D"	Floor Plan and Elevations

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the City Council approve the appeal of the Planning Commission's denial, thereby approving Conditional Use Permit CUP2017-03, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

On July 20, 2017, the Planning Commission heard the applicant's conditional use permit request for approval of a convenience market with fuel sales, beer and wine sales, and a fast food restaurant with a drive-thru window for the project site. The Commission denied the applicant's Project stating that the use and site was not compatible with adjacent land uses, the site was not adequate in size to accommodate the use, and there was already a similar use in the area. The applicant is seeking to appeal the Planning Commission's denial of the conditional use permit.

BACKGROUND

- General Plan Designation: General Commercial
- Specific Plan Designation: Herndon Shepherd
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: .99 acres
- Current Land Use: Vacant
- Adjacent Land Uses: North: C-2 (Community Commercial)
South: P-C-C (Planned Commercial Center)
East: C-2 (Community Commercial)
West: C-2 (Community Commercial)
- Previous Entitlements: GPA2004-2013, R2007-06, V2005-06, SPR2005-2017

FISCAL IMPACT

None

PROPOSAL AND ANALYSIS

Site History & Characteristics

The project site is located within the commercial development that includes the Clovis Crossing Shopping Center and the Blackhorse Center, located on the north side of Herndon Avenue, between Clovis and Sunnyside Avenues. Surrounding Commercial uses

include Mc Donald's, Carl's Jr. and Walmart. The Project is considered an infill development, and will complete the buildout of the center.

Project Characteristics

The applicant is proposing development of a 4,350 square foot building, including a 3,139 square foot convenience store and 1,211 square foot fast food restaurant with a drive-thru window. Additionally the Project includes a 4,095 square foot fuel island canopy to accommodate the service of 16 vehicles at one time. Approval of this conditional use permit will allow the developer to move forward with the Site Plan Review process and development of the site.

The applicant is proposing 24-hour operation for the convenience store and fuel sales.

Alcoholic Beverage Sales

The applicant's request includes alcohol sales which would allow for the sale of beer and wine. The Clovis Police Department has reviewed the applicant's request and provided a comment regarding alcohol sales. The Clovis Police Department stated that there is an oversaturation of liquor licenses within the census tract, and therefore, would not support the application for an Alcoholic Beverage Control (ABC) license. Staff's report does not include a request to remove the sale of beer and wine from this Conditional Use Permit request; however, the applicant shall understand that even if alcohol sales are approved with this Conditional Use Permit, there is no support and/or approval from the Police Department for alcohol sales at this time. If and when an ABC license is available, the Police Department can consider the request at that time.

Parking and Circulation

Parking for the proposed development is subject to the same requirements of the entire shopping center. The shopping center is required to provide parking at a minimum of 4.7 stalls for every 1,000 square feet of building area. In this case, the overall proposed building area is 4,350 square feet, requiring a total of 21 parking stalls. With this request, the applicant is proposing 22 parking stalls, meeting the required onsite parking requirement.

The City's Engineering Division reviewed the proposal and initially had concerns regarding circulation issues that may result from the proposed project. The project site is located right at the corner of Herndon and Marion Avenues. Marion Avenue is a public street acting as one of the four access drives into the shopping center. Primary concern is with the internal circulation and traffic conflicts existing between the proposed project and Carl's Jr. The increase in traffic flow to and from the proposed access drive can potentially result in the stacking of vehicles on Marion Avenue out to Herndon Avenue. To mitigate this, staff worked with the applicant to provide a median in Marion Avenue, as well as adjusting the drive entrance to the fuel area. This will prevent customers from making a left turn into the

convenience store from Marion Avenue while maintaining the left turn out of Carl's Jr. (see Revised Site Plan on Exhibit C).

Architecture

The surrounding shopping center has been constructed with a comprehensive theme using similar colors and materials. The developer intends to match the center. The specific architecture, color and materials will be evaluated with the site plan review. A condition of approval has been included to address this.

Planning Commission Comments and Appeal

The Planning Commission considered this request on Thursday, July 27, 2017. The request was denied by the Planning Commission with a vote of 3-2.

During the public hearing, there were no comments from the public. However, specific concerns from the Planning Commission were expressed regarding the potential circulation and traffic impact from this development. The Commission's concerns specifically included the impact of stacked vehicles trying to access the project site, the negative impact of additional businesses with alcohol sales, and the impact to Chevron due to the addition of a second convenience store/fuel sales facility.

The concern of the Commission regarding vehicle stacking into the site is being mitigated with a median island in Marion Avenue which will eliminate left turns from Marion Avenue. There is already some congestion on-site, however, the owners (Paynter Realty) of the shopping center has committed to install additional signage and striping to help mitigate traffic congestion (see Figure A below).

The Commission expressed concerns that there is not enough room on the site to navigate in and out of the parking area and particularly not enough room for motorhomes to fuel. The site plan is designed to City standards, similar to other fuel stations approved in the City.

The Commission expressed concerns that this project would have an impact on the existing gas station (Chevron) to the west.

The Commission expressed concerns about the introduction of another alcohol license to the area. Concerns are that this shopping center already creates the most calls for service for the Police Department.

For these reasons, the Planning Commission denied the conditional use permit request.



FIGURE A - Recommendation from Paynter Realty

The applicant feels that the Planning Commission's decision to deny the conditional use permit was undue and unsubstantiated, therefore, the applicant is requesting that the City Council reconsider the denial, stating that the land use plan, zoning and proposed use provide for service stations and quick service restaurants. Staff analyzed the concerns expressed by the Planning Commission and determined that the use and project site are compatible with existing area development. Staff also feels that the required mitigations and attached conditions of approval sufficiently address the Planning Commission concerns. Therefore, planning staff is in support of the applicant's request to appeal the Planning Commission's denial and recommends approval of CUP2017-03, subject to the attached conditions of approval.

History of Applications

The site has had a number of applications which for various reasons have not developed. There is an existing conditional use permit for a drive through KFC, which utilizes a very similar parking access layout to that being proposed. Other projects that were proposed on the site included a sit down restaurant which could not meet parking requirements, and two

drive-thru eating establishments that were not completed due to either site constraints and/or cost.

Public Comments

Staff sent out notices to property owners within 300 feet of the project boundaries. During the Planning Commission process, a letter was received from David H. Paynter, the owner of the adjoining Clovis Crossing Shopping Center (see Attachment 3). Mr. Paynter expressed concerns regarding the lack of reciprocal access between the shopping center and the subject site and lack of parking. City Engineering staff verified that there is a reciprocal access easement agreement between the subject site and the shopping center recorded on December 16, 1994. Mr. Paynter had not seen the revised site plan which reduced the building size and added parking to meet the Code requirement. Finally, the City Engineer studied the Marion and Herndon Avenue intersection and added conditions to address potential stacking issues that may occur as a result of the Project. Those comments and conditions were addressed earlier in the report.

No other comments and concerns have been received upon the completion of this 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 Game.

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.

California Environmental Quality Act (CEQA)

This 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 Friday, September 1, 2017.

REASON FOR RECOMMENDATION

This infill project will complete the buildout of the commercial center. The proposed use and development is in keeping with the intent of the General Plan and zoning. Staff is able to make the conditional use permit findings below and therefore, recommend that the City Council appeal the Planning Commission's denial and approve CUP2017-03.

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;

The proposed use is located within a commercial land use designation of the General Plan. The property is zoned C-2 (Community Commercial). The proposal is consistent with the required conditional use permit and site plan review requirements for parking, setbacks, building layout and development. Potential impacts and mitigations are addressed within this staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

The proposed use is consistent with the General Plan commercial land use goals and policies as well as the Development Code/ Zoning, provided for commercial development.

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

The proposed commercial development meets development standards of the commercial zone district. Concerns from the potential development are addressed in this staff report. Staffs feel that this project will not significantly impact the existing environment or become detrimental to the public welfare. Staff provided conditions to mitigate potential impacts that may result from this development.

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

Staff worked with the applicant closely to produce a site plan that meets development standards of the commercial zone district.

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

The subject was planned for commercial development and is surrounded by existing commercial development. There are sufficient services that can accommodate the use.


6. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.

This project is exempt from the CEQA under class 32 categorical exemption and is consistent with the commercial designation of the General Plan. No further environmental review was required for this project.

ACTIONS FOLLOWING APPROVAL

None

Prepared by: Lily Cha, Assistant Planner

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

**FIGURE 1
PROJECT LOCATION MAP**



EXHIBIT A
Conditions of Approval – CUP2017-03

Planning Division Conditions

(Lily Cha, Division Representative – (559) 324-2335)

1. Conditional Use Permit CUP2017-03 shall be reviewed in one year for compliance with the conditions of approval. Planning staff shall conduct a review of the use and present these findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.
2. The applicant shall obtain site plan review approval prior to development of this site.
3. The conditional use permit allows for a 24-hour fuel sales, and a fast food use with a drive-thru.
4. Beer and wine sales will be approved subject to the applicant receiving Police Department approval.
5. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
6. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
7. The site is not permitted an individual freestanding sign for identification. However, the site is permitted one permanently mounted freestanding price sign per street frontage which lists information for each grade of gasoline.
8. The subject property is limited to one permanently mounted freestanding price sign per street frontage that lists information for each grade of gasoline, type of service available, and type of payment permitted, when there is a difference in price from each separate case.
9. Architecture shall be compatible with the existing shopping center. The fuel island canopy shall incorporate architectural features of the main building including enhanced columns and a cornice treatment.
10. CUP2017-03 is approved per the site plan marked Exhibit C.
11. Any modification to the site plan including access points, reduction of parking, and/or additional square footage will require an amendment to this conditional use permit.

12. The operator shall be responsible to assure there is no overnight camping on the site.
13. The fuel delivery vehicle shall pull completely onto the site during deliveries and shall only access the commercial center from Clovis Avenue and exit from Marion Avenue onto Herndon Avenue.
14. With exception to temporary placement of deliverables, the operator shall not store materials and supplies outside the building.

Police Department Conditions

(Jared Binford – Department Representative – (559) 324-2471)

15. There is an overconcentration of Alcoholic Beverage Control (ABC) licenses in the census for this site. Any ABC license will require express approval of a Public Need and Necessity (PCN) from the Police Chief.

Fire Department Conditions

(Gary Sawhill Department Representative – (559) 324-2224)

16. Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
17. Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
18. A driveway approach to a designated fire access road shall have a minimum width of thirty-two feet (32') or equal to the width of the fire access road it services, plus six feet (6'), whichever is greater. Roads having a high potential for impairment of the department access shall have a wider driveway approach, as determined by the Fire Chief.
19. All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
20. The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.
21. The applicant shall provide all weather access to the site during all phases of

construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.

22. The fire lanes curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
23. The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13.
24. Underground Fire Service Line Installation shall be per Clovis Fire Standard #2.1.
Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.
25. The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. This will be reviewed and approved by the Clovis Fire Department before installation.
26. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set

Department of Public Health

(Kevin Tsuda – Department Representative – (559) 600-3271)

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

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A CONDITIONAL
USE PERMIT FOR A CONVENIENCE STORE WITH FUEL AND ALCOHOL SALES AND A
RESTAURANT WITH DRIVE-THRU SERVICE LOCATED AT THE NORTHWEST CORNER OF
HERNDON AND MARION AVENUES.**

WHEREAS, Deep Dewal, 9700 Rosedale Hwy., Bakersfield, California, 93313, has applied for a Conditional Use Permit CUP2017-03; and

WHEREAS, this is a request to approve a conditional use permit for a convenience market with fuel and alcohol sales, and a restaurant with drive-thru service, located at the northwest corner of Hendon and Marion Avenues, in the City of Clovis, County of Fresno; and

WHEREAS, the Planning Commission held a noticed Public Hearing on July 27, 2017, to consider the Project Approval, at which time interested persons were given an opportunity to comment on the Project;

WHEREAS, after reviewing the administrative record and considering all reports, comments and evidence submitted at the Planning Commission hearing, the Planning Commission denied Conditional Use Permit CUP2017-03;

WHEREAS, the applicant Deep Dewal, 9700 Rosedale Hwy., Bakersfield, CA 93313, filed an appeal of the Planning Commission's denial of CUP2017-03;

WHEREAS, the appeal hearing was set before the City Council for September 11, 2017;

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, a duly noticed hearing was held on July 27, 2017; and

**NOW THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE COUNCIL
RESOLVES AS FOLLOWS:**

1. CUP2017-03 is hereby approved based upon the following findings, and with incorporation of the conditions of approval (Exhibit A to the staff report):
 1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
 2. The proposed use is consistent with the General Plan and any applicable specific plan;
 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
 4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;

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

2. Without the conditions of approval (Exhibit A to the staff report), the Council could not make the findings necessary for approval of CUP2017-03.

3. The basis for the findings is detailed in the September 11, 2017 staff report, which is incorporated herein by reference, as well as the evidence and comments presented during the public hearing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 11, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 11, 2017

Mayor

City Clerk

CORRESPONDENCE FROM AGENCIES

ATTACHMENT 2



County of Fresno

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

November 28, 2016

Lily Cha, Associate Planner
City of Clovis
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612

LU0018761
2604

Dear Ms. Cha:

PROJECT NUMBER: **DRC2016-40**

A request for a service station including convenience store, fuel canopy w/8 dispensers and three underground storage tanks, fast food with drive through service.

APN: 562-142-87

ZONING: C-2

ADDRESS: 1055 Herndon Avenue

Recommended Conditions of Approval for Retail Food Facilities:

- Prior to issuance of building permits, the owner/applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the owner/applicant shall apply for and obtain permits to operate food facilities from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should the applicants propose to sell alcoholic beverages, the applicants shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 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.

Recommended Conditions of Approval for Proposed Service Station/UST Facility:

- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.
- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- 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

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

the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that 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.

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: 2016.11.28 14:30:03 -08'00'

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

(559) 600-3271

cc: Tolzmann, Rogers, Gleghorn, Sidhu & Sauls- Environmental Health Division (CT 55.13)
Alex Cuevas, Applicant (acuevas@agcdc.com)

**CORRESPONDENCE FROM PAYNTER
REALTY INVESTMENTS, INC.**

ATTACHMENT 3



July 19, 2017

Bryan Araki
City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612

**Re: CUP 2017-03
1075 Herndon Avenue
Planning Commission Hearing of July 27, 2017**

Dear Bryan,

We are in receipt of the notice of public hearing regarding CUP 2017-03 requesting a conditional use permit for the development of a gas station, convenience store and fast food restaurant on the above referenced property. As you know, we own and manage the Clovis Crossing Shopping Center directly North of this property containing among others Wal-Mart, Dick's Sporting Goods, Home Goods and Stein Mart.

Since the opening of the Clovis Crossing shopping center in 2013, we have had concerns regarding the queueing within the turn pockets both on Herndon Avenue and on Marion Avenue upon the development and construction of the subject property. We always consider it a positive to see more new customer traffic to our shopping centers but we do also want to make sure there is adequate storage in the turn pockets to allow the orderly flow of automobile traffic to and from the shopping center.

On the north end of the subject property, an access point for ingress and egress of automobiles is shown between the subject property and the property owned by Clovis-Herndon Center, LLC. **It is important to note there is no agreement between the property owners as to cross access as the site plan shows.**


Lastly, the parking count as shown on the site plan dated March 10, 2017, by our count, shows a total parking stall count of only 20 stalls which is below the required parking count of 22 stalls as stated on the site plan. **Please note, there is no agreement between the property owners as to cross parking.**

Therefore, we would like the following noted for the record:

- 1) We are in support of the CUP subject to the following conditions:
 - a. We request a traffic study be required as part of the conditions of approval of this project to assess the impacts of traffic at the intersection of Herndon Avenue and Marion Avenue to determine if any further modifications to the site plan or the city streets might be necessary to mitigate the increased traffic flow to the subject property. Specifically we are concerned about cars stacking on Marion Avenue while waiting to make a left turn into the proposed project thereby causing potential stacking into Herndon Avenue.
 - b. The site plan be modified to remove the access point on the northerly end of the subject property
 - c. The site plan be modified to meet the required parking stall count pursuant to the Clovis Municipal Code.

We appreciate everything the city of Clovis does to promote exceptional and healthy development.

Sincerely,



David H. Paynter

CC: Bob Whalen – Mayor
Paul Hinkle – Chair, Planning Commission
Dwight D. Kroll, AICP – Planning and Development Services Director
James S. Sanders – Vice President of Development, PRI

CLOVIS PLANNING COMMISSION MINUTES
July 27, 2017

- A. Consider Approval, Res. 17-40, **CUP2017-03**, A request to approve a conditional use permit for the development of a gas station and convenience store on property located at 1075 Herndon Avenue. M & S Krueger Holdings, LLC, owner; Deep Dewal, applicant; AGC Design Concept, representative.

Assistant Planner Lily Cha presented the staff report.

The Commission asked for clarification regarding the alcohol sales concerns.

Sergeant Jared Binford of the Clovis Police Department offered information regarding this topic.

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

Alex Cuevas, AGC Design Concept, stated that he was there to answer questions regarding architecture, and inquired about driveways in the plans. He also brought up some concerns regarding the potential consequences of reducing the building footprint and being denied a liquor license.

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

None.

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

None.

At this point the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Antuna to approve CUP2017-03, subject to the conditions of approval listed as Exhibit "A.". The motion failed by a vote of 2-3.

August 4, 2017

City of Clovis Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: CUP2017-03 Development of New Branded Arco AM-PM fuel station with Convenience Store with drive thru QSR, @ 1055 Herndon Ave, APN: 562-142-87

To Whom It May Concern,

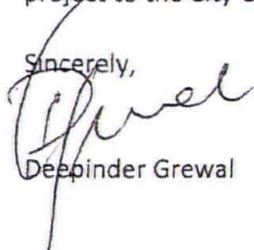
The intent of this communication is to request an appeal to the denial for the above referenced project. We feel the project is viable and would bring a much needed services to the surrounding neighborhood and to the city. The project was reviewed and recommended by planning staff and City departments. We would like an opportunity to answer any questions the City Council may have.

We believe that the basis for denial was undue. There were some personal remarks by Commissioner Cunningham in regards to not being able to drive his motor home through the station which is in no way accurate and does not seem like an appropriate reason to deny a project. If the Commission had any questions about traffic flow and/or accessibility to the site, if asked, we would have addressed any concerns. Our Architect was specifically present at the hearing to answer any/all such questions, and even after frequent requests from our Architect, Commission members never asked any questions. Another comment by Chairman Paul Hinkle was this project may in some way affect the existing Chevron station, mentioning that one of the Chevron representatives was present at the Public hearing. While we certainly understand that it is in the best interest of the City to look after and help sustain the Clovis business community, this in no way infers that the City and/or the planning commission should have an agenda with regards to a specific business and/or guard it from potential competition. We can give many examples of existing service stations and other type of business that conduct same or similar type of business within the same intersections that are very profitable/successful. In fact, one may argue that competing gas prices is desirable within communities because it helps to keep pricing down for all of it's members and brings much needed revenue and jobs to the same. At this point we are uncertain why the project was denied other than on the basis that it would affect the existing service station. We were not asked any questions about the project and did not have an opportunity to address any concerns the Commission may have had.

During the hearing, it was our understanding that several commission members supported and welcomed this project. We feel that our project did not have the benefit an objective presentation.

We would like the opportunity to appeal the decision made by the Planning commission and present our project to the City Council. Please feel free to contact me @ 661.900.9578

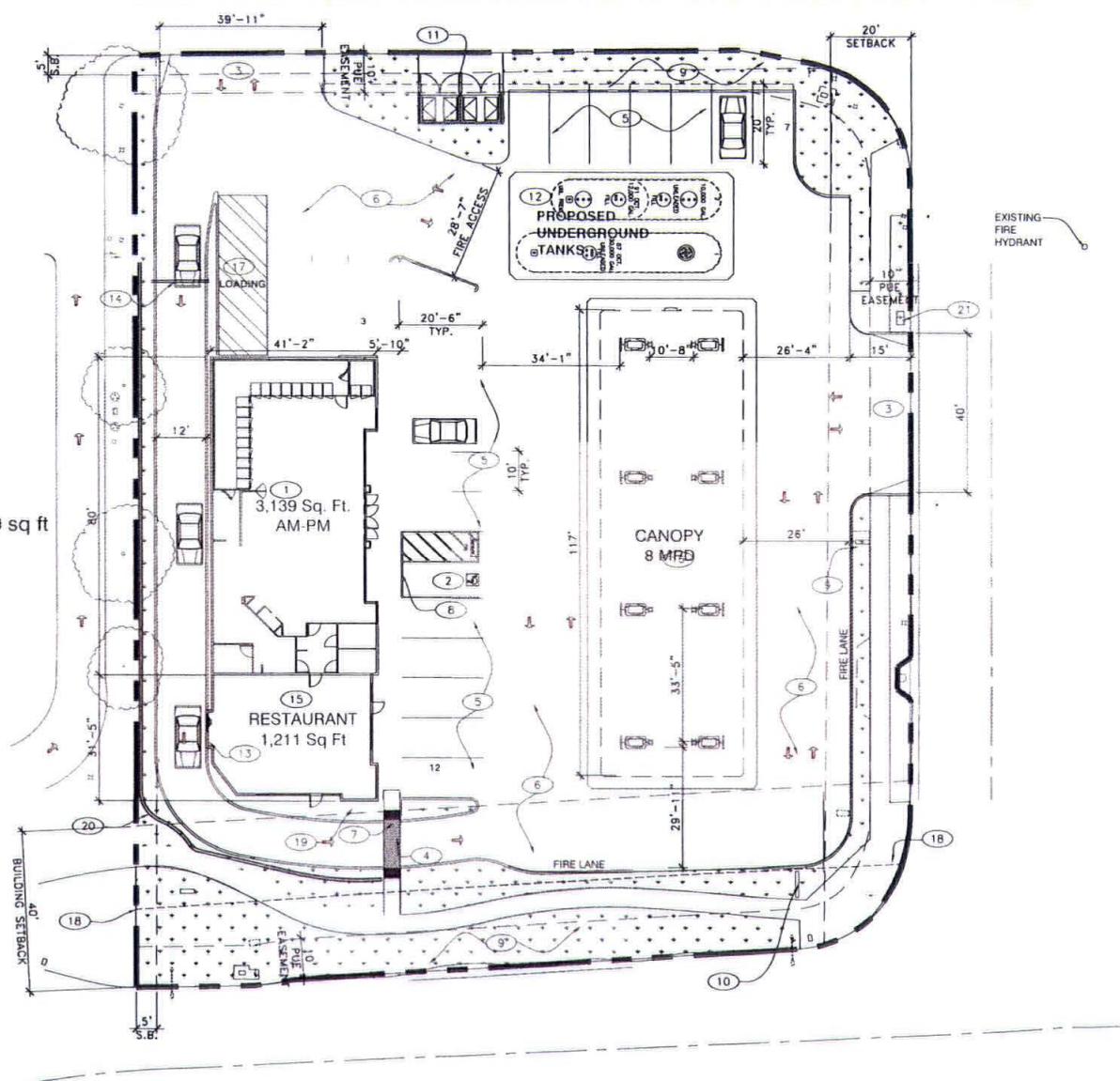
Sincerely,



Deepinder Grewal

ATTACHMENT 5

Building 4,350 sq ft
Parking Ratio
Required: 21
Provided: 22



01 PRELIMINARY SITE PLAN
SCALE: 1"=20'-0"



SITE INFORMATION

SITE	AREA OF PROPERTY					AREA
	GROSS AREA					43,180 SQ.FT.
	NET BUILDABLE AREA					43,180 SQ.FT.
	GROSS AREA (IN ACRES)					0.99 ACRES
	ZONING					
LANDS	EXISTING					C2
	PROPOSED					C2
	ASSESSORS PARCEL NUMBER (PARCEL B)					APN: 562-142-87
STRUCTURES	DESCRIPTION				PERCENT	AREA
	LANDSCAPING PROVIDED (ON-SITE)				16.56%	7,152 SQ.FT.
	DESCRIPTION	SIZE	OCCUPANCY	CONS.. TYPE	SPRIKL	AREA
	C-STORE	80'-0" x 41'-2"	A-2	V-B	NO	3,139 SQ. FT.
	RESTAURANT	31'-5" x 41'-2"	A-2	V-N	NO	1,211 SQ. FT.
	CANOPY	117'-0" x 35'-0"	M	II-B	NO	4,095 SQ. FT.
	TOTAL BUILDING AREA:					8,445 SQ.FT.
	% OF LOT COVERAGE				BUILDING AREA 4,350 SQ.FT. NET BUILDING AREA 43,180 SQ.FT. = (+/- 10.07%)	
	PARKING	DESCRIPTION (REQUIRED PARKING)			RATIO	
C-STORE (C-STORE/ FAST FOOD) (4,350 S.F)			4.7 PER 1,000 SQ.FT.		21 SPACE(S)	
TOTAL PARKING SPACES REQUIRED:					21 SPACE(S)	
DESCRIPTION (PROVIDED PARKING)			SIZE		PROVIDED	
STANDARD (VEHICLE)			10'-0"X20'-0"		20	
HANDICAP SPACE(S)			17'-0"X20'-0"		1	
LOADING SPACE(S)			12'-0"X40'-0"		1	
TOTAL PARKING SPACES PROVIDED:					22 - SPACE(S)	


KEY PLAN

- NEW 3,150 S.F. C-STORE
- ACCESSIBLE PARKING SPACE
- NEW DRIVEWAY
- PATH OF TRAVEL
- STANDARD PARKING PARKING (9'-0"x20'-0")
- ASPHALT PAVING
- TRUNCATED DOME
- ADA SIGN
- LANDSCAPE
- NEW MONUMENT SIGN LOCATION
- TRASH ENCLOSURE
- UNDERGROUND TANK
- DRIVE THRU WINDOW
- CLEARANCE BAR
- NEW 1,416 SF FAST FOOD BUILDING
- NEW 8 MPD CANOPY
- LOADING ZONE
- EASEMENT
- BIKE PARKING
- 3' H. DECORATIVE CMU SCREEN WALL
- FDC,PIV

ENGINEERING NOTES

- HERNDON AVE. IMPROVE WITH LANDSCAPING AND IRRIGATION.
- PROVIDE FOR THE ABANDONMENT OF MARION AVENUE NORTH OF HERNDON AVENUE.
- FOR NEW ONSITE ADA PATHS OF TRAVEL THAT CONNECT TO THE CITY SIDEWALK, THE APPLICANT SHALL REPLACE ENOUGH SIDEWALK TO PROVIDE A COMPLIANT LANDING WITH APPROPRIATE TRANSITIONS TO EXISTING SIDEWALK GRADES.
- ALL ONSITE WATER MAINS SHALL BE IN 15' UTILITY EASEMENTS DEDICATED TO THE CITY.
- PROVIDE SEWER AND WATER SERVICES TO ALL BUILDINGS AND CONNECT TO CITY LINES.
- THE APPLICANT SHALL INSTALL AN APPROVED BACKFLOW PREVENTION ASSEMBLY ADJACENT TO THE EXISTING WATER METER AND SHALL BE TESTED BY AN APPROVED AWWA CERTIFIED TESTER WITHIN 5 DAYS OF INSTALLATION WITH THE RESULTS SENT TO THE CITY UTILITIES DIVISION.
- IF FIRE SPRINKLERS ARE TO BE INSTALLED, THE APPLICANT SHALL INSTALL A BLOWOFF ASSEMBLY FOR ALL FIRE PROTECTION LINES ADJACENT TO THE FIRE SPRINKLER DETECTION CHECK VALVE IN PUBLIC RIGHT OF WAY OR EASEMENT. THE SIZE OF THE BLOWOFF ASSEMBLY SHALL BE DETERMINED BY THE CITY UTILITIES DIVISION.
- ABANDON SEPTIC SYSTEMS AND WATER WELLS TO CITY STANDARDS.
- THE APPLICANT SHALL COMPLY WITH THE CITY OF CLOVIS WATER EFFICIENT LANDSCAPE REQUIREMENTS ORDINANCE.
- INSTALL CITY STANDARD TYPE III TRASH ENCLOSURE, AND GREASE BARREL ENCLOSURE, INCLUDING SOLID METAL GATES, AT A LOCATION APPROVED BY THE SOLID WASTE SUPERVISOR. THE TRASH ENCLOSURE SHALL BE LOCATED ALONG THE EAST-WEST DRIVE AISLE AND ORIENTED SO THAT THE DOORS OPEN TO THE NORTH AND ALIGNED WITH AN EXISTING NORTH-SOUTH DRIVE AISLE TO ACCOMMODATE REAR LOADING AND FUTURE FRONT LOADING SOLID WASTE COLLECTION VEHICLES. ALL ACCESS DRIVEWAYS TO AND FROM THE TRASH ENCLOSURE SHALL BE A MINIMUM OF 26' IN WIDTH WITH LARGE TURN RADIUS. THE SOLID WASTE VEHICLE SHALL NOT HAVE TO BACKUP TO SERVICE THE ENCLOSURE. TRASH ENCLOSURES SHALL BE SETBACK A MINIMUM OF 5' FROM ALL DRIVEWAYS TO MINIMIZE IMPACT OF GATES LEFT OPEN AND MITIGATE ANY VISIBILITY ISSUES.
- UNDERGROUND ALL NEW UTILITIES.
- ANNEX TO LANDSCAPE MAINTENANCE DISTRICT NO. 1 (LMD NO. 1). THE ESTIMATED ANNUAL ASSESSMENT PER UNIT PARCEL IS \$650.16 AND IS SUBJECT TO LIMITED ANNUAL ADJUSTMENTS.
- APPLICANT SHALL HAVE A COVENANT RECORDED FOR THE PERPETUAL MAINTENANCE OF THE LANDSCAPE AND IRRIGATION TO BE INSTALLED IN PUBLIC RIGHT OF WAY.

AGC DESIGN CONCEPT, INC.



28524 Conellation Rd
Valencia, CA 91355
Phone: 661.265.1111
Fax: 661.264.8423

BY

REVISIONS

DATE

NO.

NEW GAS STATION

1055 HERNDON AVE. CLOVIS, CA

SITE PLAN

consultant job#

master release date

project exe date 09/19/16

master drawn by AS-1

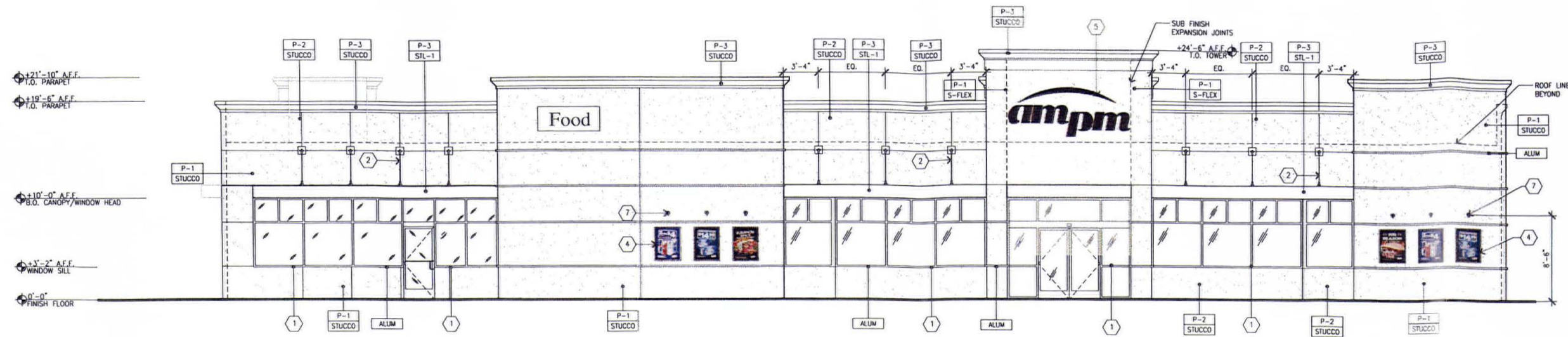
Filename AGC-469

Facility/Project

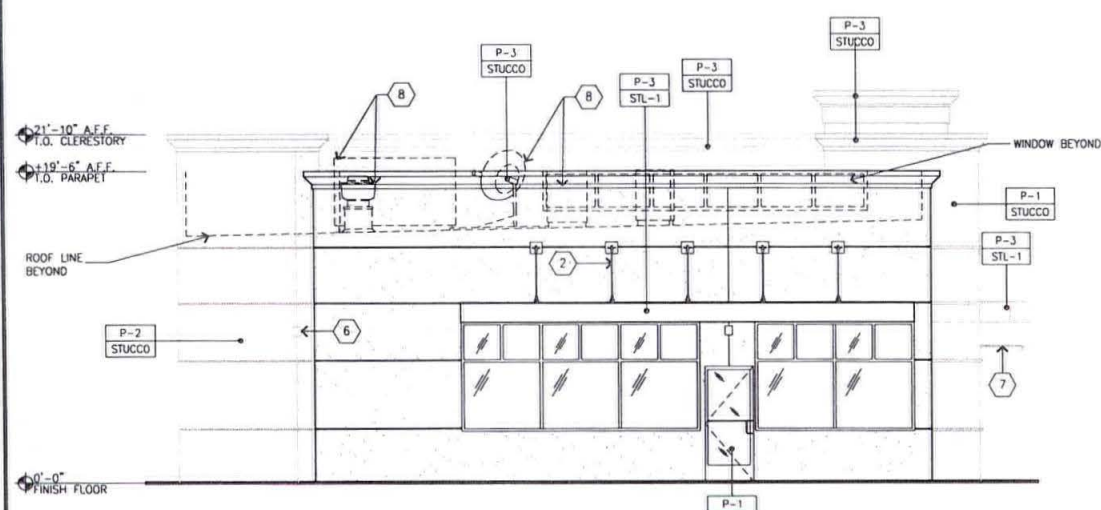
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AS-1

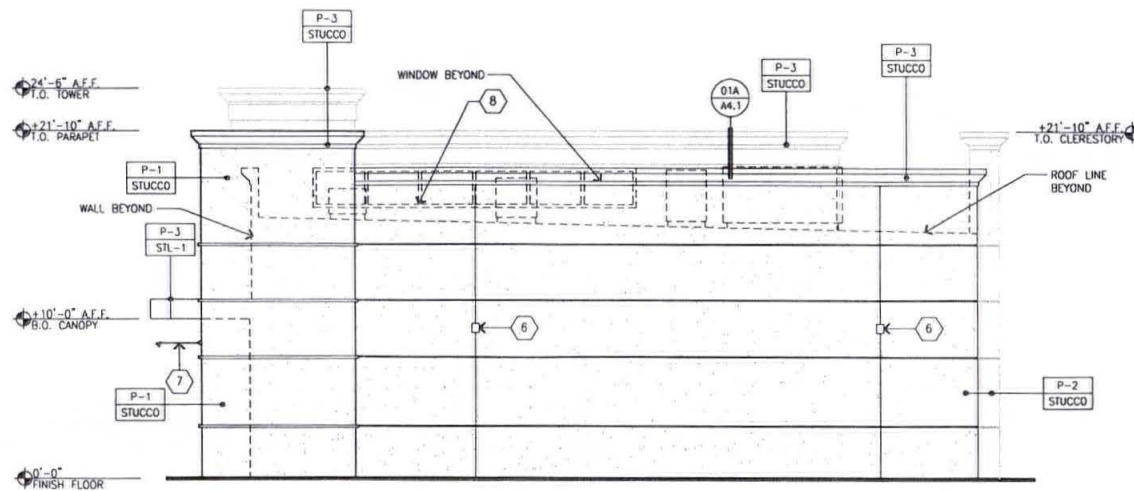
ELEVATIONS



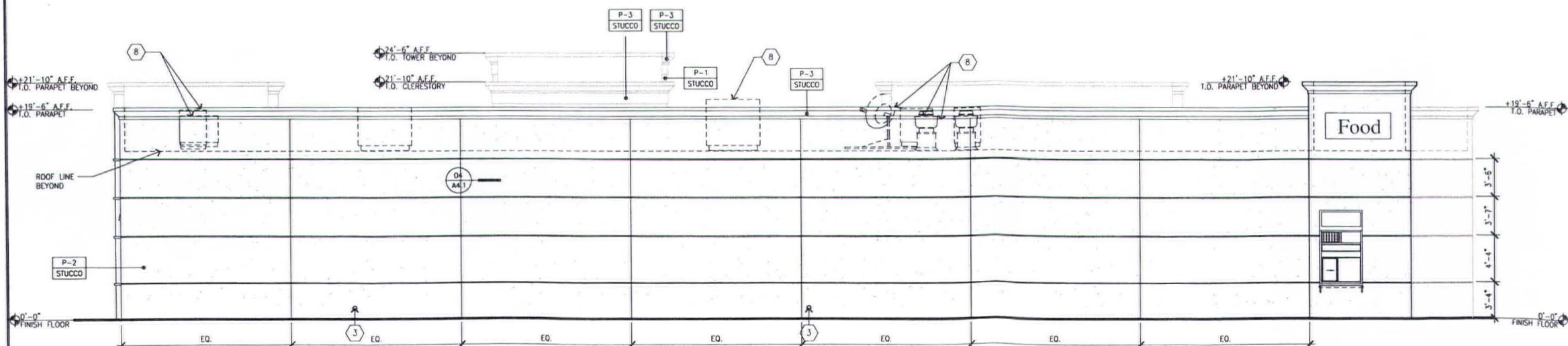
01 FRONT ELEVATION
SCALE: 3/16"=1'-0"



02 LEFT ELEVATION
SCALE: 3/16"=1'-0"



03 RIGHT ELEVATION
SCALE: 3/16"=1'-0"



04 REAR ELEVATION
SCALE: 3/16"=1'-0"

GENERAL NOTES

REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

KEYED NOTES

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.3 & SPECIFICATION.
- 2 STEEL AWNING ROD AND CLEVIS
- 3 OVERFLOW DRAIN
- 4 WALL POSTER
- 5 INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
- 6 WALL MOUNTED LED FIXTURE
- 7 WALL MOUNTED SIGN LIGHTING
- 8 ROOFTOP EQUIPMENT BEYOND

COLOR LEGEND

- P-1 DUNN EDWARDS, DE6130, "WOODED ACRE"
- P-2 DUNN EDWARDS DE6128, "SAND DUNE"
- P-3 DUNN EDWARDS DEC756, "WEATHERED BROWN", HIGH GLOSS

MATERIAL LEGEND

- STUCCO 3/4" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
- S-FLEX STUC-O-FLEX ELASTOMERIC ACRYLIC FINISH OVER CEMENT PLASTER; INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
- ALUM CLEAR ANODIZED ALUMINUM
- STL-1 STEEL AWNING


CLERESTORY DESIGNER NOTE:
SUN EXPOSURE SHOULD BE CONSIDERED FOR WINDOW USE AT CLERESTORY. IN TEMPERATE CLIMATE AVOID SOUTH AND WEST EXPOSURE OR ADD SHADING OR LOW E GLAZING

NO.	DATE	REVISIONS	BY

consultant job#	
master release date	
project exe date	
master down by	
Filename AGC-469	
CUP-3	
Facility/Project	
sheet name	
CUP-3	



- NOTE: ALL SIGNAGE UNDER SEPARATE PERMIT

NEW GAS STATION		AGC DESIGN CONCEPT, INC.	
1055 HERNDON AVE. CLOVIS, CA		 28524 Constellation Rd Valencia, CA 91355 Phone: 661-295-1111	
consultant job#		BY	
master release date		REVISIONS	
project exe date	master drawn b RV	NO.	DATE
Filename AGC-469		1	03/10/17
Facility/Project		REVISIONS PER PLANNING	
sheet name			
CUP-4			



AGENDA ITEM NO: **2-A-1**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 11, 2017

SUBJECT: Consider Approval - Approving Sales Tax Participation Agreement Terms and Authorizing the City Manager to execute the Anlin Industries Sales Tax Participation Agreement between the City of Clovis and Anlin Industries

ATTACHMENTS: Government Code Section 53083 Public Notice

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Sales Tax Participation Agreement terms with Anlin Industries and authorize the City Manager to enter into a Sales Tax Participation Agreement between the City of Clovis and Anlin Industries.

EXECUTIVE SUMMARY

Anlin Industries is a leading window manufacturer located at Tollhouse and Fowler Avenues in Clovis. The manufacturer located in Clovis in 1996 as part of a partnership with the City of Clovis and Clovis Community Development Agency. This partnership has been successful for both Anlin and the City. Anlin is unique in that it collects sales tax based on the manufacturing location. This has produced significant sales tax revenues to the City with the 2016-17 fiscal year revenues totaling more than \$500,000. Anlin is nearing production capacity and has been actively seeking options to allow continued growth over the past two years. Anlin has been considering a site adjacent to its existing facility and locations outside of the State of California. In order for the site adjacent to Anlin to be feasible, Anlin has approached the City to consider a sales tax participation agreement. The terms of the agreement proposes the City to share with Anlin 50% of any growth in sales tax revenue beyond the 2016-17 fiscal year. This would be capped at either \$500,000 or 10 years, whichever comes first. The full agreement would be drafted by the City Attorney and the City Manager would be authorized to

execute the agreement unless the terms are substantially changed, in which case the agreement would be brought back to City Council for consideration. Staff supports this agreement as it preserves current revenues from Anlin and continues a critical partnership that will allow Anlin to grow and thus long-term sales tax revenues.

BACKGROUND

In 1996, the City of Clovis and Clovis Community Development Agency (CCDA) began discussions with Anlin to find a suitable location in order to keep Anlin in the Fresno/Clovis metropolitan area. Anlin, a window manufacturer, had considered several other locations in the Fresno/Clovis metropolitan area and outside the State of California. In 1997, the CCDA Board approved the sale of 6.34 acres of real property, located at 1665 Tollhouse Road, to Anlin Industries, for \$1 (a \$350,000 value). In return, Anlin built an 85,000-square foot facility on the property with ancillary public improvements valued at \$4.5 million. As part of the original Agreement, the Agency also granted Anlin a Right of First Refusal for an additional 6.1-acre property (Phase 2) located adjacent to the original property for their future expansion. In February of 2001, Anlin purchased the adjacent Phase 2 property from the Agency for \$290,000, and an additional 6 acres of adjacent property from a private party. Anlin worked with the City to develop plans for an expansion of their facility that included a 101,000 sq. ft. building, a 300 space parking lot for employees and delivery trucks, and decorative fencing for the parameter and landscape. CCDA also provided assistance for \$350,000 in off-site improvements during the 2001 expansion.

Anlin has set up their point-of-sale to be the facility in Clovis. This is unique in that many manufacturers do not collect sales tax, rather they have the retailer or distributor collect the sales tax in a jurisdiction other than the factory. This has produced significant sales tax revenue to the City and as Anlin grows, so does the revenue. Over \$500,000 in sales tax was produced for the City's 2016-17 fiscal year. Anlin is also a major employer with over 300 employees and is a major property tax contributor as well.

Anlin is running out of space and projects that the factory will be out of production capacity in 2-3 years. Anlin reached out to staff 2 years ago to begin exploring expansion possibilities and after review of multiple options, Anlin determined the best option was to pursue purchasing an adjacent site or consider locations outside of California. The site is currently owned by Builders Concrete and is a rarely used concrete batch plant. Anlin's plan is to demolish the structures on the site and utilize the land for an expansion of the factory. This would accommodate Anlin's growth needs for the next 20 years. Anlin and Builder's have reached terms for the sale but the demolition costs to make the site useable were more than expected. Anlin has reached out to the City to see if a sales tax sharing agreement could be arranged to mitigate the demolition and acquisition costs. The amount requested was \$500,000 over a period of time. Anlin is looking at land out-of-state to accommodate their growth needs if the acquisition does not come through.

Proposed Sales Tax Participation Agreement Terms

City will rebate back to Anlin 50% of the growth in sales tax beyond the 2016-17 fiscal year (\$524,602) up to \$500,000 over a ten year period, whichever comes first, if Anlin purchases the adjacent Builders Concrete parcel and demolishes the structures on the site in an expansion effort.

The full agreement would be drafted by the City Attorney and the City Manager would be authorized to execute the agreement unless the terms are substantially changed from City Council's direction, at which time the agreement would be brought back to the City Council for consideration.

FISCAL IMPACT

Based on sales revenue projections provided by Anlin, it is expected that the \$500,000 cap will be reached in 5-7 years of the agreement in place. If the agreement terms are approved, staff will include in the 2018-19 budget funds to refund Anlin their share of sales tax revenues. Based on projections, Anlin sales tax revenues will continue increasing and will be enjoyed by the City once the \$500,000 in total is provided to Anlin, or ten years when the agreement expires, resulting in a significant sales tax revenue increase for the City over the long-term.

REASON FOR RECOMMENDATION

This arrangement encourages and enables Anlin to continue growing in Clovis. This will allow revenues to grow over the long term and not lose Anlin entirely. The City will only share growth in revenues. If Anlin does not grow, the City will not lose any current revenues. This agreement preserves over 300 jobs and will create more jobs into the future. Staff is also supportive of the Tollhouse Avenue frontage being improved as the concrete plant is essentially abandoned and unsightly. The proposed Sales Tax Participation Agreement terms leverages past investments made by the City in this unique, tax producing manufacturer.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute the Anlin Sales Tax Participation Agreement.

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

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

ATTACHMENT A

Government Code 53083 Economic Development Subsidy Report

NOTICE IS HEREBY GIVEN that the City of Clovis will hold a public hearing in the City of Clovis Council Chambers, 1033 Fifth Street on Monday September 11, 2017 at 6:00 p.m. to consider the following item:

Project Summary: Sales Tax Participation Agreement with Anlin Industries proposed expansion of a window manufacturing facility.
Project Location: 1665 Tollhouse Rd., Clovis, CA 93611
Applicant: Anlin Industries, Inc. John Maloney, CEO

Background:

The City of Clovis and Anlin Industries, Inc. are proposing to enter into an agreement that encourages Anlin Industries, Inc. to retain its headquarters and manufacturing facility within Clovis. The City is proposing to provide financial assistance in the form of an economic development subsidy to Anlin Industries. Pursuant to Section 53083 of the California Government Code (AB 562), the following information will be posted on the City's Web Site.

- 1) The name and address of all corporations, or any other business entities, except for sole proprietorships, that are the beneficiary of the economic development subsidy, if applicable.

Anlin Industries, Inc., a California corporation, 1665 Tollhouse Rd., Clovis, CA 93611.

- 2) The start and end dates and schedule, if applicable, for the economic development subsidy.

Commencing approximately October 1, 2017 for ten years

- 3) A description of the economic development subsidy, including the estimated total amount of expenditure of public funds, or of revenue lost to, the local agency, as a result of the economic development subsidy.

City will rebate back to Anlin 50% of the growth in sales tax generated by Anlin Industries in the City of Clovis beyond the 2016-17 fiscal year (\$524,602) up to \$500,000 over a ten year period, whichever comes first. To receive the subsidy, Anlin

must purchase the adjacent parcel and demolish the structures on the site in an expansion effort.

4) A statement of the public purposes for the economic development subsidy.

To continue to expand and enhance economic opportunities for businesses in the City, continue to expand the City's employment base, and continue to generate additional sales tax that the City can utilize to fund general governmental services such as police, fire, street maintenance, and parks and recreation programs.

5) Projected tax revenue to the local agency as a result of the economic development subsidy.

The City of Clovis will receive approximately \$525,000 per year in sales tax revenue by keeping Anlin in the City of Clovis. Additionally, the City will receive 50% of any sales tax revenue generated by Anlin beyond the 2016-17 base year. After the maximum \$500,000 reimbursement provided over ten years, whichever is first, the City will receive 100% of the sales tax generated by Anlin Industries.

6) Estimated number of jobs created by the economic development subsidy, broken down by full-time, part-time and temporary positions.

The City and Anlin Industries have estimated that the Agreement preserves 300 full time jobs in the City and it is estimated 100 full-time jobs would be created.

All interested persons are invited to attend this hearing and express opinions upon the items listed above. The Staff Report is available for review at City of Clovis City Hall starting September 7, 2017.

Any written comments or materials should be submitted to the City Clerk at least twenty-four (24) hours prior to the hearing, City of Clovis, 1033 Fifth Street, Clovis, CA 93611.

Further information on these items may be obtained at the City of Clovis, Attn: Andrew Haussler, Community & Economic Development Director, 1033 Fifth Street, Clovis, CA 93611 or by telephone: (559) 324-2095.

POSTED AT CITY HALL AND ON CITY WEB SITE: September 7, 2017



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

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 11, 2017

SUBJECT: Receive and File – Information Regarding Shaw Avenue Property Based Improvement District Formation.

ATTACHMENTS: None.

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council receive and file Information Regarding Shaw Avenue Property Based Improvement District Formation.

EXECUTIVE SUMMARY

City of Clovis staff is working with a group of Shaw Avenue property owners to establish a Property Based Improvement District (PBID) on Shaw Avenue between State Route 168 and Clovis Avenue. If the PBID is passed, property owners will elect to raise funds through a self-assessment which will help fund beautification, marketing, and safety programs.

BACKGROUND

Since the late 1990s, Shaw Avenue merchants and property owners have attempted to revitalize the Shaw Avenue corridor between State Route 168 and Clovis Avenue. However, the funding for the desired activities has been an issue. The PBID process has been used successfully in a number of California cities. In 2014, the City of Clovis completed the Shaw Avenue Commercial Corridor Plan. This provides opportunities for property owners to improve the look and function of their buildings and property in ways that may help attract more customers and investment without new regulations or requirements. In conjunction with this plan, staff began exploring the PBID process and sharing information with property

owners. In 2016, staff contracted with Civitas, an organization which establishes the legal formation of improvement districts. In 2017, staff contracted with AMI Concepts to provide information to property owners on the PBID process.

FISCAL IMPACT

The cost for the PBID formation has been included in the 2017/2018 budget. The PBID will provide an opportunity for the subject area to receive a higher level of service than is possible by using City-provided services only.

REASON FOR RECOMMENDATION

The revitalization of Shaw Avenue meets the goals of the City of Clovis' General Plan, Retention Expansion and Attractions Plan, Economic Development Strategy, and Shaw Avenue Commercial Corridor Plan.

ACTIONS FOLLOWING APPROVAL

Staff will continue to work with Shaw Avenue Property owners and consultants.

Prepared by: Shawn Miller, Business Development Manager

Submitted by: Andrew Haussler, Community & Economic Development Director





AGENDA ITEM NO: 2-B
City Manager: *MA*

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 11, 2017

SUBJECT: Consider Approval – Policy Establishing Criteria for Deferring Connections to City Sewer

CONFLICT OF INTEREST

No conflicts

RECOMMENDATION

Staff recommends approval of the following proposed policy establishing criteria for deferment of connections to City sewer.

EXECUTIVE SUMMARY

As new development and annexations to the City occur, existing residences come into the City that are served by private septic systems. The Clovis Municipal Code (Code) requires that all properties must connect to City sewer within three years of City sewer becoming available to the property. The Code also allows for deferment of this requirement upon determination, by the City Engineer, that continued use of the septic system will not have a detrimental effect on the public water supply system. With continued concern and growing focus on ground water quality as well as growing potential deferment requests, especially near, or up gradient of, City well fields, staff wishes to establish clear quantitative criteria that will be followed in determining whether a system poses a contamination threat to public water system. Staff is requesting the City Council approve the proposed policy as discussed in this report.

BACKGROUND

In order to address a growing rural population throughout the State, the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Board (RWQCB) established a policy for the siting, design, operation, and maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) which became effective in May 2013. This Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. This policy is focused on protecting the quality of both surface and ground water quality and provides the regulatory framework and guidance as to the continued use of OWTS.

The primary threat of OWTS is nitrate contamination in the ground water. If properly designed, OTWS can be fairly effective in removing most of the nitrogen from effluent before it can migrate to the groundwater.

Currently, the Clovis Municipal Code requires that:

1. All new structures within the City are to be connected to the public sanitary sewer system.
2. All existing structures that are on septic systems are to be connected to the public sewer system within 3 years of the sewer becoming available to the property.
3. Deferment of connection of existing buildings to the public sewer system may be granted by the City Engineer upon determination that the existing OWTS will not pose more than a minimal detrimental effect on the public water supply.

The intent of the Code is to systematically eliminate all septic systems within the City as sewer mains are installed. Historically, the City has not actively tracked or pursued the 3-year connection requirement, but has worked with property owners, generally when some sort of repair is needed. Due to the significant cost, most property owners opt not to connect and request to defer hookup. Due generally to the limited number and sparse distribution of such properties, and the fact that these systems were being refurbished to meet new standards, the City Engineer has granted deferments. However, there are certain areas within the sphere of influence where rural residential development, originally permitted in the County, is well established and septic system and well densities are relatively high. In these areas, staff feels that clear guidelines setting forth the criteria for allowing deferments is warranted and would assist in the evaluation of these cases.

DEFERMENT CRITERIA

The proposed criteria/policy follows:

Deferment of connection to sewer systems may be granted by the City Engineer upon providing or accomplishing the following:

1. Applicant for deferment must demonstrate that the septic system was installed in accordance with California standards by providing appropriate documentation of the design and permit issued by the County, including soil testing, dimensioned leach areas, tank size, and inspection record.
2. For requests to refurbish or expand an existing septic system, a qualified professional shall perform all necessary soil and site investigations in accordance with State standards and complete a visual inspection to document any signs of system failure and verify compliance with State standards. Access manholes must be made available for such inspection.
3. For requests to simply defer connection to the City sewer with no refurbishment or expansion, a qualified professional shall complete a visual inspection to document any signs of system failure and verify compliance with State standards. Access manholes must be made available for such inspection.
4. Provide water tests by an approved sampler and tester from property owner's well and/or nearby well down gradient of the leach fields showing nitrate levels to be less than $\frac{1}{2}$ the maximum contaminant level (mcl) and not positive for fecal coliform.
5. Cesspool systems are not in compliance with State standards and will not be allowed to be refurbished.

If approved, the sewer connection requirement will be deferred until subsequent well testing reveals an increase in nitrate above $\frac{1}{2}$ the mcl, or positive for fecal coliform or sale of the property. The property owner will be responsible for providing well testing for nitrate levels and fecal coliform every 5 years during the deferment.

CONNECTION COST AND FINANCING

The costs for connection to City sewer are significant. The Code does provide the ability to finance connection fees plus the cost of the sewer lateral from the main to the property line. The Code does not provide for financing any of the costs of routing a line through the property or abandoning the existing on-site septic system. When financing is utilized, the typical term is 10 years and the interest is charged at the current Federal Fund Rate. There are two enhancements to the financing option that staff is considering adding as a code update when the next fee update is brought before the Council.

1. Because the cost of the on-site work is sometimes prohibitive, consider adding the ability to finance those facilities as well as the fees and lateral. This would eliminate any up-front out-of-pocket expense for any property owner that wishes to hook up. The drawback on adding this sort of provision is that there is currently no fund available to apply toward the working capital needed to install these facilities on site.
2. Consider a financing alternative that allows the option to lien the property so that the debt becomes payable upon sale of the property. For property owners that intend to stay

on the property long term, this may be an attractive option. The concern with this option is that the sewer fund could be out significant sums for an indefinite time period.

Both of these features would require revision of the Code. Staff is seeking Council's guidance on these financing incentives.

FISCAL IMPACT

There is no fiscal impact to the City associated with the recommended deferment criteria/policy.

REASONS FOR RECOMMENDATION

A policy establishing clear policy regarding sewer hookup deferments is needed to ensure consistency and clarity for developers, the City, and property owners. Staff recommends the City Council adopt the policy as outlined in this report.

ACTIONS FOLLOWING APPROVAL

Staff will implement the policy as discussed.

Prepared by: Michael Harrison, City Engineer

Submitted by:



Michael Harrison
City Engineer

Recommended by:


Dwight Kroll, AICP
Director of Planning and
Development Services



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 11, 2017

SUBJECT: Consider City Position Regarding SB-649 Wireless telecommunications facilities.

ATTACHMENT: Assembly Committee on Appropriations - August 23, 2017

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

Date of Hearing: August 23, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez Fletcher, Chair

SB 649 (Hueso) – As Amended July 18, 2017

Policy Committee:	Local Government	Vote:	6 - 2
	Communications and Conveyance		10 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill generally changes the local government permitting process for small cell wireless facilities from discretionary to ministerial. Specifically, this bill:

- 1) Provides that a small cell is a permitted use, subject only to a specified permitting process adopted by a city or county (See number 2), if the small cell meets the following requirements:
 - a) The small cell is located in the public rights-of-way in any zone or in any zone that includes a commercial or industrial use;
 - b) The small cell complies with all applicable federal, state, and local health and safety regulations, including the federal Americans with Disabilities Act of 1990 (ADA); and,
 - c) The small cell is not located on a fire department facility.
 - d) Allows a city or a county to require that the small cell be approved pursuant to a building permit or its functional equivalent in connection with placement outside of the public rights-of-way or an encroachment permit or its functional equivalent for the placement in public rights-of-way, and any additional ministerial permits, provided that all permits are issued within the timeframes required by state and federal law. Allows permits issued pursuant to this requirement to be subject to the specified conditions and prohibits permits issued pursuant from being subject to specified requirements.
- 2) Authorizes a city or county to charge the following fees:
 - a) An annual fee of up to \$250 for each small cell attachment to vertical infrastructure;
 - b) An annual attachment rate based on a specified calculations; and
 - c) A one-time reimbursement fee for actual costs.
- 3) Requires a specified local public process before a local government adopts an ordinance or resolution specifying or increasing the fee for the annual attachment rate.

- 4) Specifies that nothing prohibits a wireless service provider and a city or county from mutually agreeing to an annual charge or attachment rate different from the fees and rates established in the bill.
- 5) Requires a judicial action or proceeding to attack, review, set aside, void, or annul an ordinance or resolution adopting, or increasing the attachment rate to be commenced within 120 days of the effective date of the ordinance or resolution adopting or increasing the fee, as specified.
- 6) Prohibits a city or county from imposing permitting requirements or fees on the installation, etc. of micro wireless facilities that are suspended on communication cables strung between existing utility poles as specified.
- 7) Prohibits a city or county from precluding the leasing or licensing of its vertical infrastructure located in public rights-of-way or public utility easements under specified terms.
- 8) Provides various definitions. Exempts wireless facilities placed in historical districts or in the coastal zone from the definition of small cells.
- 9) Clarifies laws, rules, and regulations regarding utility poles owned by electrical and telephone corporations. Clarifies laws regarding video and cable service providers regulated under the Digital Infrastructure and Video Competition Act.
- 10) Makes various legislative findings.

FISCAL EFFECT:

Unknown, potentially significant increased court costs resulting from actions challenging local ordinances or resolutions adopting attachment rate fees or fee increases.

COMMENTS:

- 1) **Purpose.** According to the author, "SB 649 recognizes the public-policy benefit and exploding consumer demand for greater, faster access to next-generation wireless networks – and establishes a reliable and standardized process for siting the physical infrastructure necessary to meet that demand."
- 2) **Background.** The Planning and Zoning Law requires cities and counties to adopt a general plan and provides for the adoption of a zoning ordinance to regulate the use of buildings, structures, and land, among other things. The Permit Streamlining Act requires public agencies to act fairly and promptly on applications for development permits. Providers of wireless telecommunications services must apply to cities and counties for permits to build structures to support wireless telecommunications equipment, like antennae and related devices. Similarly, wireless carriers must seek local approval to place additional telecommunications equipment on structures and facilities where equipment already exists, which are referred to as collocations.

SB 1627 (Kehoe), Chapter. 676, Statutes of 2006, requires local governments to approve collocations ministerially, and prohibits local governments from limiting the duration of permits for wireless sites to less than 10 years absent a good reason. AB 57 (Quirk), Chapter 684, Statutes of 2015, specifies that a collocation or siting application for a wireless telecommunications facility is deemed approved if a local government does not act on a permit application within a reasonable time period specified in federal regulations.

Telecommunications companies have the right to access utility poles in the public right-of-way, governed by a set of state and federal regulations. State law establishes a framework, process, and procedures governing the attachment of telecommunications facilities to investor-owned utility (IOU) poles and municipal utility poles, providing the California Public Utilities Commission (PUC) the authority to establish and enforce rates, terms and conditions for pole attachments. Telecommunications companies are authorized to erect poles and attach to investor-owned and municipal utility poles under specified cost-based rates.

Local governments may not block utility pole attachments, but existing law authorizes them to regulate the time, manner, and place of pole attachments in the public right-of-way. These restrictions do not apply to other publicly-owned infrastructure in the right-of-way, such as light poles and streetlights, or outside of the right of way. In those cases, local governments can continue to impose conditions on many types of wireless facilities and negotiate payments for the use of their infrastructure. Since the number of small cells needed to cover an area is much higher than for traditional wireless facilities, carriers and cities have negotiated agreements and streamlined permit processes for the deployment of small cells that require lease payments to use city infrastructure. Currently these agreements are negotiated on an ad hoc basis and lease rates can vary significantly from hundreds of dollars to as high as \$15,000 per pole per year for microcell facilities with up to three antennae (City of Sacramento).

As a further example, the following cities have reported the following rates: a) City of Fresno, \$1620 per pole per year; b) City of Los Angeles, \$750 per cell per year; c) City and County of San Francisco, \$4,000 per attachment per year; d) City of San Jose, \$3,000 per attachment per year and e) Humboldt County, \$2500 per month.

Local governments are concerned that this bill may be interpreted to allow current agreements for communications facilities to be discontinued and renegotiated under the new lower rates.

The author may wish to clarify that this bill only applies to new agreements made on equipment that has not been installed or for which has an agreement to be installed.

- 3) **Arguments in Support.** This bill is supported by numerous businesses, economic development organizations, chambers of commerce, community organizations and individuals.

According to CTIA, the sponsor of the bill, "Wireless technology has revolutionized our lives and the way that we communicate [...] To accommodate skyrocketing demand and prepare wireless networks for the next generation, those networks must be updated today. SB 649 will help make that happen [...] SB 649 creates a reliable set of guidelines for

communities in making decisions on the deployment of small cell wireless technology with a process that reflects their much smaller size and footprint than traditional cell phone towers. It also ensures local governments retain oversight for health and safety conditions, building and encroachment permits, local code compliance, and feasible design and collocation standards. Given the way Californians live today, citizens, businesses, public safety agencies and government demand the latest technology and the highest speeds in wireless communications. A clear process is needed so network developers can plan appropriately and avoid unnecessary delays in delivering required cutting-edge services.”

- 4) **Arguments in Opposition.** This bill is opposed by hundreds of cities and counties, environmental and health organizations, and individuals. The basis of oppositions tends to fall into three categories: 1) local control; 2) technological concerns; and 3) health concerns.

Local governments are concerned about loss of local control and revenue. Most are opposed to the bill, however one coalition, Protect Our Local Streets, is opposed unless amended and is seeking amendments to exclude video services and restore other discretionary authority.

Other issues have been raised regarding liability, and the financial consequences. Liability issues raised have involved those of accidents involving the attachment of the facilities on local government property, as well as potential negative health impacts resulting from the electromagnetic frequencies (EMF) emitted by cellular phones and towers. Some argue this bill shifts liability to the state.

The author may wish to consider adding an amendment that requires the small cell applicant and city or county to contractually address the liability issue before the permit is issued.

Others, such as the National Institute for Science, Law and Public Policy, oppose this bill on technological grounds and suggest that only fiber-based broadband systems can overcome the access inequality and such systems are safer, and use less electricity.

Lastly, numerous health organizations and individuals are opposed to this bill because of the health impacts resulting from EMF.

According to Susan Foster, a medical writer who organized a brain study of California firefighters in 2004, the 2004 SPECT brain scan study of firefighters in Central California found brain abnormalities in all the men tested, as well as delayed reaction time, lack of impulse control and cognitive impairment. All the firefighters tested had suffered from sleep disturbances, headaches, lack of focus and memory loss following installation of a tower adjacent to their station five years earlier. This bill exempts fire stations from its provisions.

All the opposition groups agree that residents should have the opportunity to weigh-in at the local level regarding the siting of these facilities.