



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.

February 19, 2019 (Tuesday)

6:00 PM

Council Chamber

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

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

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Lifesaving Awards to citizens Christopher and Nicholas Mizyed for their heroic actions taken on November 9, 2018.

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

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

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

2. City Clerk – Approval – Minutes from the February 11, 2019 Council Meeting.
3. General Services - Approval - Claim Rejection of General Liability claim for Steven Michael Stock.
4. General Services – Approval – Res. 19____, Amending the City's FY18-19 Position Allocation Plan by deleting one (1) Office Assistant position and adding one (1) Principal Office Assistant position within the Public Utilities Department.
5. Public Utilities – Approval - Waive Formal Bidding Requirements and Authorize the Purchase of three Street Sweepers off of the HGACBuy Contract from TYMCO, Inc.; and Approval – Res. 19-____, Amending the 2018-2019 Fleet Replacement budget to allocate funds for purchase of the sweepers.

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

6. Consider Introduction – Ord. 19-____, Amending Sections 4.7.03(g) and 4.7.05 of Chapter 4.7 of Title 4 of the Clovis Municipal Code pertaining to the number of fireworks stands allowed and applicant permitting process.
Staff: Chad Fitzgerald, Special Projects/Life Safety Enforcement Manager
Recommendation: Approve
7. Consider Introduction - Ord. 19-____, R2018-13, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC, applicant.
Staff: George González, Associate Planner
Recommendation: Approve

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

8. None.

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

9. Consider Adoption - **Ord. 19-01**, R2018-14, A request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan, and Consider update on the naming of “Landmark Commons”. City of Clovis, owner/applicant. (Vote: 4-0-1 with Councilmember Flores abstaining)
10. Consider Approval – Res. 19-____, Resolution of the City Council of the City of Clovis Restructuring and Establishing Management Retiree Health Savings Plans.
Staff: Lori Shively, Personnel Risk Manager and Lee Burdick, Deputy City Attorney
Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL ITEMS

11. Council Comments

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

12. 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
One case (Threat of litigation by DeBenedetto Properties, LP as reflected in 1/8/19 Letter)
13. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Lionel Hawkins v. City of Clovis

ADJOURNMENT

Future Meetings and Key Issues			
Mar. 4, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Mar. 11, 2019 (Mon.)	6:00 P.M.	Joint Meeting with CVMD	Council Chamber
Mar. 18, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 1, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 8, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 15, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 6, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 13, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 20, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber

CITY *of* CLOVIS PROCLAMATION

HONORING CHRISTOPHER MIZYED FOR DEMONSTRATING ESSENTIAL 9-1-1 SKILLS AND SAVING THE LIFE OF HIS MOM

WHEREAS, Christopher and Nicholas Mizyed are two young Clovis residents who exemplify the values and strength of character necessary to maintain the Clovis Way of Life; and

WHEREAS, on November 9, 2018, Christopher and Nicholas were home that evening when they recognized their mother Kerri exhibiting symptoms associated with seizure; and

WHEREAS, Christopher and Nicholas reacted, without hesitation to call 9-1-1 applying information learned at home and at school, thoroughly relaying essential information regarding their address, symptoms being exhibited by their mom, took instructions from dispatch and calmly remained on the line until first responders arrived; and

WHEREAS, Christopher and Nicholas worked with arriving Clovis Firefighters to pass on information necessary to diagnose, stabilize and transport their mother and thus save her life; and

WHEREAS, Christopher and Nicholas applied life-saving skills recognized as essential training for all young people.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council on behalf of the citizens of Clovis does hereby honor and commend the heroic actions taken by

Christopher Mizyed

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 19th day of February, 2019.





Mayor

CITY of CLOVIS PROCLAMATION

HONORING NICHOLAS MIZYED FOR DEMONSTRATING ESSENTIAL 9-1-1 SKILLS AND SAVING THE LIFE OF HIS MOM

WHEREAS, Christopher and Nicholas Mizyed are two young Clovis residents who exemplify the values and strength of character necessary to maintain the Clovis Way of Life; and

WHEREAS, on November 9, 2018, Christopher and Nicholas were home that evening when they recognized their mother Kerri exhibiting symptoms associated with seizure; and

WHEREAS, Christopher and Nicholas reacted, without hesitation to call 9-1-1 applying information learned at home and at school, thoroughly relaying essential information regarding their address, symptoms being exhibited by their mom, took instructions from dispatch and calmly remained on the line until first responders arrived; and

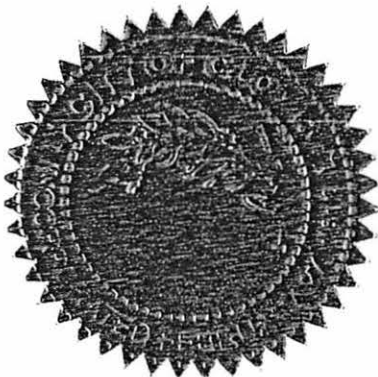
WHEREAS, Christopher and Nicholas worked with arriving Clovis Firefighters to pass on information necessary to diagnose, stabilize and transport their mother and thus save her life; and

WHEREAS, Christopher and Nicholas applied life-saving skills recognized as essential training for all young people.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council on behalf of the citizens of Clovis does hereby honor and commend the heroic actions taken by

Nicholas Mizyed

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 19th day of February, 2019.





Mayor

CLOVIS CITY COUNCIL MEETING

February 11, 2019

6:00 P.M.

Council Chamber

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

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

PRESENTATION

1. NONE.

PUBLIC COMMENTS 6:02 P.M.

Greg Becker, commercial truck driver, commented on drivers being cited for parking commercial rigs on First Street between Sunnyside and Tollhouse Avenues. He stated that there was no signage and there were no warning citations issued. He is requesting the city consider options such as parking permits. He is requesting to sit down with staff to resolve the issue.

CONSENT CALENDAR 6:14

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

2. City Clerk – Approved – Minutes from the February 4, 2019 Council Meeting.
3. Finance - Received and Filed – Investment Report for the month of December 2018.
4. Finance - Received and Filed – Treasurer's Report for the month of December 2018.
5. Planning and Development Services - Approved - Design Professional Services for CIP 18-12, Fire Station No. 6, and Authorize the City Manager to execute the contract on behalf of the City.
6. Planning and Development Services - Approved – **Res. 19-09**, Amending the Fresno Metropolitan Flood Control District (FMFCD) Schedule of Drainage Costs and Fees for 2019-2020.
7. Planning and Development Services - Approved – **Res. 19-10**, Final Map Tract 6155, located at the northwest area of Sierra Avenue and N. Cypress Avenue (DYP 6155, L.P., DeYoung Properties).
8. Planning and Development Services - Approved – **Res. 19-11**, Annexation of Proposed Tract 6155, located at the northwest area of Sierra Avenue and N. Cypress Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. (DYP 6155, L.P., DeYoung Properties).
9. Public Utilities – Approved – **Res. 19-12**, A Resolution Initiating Proceedings for the Annual Levy of Assessments for Landscape Maintenance District No. 1.
10. Public Utilities – Approved – Authorize the execution of a Purchase Agreement for property located at 79 North Sunnyside Avenue, Clovis, CA from Lorenzo and Rosemary Lopez in the amount of \$720,000; and Approved – **Res. 19-13**, Amending the 2018-2019 Water and Sewer budgets to allocate funds for purchase of the property.

PUBLIC HEARINGS 6:15

11. 6:15 p.m. - APPROVED INTRODUCTION - **ORD. 19-01**, R2018-14, APPLYING DEVELOPMENT STANDARDS TO AN EXISTING M-U (MIXED USE) ZONE DISTRICT FOR 28.6 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN SIERRA AVENUE AND FIFTH STREET ALONG THE VETERANS PARKWAY ALIGNMENT (PLANNING AREA #9) OF THE CENTRAL SPECIFIC PLAN, AND CONSIDER UPDATE ON THE NAMING OF "LANDMARK COMMONS". CITY OF CLOVIS, OWNER/APPLICANT.

Councilmember Flores stated that he has a potential conflict of interest due to property his family owns in the area and would recuse himself from deliberating on the item and left the dais.

Planning and Development Services Director Dwight Kroll and City Planner Bryan Araki presented a report on a request to approve the introduction of an ordinance applying development standards to an existing M-U (Mixed use) zone district for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan, and consider update on the naming of "Landmark Commons". This request would modify the M-U (Mixed Use) Zone District for the Landmark Commons site to accommodate the City's Transit Center and Senior Center. Future development proposals which may include a library, residential development and modified Clovis Veterans Memorial District uses would be considered at a future time. This application runs concurrent with a Site Plan Review (SPR2018-02) for the transit and senior activities center facilities.

Curt Vogt, legal counsel for the Dibenedetto family, spoke in support of this item as well as the naming of "Landmark Commons". Tom Wright, resident, indicated that he had thought the name would be "Landmark District" versus "Landmark Commons". Tom Wright, Clovis Veterans Memorial District (CVMD) Chair, commented on parking near the CVMD. Peg Bos, resident, spoke in support of changing the name of Landmark District, and spoke in opposition to the use of a roundabout. Mark Keppler, resident, spoke in support the use of a roundabout. He also spoke in support of the naming of the site as "Landmark Commons".

Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of an ordinance applying development standards to an existing M-U (Mixed use) zone district for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

It was the consensus of Council, with Councilmember Flores abstaining, for the Council to delay the naming of "Landmark Commons" and have staff work with a committee to further evaluate and return to Council at a future date.

Councilmember Flores returned to the dais at 7:00

12. 7:13 p.m. - APPROVED - **RES. 19-14**, SPR2018-02, APPROVING A SITE PLAN REVIEW FOR A PROPOSED PUBLIC FACILITY, INCLUDING A SENIOR ACTIVITY CENTER, TRANSIT FACILITY, HEALTH CARE CLINIC, AND FUTURE PAD FOR FRESNO COUNTY LIBRARY ON PROPERTY LOCATED ON THE NORTH SIDE OF THIRD STREET AT VETERAN'S PARKWAY. CITY OF CLOVIS, OWNER/APPLICANT.

City Planner Bryan Araki presented a report on a request to approve SPR2018-02, a site plan review for a proposed public facility, including a senior activity center, transit facility, health care clinic, and future pad for Fresno County Library on property located on the north side of Third Street at Veteran's Parkway. The City of Clovis is proposing an expansion of the Clovis Civic Center to the property on the north side of Third Street at the Veteran's Parkway alignment. The Project includes the development of the Senior Activities Center, Transit Center, Health Clinic, and future County Library. Off-site improvements include reconstruction of Third Street with a round-about at Veteran's Parkway, trail improvements, and infrastructure extending to the properties to the north. This Project follows Rezone R2018-14, which establishes the development standards of Planning Area 9 (PA9) of the Central Clovis Specific Plan.

Curt Vogt, legal counsel for the Debenedetto family, noted for the record that some of the letters included with item 11 were intended to be included in item 12. Mike Debenedetto, property owner, commented in support and opposition to certain elements to what is being proposed such as the lack of a view corridor from Veteran's Parkway, and no access from Clovis Avenue at the Second Street alignment. Mr. Vogt proposed he pay for a traffic study on options for access from Clovis Avenue at the Second Street alignment. Mark Keppler, resident, raised some concerns about impact on the trail should a Second Street alignment be considered.

Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve Phase 1 to allow moving forward with the roundabout and continue the other phases of SPR2018-02 to a date uncertain to allow more time to evaluate the concerns raised such as the traffic study and final plans for the library from the County. Motion carried by unanimous vote.

CORRESPONDENCE

13. NONE.

ADMINISTRATIVE ITEMS

14. 8:34 p.m. - RECEIVED AND FILED - A PRESENTATION OF THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) ORDINANCE DISCUSSING ITS HISTORY, IMPLEMENTATION, EVOLUTION, AND PROJECT STANDARDS.

Planning and Development Services Director Dwight Kroll presented City Council an update on the history and use of the Planned Residential Development (PRD) code going back to the late 1970's. Matt Smith, Woodside Homes, spoke in support of the use the PRD ordinance. Jeff Kellum, Lennar Homes, spoke in support of the PRD ordinance. It was the consensus of City Council to receive and file the report.

CITY MANAGER COMMENTS 9:00 p.m.

City Manager Luke Serpa commented on a request from the Clovis Veterans Memorial District (CVMD) regarding a joint meeting with the city possibly on March 11, 2019.

COUNCIL ITEMS 9:01 p.m.

15. Council Comments

Councilmember Bessinger commented on a League of California Cities training opportunity of marijuana in the next month.

Councilmember Ashbeck reported out on a Fresno County Transit Authority meeting attended last week.

Councilmember Mouanoutoua reported out on attending the California Health Sciences University medical school grand opening two weeks ago.

CLOSED SESSION 9:06 p.m.

16. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Lionel Hawkins v. City of Clovis

Mayor Whalen adjourned the meeting of the Council to February 19, 2019

Meeting adjourned: 9:15 p.m.

Mayor

City Clerk



AGENDA ITEM NO: 3

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: February 19, 2019

SUBJECT: Approval – Claim Rejection of the General Liability Claim for Steven Michael Stock.

CONFLICT OF INTEREST

None

RECOMMENDATION

Reject the general liability claim filed on behalf of Steven Michael Stock.

BACKGROUND

On January 10, 2019, a general liability claim was filed against the City of Clovis on behalf of Steven Michael Stock by the Law Office of Kevin G. Little. The claim was considered legally sufficient and timely.

On July 8, 2018, the relative of Mr. Stock died in custody after being arrested by the Clovis Police Department. Mr. Stock alleges the officer's involved committed intentional or negligent misconduct in relation to the arrest of his relative, which lead to death.

Mr. Stock seeks damages for past medical expenses, lost wages, general damages, and other damages. The claim has been filed as a "civil unlimited case".

FISCAL IMPACT

Rejection of the claim does not result in any fiscal impact.

REASON FOR RECOMMENDATION

It is recommended that the claim be rejected. The City is not liable for this claim. In addition, by rejecting this claim the time in which lawsuits may be filed against the City will begin to run.

ACTIONS FOLLOWING APPROVAL

A letter will be sent to the claimant informing him that the claim has been rejected.

Prepared by: Charles W. Johnson, Management Analyst

Submitted by: Shonna Halterman, General Services Director





CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: General Services Department
DATE: February 19, 2019

SUBJECT: Approval – Res. 19-___; Amending the City's FY18-19 Position Allocation Plan by deleting one (1) Office Assistant position and adding one (1) Principal Office Assistant position within the Public Utilities Department.

ATTACHMENTS: (1) Res. 19-___, Position Allocation Plan
(2) Exhibit A – Position Allocation Adjustment

CONFLICT OF INTEREST
None

RECOMMENDATION
For Council to approve Resolution 19-___; Amending the City's FY 18-19 Position Allocation Plan by deleting one (1) Office Assistant position and adding one (1) Principal Office Assistant position in the Public Utilities Department.

EXECUTIVE SUMMARY
Currently, the Public Utilities Department is authorized for three (3) Principal Office Assistant positions and three (3) Office Assistant positions. It is recommended that the City's Position Allocation Plan be amended to add one (1) additional Principal Office Assistant position which would result in a total of four (4) Principal Office Assistant positions in the department. One (1) Office Assistant position will be eliminated leaving a total of two (2) Office Assistant positions. Council approval is required for changes to the Position Allocation Plan.

BACKGROUND
The Public Utilities Department has recently evaluated the work assignments in the department and has determined that the addition of one (1) Principal Office Assistant position and the elimination of one (1) Office Assistant position will more efficiently support the current needs of the department. The desired change results in the need to modify the City's Position Allocation Plan which requires Council approval.

FISCAL IMPACT

The fiscal impact of salary and benefits for the remainder of FY 18-19 is approximately an additional \$3,000.00. There are adequate funds in the Public Utilities Department budget to cover the costs of this position.

REASON FOR RECOMMENDATION

The addition of one (1) Principal Office Assistant and the elimination of one (1) Office Assistant better support the current staffing needs of the Public Utilities Department. The change must be reflected in the authorized FY18-19 Public Utilities Department position allocation. Modification of the Position Allocation Plan requires Council Approval.

ACTIONS FOLLOWING APPROVAL

The position allocation for the Public Utilities Department will be modified as noted in Exhibit A. The position vacancy will be filled through the current eligible list.

Prepared by: Lori Shively, Personnel/Risk Manager

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 19-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AMENDMENTS TO THE CITY'S FY 18-19 POSITION ALLOCATION PLAN**

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

WHEREAS, the FY18-19 Position Allocation was approved as part of the FY18-19 City budget adoption process; and,

WHEREAS, it has been determined that there is an operational need for one (1) additional Principal Office Assistant position. The Department will delete one (1) Office Assistant position.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis, that the City's FY 18-19 Position Allocation shall be adjusted as noted in Exhibit A attached.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 19, 2019 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated February 19, 2019:

Mayor

City Clerk

EXHIBIT A

POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY 18-19

<u>DEPARTMENT</u>	<u>NUMBER OF POSITIONS</u>
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Public Utilities Department

Add:	Principal Office Assistant	1.0
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Delete	Office Assistant	1.0
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AGENDA ITEM NO: 5

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: February 19, 2019

SUBJECT: Approval – Waive Formal Bidding Requirements and Authorize the Purchase of three Street Sweepers off of the HGACBuy Contract from TYMCO, Inc.; and Approval – Resolution 19-____, Amending the 2018-2019 Fleet Replacement budget to allocate funds for purchase of the sweepers.

ATTACHMENTS: (A) Resolution
(B) Exhibit A – Budget Amendment

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. For the City Council to waive the City's formal bidding requirements and authorize purchasing three residential CNG Street Sweepers from TYMCO, Inc. off of the HGACBuy contract for a total cost of \$1,149,221.10, or \$383,073.70 each (including tax and freight).
2. Approve a resolution amending the 2018-2019 Fleet Replacement budget to allocate funds to purchase the sweepers.

EXECUTIVE SUMMARY

There are funds in this year's Fleet Replacement budget to purchase one street sweeper. Funds to purchase two additional sweepers were originally scheduled for the 2019-2020 fiscal year. The purchase of the additional sweepers is being expedited due to the estimated 6- to 9-month build time for each sweeper and in order to meet emission requirements for the California Air Resources Board (CARB). The competitively bid contract price through HGACBuy is \$383,073.70 each and meets all bid requirements.

The Houston-Galveston Area Council, known as HGACBuy, is a nationwide government procurement service that makes the governmental procurement process more efficient. All contracts available to participating members of HGACBuy have been awarded by virtue of a public competitive procurement process compliant with state statutes.

BACKGROUND

The Solid Waste section is replacing three street sweepers to meet the second engine Portable Engine Fleet Rule for CARB. The recommended vehicles will also meet the new on-road truck emission requirements. Delivery of the new sweepers is expected to take anywhere from 180 to 270 days.

FISCAL IMPACT

Funds were included in the 2018-19 Fleet Replacement budget for the replacement of one sweeper. The purchase of the additional two sweepers was originally planned for the 2019-20 budget year; however, the build time is up to nine months and the sweepers would not be received in time to meet the December 2019 removal from service date set by CARB for the existing street sweepers. Necessary funds to purchase the equipment have been accumulated. The recommended vehicles meet our bid specifications.


REASON FOR RECOMMENDATION

The sweepers are being replaced due to age and not meeting new emissions requirements. The new sweepers meet all emissions required for the City, they are dependable, and they will be covered by warranty. Staff has evaluated the available equipment and has determined that the proposed equipment will meet the Solid Waste Division's needs. The proposed method of purchasing the equipment is cost-effective and funds are available.

ACTIONS FOLLOWING APPROVAL

Purchase orders will be prepared for the City Manager's approval and sent to the vendors.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Submitted by: Scott Redelfs, Public Utilities Director 

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL
YEAR 2018-2019**

WHEREAS, the City Council adopted the 2018-2019 Budget on June 11, 2018; and

WHEREAS, the City Council is amending the 2018-2019 Budget to include Fleet expenditures to purchase street sweepers; and

WHEREAS, the expenditures were not included in the 2018-2019 Budget.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Clovis approves the budget amendment as shown in the "Summary of Expenditures by Department", "Summary of Expenditures by Fund" attached as Exhibit A:

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 19, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

EXHIBIT A

SUMMARY OF EXPENDITURES BY DEPARTMENT

Department

Public Utilities Department	\$775,000.00
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Fleet	
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Total	\$775,000.00
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SUMMARY OF EXPENDITURES BY FUND

Fund

Fleet	\$775,000.00
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Total	\$775,000.00
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NET GENERAL FUND SUPPORT

Total	\$0
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CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Fire Department

DATE: February 19, 2019

SUBJECT: Consider Introduction – Ord. 19-____, Amending Sections 4.7.03(g) and 4.7.05 of Chapter 4.7 of Title 4 of the Clovis Municipal Code pertaining to the number of fireworks stands allowed and applicant permitting process.

ATTACHMENTS: A) Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the City Council amend various portions of Title 4, Chapter 4.7 of the Clovis Municipal Code relating to fireworks in order to improve parity for non-profit entities involved in fireworks sales and distribution.

EXECUTIVE SUMMARY

In 2009 the City Council approved the current Municipal Code language that allows one stand for every 3,000 residents with a maximum of 31 stands. The proposed amendment would change the calculation to one stand for every 4,000 residents as reflected in the population estimate in any one year as provided by the California Department of Finance and remove the maximum number allowed.

Further amendment is recommended to 4.7.03(g) which would establish a random selection process to provide parity and opportunity to new non-profit entities to enter into sales within Clovis in the event that there are two (2) vacancies within the existing roster or population growth using the aforementioned formula.

BACKGROUND

The Fire Department is the local regulatory and enforcement authority for fireworks and the Police Department has enforcement authority for fireworks. Most laws related to fireworks can be found in the California Health and Safety Code. Local communities can pass ordinances to further restrict the storage, sales and use of fireworks. Clovis has several code sections to regulate storage, sales and use of fireworks, one of which is Clovis Municipal Code Title 4, Chapter 4.7, Section 4.7.05, which reads:

"There shall be allowed one fireworks stand for every three thousand (3,000) population in the City up to a maximum of thirty-one (31) stands. The City population shall be based on annual population figures provided by the State to the City as of May 1st of each year."

The proposed revised language is:

"Number of fireworks stands allowed. There shall be allowed one fireworks stand for every four thousand (4,000) population in the City. The City population shall be based on annual population figures provided by the State Department of Finance to the City each year."

Using a firm mathematical formula and removing the cap establishes a reasonable number of stands for the various non-profit entities who rely on safe and sane fireworks revenues to support various missions throughout the community. While the proposed formula would only allow for 29 stands using a population estimate of 116,000, Clovis Fire supports maintaining the current thirty-one (31) booths by grandfathering them. Once the city population grows greater than the formula new permits would then be issued. Other valley municipalities that use population formulas to moderate booth growth while providing opportunity for non-profits are outlined in the table below:

	<u>Booth/population</u>	<u>Population</u>	<u># of Booths</u>
Porterville	4,000	59,145	15
Visalia	5,000	133,010	27
Tracy	10,000	90,889	9
Fresno	5,000	527,438	105

In addition to population based formulas, other valley cities simply place a cap on the number of booth or ban sales entirely. In reviewing the data, staff found that a cap was detrimental to supporting non-profit entities and would create problems in later years as population grew and no basis was in place for allowing booth expansion. While banning sales entirely greatly reduced the life safety issues posed by illegal

use/modification of safe and sane fireworks, a sales ban ultimately hurts a significant revenue stream many non-profits count on for sustainability.

Determining eligibility for permit issuance to non-profits is bound first and foremost by the State of California Title 19, Chapter 6 which prescribes essential safety components for transport, storage and sale of safe and sane fireworks. In addition to Title 19, local jurisdictions are allowed to add requirements. Locally, Clovis has determined that eligible organizations must be non-profit which provide regular community services and benefit to the community. In order to provide opportunity for new entities to participate when vacancies exist, the current language in Clovis Municipal Code Title 4, Chapter 4.7, Section 4.7.03(g) reads:

"If any organization which, in the previous year, obtained and held a fireworks permit shall fail to successfully complete the application process by 5:00 p.m. on the first regular business day in May, or if additional permits are authorized pursuant to Section 4.7.05 of this chapter, the next existing eligible organization at the top of the waiting list kept by the Fire Department shall be notified and shall have thirty (30) days to meet all of the requirements set forth in this chapter."

The proposed revised language is:

"If an organization does not timely renew its permit, did not sell the previous year, or its permit is revoked, this will be construed as a vacancy. A vacancy will also exist when the population figures increase to the point of allowing another fireworks stand. When two (2) vacancies exist they will be posted publicly for a two-week application process. All completed applications will be reviewed and two (2) eligible organizations will be selected randomly by the City Clerk's office to fill the vacancies. Applications can be picked up at the City Clerk's office. All completed applications must be turned in to the City Clerk's office by the date and time specified in the public notice."

The proposed revision ensures that all eligible entities are allowed equal opportunity and removes the potential for 'stale' or old interest lists to impact the timely filling of vacancies. A random selection system implements an un-biased process while maintaining that each submitting entity has already met the minimum life safety requirements outlined in Chapter 4.7 and State of California Title 19, Chapter 6.

FISCAL IMPACT

The cost for this ordinance amendment to be published will be approximately \$200.00 and will be a General Fund liability to the City Clerk's budget. Staff time for ordinance development will be absorbed by involved departments. It is not anticipated that a published notice will occur in the next two years.

Cost of fireworks stands inspections will be offset by fees.

REASON FOR RECOMMENDATION

Amending various portions of Title 4, Chapter 4.7 of the Clovis Municipal Code relating to fireworks improves parity for non-profit entities involved in fireworks sales and distribution.

ACTIONS FOLLOWING APPROVAL

First Reading February 19, 2019. Second Reading March 4, 2019. Effective April 5, 2019.

Prepared by: Chad Fitzgerald, Life Safety/Enforcement Manager

Submitted by:



John Binaski, Fire Chief

ORDINANCE 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 4.7.05 OF CHAPTER 4.7 OF TITLE 4 OF THE CLOVIS MUNICIPAL CODE RELATING TO NUMBER OF FIREWORKS STANDS

The City Council of the City of Clovis does ordain as follows:

SECTION 1

Section 4.7.05 of Chapter 4.7 of Title 4 of the Clovis Municipal Code is hereby amended to read as follows:

Number of fireworks stands allowed.

There shall be allowed one fireworks stand for every four thousand (4,000) population in the City. The City population shall be based on annual population figures provided by the State Department of Finance.

SECTION 2

Section 4.7.03(g) of Chapter 4.7 of Title 4 of the Clovis Municipal Code is hereby amended to read as follows:

Permits: Applications and fees.

If an organization does not renew its license, did not sell the previous year, or is revoked, this will be construed as a vacancy. When two (2) vacancies exist they will be posted publicly for a two-week application process. All completed applications will be reviewed and two (2) eligible organizations will be selected randomly by the City Clerk's office to fill the vacancies. Applications can be picked up at the City Clerk's office. All completed applications must be turned in to the City Clerk's office by the date and time specified in the public notice.

SECTION 3 EFFECTIVE DATE

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

APPROVED: XXXXXXXXXXXX, 2019

Mayor

City Clerk

* * * * * * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on February 19, 2019, and was adopted at a regular meeting of said Council held on XXXXXX, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: XXXXXXXXXX XX, 2019

City Clerk



AGENDA ITEM NO: 7

City Manager: [Signature]

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: February 19, 2019

SUBJECT: Consider Introduction, Ord. 19-__, **R2018-13**, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC, applicant.

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Draft Ordinance
Attachment 2:	Planning Commission Minutes
Attachment 3:	Correspondence from Commenting Agencies
Exhibit "B":	Proposed Site Plan
Exhibit "C":	Master Site Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Rezone R2018-13.

EXECUTIVE SUMMARY

The applicant is requesting to rezone approximately 2.75 acres of land located at the northeast corner of Dakota and N. Clovis Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. Approval of the request will bring

the property into conformance with the Primary Land Use of Focus Area #4 of the General Plan.

BACKGROUND

- General Plan Designation: MU-V – Mixed Use Village
- Existing Zoning: C-M and R-2 Zone Districts
- Lot Size: 2.75 acres
- Current Land Use: Vacant
- Adjacent Land Uses
 - North: Recreational Facility
 - South: Single-Family Residential
 - East: Vacant
 - West: Single-Family Residential
- Previous Entitlements: Rezone R86-1 (M-2 to C-2 & C-M)
Rezone R2014-06 (M-1, M-2 & C-M to R2)
CUP2014-07 (144-Unit Multiple-Family Development)
TM6076 (Residential Condominium)

On October 20, 2014, the City Council approved Rezone R2014-06, Conditional Use Permit CUP2014-07 and Tentative Tract Map TM6076 for a 144-unit multiple-family development on approximately 20 acres.

Since the approval of the project, the applicant attempted to secure funding for the construction of the project, but had been unsuccessful. The project became financially unfeasible for the applicant and the applicant hopes that with the sale of the subject 2.75 acres, rezoning of the Project site may increase the viability of development of the remaining vacant parcel.

The site is located within a mixed use area which allows commercial and specialty office as a primary use and up to 60% residential with a density of 7 to 15 units per acre. The previous rezone and conditional use permit approval permitted multiple-family housing at 7.35 units per acre on approximately 20 acres. The loss of multiple-family land was analyzed relative to the City's Regional Housing Needs Allocation (RHNA). Because the mixed use area permits multiple-family housing within 60% of the mixed use area as a secondary use, and the mixed use area is primarily vacant, the opportunity for replacement at the same or higher density remains. Therefore, there is no impact to the City's RHNA.

PROPOSAL AND ANALYSIS

Rezone

The applicant is requesting to rezone the Project site from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. The Project area's designation of MU-V – Mixed Use Village #4 in the General Plan Land Use Diagram is consistent with the proposed rezone.

The primary land use for Focus Area #4 is Business Park, Commercial, Specialty Retail, and Office. The proposed rezone to the C-2 (Community Commercial) Zone District maintains consistency with the underlying land use designation.

Traffic

The traffic impacts associated with the proposed commercial uses (see attached Exhibit "B") have been analyzed and addressed under the Transportation and Traffic Section of the Environmental Impact Report for the General Plan.

Groundwater & Surface Water Impacts

The project lies inside of the Fresno Irrigation District boundary and therefore is eligible to utilize entitled surface water from the Kings River. The Fresno Irrigation District provided comments for the proposed rezone request, which included concerns of negative impacts to local groundwater supplies. However, the proposed rezone is consistent with the General Plan Land Use Diagram and the potential impacts to groundwater and surface water have been analyzed by the Environmental Impact Report (EIR) prepared for the General Plan Update.

Furthermore, the City Council approved the updated Water Master Plan on July 2, 2018. The Master Plan outlines proactive measures and long-term goals necessary to decrease the City's dependency on groundwater. City staff is implementing the adopted measures to reduce groundwater consumption and reliability.

Development Standards

Proposed developments within this site will follow the standards of the C-2 Zone District and the adopted Commercial Design Standards. The aforesaid design standards will address construction related issues such as setbacks, parking, landscaping, architectural elevations, and lighting.

Associated Applications

The applicant has provided a site plan (Exhibit "B") that conceptually illustrates the Project at full completion. Per the Development Code, with any future development proposal, the applicant will be required to process a Conditional Use Permit application for each of the uses identified under Exhibit "B." Proposed commercial uses include a Motel/Hotel, Convenience Store with Fuel Sales, and a Drive-Thru Use. Additionally, a Site Plan Review application will be required for the construction of the commercial center memorializing site specifics such as parking, setbacks, building elevations, circulation, and landscaping.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization 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 Wildlife.

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

Planning Commission Comments

The Planning Commission considered this Project on Thursday, January 24, 2019. The Commission approved the Project by a vote of 4-0-1.

Consistency with General Plan Goals and Policies

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

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

Policy 5.4 Transit oriented development. Encourage the provision of retail and employment opportunities in areas served by transit, recognizing the needs of the transit-dependent population.

California Environmental Quality Act (CEQA)

The Project is in substantial conformance with the environmental impact report performed for the 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, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, February 6, 2019.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed rezone is consistent with the goals and policies of the General Plan Land Use Diagram and Development Code. Planning Commission and staff therefore recommend approval of Rezone R2018-13.

The findings to consider when making a decision on a rezone application include:

1. 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, and 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)
4. The City Council finds the project in substantial conformance with the environmental analysis performed for the General Plan.

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: 246
Interested individuals notified: 10

Prepared by: George González, MPA, Associate Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and Development

**FIGURE 1
PROJECT LOCATION MAP**



**DRAFT
ORDINANCE 19-__**

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 THE NORTHEAST CORNER OF N. CLOVIS AND DAKOTA AVENUES AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE GENERAL PLAN

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Jeay Dakota, LLC., 2503 W. Lake Van Ness Cir, Fresno, CA 93711, has applied for a Rezone R2018-13; and

WHEREAS, this is a request to rezone approximately 2.75 acres from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District for property located at the northeast corner of N. Clovis and Dakota Avenues, in the City of Clovis, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on January 24, 2019, 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 R2018-13; 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 February 19, 2019, to consider Rezone R2018-13. 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 impact report for the General Plan; and

WHEREAS, the City Council held a noticed public hearing on February 19, 2019, to consider the approval of Rezone R2018-13; and

WHEREAS, on February 19, 2019, 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 R2018-13, 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 R2018-13, 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. 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)
4. The City Council does find the project in substantial conformance with the environmental analysis performed for the General Plan.

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 Classifications C-M and R-2 to Classification C-2

The property so reclassified is located at the northeast corner of N. Clovis and Dakota Avenues 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: February 19, 2019

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on February 19, 2019, 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

CLOVIS PLANNING COMMISSION MINUTES
January 24, 2019

PUBLIC HEARINGS

1. Consider approval, Res. 19-01, **R2018-13**, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential – 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC applicant.

Associate Planner George Gonzalez presented the staff report.

Chair Pro Tem Hinkle sought and received confirmation that the Planning Commission had previously approved this area for multi-use and high density residential. Associate Planner Gonzalez further explained that the subject site is currently part of the high density residential zoning, and that the intention is to separate this site from that for commercial development, with the remainder intended to retain the current zoning for future multifamily development.

Commissioner Antuna sought elaboration regarding a recommendation from the Fresno Irrigation District versus staff's finding of consistency with the General Plan. Associate Civil Engineer Sean Smith responded that this is a routine response to draw attention and make sure that certain issues were considered during project review.

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

Eric Tienken of 528 W. Athens Avenue provided a brief statement regarding the project.

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

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

There being none, the Chair closed the public portion.

Chair Pro Tem Hinkle sought and received confirmation that there will be a street connecting with the housing projects to the north.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve R2018-13. The motion was approved by a vote of 4-0-1.

CORRESPONDENCE

ATTACHMENT 3



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

September 25, 2018

LU0019670
2604

Courtney Thongsavath, Planning Volunteer
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Thongsavath:

PROJECT NUMBER: **DRC2018-55**

DRC2018-55; Proposed use includes a hotel, retail stores and gas station with convenience store.

APN: 495-220-13

ADDRESS: NEC Clovis & Dakota Avenues

Recommended Conditions of Approval for Proposed Hotel:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The applicant shall be advised that any proposal for food service, including self-serve continental breakfast type foods or the sale of commercially prepackaged food products will require that the applicant submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval, prior to issuance of building permits. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the 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 applicant propose to sell alcohol, they will be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

Promotion, preservation and protection of the community's health

1221 Fulton Street / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

- Should a public swimming pool and/or spa be proposed in the future, the applicant shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant shall also apply for and obtain a permit to operate a public swimming pool and/or spa from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.
- The proposed construction and retail project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- If the tenant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

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

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

Comments/Concerns:

Since specific tenants for the proposed plan application have not been identified, the full range of "C-2" zoning uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, solid waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval for Future Retail, Gas and Convenience Stores:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility 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 alcohol sales be proposed, then prior to sales, the applicant shall obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- 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.
- If the tenant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

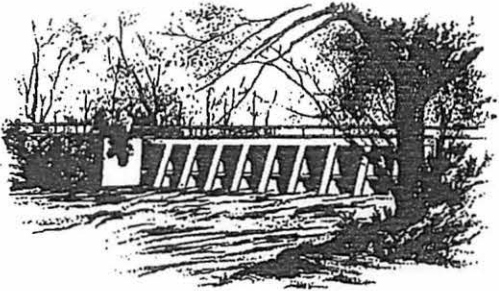
REVIEWED BY:

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

(559) 600-33271

KT

cc: Rogers, Moreno, Baruti, Salazar & Oung- Environmental Health Division (CT. 58.04)
Eric Tienken- Applicant (etienken@cdi-ca.com)



YOUR MOST VALUABLE RESOURCE - WATER
December 19, 2018



TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

George Gonzalez
Planning and Development Services
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Rezone Application No. R2018-13
N/E Clovis and Dakota avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed Rezone Application No. R2018-13 for which the applicant requests to approve a rezone of approximately 2.75 acres of land at the northeast corner of Clovis and Dakota avenues, APN: 495-220-13. FID has the following comments:

1. The subject property was previously reviewed and commented on by FID on October 2, 2018 as DRC2018-55. Those comments and conditions still apply and a copy is attached for your reference.

FID has the following additional comments:

1. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically native or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
2. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their

G:\Agencies\Clovis\Rezone\R2018-13.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
CHRISTOPHER WOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City should consider the impacts of the development on the County ability to comply with requirements of SGMA.

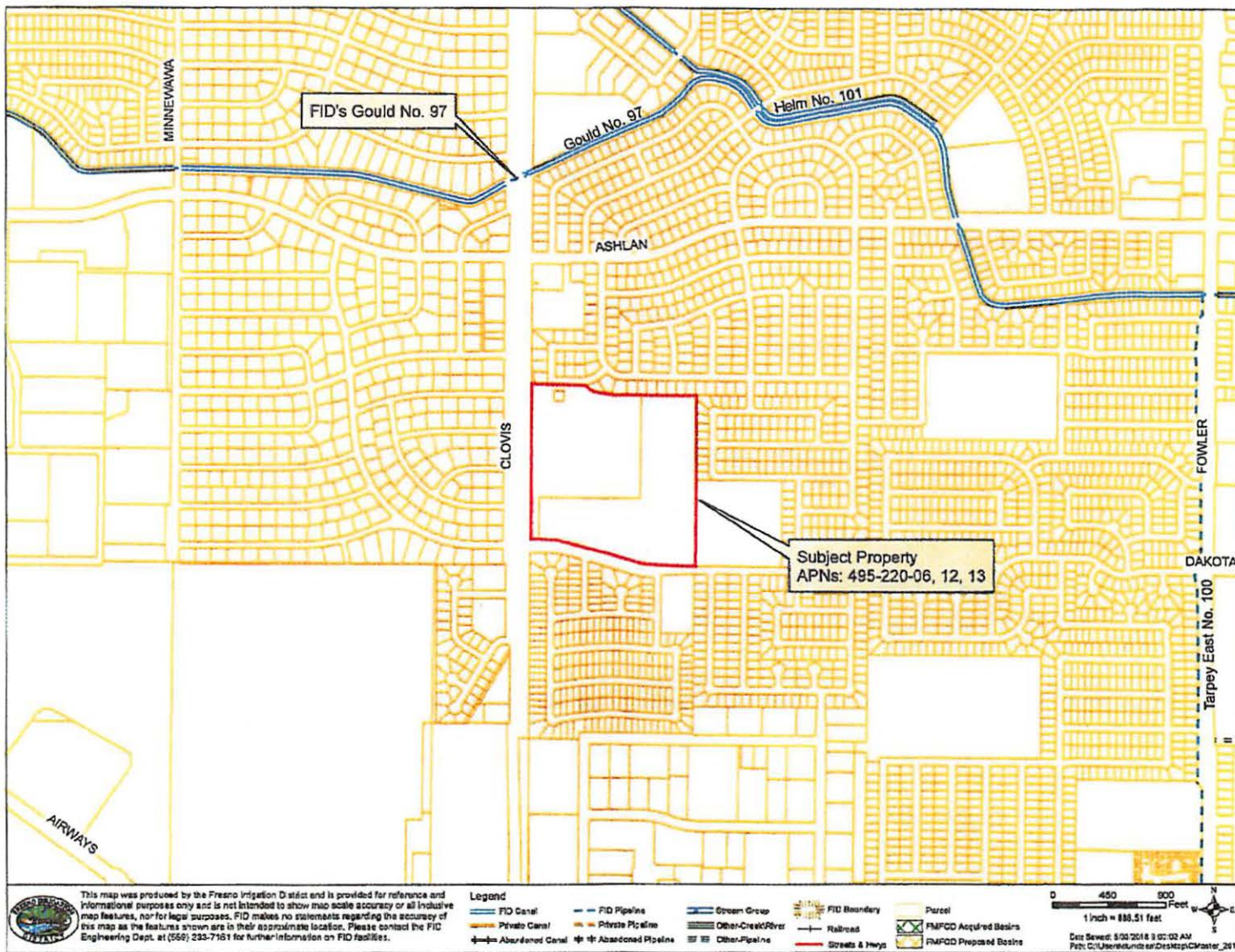
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

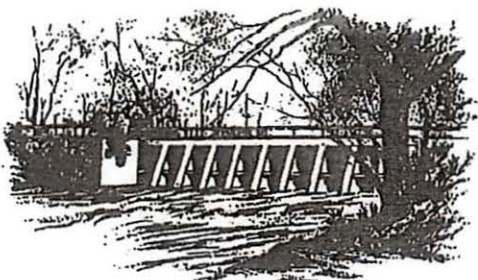
Sincerely,

A handwritten signature in blue ink, appearing to read 'Laurence Kimura', with a stylized flourish at the end.

Laurence Kimura, P.E.
Chief Engineer

Attachment





YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

October 2, 2018

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

RE: Development Review Committee Application No. 2018-55
N/E Clovis and Dakota avenues

Dear Ms. Thongsavath:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2018-55 for which the applicant proposes the construction of a Hotel, Retail space, and a gas and convenience store, APNs: 495-220-06, 12, 13. FID has the following comments:

1. FID does not own, operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Gould No. 97 Canal runs westerly and crosses Clovis Avenue approximately 1,700 feet north of the subject property, as show on the attached FID exhibit map. Should this project include any street and/or utility improvements along Clovis Avenue or in the vicinity of this canal, FID requires it review and approve all plans.

Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.434
210.435 "2018-055"

December 20, 2018

Mr. George Gonzalez, Associate Planner
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez,

Rezone Application No. R2018-13
Drainage Area "BW"

The proposed rezone lies within the District's Drainage Area "BW". Based on information submitted at this time, the District's system can accommodate the proposed rezone. The existing Master Plan system has been designed for runoff from an Office Commercial land use at this location. Should the density of the project be commensurate with a density higher than the system design, mitigation may be required.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

Robert Villalobos
Engineering Technician III

RV/lrl

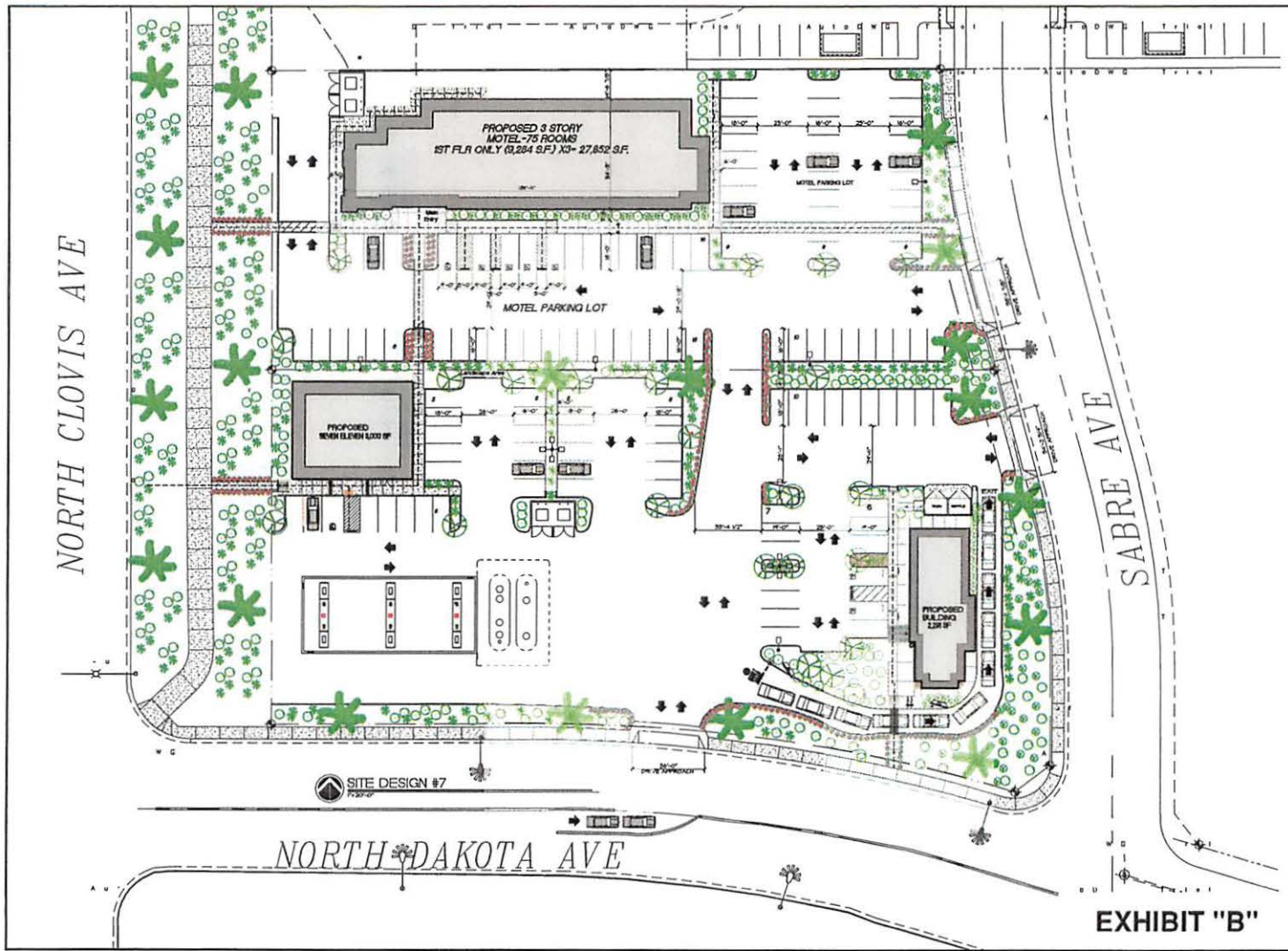
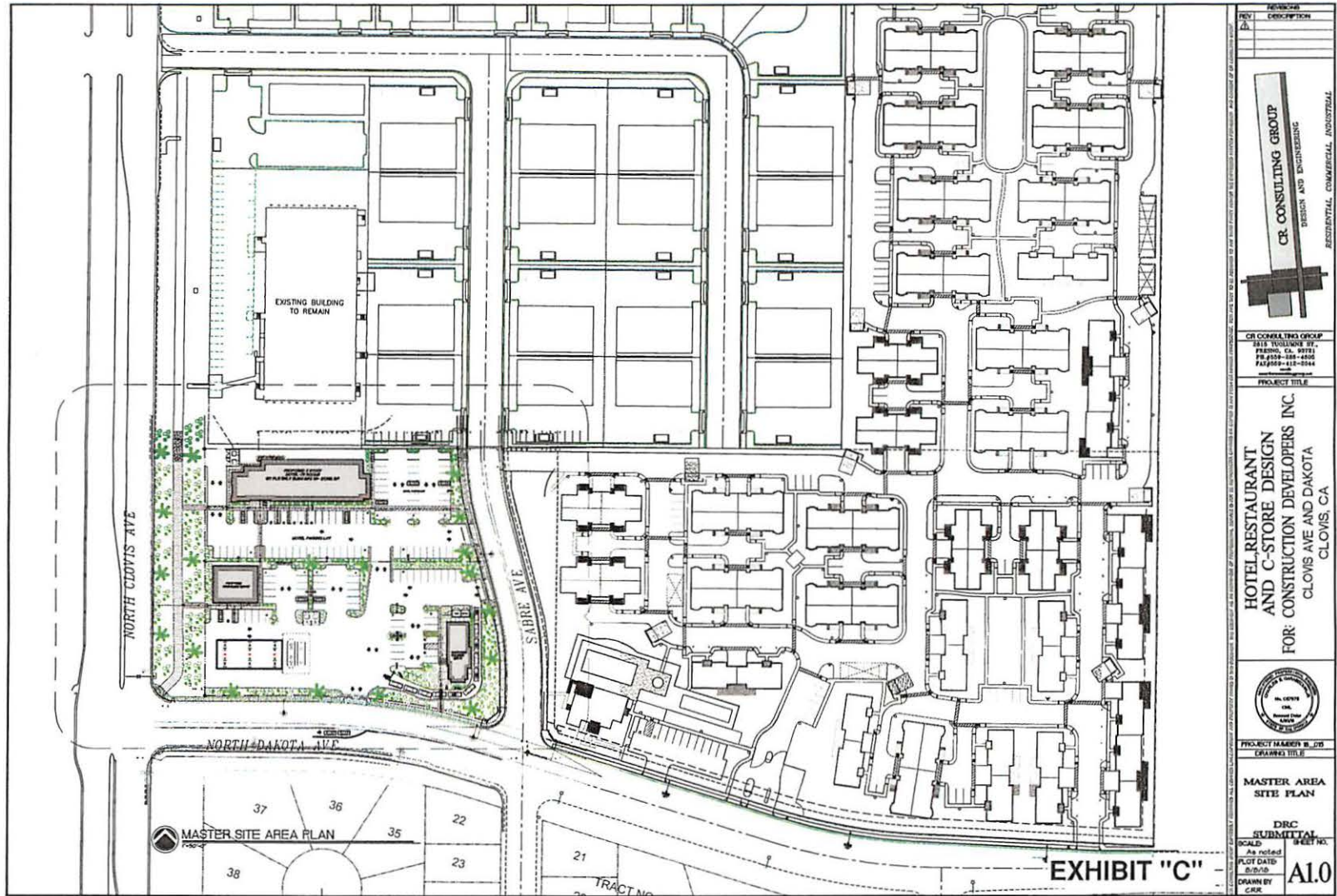


EXHIBIT "B"

CR CONSULTING GROUP DESIGN AND ENGINEERING RESIDENTIAL, COMMERCIAL, INDUSTRIAL	
OR CONSULTING GROUP 2515 HOLLAND ST. FREEMONT, CA 94601 PH 415-538-4800 FAX 415-538-0044	
PROJECT TITLE HOTEL, RESTAURANT AND C-STORE DESIGN FOR: CONSTRUCTION DEVELOPERS INC. CLOVIS AVE AND DAKOTA CLOVIS, CA	
PROJECT NUMBER: N-1015 DRAWING TITLE SITE PLAN	
DRC SUBMITTAL SCALE: As noted PLOT DATE: 6/20/06 DRAWN BY: GUR	
SHEET NO. A1.2	





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: February 19, 2019

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

1. None.

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: February 19, 2019

SUBJECT: Consider Adoption - Ord. 19-01, R2018-14, A request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan, and Consider update on the naming of "Landmark Commons". City of Clovis, owner/applicant. (Vote: 4-0-0-1 with Councilmember Flores abstaining)

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



AGENDA ITEM NO: 10

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: February 19, 2019

SUBJECT: Consider Approval-Res. 19___; Resolution of the City Council of the City of Clovis Restructuring and Establishing Management Retiree Health Savings Plans.

ATTACHMENT: (A) Res. 19-___

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Resolution 19-___ allowing for the restructuring of Retiree Health Savings Plan 803801, and the establishment of a new plan.

EXECUTIVE SUMMARY

Amendment and restructuring of the Retiree Health Savings (RHS) Plans VantageCare was approved by Council on May 14, 2018 to be compliant with Internal Revenue Service (IRS) mandates. However, subsequent to the period for Management retirees to elect to remain in the new Management Retiree RHS Plan or to unwind their participation, it was determined that the taxability of distributions from that plan may be less than previously determined, which might have impacted the Management retirees' choice to remain in the plan or to unwind their participation. Therefore, it is appropriate to provide a second opportunity to unwind the retiree plan. The attached resolution is the first step in this process

BACKGROUND

As approved by Council on May 14, 2018, the City worked with ICMA-RC to amend and restructure the Retiree Health Savings (RHS) Plans for IRS compliance. Participants within the plans were provided an opportunity to either continue in the plan or unwind their participation in the plan and cash out the funds. Between May and August, 2018, additional information came to light regarding the taxability of distributions of some of the funds. Therefore, it is appropriate to allow the eight retiree members of the restructured retiree plan #803801 another opportunity to either remain in the current plan or unwind and cash out the funds.

Each of the eight members within the retiree plan will be provided detailed information regarding their fund balance, tax compliance, and options during this second opportunity to restructure. Those who remain in the current plan, either by selection or by non-response, will continue with the plan created in August, 2018. Those who wish to cash-out their balance will be moved into another plan, with the plan ultimately unwound.

FISCAL IMPACT

The fiscal impact is undetermined at this time but appears minor, if any. Staff would be able to assess the cost associated with the revision at a later date.

REASON FOR RECOMMENDATION

New information regarding the taxability of retiree VantageCare distributions became available following Council's restructuring action in May, 2018. This second opportunity will provide the eight retirees in the plan with details regarding taxability and allow the participants another opportunity to either stay in the plan or unwind.

ACTIONS FOLLOWING APPROVAL

If approved, staff will work with ICMA-RC to create the appropriate plan revisions and amendments. Individualized written notice regarding balances for the eight retirees in the plan will be mailed and informational meetings will be held upon request.

Submitted by: Shonna Halterman, General Services Director



RESOLUTION NO. 19 - ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
RESTRUCTURING AND ESTABLISHING THE MANAGEMENT RETIREE
HEALTH SAVINGS PLAN**

WHEREAS, in 2003, the City Council of the City of Clovis in Resolution 03-60 (April 14, 2003) approved the establishment of retiree health savings ("RHS") plans for employees, to be managed by ICMA and referred to as "VantageCare"; and

WHEREAS, on May 14, 2018, the City Council of the City of Clovis in Resolution 18-64 approved amending, restructuring and establishing new RHS plans to bring all of the RHS plans into tax compliance; and

WHEREAS, as part of the amendment, restructuring and establishment of the new RHS Plans, each bargaining unit was allowed to vote to establish a new RHS plan with mandatory participation for all unit members and a partial matching contribution from the City of Clovis, but none of the bargaining units approved new plans; and

WHEREAS, as part of the amendment, restructuring and establishment of the new RHS plans, unrepresented management employees were allowed to vote as a unit to establish a new RHS plan with mandatory participation for all management employees and a partial matching contribution from the City of Clovis, but the unrepresented employees did not approve the establishment of a new RHS plan; and

WHEREAS, as part of the amendment, restructuring and establishment of the new RHS plans, participants in the current Management Plan were allowed to either continue in a new legally compliant plan or to unwind their participation in the RHS Management Plan; and

WHEREAS, subsequent to the period for Management retirees to elect to remain in the new Management Retiree RHS Plan or to unwind their participation, it was determined that the taxability of distributions from that plan may be less than previously determined, which might have impacted the Management retirees' choice to remain in the plan or to unwind their participation; and

WHEREAS, the City Council of the City of Clovis desires to give the Management retirees an additional opportunity to unwind their participation in the RHS plan based on this new information.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

1. Management Retiree Plan Participants. The City Council hereby approves and directs the following actions respecting the current RHS plan for management retirees:

(a) Approves the unwinding of participation in the existing VantageCare RHS plan for management retirees subject to the following:

- Completion of forms and agreements required by the City and ICMA.
- Payment of taxes on distributions as required by federal and State law and in accordance with forms and agreements required by the City.

(b) For any management retirees who do not elect to unwind their participation in the new Management RHS plan, retirees may continue to receive reimbursements for qualified medical expenses subject to taxation and withholding requirements.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 19th day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: _____

Mayor

City Clerk