



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.

May 6, 2019

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 Pro Tem Flores
Flag salute led by Councilmember Ashbeck

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Plaques to Austin and Jackson Lowe for Heroic Actions taken during a Medical Emergency.
2. Presentation of Proclamation to Paul Armendariz declaring May as "Water Awareness Month".
3. Presentation of Proclamation recognizing Maternal Mental Health Awareness Week.

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.

4. City Clerk – Approval – Minutes from the April 8, 2019 Council Meeting.
5. Community and Economic Development - Receive and File – Business Organization of Old Town (BOOT) Third Quarter Report, January through March 2019.
6. Community and Economic Development - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, January–March 2019.
7. Finance - Receive and File – Findings & Recommendations from Community Facilities District Citizens Committee.
8. Finance - Receive and File – Investment Report for the month of February 2019.
9. Finance - Receive and File – Treasurer's Report for the month of February 2019.
10. Planning and Development Services - Approval- Authorizing the City Manager to execute a Real Property Purchase Agreement between the City of Clovis and Person Development, L.P. for property located south of Shaw Avenue, between DeWolf Avenue and Leonard Avenue, for the Loma Vista Village Green Park.
11. Planning and Development Services - Approval – Final Acceptance for Final Map Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue (Wilson Premier Homes, Inc.).
12. Planning and Development Services - Approval – Final Acceptance for Tract 6170, located on the southwest corner of Santa Ana Avenue and Sierra Vista Parkway (BN Micro LP – Bonadelle Neighborhoods).
13. Public Safety – Approval - Res. 19-____, Amending the 2018-19 Police Department Budget to reflect the awards of the Stop Tobacco Access to Kids Enforcement (STAKE) grant program for \$139,880.00 and the State Homeland Security Grant Program for \$122,150.00.

14. Public Utilities – Approval - Waive Formal Bidding Requirements and Authorize the Purchase of a Roll-Off Truck off of the Sourcewell Purchasing Contract from E.M. Tharp, Inc., dba Golden State Peterbilt.
15. Public Utilities – Approval - Waive Formal Bidding Requirements and Authorize the Purchase of a Sewer Vacuum Truck off of the Sourcewell Purchasing Contract from Haaker Equipment Company.
16. Public Utilities – Approval - Preliminary Engineer's Report; and Approval - Res. 19-____, A Resolution Declaring the City's Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.
17. Public Utilities – Receive and File – Public Utilities Report for November 2018.
18. Public Utilities – Receive and File – Public Utilities Report for December 2018.

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.

19. Consider items associated with approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues. Mark O'Polo Enterprises, Inc., owners/ applicant; Kent P. Rodrigues, representative.
 Staff: George Gonzalez, Associate Planner
 Recommendation: Approve
 - a. Consider Approval - Res. 19-____, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25.
 - b. Consider Introduction - Ord. 19-____, R2018-11, A request to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential-(1 Unit/2,000 Sq. Ft.) Zone District.
20. Consider Actions related to Annexation of Territory (Annexation #57-T6154-North West Corner of Teague and Fowler) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
 Staff: Gina Daniels, Assistant Finance Director
 Recommendation: Approve
 - a. Consider Approval - Res. 19-____, A Resolution annexing territory (Annexation #57) (T6154-North West Corner of Teague and Fowler) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #57) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

- b. Consider Approval - Res. 19-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

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

21. None.

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

22. Consider Approval - Res. 19-____, Permanent Closure of the Clovis Avenue Frontage Road at Santa Ana Avenue, in Conjunction with the Clovis Avenue/Santa Ana Avenue Traffic Signal Modification by SPR 2017-024 (Costco).

Staff: Michael Harrison, City Engineer

Recommendation: Approve

23. Consider Approval – Rejection of all bids for CIP 16-20, Owens Mountain & Temperance Roundabout.

Staff: Michael Harrison, City Engineer

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL ITEMS

24. Consider Approval – Appointment to Personnel and Planning Commissions.

Staff: Luke Serpa, City Manager

Recommendation: Approve

25. 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.

26. Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9 (Deciding Whether to Initiate Litigation)

Two Potential Cases

ADJOURNMENT

Future Meetings and Key Issues			
May 13, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
May 20, 2019 (Mon.)	6:00 P.M.	Regular Meeting (Budget Introduction)	Council Chamber
June 3, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
June 10, 2019 (Mon.)	6:00 P.M.	Regular Meeting (Budget Hearing/Adoption)	Council Chamber
June 17, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
July 1, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
July 8, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
July 15, 2019 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Safety

DATE: May 6, 2019

Presentation of Plaques to Austin and Jackson Lowe for Heroic Actions taken during a Medical Emergency.

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

CITY of CLOVIS
Proclamation

**Recognizing May as
Water Awareness Month**

WHEREAS, the month of May is Water Awareness Month in the Golden State of California and the City of Clovis joins with the Central Valley Water Awareness Committee, composed of local urban and agricultural water communities, to work to increase understanding of water conservation; and

WHEREAS, water is California's most precious natural resource and essential for our farms, businesses, and communities and therefore we must manage its use appropriately; and

WHEREAS, California's water years can vary between extreme dry and wet years. Our water supply is unpredictable from year to year and we need to plan not only for our future, but for our children's future.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council does hereby declare the month of May 2019, as

Water Awareness Month

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 6th day of May, 2019.



Drew M. Brown
Mayor

CITY of CLOVIS
Proclamation

Recognizing Maternal Mental Health Week

Whereas, Maternal Mental Health is an issue of great concern to pregnant women, new parents, families and physicians; and

Whereas, These disorders can affect all women of childbearing age and their partners regardless of age, race, or income level; and

Whereas, The baby's wellness depends on mom's wellness; and

Whereas, Research demonstrates 1 in 5 women, who reside within Fresno County, will suffer from a mental health disorder like postpartum depression; yet, only 15 % of women seek out treatment; and

Whereas, It is critical that service providers and community support systems that interface with new parents have a greater understanding of perinatal mood and anxiety disorders; and

Whereas, To raise awareness about the importance of maternal mental health, the Maternal Wellness Coalition of Fresno County will join the rest of the nation in observance of Maternal Mental Health Awareness Week.

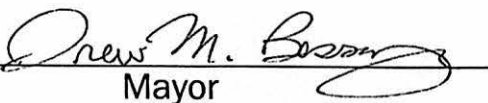
NOW, THEREFORE BE IT RESOLVED that the City of Clovis does hereby recognize

MATERNAL MENTAL HEALTH AWARENESS WEEK

in the City of Clovis and supports the efforts of Maternal Wellness Coalitional of Fresno County.

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 6th day of May, 2019.




Mayor

CLOVIS CITY COUNCIL MEETING

April 8, 2019

6:00 P.M.

Council Chamber

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

Roll Call: Present: Councilmembers Flores, Whalen, and Mayor Bessinger
Absent: Councilmembers Ashbeck and Mouanoutoua

PRESENTATION

1. NONE.

PUBLIC COMMENTS 6:02

Paul Pierce, resident, commented on Lowe's using parking spaces across the street from Restore and complained about them using it for storage.

CONSENT CALENDAR 6:05

Motion by Councilmember Whalen, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried 3-0-2 with Councilmember Ashbeck and Mouanoutoua absent.

2. City Clerk – Approved – Minutes from the April 1, 2019 Council Meeting.
3. General Services – Approved – **Res. 19-44**, Authorizing Amendments to the Planning and Development Administrative Manager Classification.
4. General Services – Approved – **Res. 19-45**, Authorizing the Execution of the Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP), and Submittal of Two (2) Projects for Fiscal Year 2018-19.
5. Planning and Development Services - Approved - Bid Award for CIP 19-02, Trail Pavement Maintenance 2019, and Authorize the City Manager to execute the contract on behalf of the City.
6. Planning and Development Services - Approved - Bid Award for CIP 19-05, ADA Ramp Project - 2019, and Authorize the City Manager to execute the contract on behalf of the City.
- 6a. Planning and Development Services - Approval – **Res. 19-46**, Adoption of a List of Projects Funded by SB 1: The Road Repair and Accountability Act.

PUBLIC HEARINGS

7. 6:06 - APPROVED - ACTIONS RELATED TO ANNEXATION OF TERRITORY (ANNEXATION #55-T6225 & T6245-NORTHEAST CORNER OF ASHLAN AND LOCAN) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES)
 - A. APPROVED - **RES. 19-47**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #55) (T6225 & T6245-NORTHEAST CORNER OF ASHLAN AND LOCAN) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO.

2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #55) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES.)

- B. APPROVED - RES. 19-48, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of territory (Annexation #55-T6225 & T6245-Northeast corner of Ashlan and Locan) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #55. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Whalen, for the Council to approve Resolution 19-47, a resolution annexing territory (Annexation #55-T6225 & T6245-Northeast corner of Ashlan and Locan) to the city of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #55) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

City Clerk John Holt reported out that he was in receipt of one ballot representing 11 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Whalen, for the Council to approve Resolution 19-48, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

CORRESPONDENCE

8. NONE.

ADMINISTRATIVE ITEMS

9. 6:12 - APPROVED – **RES. 19-49**, FINAL MAP TRACT 6245, LOCATED AT THE NORTHEAST CORNER OF ASHLAN AVENUE AND LOCAN AVENUE (WILSON PREMIER HOMES, INC.).

City Engineer Mike Harrison presented a report on a request to approve a final map Tract 6245 at the northeast corner of Ashlan Avenue and Locan Avenue. Mike Harrison indicated that this item was on the regular agenda because Annexation #55-T6225 & T6245-Northeast corner of Ashlan and Locan to the City of Clovis Community Facilities District needed to be approved prior to this being considered. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores for the Council to approve a final map Tract 6245 at the northeast corner of Ashlan Avenue and Locan Avenue. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

10. 6:13 - APPROVED – **RES. 19-50**, ANNEXATION OF PROPOSED TRACT 6245, LOCATED AT THE NORTHEAST CORNER OF ASHLAN AVENUE AND LOCAN AVENUE TO THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS. (WILSON PREMIER HOMES, INC.).

City Engineer Mike Harrison presented a report on a request to approve the annexation of proposed Tract 6245, located at the northeast corner of Ashlan Avenue and Locan Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. Mike Harrison indicated that this item was on the regular agenda because Annexation #55-T6225 & T6245-Northeast corner of Ashlan and Locan to the City of Clovis Community Facilities District needed to be approved prior to this being considered. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores for the Council to approve the annexation of proposed Tract 6245, located at the northeast corner of Ashlan Avenue and Locan Avenue to the Landscape Maintenance District No. 1 of the City of Clovis. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

11. 6:14 - ADOPTED – **ORD. 19-05**, OA2019-01, AMENDING THE CLOVIS DEVELOPMENT CODE AS A SEMI-ANNUAL CLEANUP TO ADDRESS TYPOGRAPHICAL, GRAMMATICAL, AND CONTENT ERRORS AS A RESULT OF THE 2014 DEVELOPMENT CODE UPDATE, TO MAKE THE "COTTAGE HOME PROGRAM" AVAILABLE CITYWIDE TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS WHERE ALLEY ACCESS IS PROVIDED, AND TO MAKE THE NECESSARY MODIFICATIONS TO REFLECT RECENT CHANGES TO STATE HOUSING LAW. CITY OF CLOVIS, APPLICANT. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

Mayor Bessinger indicated that this item was on the regular agenda due to it receiving less than a unanimous vote at introduction on April 1, 2019. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, second by Councilmember Flores for the Council to approve Ord. 19-05, OA2019-01, amending the Clovis Development Code as a semi-annual

cleanup to address typographical, grammatical, and content errors as a result of the 2014 development code update, to make the "Cottage Home Program" available citywide to single-family residential zoning districts where alley access is provided, and to make the necessary modifications to reflect recent changes to state housing law. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

12. 6:15 - ADOPTED – **ORD. 19-06**, AMENDING SECTIONS 2.7.06 AND 2.7.08 OF CHAPTER 2.7 AND SECTION 2.9.03 OF CHAPTER 2.9 OF TITLE 2 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE CITY PURCHASING SYSTEM AND PROCUREMENT PROCEDURES FOR PUBLIC PROJECTS. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

Mayor Bessinger indicated that this item was on the regular agenda due to it receiving less than a unanimous vote at introduction on April 1, 2019. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, second by Councilmember Flores for the Council to approve Ord. 19-06, amending Sections 2.7.06 and 2.7.08 of Chapter 2.7 and Section 2.9.03 of Chapter 2.9 of Title 2 of the Clovis Municipal Code pertaining to the city purchasing system and procurement procedures for public projects. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

13. 6:16 - APPROVED – A REQUEST FROM THE COOK LAND COMPANY AND THE CALIFORNIA 9/11 MEMORIAL FOUNDATION TO RENAME PELCO WAY TO NEVER FORGET LANE BETWEEN DAKOTA AND PONTIAC AVENUES

Community and Economic Development Director Andy Haussler presented a report on a request from the Cook Land Company and the California 9/11 Memorial Foundation to rename Pelco Way to Never Forget Lane between Dakota and Pontiac Avenues. Staff is in receipt of two letters from the Cook Land Company and the California 9/11 Memorial Foundation requesting to rename Pelco Way to Never Forget Lane between Dakota and Pontiac Avenues. Shortly after the tragic events on September 11, 2001, Mr. McDonald, the then owner and CEO of Pelco, established a significant memorial on the Pelco campus. The memorial hosts an annual event so that the events of that day and the many sacrifices made will never be forgotten. The owners of the memorial property and the one building with a Pelco Way address have requested the street name be changed from Pelco Way to Never Forget Lane. Jerry Cook, applicant, spoke in favor of the request.

Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the request to rename Pelco Way to Never Forget Lane between Dakota and Pontiac Avenues. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

CITY MANAGER COMMENTS 6:36

COUNCIL ITEMS

14. 6:37 - RECEIVED AND FILED - ANNUAL BROWN ACT REVIEW; REVIEW OF LESSER KNOWN IMPORTANT 2018 LEGISLATION

City Attorney David Wolfe provided Council an update on the Brown Act and other lesser known 2018 legislation. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. It was the consensus of Council, with Councilmembers Ashbeck and Mouanoutoua absent, to receive and file the report.

15. 6:55 - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.

City Manager Luke Serpa recommended canceling the City Council meeting of April 15, 2019. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to cancel the City Council meeting of April 15, 2019. Motion carried 3-0-2 with Councilmembers Ashbeck and Mouanoutoua absent.

16. COUNCIL COMMENTS – 6:56 p.m.

Councilmember Whalen commented and complimented staff on the Volunteer Banquet held last week and showed a photograph of plants along the trail being maintained by volunteers.

Mayor Bessinger also commented on the Volunteer Banquet and thanked staff.

CLOSED SESSION

None.

Mayor Bessinger adjourned the meeting of the Council to May 6, 2019

Meeting adjourned: 6:58 p.m.

Mayor

City Clerk



AGENDA ITEM NO: 5
City Manager: *[Signature]*

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: May 6, 2019

SUBJECT: Receive and File – Business Organization of Old Town (B.O.O.T.) Third Quarter Report, January through March 2019

ATTACHMENT: (A) Business Organization of Old Town (B.O.O.T.) Third Quarter Report, January through March 2019

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council receive and file the B.O.O.T. Third Quarter Report, January through March 2019.

EXECUTIVE SUMMARY

According to the 2018–2019 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council. The amount to be funded is \$11,250.

BACKGROUND

According to the 2018-2019 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council detailing progress of B.O.O.T.'s promotional and marketing activity. Attached as Attachment "A" is the Third Quarter Report, January through March 2019 activities. The amount to be funded is \$11,250.

FISCAL IMPACT

The amount to be funded is \$11,250, which is called out in the 2018-2019 Budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2018-2019 agreement between the City of Clovis and the Business Organization of Old Town.

ACTIONS FOLLOWING APPROVAL

Staff will process payment to B.O.O.T.

Prepared by: Shawn Miller, Business Development Manager



Submitted by: Andrew Haussler, Community & Econ Development Director





Business Organization of Old Town Quarterly Agreement/Compliance Report 3rd Quarter – January 1 through March 31, 2019

In accordance with the Agreement between City of Clovis Economic Development Department and the Business Organization of Old Town Clovis for the fiscal year 2018-2019, the following items have been accomplished to date.

Goal #1:

Maintain a viable organization with membership reflective of the diversity of Old Town Clovis.

Objective:

- To maintain current level of membership and seek new members each year.
- To unite the merchants of Old Town as a group of businesses working together for the betterment of the whole downtown district.

Strategy:

- Provide information on the website about B.O.O.T., B.O.O.T. membership, benefits of membership and application forms year round.
- Personal visits to businesses in the PBI to recruit and retain memberships.
- Contact with businesses outside the PBI to recruit and retain Associate Memberships/"Friends of B.O.O.T."
- Allow members to pay dues monthly, quarterly or semiannually.
- Create a benefits package to attract both regular and associate members.
- Design benefits that will be exclusive to B.O.O.T. membership.
- Attract Members to a co-op advertising program that runs in the 4th quarter of the year and at other times if funds are available. (The Board agreed to provide co-op advertising at 35% for Member advertising 4th quarter 2018.)
- Plan and post meeting notices for monthly B.O.O.T. membership meetings.
- Advertise frequently to promote Old Town Clovis on behalf of all merchants.
- Enhance existing programs to draw more people to Old Town.

Results:

- A membership and organization characteristic of Old Town Clovis.
- The 2019 Membership Campaign started in November 2018. Members meet at a local restaurant on the 4th Wednesday of each month 6:30 pm unless otherwise noted.
- New Members are sought throughout the year and new businesses are invited to join.
- The Board of Directors meet on the 4th Wednesday of each month at noon at the B.O.O.T. office to discuss issues pertinent to the organization, i.e. status of B.O.O.T. members, review finances and report on events.
- Board members represent our diverse merchant groups: office professional, property owners, restaurants, bars, antique, gift and specialty stores. The 2019-2020 Board of Directors is as follows. Board Elections will take place at the end of the month. Four Members are up for election:

- ◆ Cora Shipley, President (through 2020)
- ◆ Tom Frost, Vice President (through 2019)
- ◆ Karen Chisum, Secretary (through 2020)
- ◆ Sheryl Michael, Treasurer (through 2020)
- ◆ Julie Glenn, Director at Large (through 2019)
- ◆ Brian Smart, Director at Large (through 2019)
- ◆ Ronnie Silva, Director at Large (through 2020)

Goal #2:

Maintain Old Town Clovis' promotional activities

Objective:

- Successfully manage, promote, and operate events in Old Town Clovis, as well as create new events on an ongoing basis that attract visitors to Old Town Clovis.
- To provide a quality event giving people a reason to visit the downtown district.
- To showcase Old Town Clovis as a shopping and dining destination.
- To develop marketing strategies to keep Old Town competitive with malls and other shopping areas.
- To attract customers and visitors, both old and new, to the downtown district.
- To present Old Town Clovis as an attractive, appealing, friendly, and inviting business community.

Strategy:

- Develop, operate, promote, maintain and pay for events that bring people to Old Town Clovis.
- Establish and maintain events that highlight Old Town Clovis locally, nationally and internationally such as the NAPVA Pole Vault Championships that draws international attention.
- Meet all requirements set by City, State and other agencies for activities, events and attractions.
- Develop new events and activities like One Enchanted Evening, the Wine Walks and the Craft Beer Crawls to bring visitors directly into the businesses.
- Create and pay for multi-media advertising campaigns for general advertising such as generic "Shop Local in Old Town Clovis".
- Continue to evolve events so they continue to attract new people.
- Contract with entertainers that have a following and will bring new people to Old Town.
- Plan celebrations for our oldest events: 30 years for the Friday Night Farmers Market and Antiques Fair.

Results:

- Winter and early spring events included the Craft Beer Crawl and the Spring Antiques Fair. The Craft Beer Crawl was smaller than anticipated, with about 650 purchased tickets. We had excellent brewery representation, with 16 in attendance. The smaller events are very manageable and both attendees and merchants reported a great day. Riley's Brewing, Tactical Ops Brewing and Mad Duck Brewing were nominated for People's Choice Awards. We have Ace Trophy create plaques for First, Second and Third place and the breweries enjoy the bragging rights. The Spring

Antiques Fair is always a busy one and stores reported a great sales day. The Antiques Fairs have less vendors than Glorious Junk Days, but the antique stores are unwilling to drop this show in favor of having all Glorious Junk Days. This may change in the future depending on board approval, vendor participation and customer attendance.

Goal #3:

Maintain marketing strategies, including safety and appearance, and advertising techniques to position the image of Clovis through Old Town Clovis' unique character.

Objective:

- Create a broad awareness of Old Town Clovis.
- Establish Old Town Clovis as an immediate, intermediate and end destination.
- Retain the established customer base.
- Reach out to Central California so that more people become aware of what Clovis offers.
- Work with City Officials to maintain a safe, crime free area where people feel safe and like bringing their families to Old Town.

Strategy:

- Archer & Hound has been hired to handle all marketing for B.O.O.T.
- Secure multi-media advertising campaigns to promote Old Town Clovis along with event generated promotions.
- Submit calendar of events to community and online calendars.
- Use Twitter, Instagram, Pinterest, Snap Chat and Facebook to promote Old Town Clovis in general, merchant businesses and specific events.
- Secure interview segments on radio and television.
- Contribute to the cost of the Clovis Appliance/General Electric ABC/30 Skycam at 5th and Pollasky when B.O.O.T. has sufficient funds (co-op advertising).
- Advertise antique events in focused publications that are regional and national in scope for our four annual antique events. Advertise in classified ad section of regional papers as well as Craigslist to further reach surrounding areas.
- Utilize cable television advertising for antiques events.
- Print and distribute more than 20,000 event-specific postcards, as well as over 30,000 Calendar of Events cards. Merchants and B.O.O.T. staff go to out-of-the-area antique events to solicit dealers to come to Old Town antique shows. Merchants also distribute these very popular cards to customers.
- Ongoing outreach to businesses to locate to Old Town Clovis.
- Work with City of Clovis Police and Fire Department to create a safe atmosphere in Old Town.
- Work with City of Clovis department heads to create a clean, well maintained streetscape in Old Town.

Results:

- B.O.O.T. contracts all advertising, media outreach and social media promotions through Archer & Hound Advertising Agency. While there were no events in January and February, Archer & Hound worked on promoting Old Town in general and featured several of our merchants and restaurants during these months.

- B.O.O.T. has reached over 40k followers on social media across all platforms. In January Old Town Clovis on Instagram reached over 10k followers. The advantage of this is through Instagram stories, people can now swipe up for more information, special offers, be directed to our website, purchase tickets etc. This is a great advantage in promoting Old Town.
- March 10th was the first event in the calendar year--Craft Beer Crawl. The event was promoted via social media, and radio ads (104.1). March 31st was the Antique Fair, which was promoted in the Clovis Round Up and Fresno Bee classified ads, and Craig's List, as well as social media ads.
- The Clovis Appliance/General Electric skycam with ABC/30 Action News reaches approximately 700k people every week and approximately 450k monthly unique visitors online at ABC/30.com. Old Town Clovis is mentioned a minimum of 3 to 4 times per day on the news program during weather reports and if we have anything special going on in Old Town, i.e. Farmers Market, the camera will show the activity. B.O.O.T. contributes co-op advertising dollars when available.

Goal #4:

Provide information on activities to the Tourism Advisory Committee.

Objective:

- Communicate information to sources essential for tourism opportunities, capturing disposable money from customers who have an option to spend it elsewhere.

Strategy:

- Participate as an active member of the Tourism Advisory Committee.
- Supply the Clovis Visitors Center with information regarding events, activities and leads for tour groups.
- Notify merchants of names and dates of tour groups by email so businesses are prepared to show Old Town Clovis' hospitality.
- Provide information to merchants of Old Town regarding activities conducted in and around Old Town through the B.O.O.T. E-Blast. Archer & Hound prepares several newsletters around our events and it is emailed to those who sign up for the electronic newsletter on B.O.O.T.'s website. It is mailed to all known businesses addresses within the PBIA once a year inviting business and property owners to the Annual Meeting.
- Communicate information to merchants on activities at the monthly B.O.O.T. membership meetings and through E-Blasts. Post events for all organizations in Clovis on B.O.O.T. Website and insure that if someone searches for an event, B.O.O.T.'s website is in the top results.
- Provide event information for visitclovis.com.
- Actively promote Old Town Clovis and Member Businesses on Facebook, Twitter, Instagram, Pinterest and B.O.O.T.'s website.

Results:

- Ensured Old Town Clovis is recognized as a tourism destination.
- Showcased Old Town as a friendly and inviting place to visit throughout the year.
- Visitors Center has current event information.

Goal #5:

Obtain and maintain Workers Compensation, State Disability, and Directors and Officers Policy as well as any other insurance coverage as required by law.

Objective:

- Qualify for Workers Compensation, State Disability coverage, General Liability and any and all required insurances.

Strategy:

- To meet all requirements of renewal; indemnify, hold harmless and defend the City of Clovis, Community and Economic Development Department, its officers, agents or employees.
- Submit for renewal Directors and Officers Insurance Policy through Philadelphia Insurance.
- Complete and submit for renewal the State Fund Compensation Insurance Fund policy information update to Valley Regional Insurance Services, Agent Ron Petersen.
- Submit for approval General Liability Insurance through Charity First an "A" rated Insurance company through Agent Ron Petersen, Valley Regional.

Results:

- Obtained General Liability Policy coverage period April 21, 2018 to April 21, 2019.
- State Fund Compensation Policy renewed for period April 1 2018 to April 1, 2019.
- Directors and Officers Policy will renew for period August 4, 2018 to August 4, 2019.
- Certificates of Insurance with Endorsements provided to the City of Clovis.

Goal #6:

Annual compliance audit

Objective:

- To successfully complete a compliance audit conducted by an independent auditor.

Strategy:

- Efficiently maintain and preserve all records needed to demonstrate full compliance.

Results:

- The annual compliance audit took place in November 2018. The audit was conducted by Steve Cauthen, Classic Professional Services. The agreement between the City of Clovis, Economic Development Department and the Business Organization of Old Town for July 1, 2018 through June 30, 2019 was reviewed. The compliance letter is submitted annually.

Financial Status:

- See Balance Sheet Attached.

SUMMARY:

Old Town Clovis plays a significant role in creating a favorable image for the City of Clovis. Growth within Old Town Clovis is one of the more important priorities to ensure the future and well-being of Clovis' Redevelopment Project Area. In order to continue the economic vitality of

the central trading district, considerable time and effort has been invested in an effort to encourage new businesses to locate and expand in Old Town Clovis.

UPDATES TO THE PBIA:

- The Business Organization of Old Town represents many business and property owners and operators, within the central business district, who will be affected directly or indirectly by future business promotion efforts and seeks to strengthen the promotion of Old Town Clovis, thereby assuring its continued influence on economic growth in both Old Town Clovis and the City as a whole.
- Centennial Plaza continues to be a hub of activity.

There are always changes taking place in Old Town Clovis. The following details most of these changes:

- **New Businesses within the PBIA**
 - Bear Creek Gifts building still stands empty as does the 621 4th Street space that has been vacant for over two years.
 - The Quilters Paradise building is still empty and no progress has been made in its redesign.
 - Just My Essentials opened their bath product shop at 421 Pollasky Avenue.
 - The Local has opened their new restaurant at 401 Clovis Avenue.
 - Avon has closed their business and Bauble & Thread has moved into that location at 429 Clovis Avenue. Avon has sublet a portion of Ivy & Lace, as has Jazzy Snaps, another business that was located in the Avon store.
 - The Gastro Grill Restaurant at 760 Pollasky Avenue has rebranded their restaurant and is now known as The Craft House.
 - Robin's Nest closed their location at 453 Pollasky Avenue, Suite 105 at the end of February. It's All About Me has taken over the location and will be opening another retail shop, name to be announced.
 - Beauty & Belly also closed their shop at 618 Fourth Street at the end of February and DA Dance has taken over that space to expand their production capability.

2:30 PM

03/25/19

Cash Basis

Business Organization of Old Town
Profit & Loss
 January 1 through March 25, 2019

	Jan 1 - Mar 25, 19
Income	
Event Income	40,866.69
FM Annual Membership	5,197.63
Fm Art Hop Fees	470.00
Fm Weekly Income	2,132.68
HD Fees	843.34
Interest Income	0.61
Membership	4,900.00
Merchandise Sales	75.00
Sponsorships	36,000.00
Total Income	90,485.95
Expense	
A&H Advertising	6,920.00
Accounting	660.00
Business License & Taxes	1,379.00
Credit Card Fees	166.09
Donations	1,000.00
Dues & Subscriptions	434.00
Entertainment	1,567.09
Equipment Rentals	990.29
General Advertising	482.27
Glasses	1,581.00
Insurance	254.98
Labor	383.00
Line of Credit	3,108.29
Meetings	2,080.00
Office Supplies	2,038.32
Payroll Expenses	31,083.13
Payroll Taxes	180.54
Postage	221.87
Printing	2,240.75
Rent	3,000.00
Supplies	1,229.28
Telephone	1,049.67
Total Expense	62,049.57
Net Income	28,436.38



AGENDA ITEM NO: 6
City Manager: MA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Community and Economic Development
DATE: May 6, 2019
SUBJECT: Receive and File – Economic Development Corporation Serving Fresno County
Quarterly Report, January – March 2019

ATTACHMENTS: EDC Third Quarter Report, January – March 2019

CONFLICT OF INTEREST

None

RECOMMENDATION

That the City of Clovis receive and file the Quarterly Report January – March 2019 (Third quarter 2018-19 contract), from the Economic Development Corporation Serving Fresno County.

EXECUTIVE SUMMARY

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

BACKGROUND

In summer of 2018 the City of Clovis and the EDC entered into a contract for the 2018-19 fiscal year to provide regional marketing and business services to Clovis businesses. The contract provides for \$40,000 in baseline funding and incentivizes the EDC with payment for site tours conducted in Clovis for a business looking to relocate into the region. This allows Clovis to be part of a regional effort in attracting commercial and industrial businesses to Clovis. Attached is a report detailing the progress of their activities to provide information to

industrial/commercial representatives not currently located in Clovis for recruiting purposes, and continue to assist existing Clovis businesses with informational and/or technical assistance to access statewide business support programs.

Highlights of the EDC quarterly report include:

- Two qualified business attraction leads were achieved during the quarter.
- The EDC attended 3 trade shows.
- Summary of 2018-19 results are below:

Type	Required	Q3	FY18-19	Completion
New Business Leads	40	2	14	35%
Site Tours	4	-	2	50%
Trade Shows	5	1	3	60%
Broker Events	2	-	1	50%

FISCAL IMPACT

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

Prepared by: Andy Haussler, Community and Economic Development Director

Submitted by: Andy Haussler, Community and Economic Development Director





Growing the California Dream

City of Clovis

Quarterly Activity Report

Quarter 3

Fiscal Year 2018-2019

January 1, 2019 – March 31, 2019

Lee Ann Eager	President/CEO
Paul Thorn	Controller
Andrea Reyes	VP of Business Development
Will Oliver	Director of Business Services
Jenna Lukens	Contracts Manager
Tracy Tosta	Economic Development Coordinator
Clay Gilpin	High Speed Rail Coordinator
Josh Howell	Data Administrator
Lavell Tyler	Economic Development Specialist
Curtis Williamson	Economic Development Specialist
Amanda Bosland	Retail Business Development Specialist
Nicholas Vincent	Research Analyst
Juan Carranza	Economic Development Analyst
Mandip Johal	Workforce Coordinator
Miguel Herrera	Retention Specialist
Courtney Ramirez	Business Attraction Specialist

City of Clovis Quarterly Activity Report

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

Division Mission

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

Fresno County EDC Services

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

The EDC agrees to the following services:

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

Q3 Snapshot

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

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

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

	Q3 2018 -2019
Businesses Contacted	17
Business Referrals	7

Type	Required	Q3	FY18-19	Completion
New Business Leads	40	2	14	35%
Site Tours	4	-	2	50%
Trade Shows	5	1	3	60%
Broker Events	2	-	1	50%

Clients and Businesses Contacted

Accounting America	Gilbert K. Moran, M.D. F.A.C.O.G. INC.
Agriculture & Priority Pollutants Laboratories, Inc. (APPL Labs)	Horizon Solar Power
Alltech Automotive	Kuppa Joy - Clovis
Ambitious Concepts dba Best Party Rentals	Mi-Rancho Tortilla
Anlin Industries	Old Town Waffles
Butler Construction & Renovation Inc.	Outdoor Environment - Underground Boring Systems, Inc.
CALBEC Group	The Garage Do-It-Yourself Auto Repair, LLC.
Circle Automotive	Westech Systems
Clovis Country Junction	

City of Clovis Economic Snapshot

Quarter 3, FY 18-19

Industrial, Office, and Retail Vacancy

This quarter in the City of Clovis, the industrial vacancy rate increased from 0.1% to 0.2%, the office vacancy rate decreased from 7.3% to 5.8%, and the retail vacancy rate decreased from 8.1% to 7.4%.

Q2 FY18-19	Industrial	Office	Retail
Fresno County	4.0%	6.9%	5.7%
City of Clovis	0.2%	5.8%	7.4%

Source: CoStar.com

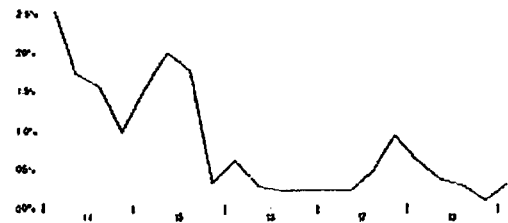
February 2019 Unemployment Rates

The unemployment rate in the Fresno County was 8.9 percent in February 2019, unchanged from a revised 8.9 percent in January 2019, and below the year-ago estimate of 9.1 percent. This compares with an unadjusted unemployment rate of 4.4 percent for California and 4.1 percent for the nation during the same period.

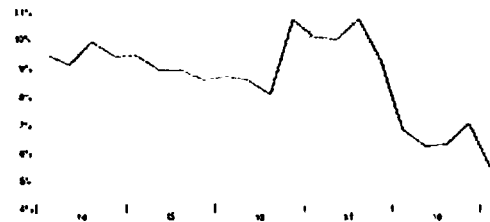
Area	Labor Force	Unemployment Rate
Fresno County	462,200	8.9%
City of Clovis	54,200	3.8%

Source: State of California Employment Development Department

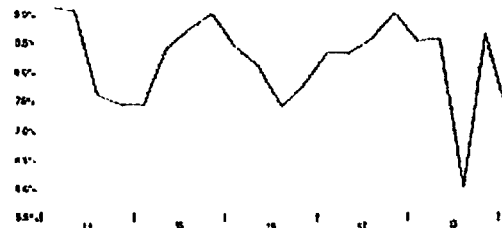
Vacancy Rate – Industrial



Vacancy Rate – Office



Vacancy Rate – Retail



Business Expansion and Attraction Leads

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

Client Number	Source	Industry	Site Requirement	Cities/Regions Participated
190218R1	Direct	Limited-Service Restaurants	2AC	Clovis, Fresno, Kerman, Kingsburg
181218A1	Direct	Hotels and Motels	TBD	Clovis, Fresno

Direct	Client Contacted EDC Directly
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EDC – City of Clovis Support for Pharmaceutical Company (180824A1)

In August 2018, the EDC made contact with a pre-clinical pharmaceutical company (180824A1) specializing in the development of improved inhaled general anesthetics. Based in Northern California, the company expressed interest in the City of Clovis and Fresno County due to the synergy surrounding the healthcare cluster, development of California Health Sciences University, clinical opportunities through the area's healthcare network, access to an international airport, and overall quality of life. In February, the EDC worked with Community and Economic Development Director Andy Haussler to host company executives in meeting with Mayor Bob Whalen and key civic and medical stakeholders from around the area. Company executives were very encouraged by the day's discussions and are holding subsequent meetings in evaluating Fresno County as a potential headquarters. The EDC will continue to work closely with City of Clovis staff to provide support as the company carries out its decision making process.

3PL Provider Interest in Fresno County

In 2018, staff made contact with the FedEx's Supply Chain Solutions staff in Memphis, Tennessee to submit properties for consideration for FedEx clients looking for a location with a logistical advantage for future facilities. FedEx offers supply chain consultation services to their clients when looking for ways to improve their supply chain performance, which includes recommending communities for warehouse and distribution centers or potential third party logistics providers (3PL). Since last year, the Fresno County EDC has responded to multiple inquiries from FedEx's Supply Chain Solutions staff resulting in four referrals of local 3PL providers to two national retailers who are growing their e-commerce space. EDC staff values maintaining long-term relationships with brokers, site selectors and consultants as many of our leads are generated directly from our partners.

Marketing

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

TRADE SHOWS, BROKER EVENTS, AND MISSIONS

CCVEDC NorCal SIOR Networking Event

San Jose

Date: January 23

Contacts: 25

CCVEDC Bay Area Broker Mission

Date: January 21-23

Contacts: 15

ICSC Northern California Kick-Off

Berkeley

Date: January 10

Contacts: 23

WestPack 2019
 Anaheim
 Date: February 5-7
 Contacts: 15

World Ag Expo
 Tulare

Date: February 12 – 14
 Contacts: 12

ICSC Southern California Idea Exchange
 Anaheim
 Date: February 28
 Contacts: 18

ICSC Monterey Conference & Deal Making
 Date: March 7-8, 2019
 Contacts: 25

Partnership with Department of Social Services

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

New Employment Opportunities (NEO) 2018-2019*	Actual	Contract Goal
Participating Businesses	97	150
Job Placements	157	200
Job Postings	259	500
Job Fairs	6	4
Employer Training	3	4

*Contract Start Date October 1, 2018

Customized Workforce Trainings

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

Valley Apprenticeship Connections

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

Aug 2016 – Current Cohorts 1 – 8 Status	
Completed	87
Entered Employment	66
Placement Rate	76%
Cohort #9 began 1/28	

Truck Driving

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

Feb 2015 – Current Cohort 1 – 30 Status	
Obtained CDL	198
CDL – Left County	-15
Entered employment	154
Placement Rate	84%
Cohort #29 began 1/30 and Cohort #30 began 3/4	

High-Speed Rail

Since the program inception in 2013, the EDC has assisted **241** property owners throughout the City of Fresno. During this quarter our Business Support Specialists assisted **13** businesses and property owners, making contact **54** times.

	Info	Service-related
Local Government	6	9
HSR coordination	6	7
Other	5	8
State Incentives	3	3
Site Selection	1	5
Utilities	1	5
Professional Services	1	2

Client Status

Closed	34
Active/Existing	32
Pending Relocation	8
Reconfiguring	35
Relocated	132
Total	241

Open Requests for Property

Client#	Industry	Space Needed	Ownership	Preferred Relocation
351	Logistics	3,000 - 5,000 sf	Lease	South Fresno Ind. Mrkt.
349	Garments and Laundry	1-15,000 sf office/warehouse	Lease	City of Fresno

Highlights

Bay Area Mission and SIOR Kick Off Event

Director of Business Services Will Oliver attended a Bay Area Broker Mission with the Central Valley Economic Development Corporation (CCVEDC). The purpose of the CCVEDC is to market the Central Valley with a unified voice and one single point of contact. The delegation met with commercial and industrial brokers in Oakland, Walnut Creek and San Francisco to promote the Central Valley's competitive strengths, available speculative building space, workforce, and the inclusion of nearly 150 Opportunity Zones. The Mission provided valuable feedback from the area's leading brokers, which have experienced a near zero vacancy of industrial property, further driving their site search east to neighboring communities. Most importantly, brokers unanimously raised concerns with the inability to identify labor to meet their client's requirements, and cited that the neighboring counties of San Joaquin and Stanislaus are experiencing increases in labor costs comparable to the Bay Area, thus presenting greater opportunity for communities like Fresno.

DBS Oliver also attended the SIOR NorCal Networking Dinner and panel discussion. Prologis Western Manager provided market highlights and indicated that they see e-commerce, both as part of their portfolio, and nationally, as just scratching the surface in terms of its growth potential. Over 80% of their build-to-suit portfolio is centered on e-commerce space. Most importantly, in the event of an economic decline, they don't see e-commerce slowing down as there is a fairly stable demand. Discussions ensued about OZ's, experimentation of vertical warehouse building projects in Seattle and New York, and the greatest threats facing California, such as cost of living, labor availability and taxes. All of the panelists agreed that split role property taxation is inevitable and that buyers/tenants will ultimately absorb higher costs. Prologis, for example, is already anticipating such changes in their financing models.

CALED 39th Annual Training Conference

Economic Development Coordinator Tracy Tosta and Data Analyst Josh Howell attended the 39th annual training conference. Sessions included a range of topics aimed at educating new and seasoned economic development industry professionals. Keynote speaker Chris Thornburg of Beacon Economics kicked off the event with an overview of California's current position in the economic cycle and highlighted the need to focus on elements of a late cycle economic expansion which include investment in infrastructure and workforce training. Sessions included a variety of topics that intersect with economic development such as homelessness, outdoor recreation, downtown revitalization, public investment projects, Opportunity

Zones, workforce development, and many more. As a member of CALED the Fresno County EDC has access to a network of other agencies for educational purposes in order to stay abreast of challenges and opportunities within community and economic development.

ICSC Monterey Conference & Deal Making

ICSC Monterey Conference and Deal Making was a region-focused event attended by over 1,200 retail industry stakeholders looking to make deals in California. The two-day event included a "Retailer's Runway" session, an exhibit/networking hall, and expert-led sessions. EDC Retail Specialist, Amanda Bosland met with retailers and developers to discuss retail market and development opportunities. Three companies have requested the EDC's assistance with planned/ongoing store development. EDC Retail Specialist Bosland was pleased to join community development staff from the cities of Clovis and Sanger. City of Sanger Community Development Director attended two meetings with EDC Retail Specialist, and City of Clovis Community Development Director attended one meeting with EDC Retail Specialist. EDC Retail Specialist Bosland also highlighted the City of Clovis in discussions with two quick service restaurants (QSRs) with plans to enter the Fresno-metro market in the next 12-24 months. Retail Specialist Bosland will follow up with the QSRs and provide key updates as their expansion plans progress.

World Ag Expo

Economic Development Analyst Juan Carranza and Business Attractions Specialist Courtney Ramirez coordinated the EDC's participation in the 2019 World Ag Expo. Working closely with the Centers for International Trade Development and the U.S. Commercial Service, staff contacted FDI companies directly to arrange meetings on-site at the Expo. The team met with companies from Australia, Canada, China, Greece, India, Israel, Italy, Japan, and Mexico, among others.

ATTACHMENT 1

FY 18-19 Overview of Work Product	Deliverables	FY 2018 – 2019 Target Outcomes	Status as of Q3
<p>Economic Development Corporation Serving Fresno County</p> <p>Contract: \$40,000</p> <p>Performance Base: \$10,000 (\$2,500 per site tour)</p> <p>Staff: President & CEO Lee Ann Eager</p> <p>Chief Operating Officer Sera Larsen</p> <p>Director of Business Services Will Oliver</p> <p>Client Services Manager Jose Mora</p>	<p>Retention: Targeted businesses will be contacted by a variety of methods to educate Clovis businesses on local, regional and statewide incentive programs</p> <ul style="list-style-type: none"> Conduct Analysis to determine top 50 companies in Clovis that should be focused on for retention and expansion. <p>New Business Recruitment: Provide information and tours to industrial and commercial representatives not currently located in Clovis for the purpose of recruiting new businesses and industries to the City of Clovis. Assist the City of Clovis in marketing identified industrial parks or industrial areas to new clients.</p> <ul style="list-style-type: none"> Coordinate site tours for the purpose of business attraction and expansion. Create and update marketing materials. Coordinate commercial and industrial broker events for the city of Clovis. Conduct analysis to determine expansion industries and companies to target for expansion. Attend trade shows/missions and market Clovis. 	Top 50 target business analysis for expansion completed	Top 50 Analysis completed in Q3 in FY17-18. Updates and adjustments ongoing in FY18-19.
		Respond all City of Clovis Business inquires and connect them to appropriate resources	17 clients and businesses contacted and 7 referrals made during Q3.
		4 Site Tours	1/4 – Other site tours to be completed in Q4.
		2 Broker Events	1 of 2 completed – second to be completed in Q4.
		40 new business leads	14/40 – two business leads provided in Q3.
		5 Trade shows/missions attended	3/5 tradeshow/missions attended.
		Economic Profile Demographic Information Business Park Brochures	<p>Economic profile to be updated in Q4.</p> <p>Business park brochures completed. Incentive brochure created and distributed to Clovis businesses in cooperation with City staff.</p>



AGENDA ITEM NO: 7

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 6, 2019

SUBJECT: Receive and File – Findings & Recommendations from Community Facilities District Citizens Committee

ATTACHMENTS: Report from CFD Citizens Committee

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council receive and file the report presented by the Community Facilities Citizens Oversight Committee following a review of the public safety department budgets and findings relating to the use of the tax proceeds of the CFD for police and fire service.

EXECUTIVE SUMMARY

In March 2004, the Council approved the formation of Community Services District 2004-1, which provides funding for public safety operations in new growth areas generally located north of Herndon and east of Locan Avenues. The Council also established an independent citizens oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee recently met with the Police Chief, Fire Chief, Finance Director, and Assistant Finance Director reviewing the budgets of the Police and Fire Departments, validating allocation methods of CFD costs, and providing findings, if any, related to the use of CFD tax proceeds.

BACKGROUND

As part of the formation of the Community Services District 2004-01, the Council established an independent citizens oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee consists

of five members for a term of four (4) years. The committee includes one member of the real estate community, one member of the Building Industry Association, and three members who are landowners of residential properties within the Community Facilities District. The committee will review the expenditures of the tax proceeds and determine that such expenditures are in accordance with the purpose and intent of the Community Facilities District Resolution of Intention approved by the City Council and to report those findings to the City Council. Committee members are Laura Corey – Real Estate Community Representative; Mike Prandini – Building Industry Association Representative; Dennise Rivera – Property Owner; David Martin Connolly – Property Owner; and Jonathan B. Holt – Property Owner. Jonathan B. Holt is the spokesperson for the committee.

The Purpose and Intent of the Community Facilities District 2004-01 as established by the City Council is:

Police and Fire Services (the "Services") of the City of Clovis required to sustain the service delivery capability for emergency and non-emergency services to new growth area of the City of Clovis, including related facilities, equipment, vehicles, fire apparatus, services, supplies and personnel; provided however that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of apportionment of the Special Taxes to fund such Services.

The committee recently met with the Police Chief, Fire Chief, Finance Director, and Assistant Finance Director reviewing the actual 2017/18 expenditures and the 2018/19 budgets of the Police and Fire Departments, to validate allocation methods of CFD costs, and provide findings related to the use of CFD tax proceeds. While there were no findings, the committee determined the following:

1. Actual and budgeted expenditures are appropriate and services provided to the Community Facilities District 2004-01 are within the intent of the formation of the district.
2. Revenue and allocation of costs attributable to the Community Facilities District 2004-01 are appropriate.

In conclusion, the committee verified the expenditures are in accordance with the purpose and intent of the enabling legislation found at Government Code Section 53311 and the Resolution of Intention approved by the Clovis City Council.

The committee would also like to express to Council that they, the committee representing the property owners and interested parties, feel the purpose of the Community Facilities District 2004-01 is being fulfilled and recommend that the District and associated tax assessment be continued as currently established.

FISCAL IMPACT

This report provides the findings and recommendations of the Community Facilities District 2004-01 Oversight Committee. The Committee is recommending that the District and associated tax assessments be continued as currently established to meet the funding requirements needed to sustain service levels in the new growth areas.

REASON FOR RECOMMENDATION

The fiscal report is for information only and no action is required.

ACTIONS FOLLOWING APPROVAL

Copies of the report will be made available to any member of the public who requests a copy of the report. The Committee will communicate on an annual basis or as needed to fulfill the role of the committee. Future communications may take place electronically from the committee.

Prepared by: Gina Daniels, Assistant Finance Director

Submitted by: Jay Schengel, Finance Director 



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

April 24, 2019

Dear Mayor and Members of the City Council

On behalf of the Community Facilities District 2004-01 Citizens Oversight Committee I would like to present our findings and recommendations following our review of revenues and expenditures associated with the Community Facilities District in Clovis.

Our purpose as we understood it was to review the expenditures of the tax proceeds of the Community Facilities District and to make sure such expenditures were in accordance with the purpose and intent of the enabling legislation and the Resolution of Intention approved by the Clovis City Council; and to report our findings to the City Council.

Our committee recently met with the Police Chief, Fire Chief, Finance Director, and Assistant Finance Director, reviewing the budgets of the Police and Fire Departments, validating allocation methods of CFD costs, and providing findings related to the use of CFD tax proceeds. Below are those findings:

1. Actual and budget expenditures are appropriate and services provided to the Community Facilities District 2004-01 are within the intent of the formation of the District.
2. Revenue and allocation of costs attributable to the Community Facilities District 2004-01 are appropriate.

In conclusion, the committee verified the expenditures are in accordance with the purpose and intent of the enabling legislation found at Government Code Section 53311 and the Resolution of Intention approved by the Clovis City council.

The committee would also like to express to Council that we, the committee representing the property owners and interested parties, feel the Community Facilities District 2004-01 purpose is being fulfilled and recommend the District and associated tax assessment be continued as currently established.

Sincerely,

Jonathan B. Holt
Spokesperson
Clovis Community Facilities District Oversight Committee



AGENDA ITEM NO: 8

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 6, 2019

SUBJECT: Receive and File - Investment Report for the Month of February 2019

Exhibits: (A) Distribution of Investments
(B) Monthly Investment Transactions
(C) Certificates of Deposit
(D) Graph of February 28, 2019 Treasury Rates

Attached is the Investment Report for the month of February 2019. Shown in Exhibit A is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Exhibit B reflects the monthly investment transactions for the month of February 2019. Exhibit C lists the certificates of deposit. Exhibit D is a graph of Treasury rates on February 28, 2019.

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

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.
4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return may be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 2.08%. The rate of return for the City of Clovis portfolio is 2.07%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 99% of the Treasury bill rate.

In accordance with the Investment Policy, the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of February 2019 the average investment life of the City's investment portfolio is 0.93 years.

Current Investment Environment and Philosophy

During the month of February 2019, the federal funds rate remained at 2.25%-2.50%.

On February 28, 2019, the Treasury yield curve remains relatively flat, with only a slight increase from 5-year to 10-year notes.

Certificates of Deposit (CD's)

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

Purchases and Maturities

- 1 government security totaling \$2,500,000.00 was purchased.
- 1 government security totaling \$2,500,000.00 was called or matured.
- 3 certificates of deposit totaling \$740,000 were purchased.
- 3 certificates of deposit totaling \$735,000 were called or matured.

Market Environment

- During February, the federal funds rate remained at 2.25%-2.5%.
- On February 28, the yield curve remains relatively flat, with only a slight increase from 5-year to 10-year notes. See Exhibit D, Graph of Treasury Rates on February 28, 2019.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Submitted by: Jay Schengel, Finance Director



Exhibit A

City of Clovis
Distribution of Investments
As of February 28, 2019

	COST	NET BOOK VALUE	MARKET VALUE *	YIELD TO MATURITY	STATED INTEREST RATE	INVEST DATE	MATURITY DATE	DAYS TO MATURITY FROM 2/28/2019
GOV'T SECURITIES								
FHLB	3,000,000	3,000,000	2,994,660	1.250%	1.250%	04/29/16	04/29/19	60
FFCB	3,007,560	3,007,560	2,991,150	1.300%	1.300%	06/09/16	06/06/19	98
FNMA	3,006,150	3,006,150	2,987,730	1.250%	1.250%	07/13/16	06/28/19	120
FNMA	3,002,400	3,002,400	2,983,260	1.125%	1.125%	07/26/16	07/26/19	148
FHLMCMTN	2,997,000	2,997,000	2,982,600	1.500%	1.500%	10/12/17	09/27/19	211
FHLB	2,498,750	2,498,750	2,483,925	1.625%	1.625%	11/16/17	10/30/19	244
FNMA	3,000,000	3,000,000	2,973,000	1.250%	1.250%	11/16/16	11/15/19	260
FHLMCMTN	3,000,000	3,000,000	2,972,220	1.300%	1.300%	11/28/16	11/27/19	272
FFCB	2,502,117	2,502,117	2,497,800	2.750%	2.750%	06/05/18	12/05/19	280
FFCB	994,500	994,500	988,950	1.400%	1.400%	03/30/17	02/24/20	361
FHLB	1,008,597	1,008,597	993,140	1.875%	1.875%	03/22/17	03/13/20	379
FNAMTN	3,006,210	3,006,210	2,970,570	1.700%	1.700%	05/02/17	04/27/20	424
FNAMTN	3,007,770	3,007,770	2,973,480	1.800%	1.800%	05/02/17	04/27/20	424
FFCB	1,990,555	1,990,555	1,970,940	1.320%	1.320%	08/31/17	05/07/20	434
FHLMCMTN	2,498,750	2,498,750	2,470,300	1.550%	1.550%	05/25/17	05/22/20	449
FFCB	2,500,000	2,500,000	2,472,375	1.670%	1.670%	06/01/17	06/01/20	459
FHLB	5,000,000	5,000,000	4,934,700	1.625%	1.625%	06/26/17	06/26/20	484
FAMCMTN	2,500,000	2,500,000	2,467,200	1.650%	1.650%	07/27/17	06/29/20	487
FHLB	2,500,000	2,500,000	2,469,625	1.640%	1.640%	07/27/17	06/29/20	487
FFCB	5,000,000	5,000,000	4,936,900	1.625%	1.625%	07/06/17	07/06/20	494
FHLB	2,455,547	2,455,547	2,467,525	2.750%	2.750%	06/01/18	08/28/20	547
FHLB	2,465,678	2,465,678	2,468,850	1.950%	1.950%	01/18/18	08/28/20	547
FHLB	2,500,000	2,500,000	2,463,400	1.800%	1.800%	03/16/18	09/18/20	568
FNAMTN	2,500,000	2,500,000	2,465,775	1.600%	1.600%	09/18/17	10/13/20	593
FNMA	2,442,365	2,442,365	2,455,000	2.100%	2.100%	12/22/17	10/28/20	608
FHLB	2,488,750	2,488,750	2,470,575	1.850%	1.850%	11/16/17	11/25/20	636
FFCB	3,000,000	3,000,000	2,974,710	1.500%	1.500%	03/01/18	12/22/20	663
FHLB	2,486,055	2,486,055	2,487,000	2.300%	2.300%	03/01/18	01/26/21	698
FHLMCMTN	2,497,500	2,497,500	2,483,400	2.150%	2.150%	01/26/18	01/26/21	698
FHLMCMTN	2,477,875	2,477,875	2,491,625	2.375%	2.375%	08/02/18	02/16/21	719
FHLMCMTN	2,258,140	2,258,140	2,267,225	2.750%	2.750%	06/01/18	03/29/21	760
FAMCMTN	2,502,236	2,502,236	2,498,100	2.750%	2.750%	06/28/18	04/19/21	781
FNAMTN	2,500,000	2,500,000	2,498,750	2.750%	2.750%	04/30/18	04/30/21	792
FFCB	2,452,750	2,452,750	2,469,600	2.020%	2.020%	12/13/18	05/17/21	809
FHLB	2,568,983	2,568,983	2,557,350	3.625%	3.625%	06/28/18	06/11/21	834
FHLB	2,418,750	2,418,750	2,449,425	2.820%	2.820%	08/02/18	06/14/21	837
FHLMCMTN	2,471,750	2,471,750	2,471,000	1.500%	1.500%	02/22/19	06/30/21	853
FFCB	2,500,000	2,500,000	2,498,625	2.770%	2.770%	01/24/19	07/22/21	875
FAMCMTN	3,000,000	3,000,000	3,006,300	2.750%	2.750%	09/06/18	08/17/21	901
FFCB	1,998,520	1,998,520	2,005,980	2.700%	2.700%	09/06/18	08/27/21	911
FFCB	2,490,878	2,490,878	2,516,875	2.850%	2.850%	10/05/18	09/20/21	935
FHLB	2,664,336	2,664,336	2,661,543	3.150%	3.150%	11/15/18	10/29/21	974
FFCB	2,500,200	2,500,200	2,515,675	2.780%	2.780%	12/17/18	12/17/21	1,023
FFCB	2,498,750	2,498,750	2,499,625	2.800%	2.800%	01/24/19	01/24/22	1,061
SECURITIES TOTAL	\$ 116,159,420	\$ 116,159,420	\$115,658,458					
LAIF		\$ 65,000,000	\$ 65,000,000					
MONEY MARKET (Rabo)		\$ -	\$ -					
Sweep Account (Union Bank)		\$ 17,362,894	\$ 17,362,894					
TOTAL CD'S		\$ 12,650,000	\$ 12,611,455					
TOTAL INVESTMENTS		\$ 211,172,314	\$ 210,632,807					

* Market values for securities obtained from US Bank.

City of Clovis
Monthly Investment Transactions
As of February 28, 2019

Exhibit B

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
FHLMCMTN	Gov Security	Purchase	2,500,000	2,471,000	1.500%	02/22/19	06/30/21
Goldman Sachs Bank	CD	Purchase	245,000	250,403	2.800%	02/20/19	02/22/22
Keesler Federal Credit Union	CD	Purchase	250,000	250,390	3.050%	02/28/19	08/30/21
Tiaa FSB Jacksonville	CD	Purchase	245,000	250,380	2.850%	02/22/19	02/22/22
FHLMCMTN	Gov Security	Maturity	2,500,000	2,500,000	2.850%	02/28/19	05/28/21
First Savings Bank	CD	Maturity	245,000	245,000	1.250%	02/19/19	02/19/19
First Western Bank	CD	Maturity	245,000	245,000	1.150%	02/26/19	02/26/19
Katahdin Trust Co.	CD	Maturity	245,000	245,000	1.200%	02/26/19	02/26/19

PORTFOLIO DATA

Current Month (02/19)

	Book	Market
CD'S	\$ 12,650,000	\$ 12,611,455
Gov't Securities*	116,159,420	115,658,458
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	17,362,894	17,362,894
TOTAL	\$ 211,172,314	\$210,632,807

One Month Previous (01/19)

	Book	Market
CD'S	\$ 12,645,000	\$12,587,840
Gov't Securities*	116,183,295	115,697,730
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	16,623,684	16,623,684
TOTAL	\$ 210,451,979	\$ 209,909,254

Three Months Previous (11/18)

	Book	Market
CD'S	\$ 11,890,000	\$11,769,242
Gov't Securities*	109,250,075	108,095,382
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	5,044,345	5,044,345
TOTAL	\$ 191,184,420	\$ 189,908,970

Six Months Previous (08/18)

	Book	Market
CD'S	\$ 12,254,000	\$ 12,148,717
Gov't Securities*	96,600,716	95,461,050
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	12,021,661	12,021,661
TOTAL	\$ 185,876,377	\$ 184,631,428

One Year Previous (02/18)

	Book	Market
CD'S	\$ 12,644,000	\$ 12,545,011
Gov't Securities*	72,521,451	71,443,540
LAIF	64,929,256	64,929,256
Sweep Account (Union Bank)	22,079,995	22,079,995
TOTAL	\$ 172,174,702	\$ 170,997,802

*Adjusted Quarterly for Premium/Discount Amortization

Exhibit C

City of Clovis
Certificates of Deposit
As of February 28, 2019

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 02/28/19	INTEREST FREQUENCY
Bryn Mawr Tr	245,000	244,855.45	1.200%	03/30/16	03/29/19	29	MONTHLY
Cbc Fed Crdit Union	250,000	249,775.00	1.600%	10/20/17	04/22/19	53	MONTHLY
Private Bank	245,000	244,475.70	1.100%	05/20/16	05/20/19	81	SEMI-ANNUALLY
Horizon Bank	245,000	244,367.90	1.100%	05/25/16	05/24/19	85	MONTHLY
Quantum National	245,000	244,140.05	1.150%	06/22/16	06/21/19	113	QUARTERLY
Discovery Bank	245,000	244,066.55	1.200%	07/01/16	07/01/19	123	SEMI-ANNUALLY
Northern Bank Trust	245,000	243,978.35	1.100%	07/12/16	07/12/19	134	QUARTERLY
Morgan Stanly Bank	250,000	249,267.50	1.700%	09/30/17	08/12/19	165	SEMI-ANNUALLY
Wex Bank	245,000	243,593.70	1.200%	08/12/16	08/12/19	165	SEMI-ANNUALLY
Fnb Of Mcgregor	245,000	243,571.65	1.100%	08/18/16	08/19/19	172	MONTHLY
Hamni Bank	250,000	249,790.00	2.100%	09/09/18	09/09/19	193	SEMI-ANNUALLY
Ally Bank	245,000	243,307.05	1.300%	09/15/16	09/16/19	200	MONTHLY
Atlantic	245,000	243,182.10	1.200%	09/30/16	09/30/19	214	MONTHLY
First Technology Fed Cr Un Mtn	250,000	249,095.00	1.800%	10/16/17	10/16/19	230	MONTHLY
Morton Community Bank	245,000	243,211.50	1.500%	12/15/16	12/16/19	291	SEMI-ANNUALLY
Sallie Mae	245,000	243,498.15	1.750%	01/11/17	01/13/20	319	SEMI-ANNUALLY
Stearns Bank	245,000	242,946.90	1.600%	02/10/17	02/10/20	347	MONTHLY
Crescent Bank	245,000	242,799.90	1.550%	02/15/17	02/14/20	351	MONTHLY
Pyramax Bank	245,000	242,885.65	1.600%	02/17/17	02/18/20	355	MONTHLY
American Express	245,000	243,275.20	1.900%	04/17/17	04/06/20	403	MONTHLY
First Bank	245,000	242,415.25	1.600%	04/17/17	04/20/20	417	MONTHLY
Ion Bank	245,000	242,412.80	1.600%	04/17/17	04/20/20	417	MONTHLY
Communitywide	250,000	248,112.50	1.950%	12/01/17	06/01/20	459	MONTHLY
Nthwt Dist Ch8	250,000	247,232.50	1.700%	06/16/17	06/16/20	474	MONTHLY
Tbk Bank Ssb	250,000	247,502.50	1.800%	06/23/17	06/23/20	481	MONTHLY
Amer Natl	250,000	247,027.50	1.700%	07/12/17	07/13/20	501	MONTHLY
Mb Financial Bank	250,000	247,172.50	1.800%	08/10/17	08/10/20	529	MONTHLY
East Boston Svgs Bk Boston Ma	250,000	246,822.50	1.800%	09/28/17	09/28/20	578	MONTHLY
Medallion Bk Salt Lake City Utah	250,000	247,015.00	1.850%	09/29/17	09/29/20	579	MONTHLY
Illinois Cmnty	250,000	247,205.00	2.000%	11/28/17	11/30/20	641	MONTHLY
First Bank	250,000	248,162.50	2.300%	02/06/18	02/08/21	711	MONTHLY
Merchants Manufacturers	250,000	248,125.00	2.300%	02/16/18	02/16/21	719	MONTHLY
Merrick Bank	250,000	249,242.50	2.550%	03/09/18	03/09/21	740	MONTHLY
Towne Bank	250,000	249,870.00	2.700%	04/27/18	04/27/21	789	MONTHLY
Citibank	250,000	250,882.50	2.900%	05/22/18	05/24/21	816	MONTHLY
University Of Iowa Cmnty Fcu	250,000	250,887.50	2.900%	05/24/18	05/28/21	820	MONTHLY
B Bay Lic	250,000	251,410.00	3.000%	06/15/18	06/15/21	838	MONTHLY
Connectone Bk Englewood Cliffs	250,000	251,420.00	3.000%	06/15/18	06/15/21	838	MONTHLY
Bar Harbor Bank Trust	250,000	251,410.00	3.000%	06/29/18	06/29/21	852	MONTHLY
Spiritbank Na	250,000	250,192.50	3.000%	07/13/18	07/13/21	866	MONTHLY
Keesler Fed Cr Un	250,000	251,657.50	3.050%	02/20/19	08/30/21	914	QUARTERLY
Peoples Security Bank	250,000	250,160.00	3.050%	08/31/18	08/31/21	915	MONTHLY
Welch State Bank	250,000	250,120.00	2.950%	08/31/18	08/31/21	915	MONTHLY
Ubs Bank Usa	250,000	252,562.50	3.200%	11/07/18	11/08/21	984	MONTHLY
Mountain America Fd Credit	250,000	252,560.00	3.200%	11/15/18	11/15/21	991	MONTHLY
Wells Fargo	250,000	251,155.00	3.000%	01/18/19	01/18/22	1,055	MONTHLY
Jp Morgan Chase	250,000	251,152.50	3.000%	01/18/19	01/18/22	1,055	SEMI-ANNUALLY
Security First	250,000	251,147.50	3.000%	01/25/19	01/25/22	1,062	QUARTERLY
Bmo Harris Bank	250,000	250,650.00	3.000%	01/25/19	01/28/22	1,065	QUARTERLY
Goldman Sachs Bk USA Ny	245,000	244,669.25	2.800%	02/20/19	02/22/22	1,090	QUARTERLY
Tiaa FSB Jacksonville Fla	245,000	245,017.15	2.850%	02/28/19	02/22/22	1,090	QUARTERLY
Negotiable CD TOTAL	\$ 12,650,000	\$ 12,611,455					
CD TOTAL	\$ 12,650,000	\$ 12,611,455					

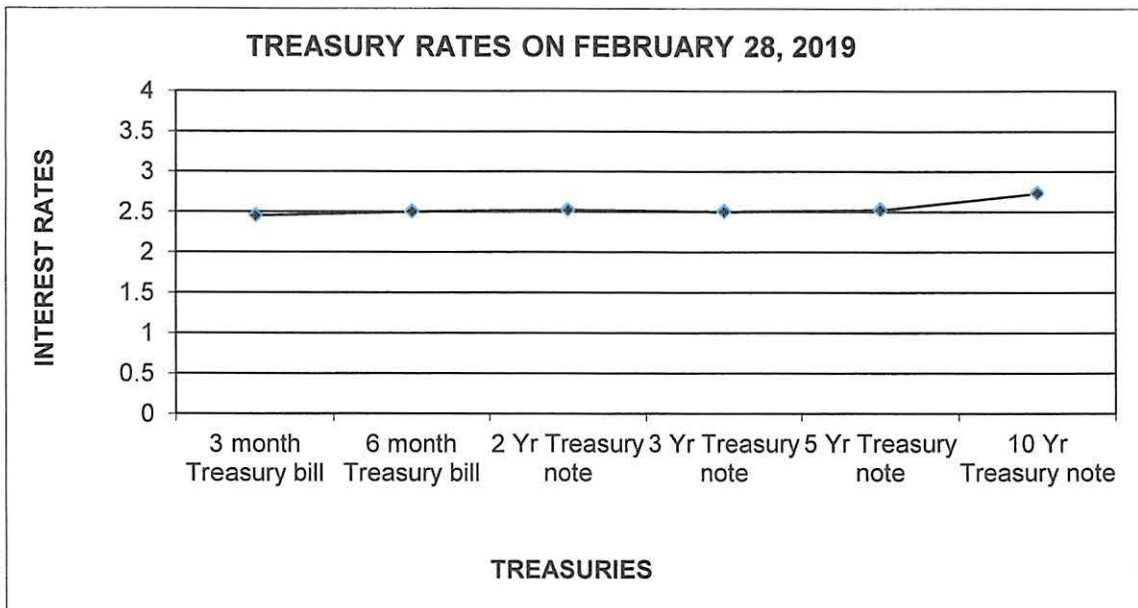
Exhibit C

**CITY OF CLOVIS
FINANCE DEPARTMENT
FEBRUARY 28, 2019 TREASURY RATES**

Exhibit D

Treasury Rates as of February 28, 2019

3 month Treasury bill	2.45
6 month Treasury bill	2.50
2 Yr Treasury note	2.52
3 Yr Treasury note	2.50
5 Yr Treasury note	2.52
10 Yr Treasury note	2.73



As indicated in the above graph, treasuries remain relatively flat, with only a slight increase from 5-year to 10-year notes



AGENDA ITEM NO: 9

City Manager: [Signature]

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 6, 2019

SUBJECT: Receive and File - Treasurer's Report for the Month of February 2019

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

Attached for the Council's information is the Treasurer's Report for the month ended February 28, 2019.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. The first page of the report provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. The second page of the report summarizes the investment activity for the month and distribution, by type of investment, held by the City. The third page lists all investments with original maturities exceeding one year as of the month ended February 28, 2019.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Submitted by: Jay Schengel, Finance Director [Signature]

City of Clovis
Statement of Cash Balances
As of February 28, 2019

Previous Balance	\$ 5,951,834.54
Deposits	21,677,744.73
Disbursements	<u>(23,959,001.93)</u>
Current Balance	<u>\$ 3,670,577.34</u>

FUNDS	BALANCE
100 General Fund	\$ 7,031,745.46
201 Local Transportation	14,628,750.62
202 Parking and Business Improvements	153,627.18
203 Off Highway Use	67,974.67
205 Senior Citizen Memorial Trust	51,180.21
207 Landscape Assessment District	4,181,244.99
208 Blackhorse III (95-1) Assessment District	128,404.32
301 Park & Recreation Acquisition	7,919,396.03
305 Refuse Equipment Reserve	1,144,039.16
310 Special Street Deposit Fund	24,064,221.00
313 Successor Agency	(194,986.91)
314 Housing Successor Agency	1,898,709.06
402 1976 Fire Bond Redemption	25,475.23
404 1976 Sewer Bond Redemption Fund	391,866.51
501 Community Sanitation Fund	15,623,060.24
502 Sewer Service Fund	28,280,926.92
504 Sewer Capital Projects-Users	1,238,476.76
506 Sewer Capital Projects-Developer	950,117.85
507 Water Service Fund	47,228,774.00
508 Water Capital Projects-Users	4,440,340.20
509 Water Capital Projects-Developer	8,199,451.79
515 Transit Fund	2,271,970.00
540 Planning & Development Services	11,744,127.08
601 Property & Liability Insurance	1,355,836.06
602 Fleet Maintenance	9,937,037.34
603 Employee Benefit Fund	5,728,697.71
604 General Government Services	13,434,256.51
701 Curb & Gutter Fund	154,890.19
702 Sewer Revolving Fund	118,200.22
703 Payroll Tax & Withholding Fund	2,628,464.27
712 Temperance/Barstow Assmt Dist (98-1)	73,167.96
713 Shepherd/Temperance Assmt Dist (2000-1)	5,567.36
715 Supp Law Enforcement Serv	158,024.41
716 Asset Forfeiture	23,278.89
720 Measure A-Public Safety Facility Tax	123,367.68
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	(369,348.94)
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	<u>\$ 214,842,891.41</u>
999 Invested Funds	<u>(211,172,314.07)</u>
TOTAL	<u><u>\$ 3,670,577.34</u></u>

City of Clovis
Summary of Investment Activity
For the month of February 28, 2019

Balance of Investments Previous Month End		\$ 210,451,978.46
Time Certificates of Deposit Transactions		
Investments	740,000.00	
Withdrawals	<u>(735,000.00)</u>	
Total CD Changes		5,000.00
Other Changes		
Government Securities	(23,875.00)	
US Treasury Notes	0.00	
Local Agency Investment Fund	0.00	
Money Market	0.00	
Sweep Account	<u>739,210.61</u>	
Total Other Changes		715,335.61
Balance of Investments Current Month End		\$ 211,172,314.07

City of Clovis
Distribution of Investments
As of February 28, 2019

Insured CD's	12,650,000.00
Government Securities	116,159,419.77
US Treasury Notes	0.00
Local Agency Investment Fund	65,000,000.00
Money Market	0.00
Sweep Account	<u>17,362,894.30</u>
Investment Total	\$ 211,172,314.07

City of Clovis
Original Maturities Exceeding One Year
As of February 28, 2019

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
FHLB/3130A7R72	3,000,000.00	3,000,000.00	4/29/2019	1.250%
FFCB/3133EGCZ6	3,000,000.00	3,007,560.00	6/6/2019	1.300%
FNMA/3135G0K93	3,000,000.00	3,006,150.00	6/28/2019	1.250%
FNMA/3135G0M91	3,000,000.00	3,002,400.00	7/26/2019	1.125%
FHLMCMTN/3134GB30	3,000,000.00	2,997,000.00	9/27/2019	1.500%
FHLB/3130ACLX0	2,500,000.00	2,498,750.00	10/30/2019	1.625%
FNMA/3135G0R62	3,000,000.00	3,000,000.00	11/15/2019	1.250%
FHLMCMTN/3134GAWD2	3,000,000.00	3,000,000.00	11/27/2019	1.300%
FFCB/3133EJRD3	2,500,000.00	2,502,117.00	12/5/2019	2.390%
FFCB/3133EFZT7	1,000,000.00	994,500.00	2/24/2020	1.400%
FHLB/313378J77	1,000,000.00	1,008,596.72	3/13/2020	1.875%
FNMA/3136G4NJ8	3,000,000.00	3,006,210.00	4/27/2020	1.700%
FNMA/3136G4NK5	3,000,000.00	3,007,770.00	4/27/2020	1.800%
FFCB/3133EGD69	2,000,000.00	1,990,555.00	5/7/2020	1.320%
FHLMC/3134GBQZ8	2,500,000.00	2,498,750.00	5/22/2020	1.550%
FFCB/3133EHKR3	2,500,000.00	2,500,000.00	6/1/2020	1.670%
FHLB/3130ABNQ5	5,000,000.00	5,000,000.00	6/26/2020	1.625%
FAMCMTN/3132X0UC3	2,500,000.00	2,500,000.00	6/29/2020	1.650%
FHLB/3130ABNM4	2,500,000.00	2,500,000.00	6/29/2020	1.640%
FFCB/3133EHQJ5	5,000,000.00	5,000,000.00	7/6/2020	1.625%
FHLB/3130ACBY9	2,500,000.00	2,455,546.50	8/28/2020	1.680%
FHLB/3130ABZN9	2,500,000.00	2,465,677.50	8/28/2020	1.800%
FHLB/3130ACD92	2,500,000.00	2,500,000.00	9/18/2020	1.600%
FNMA/3136G4QB2	2,500,000.00	2,500,000.00	10/13/2020	1.850%
FNMA/3135G0Q97	2,500,000.00	2,442,365.00	10/28/2020	1.500%
FHLB/3130ACTL8	2,500,000.00	2,488,750.00	11/25/2020	1.950%
FFCB/3133EH4B6	3,000,000.00	3,000,000.00	12/22/2020	2.100%
FHLB/3130ADG30	2,500,000.00	2,486,055.00	1/26/2021	2.300%
FHLMC/3134GSBK0	2,500,000.00	2,497,500.00	1/26/2021	2.150%
FHLMCMTN/3137EAEL9	2,500,000.00	2,477,875.00	2/16/2021	2.375%
FHLMCMTN/3134GBTG7	2,300,000.00	2,258,140.00	3/29/2021	1.875%
FAMCMTN/3132X0T84	2,500,000.00	2,502,236.25	4/19/2021	2.650%
FNMA/3136G4SH7	2,500,000.00	2,500,000.00	4/30/2021	2.750%
FFCB/3133EHJP9	2,500,000.00	2,452,750.00	5/17/2021	2.000%
FHLB/313373ZY1	2,500,000.00	2,568,982.50	6/11/2021	3.625%
FHLB/3130A8EN9	2,500,000.00	2,418,750.00	6/14/2021	1.640%
FHLMCMTN/3134G9UL9	2,500,000.00	2,471,750.00	6/30/2021	1.500%
FFCB/3133EJ5Y1	2,500,000.00	2,500,000.00	7/22/2021	2.770%
FAMCMTN/3132X05D9	3,000,000.00	3,000,000.00	8/17/2021	2.750%
FFCB/3133EJYF0	2,000,000.00	1,998,520.00	8/27/2021	2.700%
FFCB/3133EJZU6	2,500,000.00	2,490,877.50	9/20/2021	2.850%
FHLB/3130AF4E4	2,660,000.00	2,664,335.80	10/29/2021	3.150%
FFCB/3133EJ3B3	2,500,000.00	2,500,200.00	12/17/2021	2.800%
FFCB/3133EJ5Q8	2,500,000.00	2,498,750.00	1/24/2022	2.800%



AGENDA ITEM NO: 10
City Manager: AM

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 6, 2019

SUBJECT: Approval- Authorizing the City Manager to execute a Real Property Purchase Agreement between the City of Clovis and Person Development, L.P. for property located south of Shaw Avenue, between DeWolf Avenue and Leonard Avenue, for the Loma Vista Village Green Park.

ATTACHMENTS: (A) Location and Vicinity Map
(B) Land Use Exhibit
(C) Land Purchase Exhibit
(D) Purchase Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Authorizing the execution of a real property purchase agreement for property located south of Shaw Avenue, between DeWolf Avenue and Leonard Avenue to be the site of the Loma Vista Village Green.
2. Authorize the City Manager to execute any other necessary documents to facilitate the acquisition.

EXECUTIVE SUMMARY

Approval of this request would allow the City Manager to execute an agreement to purchase 5.76 acres of property located south of Shaw Avenue, between DeWolf and Leonard Avenues in the future Loma Vista Community Center South. This property would be utilized for the development of the Loma Vista Village Green. The acquisition includes the area for the west half of the park and adjacent streets. The east half of the park and

adjacent streets are being dedicated by Wilson Homes as a condition of development. The acquisition is budgeted in the City of Clovis 2018-19 budget.

BACKGROUND

City staff is in the process of acquiring land for the future Loma Vista Village Green. The park will be located south of Shaw Avenue between DeWolf Avenue and Leonard Avenue and will be approximately 7.6 acres. The current acquisition is 5.76 acres, which includes the west half of the park and surrounding area for street improvements. The east half of the park and adjacent streets will be dedicated by Wilson Homes (See Attachments "A" through "C").

Staff negotiated a purchase price with the property owner based on an appraisal prepared by Zengel and Associates. The appraisal determined that this type of property was valued at \$300,000 per acre. The total land value for the 5.76 acres is \$1,728,000.00. The appraisal also identified severance damages (fencing and drainage) in the amount of \$36,220.00. The total contract amount is \$1,764,220.00. Execution of the proposed agreement (Attachment "D") will allow the City to open an escrow and complete the purchase transaction.

FISCAL IMPACT

The total estimated cost to acquire the property is \$1,764,220.00. Funds have been budgeted in the City's 2018-19 budget and will be funded through Community Investment Project Park Funds.


REASON FOR RECOMMENDATION

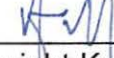
Acquisition of the property would secure the site of the Loma Vista Village Green and allow the design phase to move forward.

ACTIONS FOLLOWING APPROVAL

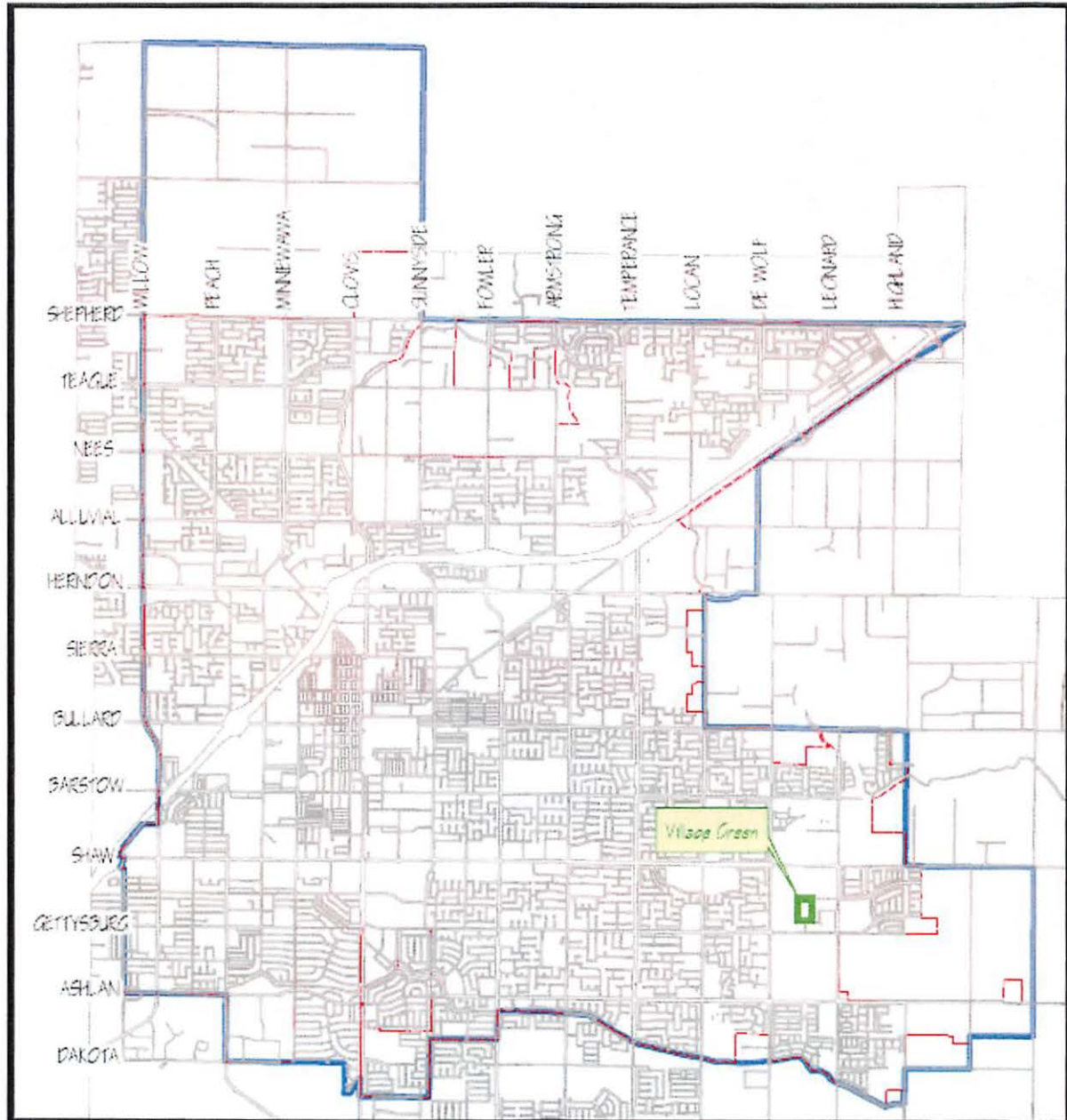
1. Staff will facilitate the execution of the agreement and closure of escrow.
2. Staff will continue to work towards the development of Loma Vista Village Green.

Prepared by: Ryan C. Burnett, AICP, Engineering Program Supervisor

Submitted by: 
Michael Harrison
City Engineer

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

VICINITY MAP
Loma Vista Village Green

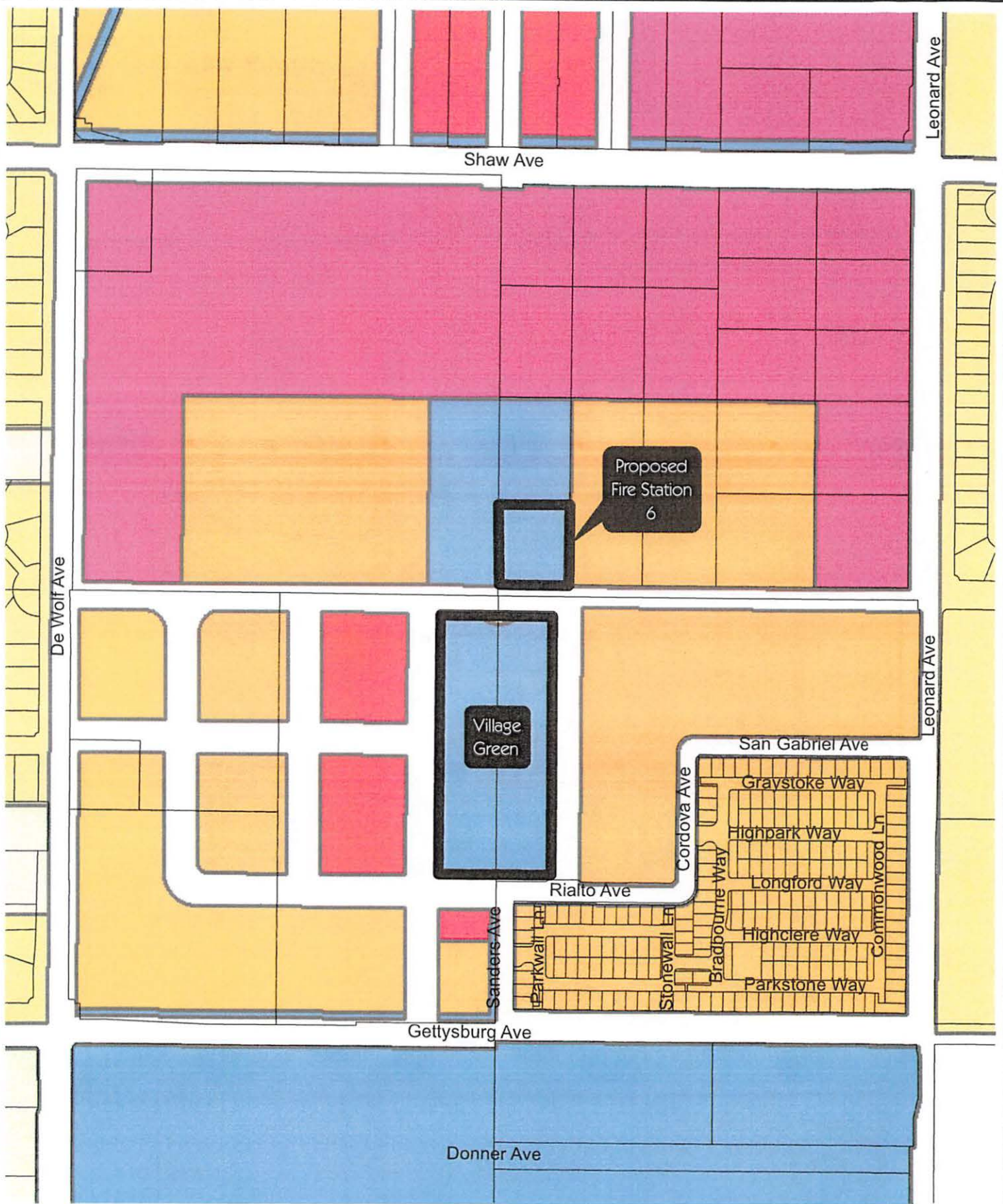


4/26/2019

ATTACHMENT A

CITY LIMITS SPHERE OF INFLUENCE





Attachment B

Loma Vista Village Green Area Zoning

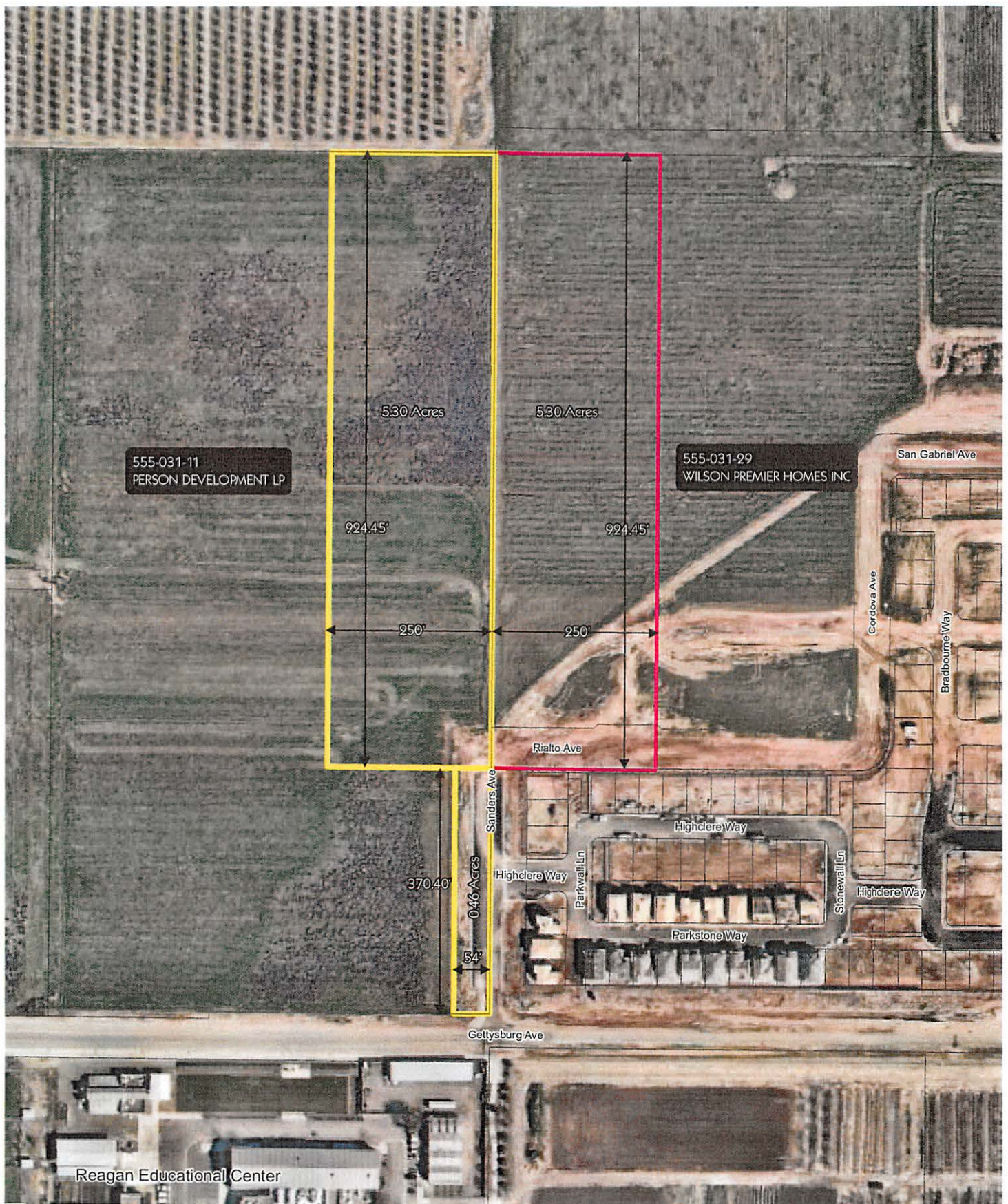
	R-A		R-1-7500		R-4		P-C-C
	R-1		R-3		C-3		P-F



1" = 400'



4/26/2019



Reagan Educational Center

Attachment C

Loma Vista

Village Green Acquisition

 To Be Purchased To Be Dedicated by Wilson Homes



1" = 200'



4/25/2019

REAL PROPERTY PURCHASE AND SALE AGREEMENT

This Real Property Purchase and Sale Agreement ("Agreement") is entered into by and between the City of Clovis, a California municipal corporation ("Buyer") and Person Development, L.P., a California Limited Partnership ("Seller") pursuant to the following recitals:

RECITALS:

A. WHEREAS, Seller owns certain real property located north of Gettysburg Avenue between DeWolf and Leonard Avenues, City of Clovis, within the County of Fresno, State of California.

B. WHEREAS, Seller's real property consists of a single parcel approximately 19.45 acres in size ("Parcel"), and Buyer desires to acquire a 5.76 acre portion of the Parcel, as more particularly identified below, for the development of a municipal park and public street right-of-way (the "Project"); and

C. WHEREAS, under threat of condemnation by Buyer, Seller agrees to sell a 5.76 acre portion of the Parcel to Buyer under the terms and conditions of this Agreement; and

D. WHEREAS, Buyer and Seller have agreed to Buyer's purchase of the real property by means of this Agreement and the recordation of a grant deed conveying the Property to Buyer.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Buyer agree as follows:

AGREEMENT:

1. The Property. Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase and acquire from Seller, subject to the terms and conditions set forth herein, that certain real property consisting of 5.76 acres, located north of Gettysburg Avenue between DeWolf and Leonard Avenues, City of Clovis, in the County of Fresno, California, Fresno County Assessor's Parcel No. 555-031-11 as more particularly described in Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein, along with all easements, licenses, and interests appurtenant thereto, and all entitlements, owned or held by Seller in connection therewith (collectively, the "Property").

2. Purchase Price. The total purchase price to be paid by Buyer for the Property shall be One Million Seven Hundred Sixty Four Thousand Two Hundred Twenty-Two Dollars (\$1,764,220.00) (the "Purchase Price"). As provided herein, Buyer shall pay the Purchase Price by depositing funds into the escrow in time to meet the Title Company's requirements for immediately available funds at close of escrow.

3. Acquisition of Property Under Threat of Eminent Domain. Seller acknowledges that Buyer

has the power, subject to legal requirements, to acquire the Property by eminent domain. Seller and Buyer stipulate that the Purchase Price is the fair market value of the Property and is just compensation for the Property, including any and all other losses, whether by way of improvements, severance damages, cost to cure, goodwill or otherwise. Buyer acknowledges that Seller is selling the Property to Buyer under threat of eminent domain proceedings pursuant to the authority vested in Buyer as a California municipal corporation. Buyer acknowledges that Seller would have required Buyer's city council to adopt a resolution of necessity in accordance with Code of Civil Procedure Section 1245.210, et seq., and institute an eminent domain proceeding if Buyer and Seller had not agreed on the Purchase Price for the Property and entered into this Agreement. Should escrow not close as provided in this Agreement, and Buyer's city council adopts a resolution of necessity and commences an eminent domain proceeding to acquire the Property, Buyer may file this Agreement with the court as a stipulation upon which the court may enter judgment in any eminent domain proceeding for the Property. This stipulation shall survive the close of escrow and any expiration or termination of this Agreement or the escrow.

4. Seller's representations and warranties. Seller represents and warrants that: (a) Seller owns the Property, free and clear of all liens, licenses, claims, encumbrances, easements, encroachments on the Property from adjacent properties, and any rights of way, other than those disclosed by the public record; (b) Seller has no knowledge of any pending litigation involving the Property, (c) Seller has no knowledge of any violations of, or notices concerning defects or noncompliance with, any code, statute, regulation, ordinance, or judicial order concerning the Property; and (d) Seller has no knowledge of any material defects in the Property, including, but not limited to, the presence of any hazardous materials in the soil and/or water on, under, or around the Property. These warranties shall survive the close of escrow and the recording of the grant deed.

5. Buyer's representations and warranties. Buyer represents and warrants that it has the authority to enter into this Agreement, and upon execution of this Agreement, and subject to the conditions precedent set forth herein, Buyer will have full authority to carry out the provisions of this Agreement. These warranties shall survive the close of escrow and the recording of the grant deed.

6. Escrow. Following execution of this Agreement, the parties shall open an escrow with Old Republic Title Company, 7451 N. Remington Ave. #102, Fresno, CA 93711 ("Title Company"). This Agreement, when signed by both parties and deposited with the Title Company, will be the joint escrow instructions. Buyer and Seller must sign any other form instructions required by Title Company that are not inconsistent with the terms of this Agreement.

6.1 Deposits into escrow. Buyer and Seller will deposit all documents, money, and other items with the Title Company that is: (a) identified in this Agreement or, (b) required by the Title Company to effect the close of escrow as provided herein.

6.2 Title. Seller must convey title to the Property to Buyer free and clear of all title defects, liens, encumbrances, conditions, covenants, restrictions, and other adverse interests of record or known to Seller, subject only to title exceptions numbered 4, 8,

9, 11, 15, 16, and 19 in the preliminary title report order no. 1411013690-GR issued by Title Company on October 18, 2018 ("Title Report"). A copy of the Title Report is attached hereto as Exhibit "C" and incorporated herein by this reference.

- 6.3 Title and closing costs. Seller must pay any costs of clearing and conveying title in the condition described in Section 6.2 above, including but not limited to any fees associated with the partial or full reconveyance of any deed(s) of trust, and any delinquent and/or unpaid taxes, assessments, or liens. Buyer shall pay the costs of any owner's title policy in an amount specified by Buyer, insuring Buyer's title in the condition described in Section 6.2, and all escrow fees, and costs to record the grant deed. Buyer and Seller will pay any other costs according to the custom in Fresno County.
- 6.4 Close of escrow. The escrow shall be in condition to close when all conditions to close are satisfied or waived, the Title Company is prepared to issue the title policy described herein, and the Title Company is otherwise able to record the grant deed conveying title to the Property from Seller to Buyer. The escrow will be considered closed on the date the grant deed is recorded ("close of escrow"). The Parties anticipate close of escrow occurring no later than one hundred twenty (120) calendar days after the opening of escrow, and the parties shall take reasonable steps to satisfy all conditions so that close of escrow can occur as anticipated.
- 6.5 Disbursements. At close of escrow, Title Company shall disburse the Purchase Price to Seller, less Seller's costs to clear title, prorations, and other costs, if any, and when Title Company is prepared to issue an owner's title policy to Buyer insuring Buyer's fee title in the condition set forth in Section 6.2 above, for the amount designated by Buyer.
- 6.6 Risk of loss. Risk of loss or damage to the Property, or any improvements thereon, shall pass from Seller to Buyer upon close of escrow.
7. Conditions precedent. Close of escrow and Buyer's obligation to purchase the Property are subject to the satisfaction of the conditions precedent stated herein, including Buyer's and Seller's performance of all their respective obligations under this Agreement, and that all of the representations and warranties of the parties remain true as the close of escrow. The conditions are solely for Buyer's benefit unless otherwise indicated. Each condition must be satisfied or Buyer must waive it in writing prior to close of escrow. If any condition is not timely satisfied, Buyer may waive the condition and close escrow, or it may terminate this Agreement by giving the Seller and Title Company 5 days' written notice. After expiration of the 5 days, this Agreement, and the escrow shall terminate. Upon termination, the Title Company shall return any documents and money deposited into escrow to the respective depositor, after deducting any escrow cancellation fee, and Buyer will have no further obligation to Seller.
8. Buyer's right to enter Property. Upon execution of this Agreement, Seller grants to Buyer,

its agents, employees, permittees, contractors, or assigns, an immediate right to, at commercially reasonable times, enter upon, over, across, and under the Property and enter upon, over and across Seller's real property adjacent to the Property for purposes of constructing the Project and accomplishing all necessary incidents thereto, including but not limited to, investigations, tests, and the removal, disposal, repair, and/or replacement of existing improvements on the Property. Such right of entry shall be irrevocable and may be exercised by Buyer as reasonably and commercially necessary until completion of the Project. The Purchase Price herein includes full payment for such immediate possession and use of the Property, including damages, if any. Buyer shall cure or indemnify Seller for any damage to Seller's adjacent real property or substantial interference with the possession or use of the adjacent real property caused by Buyer, its agents, employees, permittees, contractors, or assigns during construction of the Project.

9. Miscellaneous Provisions.

9.1 Further Assurances. Each party will sign and deliver further documents, or take any further actions required to complete the purchase and sale described herein.

9.2 Notices. All notices and other communications required or permitted under this Agreement shall be in writing and duly given on the date of service, if served personally on the person to receive the notice, or delivered by depositing the notice or communication in the U. S. mail, postage prepaid, and addressed to the relevant party at the address set forth below.

To Seller:

Person Development, L.P.
Monte F. Person
4690 N. DeWolf Avenue
Clovis, CA 93611

To Buyer:

City of Clovis
1033 Fifth Street
Clovis, CA 93612
Attn: City Manager

9.3 Entire Agreement. This Agreement is the entire agreement between Seller and Buyer regarding the purchase and sale of the Property, and supersedes all prior discussions, negotiations, commitments or understandings, written or oral. Each Exhibit referred to in this Agreement is by that reference incorporated into and made a part of this Agreement.

9.4 Amendment or Termination. This Agreement may only be amended or terminated by mutual written consent of the Seller and Buyer, unless otherwise expressly provided herein.

9.5 Successors and Assigns. This Agreement is binding upon and shall inure to the benefit of each party, and each party's heirs, successors, assigns, transferees, agents, employees or representatives. The Buyer may assign this Agreement and its rights hereunder.

- 9.6 Time of the Essence. Time is of the essence of each term in this Agreement.
- 9.7 Governing Law. This Agreement and the legal relations between the parties shall be governed by and construed according to California law.
- 9.8 Authority. Each person executing this Agreement on behalf of any party does hereby personally represent and warrant that he or she has the authority to execute this Agreement on behalf of and fully bind such party.
- 9.9 Waiver. Any party's waiver of a breach of any provision herein will not be a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.
- 9.10 Severability. The provisions of this Agreement are severable. The invalidity, or unenforceability of any provision in this Agreement will not affect the other provisions.
- 9.11 Interpretation. This Agreement is the result of the combined efforts of the parties. If any provision of this Agreement is found ambiguous, the ambiguity will not be resolved by construing this Agreement in favor or against any party, but by construing the terms according to their generally accepted meaning.

IN WITNESS WHEREOF the Seller and Buyer have signed this Agreement on the dates set forth below.

BUYER:
City of Clovis, A California Municipal
Corporation

By _____
Luke Serpa
City Manager

Dated: _____, 2019

SELLER:
Person Development, L.P., a California
Limited Partnership

By: Person Holdings, LLC, a California
limited liability company
Its General Partner

By: _____
Monte F. Person, Manager

Title: _____

Dated: _____, 2019

Exhibit A
(Legal description)

EXHIBIT 'A'

Sheet 1 of 2 Sheets

That portion of the Southwest Quarter of the Northwest Quarter of Section 13, Township 13 South, Range 21 East Mount Diablo Base and Meridian according to the official plat thereof described as follows:

BEGINNING at the Northeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 13; thence North $89^{\circ}52'51''$ West along the North Line of said Southwest Quarter, a distance of 250.00 feet; thence South $0^{\circ}01'36''$ East parallel to the East Line of said Southwest Quarter, a distance of 924.45 feet; thence North $89^{\circ}58'24''$ East, a distance of 196.00 feet; thence South $0^{\circ}01'36''$ East parallel to the aforementioned East Line, a distance of 370.40 feet to a point on the North Line of the property condemned by Clovis Unified School District recorded September 18, 1996 as Document No. 96124812, Official Records Fresno County lying 30.00 feet north of the South Line of the aforementioned Southwest Quarter; thence South $89^{\circ}55'23''$ East parallel with said South Line, a distance of 54.00 feet to a point on the aforementioned East Line; thence North $0^{\circ}01'36''$ West along said East Line, a distance of 1294.31 feet to the Point of Beginning.

Containing 5.76 acres, more or less.



November 18, 2018
Katrina M. Olsen, LS 7058
McPheeters & Associates
1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
(559) 299-9098
www.mcpheeters.com

Job No. 117165

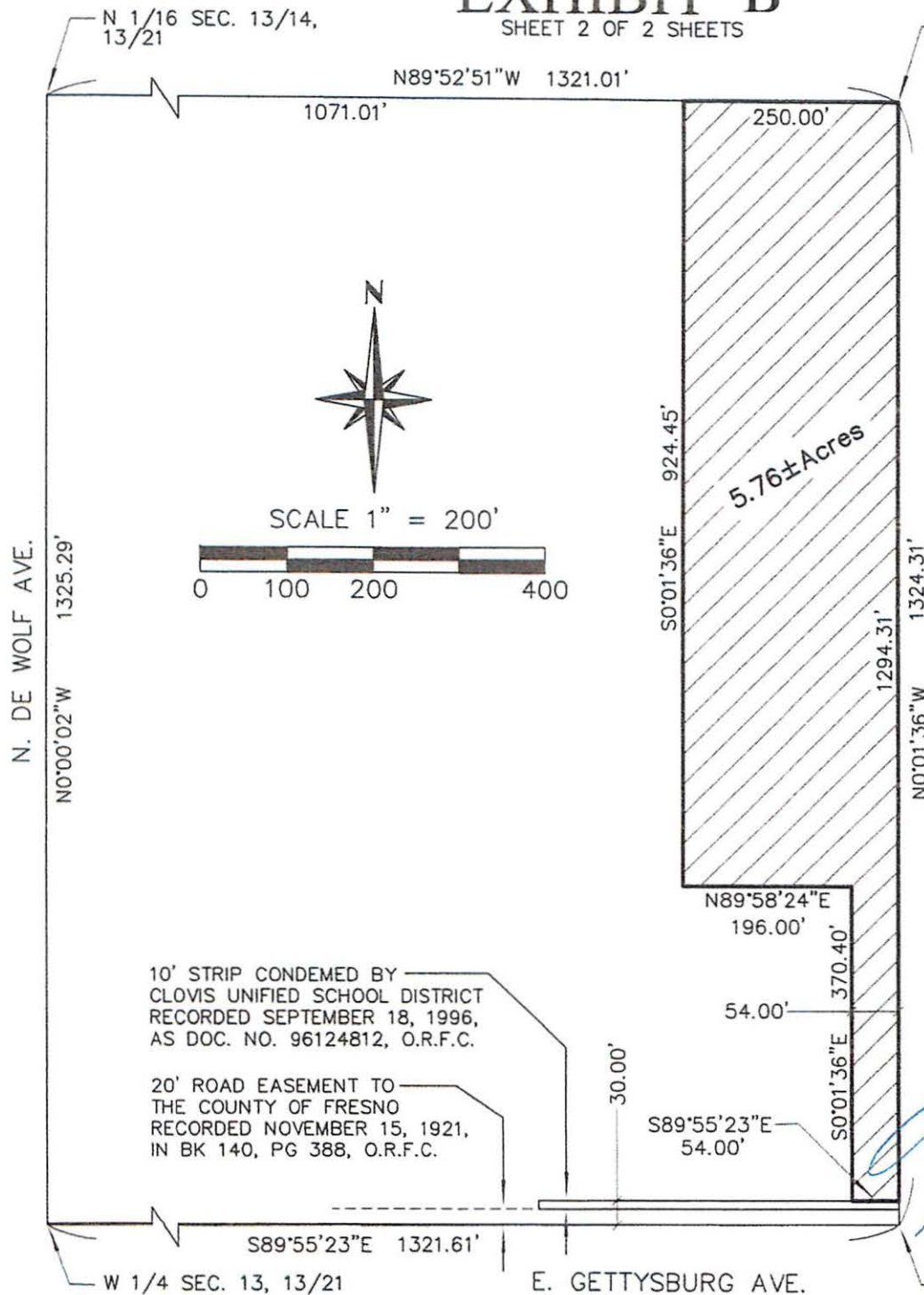
Exhibit B

(Map)

EXHIBIT ' B '

SHEET 2 OF 2 SHEETS

POINT OF BEGINNING
NORTHEAST CORNER OF
SW 1/4 OF THE NW 1/4
OF SEC. 13, 13/21



CITY OF CLOVIS -ENGINEERING

Firm Name: MCPHEETERS & ASSOC.
Address: 1486 TOLLHOUSE ROAD, #107
CLOVIS, CA 93611
R.C.E. or L.S. KATRINA M. OLSEN
License No. LS 7058
Telephone No. (559) 299-9098

WEST HALF OF PARK AND FUTURE STREETS

Portion of the Southwest Quarter of
the Northwest Quarter of Section 13,
Township 13 South, Range 21 East,
M.D.B. & M., in the City of Clovis,
County of Fresno, State of California.

117165 PARK W Rev1.dwg
File: _____
Drawn By: KMO
Date: 11/18/2018
Rev 1: _____

SCALE AS SHOWN
SHEET 2 OF 2

Exhibit C
(Title Report)



OLD REPUBLIC
TITLE COMPANY

7451 North Remington Ave. #102
Fresno, CA 93711
(559) 440-9249 Fax: (559) 447-1643

PRELIMINARY REPORT

Our Order Number 1411013690-GR

PERSON DEVELOPMENT LP. A CALIFORNIA
LIMITED PARTNE
4690 N. De Wolf
Clovis, CA

When Replying Please Contact:

Gaile Rock
(559) 440-9249

Buyer:

RYAN BURNETT

Property Address:

4690 North De Wolf Avenue, Clovis, CA 93611

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of October 18, 2018, at 8:00 AM

OLD REPUBLIC TITLE COMPANY

For Exceptions Shown or Referred to, See Attached

Page 1 of 7 Pages

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013690-GR

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Person Development, L.P., a California limited partnership

The land referred to in this Report is situated in the County of Fresno, City of Clovis, State of California, and is described as follows:

PARCEL 1:

The North half of the Southwest quarter of Northwest quarter of Section 13, Township 13 South, Range 21 East, M.D.B.&M., in the County of Fresno, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM the South 209 feet of the West 244 feet thereof.

ALSO EXCEPTING THEREFROM that portion of the Northwest quarter of the Southwest quarter of the Northwest quarter of Section 13, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Clovis, County of Fresno, State of California, described as follows:

COMMENCING at the Northwest corner of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence South 89° 56' 55" East, along the North line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 20.00 feet to the TRUE POINT OF BEGINNING;

Thence South 89° 56' 55" East, continuing along the North line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 9.45 feet; thence South 01° 18' 59" East, a distance of 164.91 feet to a point being 33.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence South 00° 04' 59" East, parallel with and 33.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 288.72 feet to a point being 209.00 feet North of the South line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence North 89° 58' 38" West, parallel with and 209.00 feet North of the South line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 13.00 feet to a point being 20.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence North 00° 04' 59" West, parallel with and 20.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 453.59 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, rights-of-way, conditions, covenants, restrictions, reservations and exceptions of record.

Fresno County APNs: 555-031-09, 555-031-11 (portion)

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013690-GR

PARCEL 2:

The East ½ of the South ½ of the Southwest ¼ of the Northwest ¼ of Section 13, Township 13 South, Range 21 East, M.D.B.&M., in the County of Fresno, State of California, according to the Official Plat thereof.

EXCEPTING therefrom the Easterly 420.00 feet of the Northerly 10.00 feet of the Southerly 30.00 feet of the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, by that certain Final Order of Condemnation recorded September 18, 1996, as Document No. [96124812](#), Official Records.

SUBJECT TO all easements, rights-of-way, conditions, covenants, restrictions, reservations and exceptions of record.

Fresno County APN: 555-031-11 (portion)

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2018 - 2019, as follows:

Assessor's Parcel No	:	555-031-09	
Code No.	:	001-159	
1st Installment	:	\$2,796.04	NOT Marked Paid
2nd Installment	:	\$2,796.04	NOT Marked Paid
Land Value	:	\$124,869.00	
Imp. Value	:	\$321,199.00	
Exemption	:	\$7,000.00	Homeowner

2. Taxes and assessments, general and special, for the fiscal year 2018 - 2019, as follows:

Assessor's Parcel No	:	555-031-11	
Code No.	:	001-159	
1st Installment	:	\$1,969.42	NOT Marked Paid
2nd Installment	:	\$1,969.42	NOT Marked Paid
Land Value	:	\$246,059.00	
Imp. Value	:	\$6,322.00	

3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013690-GR

4. Said land lies within the Fresno Metropolitan Flood Control District and is subject to Drainage Fees and/or Requirements to Construct Planned Local Drainage Facilities, as disclosed by instrument:

Entitled : Resolution No. 1816 – The Board of Directors of the Fresno
Metropolitan Flood Control District
By : The Board of Directors of the Fresno Metropolitan Flood Control District
Recorded : July 31, 1995 as Series Number 95092128
Returned to : 5469 E. Olive Avenue, Fresno, CA 92727
Address

5. Assessment No. 6805 for Fresno Metropolitan Flood Control District payable with the real property taxes.

6. Regulations, levies, liens, and assessments, if any, of Fresno Metropolitan Flood Control District.

7. Regulations, levies, liens, and assessments, if any, of Fresno Irrigation District.

8. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : County of Fresno
For : Public road
Recorded : [November 15, 1921 in Book 140 of Official Records, Page 388](#)
Affects : South 20 feet

9. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : Fresno Irrigation Ditch
For : Irrigation canal or ditch known as and called the McFarlane NO. 468
and Class B Laterals
Recorded : [February 20, 1951 in Book 2973 of Official Records, Page 29 under
Recorder's Serial Number 10644](#)
Affects : Property herein described

The exact location and extent of said easement is not disclosed of record

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013690-GR

10. A Certificate of Waiver of Parcel Map No. 90-42, executed by Monte F. Person, an unmarried man, recorded January 16, 1992, as Document No. [92005726](#), Official Records.

Reference being made to the record for full particulars.

11. Terms and provisions as contained in an instrument,

Entitled : Agreement for Substitution of Pipeline for Open Ditch Owned by
Fresno Irrigation District
Executed By : Eddie J. Keller and Doris L. Keller and Fresno Irrigation District
Dated : August 22, 1966
Recorded : [August 23, 1966 in Book 5350 of Official Records, Page 241 under
Recorder's Serial Number 61890](#)

Affects this and other property.

12. Terms and conditions contained in the Monte F. Person Living Trust dated June 1, 1997 as disclosed by Grant Deed.

Dated : July 5, 2018
Recorded [July 16, 2018 in Official Records under Recorder's Serial Number
2018-0083713](#)

The requirement that:

A Certification of Trust be furnished in accordance with Probate Code Section 18100.5; and

If the acting trustee is a successor trustee the additional requirement the Company is provided a complete copy of the trust, with all amendments and any intervening trustee is no longer acting in that capacity by providing copies of resignation letters, etc.

The Company reserves the right to make additional exceptions and/or requirements upon review of the above.

13. The requirement that there be filed in the office of the Secretary of State a Certificate of Limited Partnership – Form LP-1 – for Person Development, L.P., a California limited partnership in compliance with the provisions of the California Revised Limited Partnership Act, Section 15611, et. seq., Corporations Code, and a certified copy of same be recorded in the office of the County Recorder.

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013690-GR

14. The requirement that all general partners sign on behalf of said partnership, or at least authorize or ratify in writing anything executed by less than all general partners.
15. Any facts, rights, interests or claims which an accurate survey would show.
16. Water rights, claims or title to water, whether or not shown by the public records.
17. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
18. The requirement that the Company be provided with a copy of the "rent roll" and "tenant estoppel certificates" for its review.

The Company may have different and/or additional requirements after its review.
19. The requirement that this Company be provided with an opportunity to inspect the land (the Company reserves the right to make additional exceptions and/or requirements upon completion of its inspection).
20. The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.
21. Any unrecorded and subsisting leases.

----- **Informational Notes** -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.1 and 2.1.

- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land a commercial building known as 4690 North De Wolf Avenue, Clovis, CA 93611.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

Grant Deed executed by Monte F. Person, as Trustee of the Monte F. Person Living Trust dated June 2, 1997, to Monte F. Person, as Trustee of the Monte F. Person Living Trust dated June 2, 1997, an undivided ninety-nine percent (99.0%) interest, and Person Holdings, LLC, a California limited liability company, an undivided one percent (1.0%) interest, recorded [July 16, 2018 in Official Records under Recorder's Serial Number 2018-0083713](#).

- C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled	:	Grant Deed
By/From	:	Monte F. Person, as Trustee of the Monte F. Person Living Trust, dated June 2, 1997, as to an undivided ninety-nine percent (99.0%) interest, and Person Holdings, LLC, a California limited liability company, as to an undivided one percent (1.0%) interest
To	:	Person Development, L.P., a California limited partnership
Dated	:	July 5, 2018
Recorded	:	July 16, 2018 in Official Records under Recorder's Serial Number 2018-0083714

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION
LOAN POLICY OF TITLE INSURANCE - 2006
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations.This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

EXCEPTIONS FROM COVERAGE – SCHEDULE B, PART 1, SECTION ONE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.



FACTS

WHAT DOES OLD REPUBLIC TITLE
DO WITH YOUR PERSONAL INFORMATION?

Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none">• Social Security number and employment information• Mortgage rates and payments and account balances• Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes — to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Questions

Go to www.oldrepublictitle.com (Contact Us)

Who we are	
Who is providing this notice?	Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

What we do	
How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit http://www.OldRepublicTitle.com/newnational/Contact/privacy .
How does Old Republic Title collect my personal information?	<p>We collect your personal information, for example, when you:</p> <ul style="list-style-type: none"> • Give us your contact information or show your driver's license • Show your government-issued ID or provide your mortgage information • Make a wire transfer <p>We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.</p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only:</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes - information about your creditworthiness • Affiliates from using your information to market to you • Sharing for non-affiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See the "Other important information" section below for your rights under state law.</p>

Definitions	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> • <i>Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.</i>
Non-affiliates	<p>Companies not related by common ownership or control. They can be financial and non-financial companies.</p> <ul style="list-style-type: none"> • <i>Old Republic Title does not share with non-affiliates so they can market to you</i>
Joint marketing	<p>A formal agreement between non-affiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> • <i>Old Republic Title doesn't jointly market.</i>

Other Important Information

Oregon residents only: We are providing you this notice under state law. We may share your personal information (described on page one) obtained from you or others with non-affiliate service providers with whom we contract, such as notaries and delivery services, in order to process your transactions. You may see what personal information we have collected about you in connection with your transaction (other than personal information related to a claim or legal proceeding). To see your information, please click on "Contact Us" at www.oldrepublictitle.com and submit your written request to the Legal Department. You may see and copy the information at our office or ask us to mail you a copy for a reasonable fee. If you think any information is wrong, you may submit a written request online to correct or delete it. We will let you know what actions we take. If you do not agree with our actions, you may send us a statement.

Affiliates Who May be Delivering This Notice

American First Abstract, LLC	American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.
eRecording Partners Network, LLC	Genesis Abstract, LLC	Kansas City Management Group, LLC	L.T. Service Corp.	Lenders Inspection Company
Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mara Escrow Company	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Exchange Company	Old Republic National Title Insurance Company	Old Republic Title and Escrow of Hawaii, Ltd.
Old Republic Title Co.	Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma
Old Republic Title Company of Oregon	Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.
Old Republic Title, Ltd.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	The Title Company of North Carolina	Title Services, LLC
Trident Land Transfer Company, LLC				

EXHIBIT A

The land referred to is situated in the County of Fresno, City of Clovis, State of California, and is described as follows:

PARCEL 1:

The North half of the Southwest quarter of Northwest quarter of Section 13, Township 13 South, Range 21 East, M.D.B.&M., in the County of Fresno, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM the South 209 feet of the West 244 feet thereof.

ALSO EXCEPTING THEREFROM that portion of the Northwest quarter of the Southwest quarter of the Northwest quarter of Section 13, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Clovis, County of Fresno, State of California, described as follows:

COMMENCING at the Northwest corner of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence South $89^{\circ} 56' 55''$ East, along the North line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 20.00 feet to the TRUE POINT OF BEGINNING;

Thence South $89^{\circ} 56' 55''$ East, continuing along the North line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 9.45 feet; thence South $01^{\circ} 18' 59''$ East, a distance of 164.91 feet to a point being 33.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence South $00^{\circ} 04' 59''$ East, parallel with and 33.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 288.72 feet to a point being 209.00 feet North of the South line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence North $89^{\circ} 58' 38''$ West, parallel with and 209.00 feet North of the South line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 13.00 feet. o a point being 20.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13; thence North $00^{\circ} 04' 59''$ West, parallel with and 20.00 feet East of the West line of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, a distance of 453.59 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, rights-of-way, conditions, covenants, restrictions, reservations and exceptions of record.

Fresno County APNs: 555-031-09, 555-031-11 (portion)

PARCEL 2:

The East ½ of the South ½ of the Southwest ¼ of the Northwest ¼ of Section 13, Township 13 South, Range 21 East, M.D.B.&M., in the County of Fresno, State of California, according to the Official Plat thereof.

EXCEPTING therefrom the Easterly 420.00 feet of the Northerly 10.00 feet of the Southerly 30.00 feet of the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 13, by that certain Final Order of Condemnation recorded September 18, 1996, as Document No. [96124812](#), Official Records.

SUBJECT TO all easements, rights-of-way, conditions, covenants, restrictions, reservations and exceptions of record.

Fresno County APN: 555-031-11 (portion)



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 6, 2019

SUBJECT: Approval – Final Acceptance for Final Map Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue (Wilson Premier Homes, Inc.)

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 6137A2; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

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

The owner has requested a deferment of street tree improvements along the street frontages of lots to the building permits of those lots. The street trees will be installed according to the approved plans prior to finaling the lot.

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

FISCAL IMPACT

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

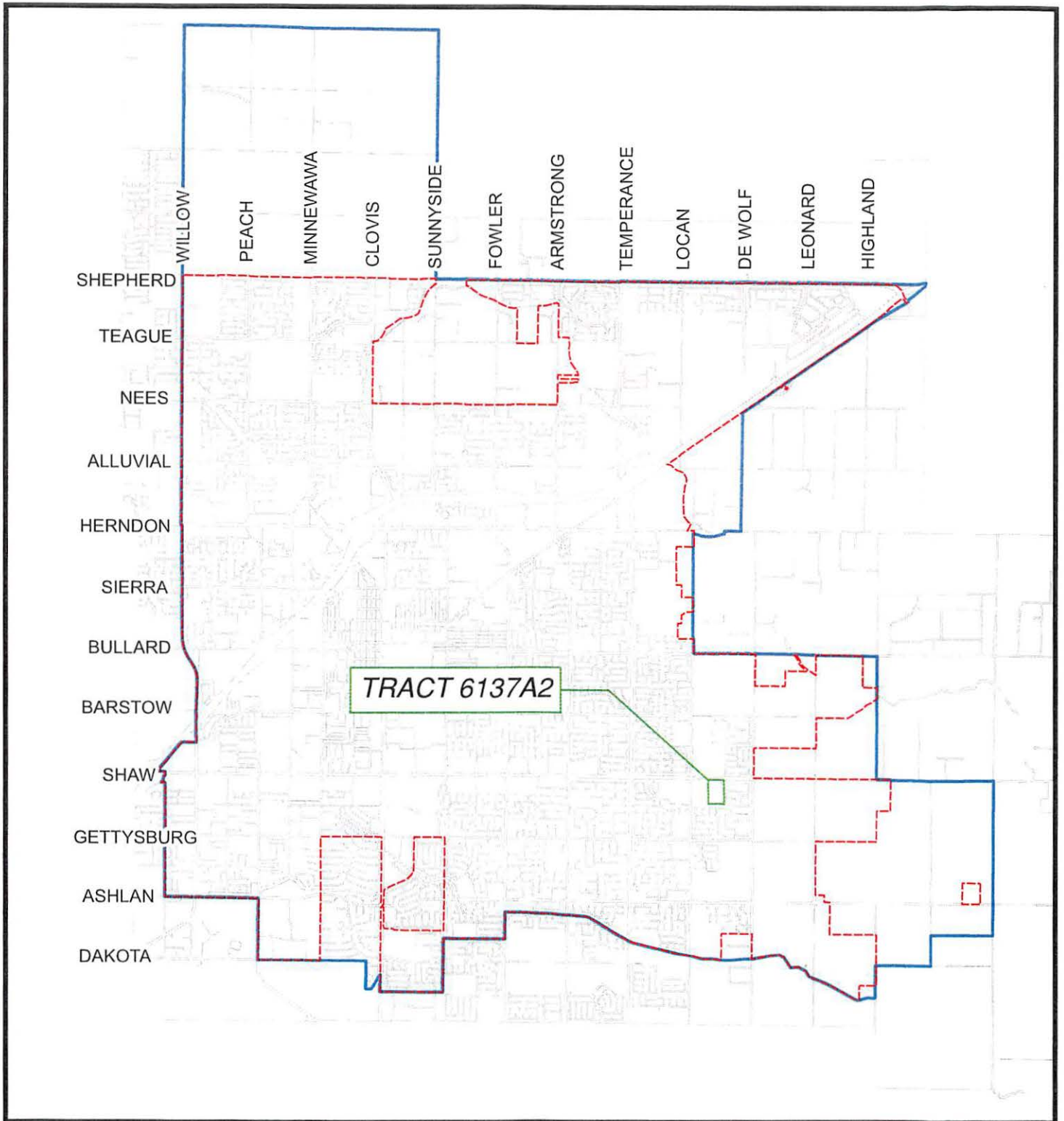
Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: David Gonzalez, DRU Assistant Engineer

Submitted by: 
Michael Harrison
City Engineer

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

VICINITY MAP



ATTACHMENT

 CITY LIMITS  SPHERE OF INFLUENCE



1" = 6000'



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 6, 2019

SUBJECT: Approval – Final Acceptance for Tract 6170, located on the southwest corner of Santa Ana Avenue and Sierra Vista Parkway (BN Micro LP – Bonadelle Neighborhoods).

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 6170; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

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

All of the required improvements submitted for acceptance have been completed in accordance with the approved plans and specifications. The owner has requested final acceptance. Staff is recommending approval of their request.

FISCAL IMPACT

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

REASON FOR RECOMMENDATION


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

ACTIONS FOLLOWING APPROVAL

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

Prepared by: Christian Esquivias, DRU Junior Engineer

Submitted by:

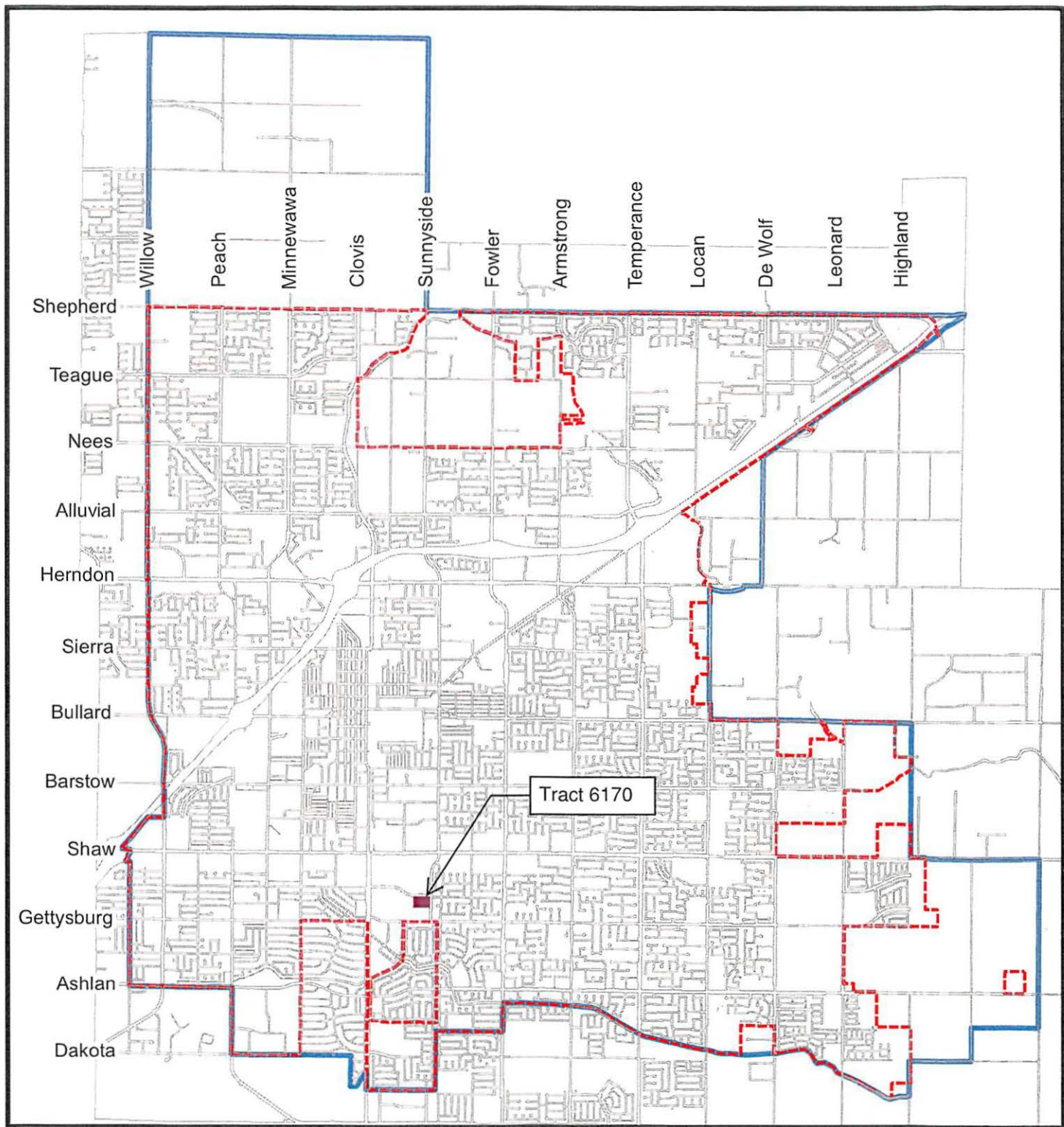

Michael Harrison
City Engineer

Recommended by:


Dwight Kroll, AICP
Director of Planning
And Development
Services

VICINITY MAP

Tract 6170



ATTACHMENT A



CITY LIMITS SPHERE OF INFLUENCE

April 26, 2019

Prepared By: Christian Esquivias



AGENDA ITEM NO: 13
City Manager: MA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: May 6, 2019

SUBJECT: Approval – Res. 19__, Amending the 2018-19 Police Department Budget to reflect the awards of the Stop Tobacco Access to Kids Enforcement (STAKE) grant program for \$139,880.00 and the State Homeland Security Grant Program for \$122,500.00.

ATTACHMENTS: Exhibit A – Summary of Expenditure
Exhibit B – Budget Amendment Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a Resolution amending the 2018-19 Budget for the Police Department to reflect the grant awards.

EXECUTIVE SUMMARY

Through a competitive grant process, the Police Department has been awarded \$139,880 from the California Department of Public Health. The grant period began October 1, 2018, and ends September 30, 2021. It is necessary to amend the department's budget to reflect the award's commencement date of October 1, 2018. Expenses related to this grant will begin once the Resolution has been ratified. These expenses will be part of the 2018-2019 budget.

The STAKE grant funds are provided to achieve program objectives that promote long-term goals aimed at tobacco use among youth and minors under the age of 21. The grant funds will be utilized for salary and overtime operations that focus on the illegal marketing of tobacco products to underage users, training of businesses and employees that have tobacco sales, and facilitating programs that emphasize education and prevention.

The State Homeland Security grant program, through the County of Fresno, has been awarded to the Clovis Police Department in the amount of \$122,500. This funding is for the purchase of police equipment to enhance the safety and security of the City of Clovis. The funds will be utilized for the acquisition of police equipment and replacement of expiring police equipment.

BACKGROUND

Through a competitive grant process, the Clovis Police Department has been awarded funding to assist this agency in developing strategies to prevent and curtail the illegal sale and marketing of tobacco products to minors and provide education to tobacco retailers and youth. Grant funding is necessary to promote this campaign. The funding provided will allow for salary and overtime enforcement operations and educational programs to be conducted to further this campaign.

The Clovis Police Department has been awarded funding in the amount of \$122,500 by the State Homeland Security grant program. This funding is provided to enhance the safety and security of the City.

FISCAL IMPACT

The grant awards will be used to conduct enforcement operations that reduce crime, promote education, and enhance the safety of the City. The Clovis Police Department will use grant funding in accordance with the grant program requirements. Amendment to the Police Department's 2018-19 budget in the amount of \$262,380 is needed.

REASON FOR RECOMMENDATION

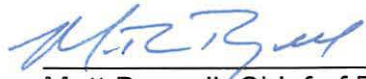
For the City Council to approve a Resolution amending the 2018-19 Police Department Budget to reflect the grant awards from the California Department of Public Health, Food and Beverage Branch STAKE program grant for \$139,880; and the grant award from the California State Homeland Security grant program for \$122,500.

ACTIONS FOLLOWING APPROVAL

A resolution is attached for approval

Prepared by: Sandi Macy

Submitted by:



Matt Basgall, Chief of Police

EXHIBIT A

SUMMARY OF EXPENDITURES

SUMMARY OF EXPENDITURES BY DEPARTMENT

DEPARTMENT	Police	\$262,380
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SUMMARY OF EXPENDITURES BY FUND

FUND	General Fund	\$262,380
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SUMMARY OF REVENUES BY DEPARTMENT

DEPARTMENT	Police	\$262,380
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SUMMARY OF REVENUES BY FUND

FUND	General Fund	\$262,380
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All expenditures will be from 56300 - Police Department Grants

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 of the City of Clovis approved the 2018-2019 Budget on May 7, 2019; and

WHEREAS, the Police Department is to be awarded \$139,880 from the California Department of Health and the California State Homeland Security program in the amount of \$122,500; and

WHEREAS, the Police Department has need to execute the requirements of the grant programs to enhance and ensure the safety of the city and;

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of The City of Clovis hereby approves the budget amendment as shown in the "Summary of Expenditures/Revenues by Department" and "Summary of Expenditures/Revenues by Fund" as attached in Exhibit A.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 6, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 6, 2019

Mayor

City Clerk



AGENDA ITEM NO: 14

City Manager: [Signature]

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 6, 2019

SUBJECT: Approval - Waive Formal Bidding Requirements and Authorize the Purchase of a Roll-Off Truck off of the Sourcewell Purchasing Contract from E.M. Tharp, Inc., dba Golden State Peterbilt

ATTACHMENTS: None

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize purchasing a new roll-off truck from E.M. Tharp, Inc., dba Golden State Peterbilt, off of the Sourcewell Cooperative Purchasing Contract for \$194,639.11.

EXECUTIVE SUMMARY

There are funds in this year's Water budget to purchase a roll-off truck for the Water section of the Public Utilities Department. The equipment is being replaced due to age and emission requirements. The competitively bid contract price is \$194,639.11 and the new truck will meet the 2020 on-road emission requirements.

The Sourcewell Purchasing contract, formerly the National Joint Powers Alliance (NJPA) contract, is a nationwide public procurement service that makes the governmental procurement process more efficient. All contracts available to participating members have been awarded by virtue of a public competitive procurement process compliant with state statutes.

BACKGROUND

The recommended vehicle is available through the Sourcewell Purchasing Contract, which is competitively bid on a nationwide basis. The existing roll-off truck is used at the Surface Water Treatment Plant (SWTP) to haul material to the Clovis Landfill. The existing vehicle is no longer in operation due to its age and needs to be replaced.

FISCAL IMPACT

Sufficient funds are included in the 2018-19 Water Enterprise budget to purchase a new roll-off truck. The recommended vehicle meets the City's specifications.


REASON FOR RECOMMENDATION

The existing roll-off truck is no longer in operation and needs to be replaced due to its age. The new vehicle meets the City's needs in order to haul SWTP material to the Landfill and will be covered by warranty. Staff has evaluated the available equipment and has determined that the proposed equipment will meet the Water section's needs. The proposed method of purchasing the equipment is cost effective and funds are available.

ACTIONS FOLLOWING APPROVAL

A purchase order will be prepared for the City Manager's approval and sent to the vendor.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Submitted by: Scott Redelfs, Public Utilities Director 



AGENDA ITEM NO: 15

City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 6, 2019

SUBJECT: Approval - Waive Formal Bidding Requirements and Authorize the Purchase of a Sewer Vacuum Truck off of the Sourcewell Purchasing Contract from Haaker Equipment Company

ATTACHMENTS: None

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize purchasing one new sewer vacuum truck from Haaker Equipment Company off of the Sourcewell Cooperative Purchasing Contract for \$470,316.42.

EXECUTIVE SUMMARY

There are funds in this year's Fleet Replacement budget to purchase a sewer vacuum truck for the Wastewater section of the Public Utilities Department. The equipment is being replaced due to age and emission requirements. The competitively bid contract price is \$470,316.42 and the new sewer vacuum truck will meet the 2020 on-road emission requirements.

The Sourcewell Purchasing contract, formerly the National Joint Powers Alliance (NJPA) contract, is a nationwide public procurement service that makes the governmental procurement process more efficient. All contracts available to

participating members have been awarded by virtue of a public competitive procurement process compliant with state statutes.

BACKGROUND

The recommended vehicle is available through the Sourcewell Purchasing Contract, which is competitively bid on a nationwide basis. The existing vehicle is scheduled to be replaced and the new vehicle will meet 2020 on-road emission requirements.

FISCAL IMPACT

Sufficient funds were included in the 2018-19 Fleet Replacement budget for the replacement vehicle. The user section, Wastewater, has accumulated the necessary funds to purchase the new equipment. The recommended vehicle meets the City's specifications.


REASON FOR RECOMMENDATION

The existing sewer vacuum truck is being replaced due to its age and in order to meet new emission requirements. The new vehicle meets the City's needs in order to efficiently flush sewer mains and will be covered by warranty. Staff has evaluated the available equipment and has determined that the proposed equipment will meet the Wastewater section's needs. The proposed method of purchasing the equipment is cost effective and funds are available.

ACTIONS FOLLOWING APPROVAL

A purchase order will be prepared for the City Manager's approval and sent to the vendor.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Submitted by: Scott Redelfs, Public Utilities Director 



AGENDA ITEM NO: 16
City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 6, 2019

SUBJECT: Approval - Preliminary Engineer's Report; and Approval - Res. 19-____, A Resolution Declaring the City's Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

ATTACHMENTS: A) Resolution of Intention
B) Assessment Diagrams

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Approve the Preliminary Engineer's Report on file with the City Clerk; and
2. Adopt Resolution No. 19-____ that declares the City's intention to levy and collect the annual assessments for Landscape Maintenance District No. 1, and gives notice of Public Hearing.

EXECUTIVE SUMMARY

The City collects funds through annual assessments on properties within Landscape Maintenance District (LMD) No. 1. These funds provide landscape maintenance services for those properties within the LMD, including special enhancements unique to the various tracts within the District. Currently, 40 different assessment zones have been established. Zones 1-3 provide for general landscape maintenance, Zones 4-6 provide for neighborhood park maintenance, Zones 7-39 provide for maintenance of special neighborhood enhancements, and Zone SE provides for maintenance for all of Loma Vista. Properties within the LMD (except those in Zone SE) are all in Zones 1-3, and they may also be in Zones 4-6 and Zones 7-39. Zone SE is unique in that it covers all three categories of landscape: street median and street-side landscaping, parks, and special enhancements.

The rates for Zones 1, 3, and 6 were established by election in 2004. Those rates have remained the same since that election. In 2013, there was an election for Zones 4, 5, and 7, which established the new assessment rates for those zones. In 2016, there was an election in Zones 2, 4, and 5. The 2016 election resulted in an assessment increase in Zone 4, but the election results failed to increase the assessments in Zones 2 and 5. In 2018, there was an election in Zone 2, resulting in an assessment increase.

Zones 7-39 and Zone SE include escalation clauses in the annexation covenants that allow the City to increase the assessments by the Consumer Price Index (CPI) plus 2%. Because this provision is included in the annexation documents and agreed to by the property owners, it is not considered a rate increase and is not subject to the election process outlined in Proposition 218.

Consistent with Section 22623 of the Landscape and Lighting Act of 1972, this Resolution proposes the following actions for the various zones:

Zone	Rate Change	Reason For Change
Zones 1 - 6	No change	Rates will continue to be maintained at the rate established by elections in 2004, 2013, 2016, and 2018.
Zones 7, 10 – 11, 13 – 14, 16 – 17, 19 – 22, 24 – 25, 27, 30 – 32, 34, 38 - 39	No change	No change. Current rates are sufficient to cover costs.
Zones 8, 9, 12, 15, 18, 23, 26, 28, 29, 33, 35 – 37, SE	Increase assessment	Rates are being increased to cover the cost of maintaining service while continuing to maintain capital reserves.

LMD REQUIREMENTS

The Preliminary Engineer's Report is being filed with the City Clerk for submission to Council in accordance with Section 22623 of the Landscape and Lighting Act of 1972 (ACT). After approval of the Report, Section 22624 of the Act requires the Council to adopt a Resolution of Intention that:

1. Declares the intention to levy and collect assessments;

2. Generally describes the existing and proposed improvements and any substantial changes proposed to be made in existing improvements;
3. Refers to the assessment district by its distinctive designation and indicates the general location of the district;
4. Refers to the Preliminary Engineer's Report for a full description of the improvements, boundaries and any zones in the district, and the proposed assessments upon assessable lots and parcels of land within the district;
5. Gives notice of the time and place for hearing by the Council on the levy of the proposed assessments; and
6. States whether the assessments are proposed to increase from the previous year.

BACKGROUND

On July 15, 1985, Council adopted Resolution No. 85-78, forming the City of Clovis Landscape Maintenance District No. 1 (LMD) in accordance with the Landscaping and Lighting Act of 1972 that was approved by the California State Legislature. The purpose of the District is to fund the operation and maintenance of landscaped areas and interior parks benefiting development throughout the City.

The yearly assessments established for all properties within the District provide funding for the City's cost for operation, maintenance, related services, and incidental expenses. The required operation and maintenance includes mowing, edging, fertilizing, weed control, irrigation system maintenance and replacement, pruning, plant replacement, lighting, and a depreciation fund to periodically replace playground equipment, benches, drinking fountains, and other park-related infrastructure. The assessments are collected by the County as a special assessment on the property tax bills.

The yearly rates for Zones 1-6 are as follows:

<u>General Landscaping</u>	
Zone 1	\$78.50
Zone 2	\$99.94
Zone 3	\$12.28

<u>Neighborhood Park</u>	
Zone 4	\$49.86
Zone 5	\$50.10
Zone 6	\$80.08

In addition to the general landscaping and neighborhood park zones, additional zones have been established to cover enhanced landscaping, entry features, and decorative street lighting in various residential subdivisions. The properties in each of these benefit zones are assessed an additional amount to fund the maintenance costs for the added features at each of their subdivisions. The proposed annual rates for the enhanced landscaping zones are as follows:

Zone 7	\$259.28	Tracts 4762A, 4873, 4874, 4875, 4876, & 5015
Zone 8	\$66.28	Tract 4949
Zone 9	\$58.38	Tract 4954
Zone 10	\$80.74	Tracts 4958, 4986, & 5026
Zone 11	Not used at this time	
Zone 12	\$127.26	Tracts 5025, 5046, & 5047
Zone 13	\$49.96	Tract 5045
Zone 14	\$32.20	Tract 5020
Zone 15	\$136.88	Tracts 5038, 5057, 5058, & 5059
Zone 16	\$10.98	Tract 5106
Zone 17	\$26.70	Tract 4973
Zone 18	\$48.76	Tract 5115
Zone 19	\$48.36	Tract 5125
Zone 20	\$44.44	Tract 4938
Zone 21	\$0.00	Tract 5122 (Zone 21 not developed)
Zone 22	\$76.46	Tract 5131
Zone 23	\$91.28	Tract 5213
Zone 24	\$74.56	Tract 5200
Zone 25	\$105.84	Tract 5194
Zone 26	\$75.98	Tract 5347
Zone 27	\$31.30	Tract 5146
Zone 28	\$50.48	Tract 5378
Zone 29	\$105.40	Tract 5470
Zone 30	\$66.64	Tracts 5264 & 5741
Zone 31	\$104.40	Tract 5711
Zone 32	\$17.38	Tract 5545
Zone 33	\$16.34	Tract 5207
Zone 34	\$62.54	Tract 5874
Zone 35	\$95.80	Tract 5550
Zone 36	\$185.48	Tract 6072
Zone 37	\$55.88	Tract 6147
Zone 38	\$60.00	Tract 6170
Zone 39	\$68.00	Tract 6109
Zone SE	\$344.00	Tracts 5168, 5193, 5254, 5336, 5418, 5484, 5582, 5583, 5874, 5565A2, 5961, 5965, 5970, 5981, 5984, 5596, 5875A, 6010, 5691A2, 6005, 6006, 5825, 5985, 5950, 6020, 5871, 6011, 6007, 6008, Misc., 6012, 5605, 5657A, 6009, 6055, 6058, 6025, SPR2012-006, 5701A, 6089, 5998, 6083, 6086, 6034, 5681, 6064, 6098/6142, 6114, 6082, 6040, 6107, 6143, PM2015-02, PM2015-04, 6144, 6127, 6080, 6101, 6137A2, 6197, PM2016-01, 6168, & 6193

Zone SE \$214.20

Tracts 6068, 6102, & 6120

Zone SE includes all tracts being developed in the Southeast Urban Village, generally located in the southern part of the City east of Locan Avenue and south of Bullard Avenue. Unlike other properties in the City, properties in this zone are not annexed into one or more zones as Zones 1 through 6 are. The rate for this zone is designed to cover all of the general landscaping, neighborhood parks, enhanced landscaping, and public lighting for the Southeast Urban Village. All of the tracts to be annexed into this area are expected to have enhanced landscaping, entry features, and decorative street lighting.

Generally, a Paseo system or park is not completed until an entire quarter section is developed. Therefore, two assessment rates have been established: one for developed quarter sections and one for partially developed quarter sections. Rates are also reviewed and revised yearly to reflect the current level of capital improvements completed within each tract and the actual cost of maintenance.

The Resolution of Intention containing the Notice of Public Hearing will be published in The Business Journal no less than 10 days prior to the Public Hearing date of June 03, 2019. The Public Hearing will afford all interested persons the opportunity to address their concerns. Written protests may be filed with the City Clerk at any time prior to the conclusion of the Public Hearing.

FISCAL IMPACT

Annual LMD assessments collected provide the necessary funding to continue the maintenance of landscaped areas within the various benefit zones for the next fiscal year and provide reserves necessary for depreciation and replacement.

REASON FOR RECOMMENDATION

This resolution is required annually by the Landscaping and Lighting Act of 1972 prior to levying and collecting assessments.

ACTIONS FOLLOWING APPROVAL

1. The Resolution of Intention to Levy and Collect the Annual Assessments will be published in The Business Journal; and
2. The Engineer's Report that shows the final assessment costs will be considered by the City Council at the Public Hearing proposed for June 03, 2019, and if approved, recorded by the Fresno County Recorder's Office.

Prepared by: Eric Aller, Parks Manager

Submitted by: Scott Redelfs, Public Utilities Director



ATTACHMENT A

RESOLUTION NO. 19-

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL
ASSESSMENT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE
CITY OF CLOVIS AND SET THE PUBLIC HEARING**

RESOLVED by the Council of the City of Clovis, County of Fresno, California, that:

1. It is the intention of said Council to order the levy and collection of an assessment for the 2019-20 fiscal year under the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code beginning with Section 22500 of said Code, for Landscape Maintenance District #1 of the City of Clovis (herein "LMD No. 1").
2. Said LMD No. 1 is generally described as all properties in subdivisions, Site Plan Review developments, Parcel Map developments, and other miscellaneous property entitlement developments approved since July 1985, within the current boundaries of the City of Clovis.
3. The Engineer has prepared and filed with the Clerk of the City of Clovis a preliminary report labeled Preliminary Engineer's Report of the City of Clovis LMD No. 1, dated May 6, 2019, to which reference is hereby made for a detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within LMD No. 1.
4. The Business Journal, a newspaper circulated in said City of Clovis, is hereby designated as the newspaper in which this Resolution of Intention shall be published, and the Clerk of the City of Clovis is hereby directed to cause this Resolution of Intention to be published once no less than ten (10) days prior to the hearing date set forth below.
5. NOTICE IS HEREBY GIVEN that the 3rd day of June 2019, at the hour of 6:00 p.m., in the regular meeting place of the Council of the City of Clovis, Council Chambers, 1033 Fifth Street, Clovis, California 93612, is hereby fixed as the time and place for a PUBLIC HEARING, when and where all interested persons shall be heard on the question of the levy and collection of the proposed assessment. Written protests may be filed with the City Clerk at any time prior to the conclusion of the PUBLIC HEARING. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by the protesting person or persons.
6. In accordance with the terms of the covenants, the rate for Zones 8, 9, 12, 15, 18, 23, 26, 28, 29, 33, 35, 36, 37 and SE will be increased to the amounts authorized under the covenants.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 03, 2019 by the following vote, to wit:

AYES:

NOES:

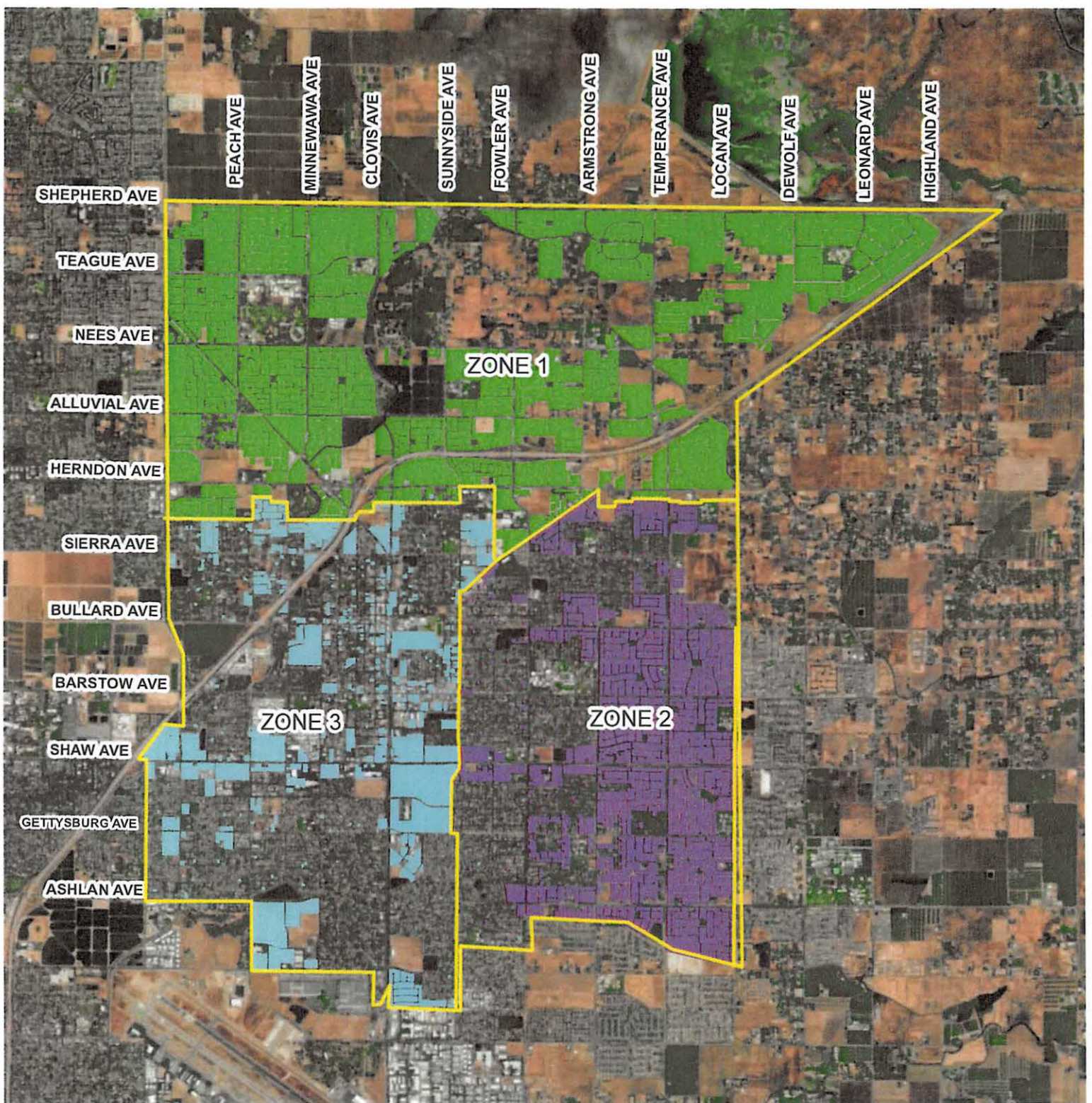
ABSENT:

ABSTAIN:

DATED:

Mayor

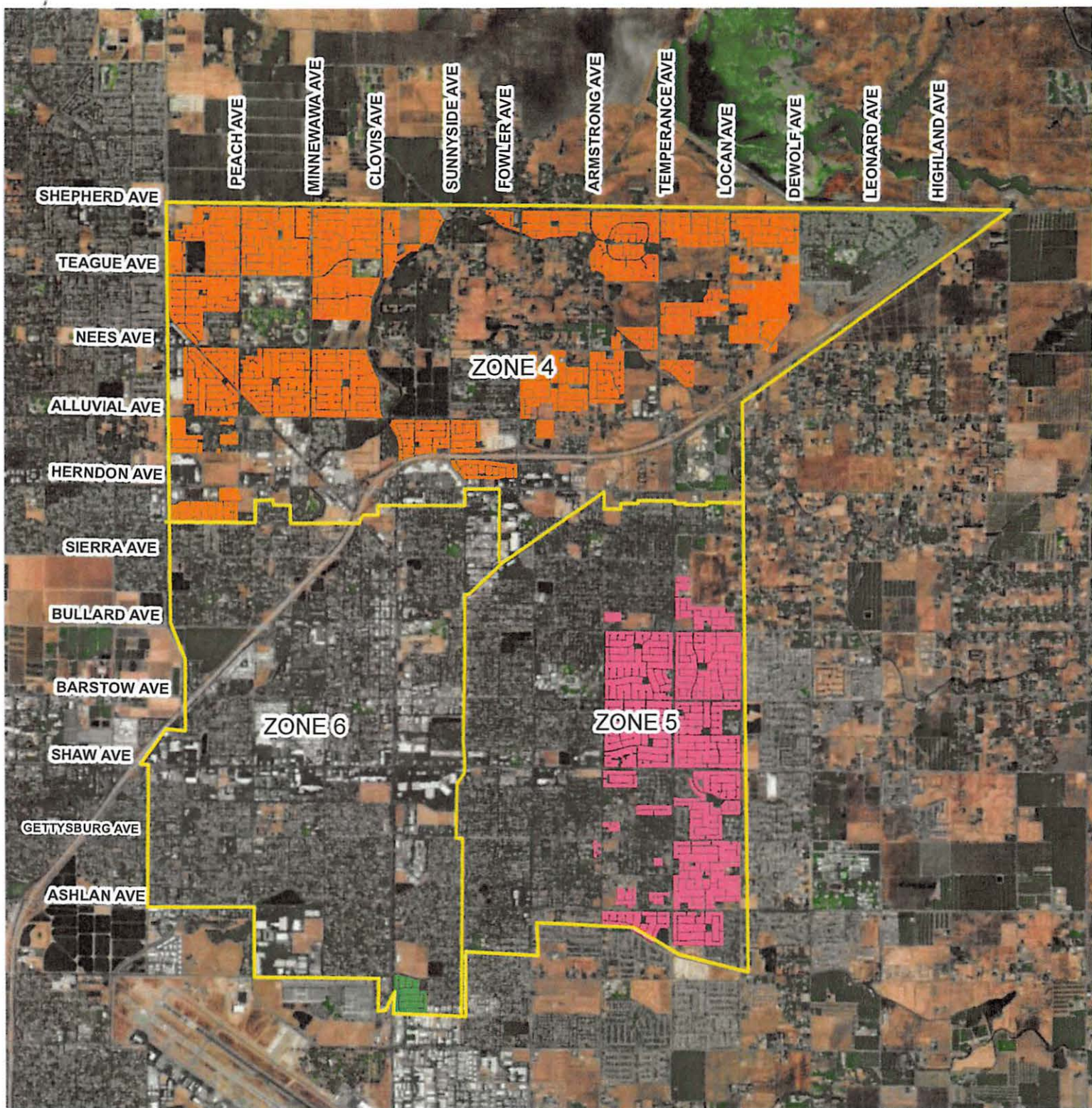
City Clerk



LMD ZONES 1-3
 GENERAL LANDSCAPING
 2019/2020 ASSESSMENT CHANGES
 NO ASSESSMENT CHANGES ZONES 1-3



1 inch = 5,167 feet



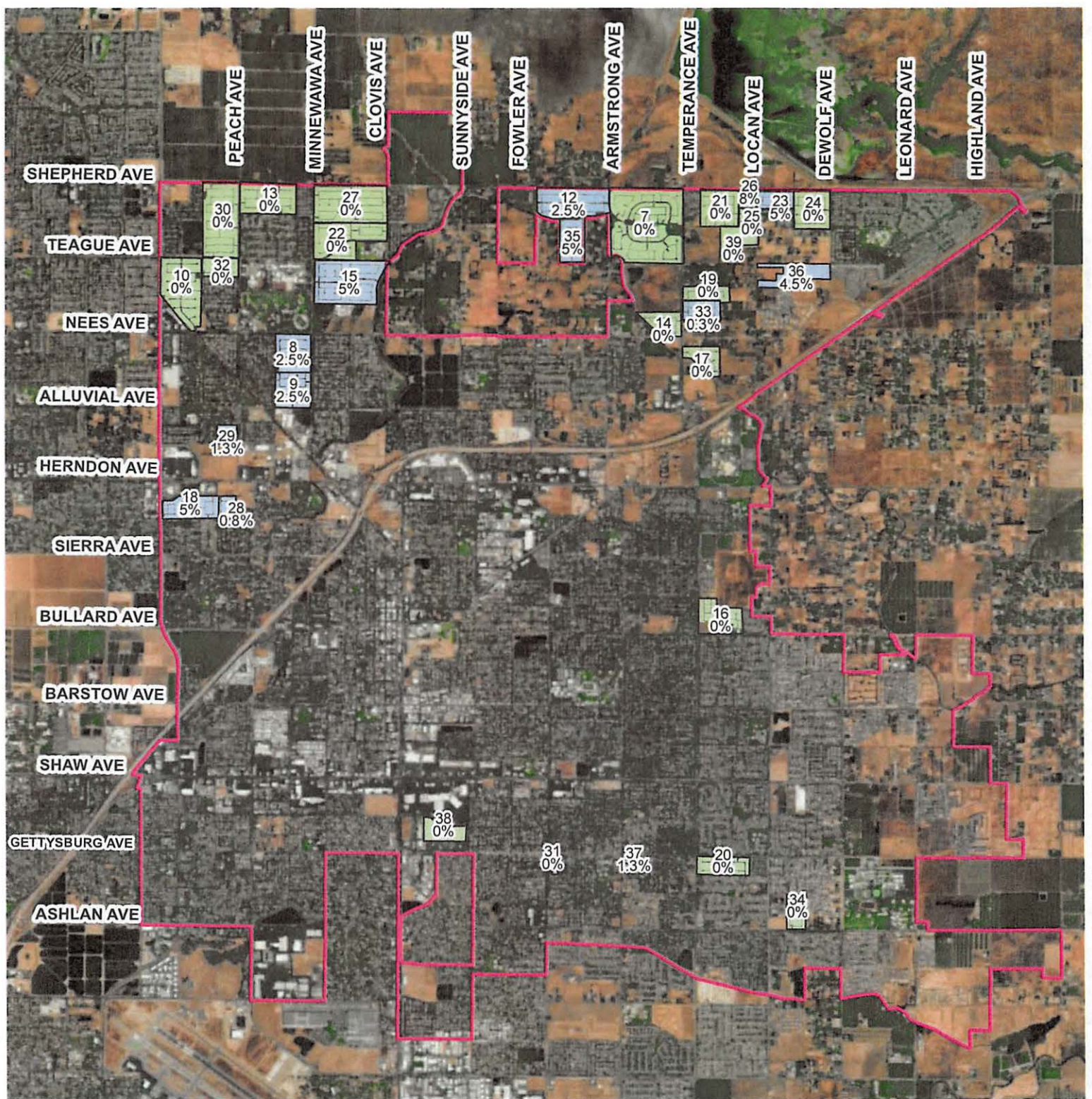
LMD ZONES 4-6 PARKS



2019/2020 ASSESSMENT CHANGES
NO ASSESSMENT CHANGES ZONES 4-6



1 inch = 5,167 feet



LMD ZONES 7 - 39

NEIGHBORHOOD ENHANCEMENTS 2019/2020 ASSESSMENT CHANGES



CITY OF CLOVIS

Assessment Changes



No Change



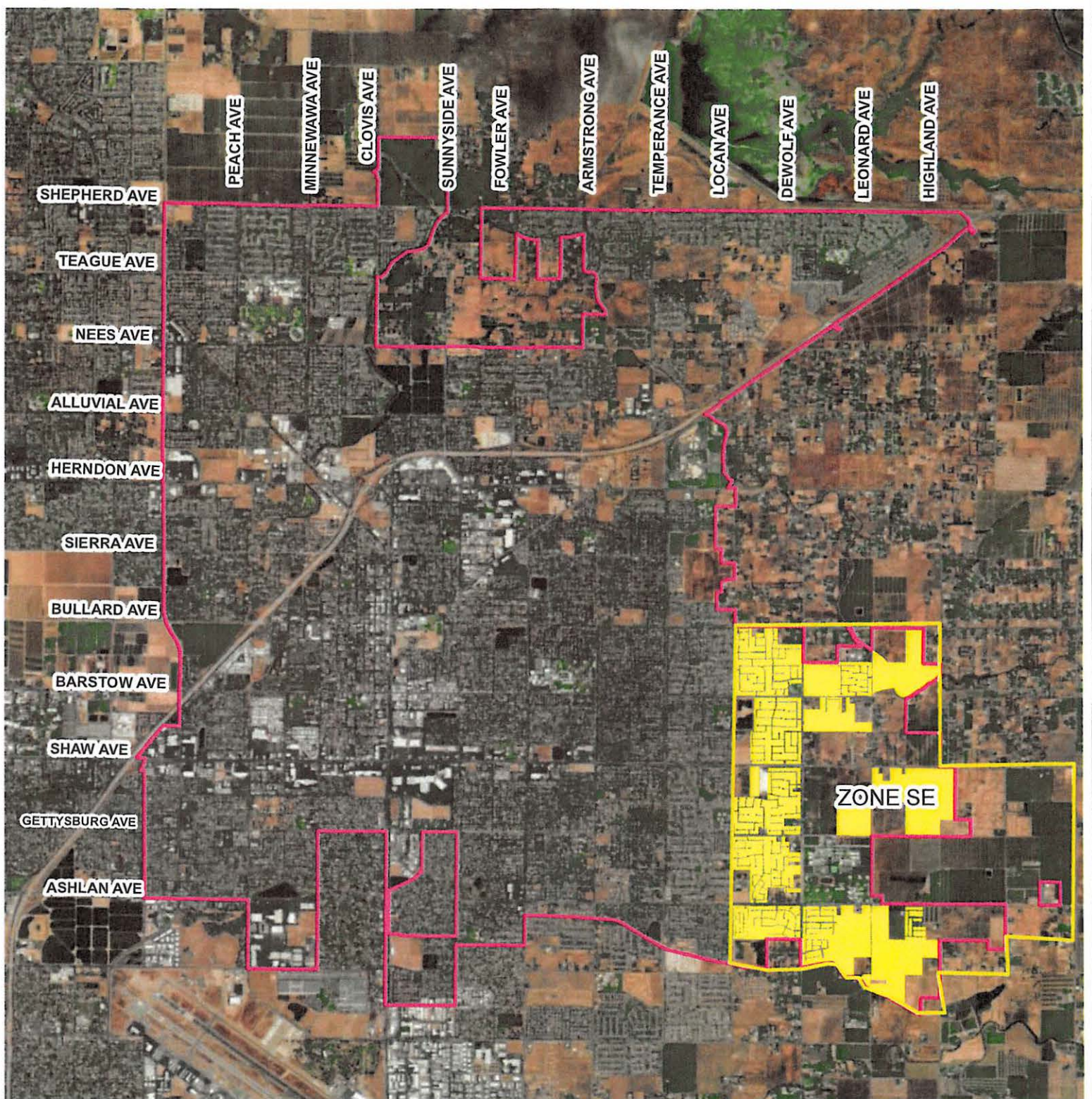
Decrease



Increase



1 inch = 4,833 feet



LMD ZONE SOUTHEAST 2019/2020 ASSESSMENT CHANGES ASSESSMENT INCREASE FOR ZONE SE 5%



1 inch = 5,167 feet



AGENDA ITEM NO: **17**

City Manager: *[Signature]*

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

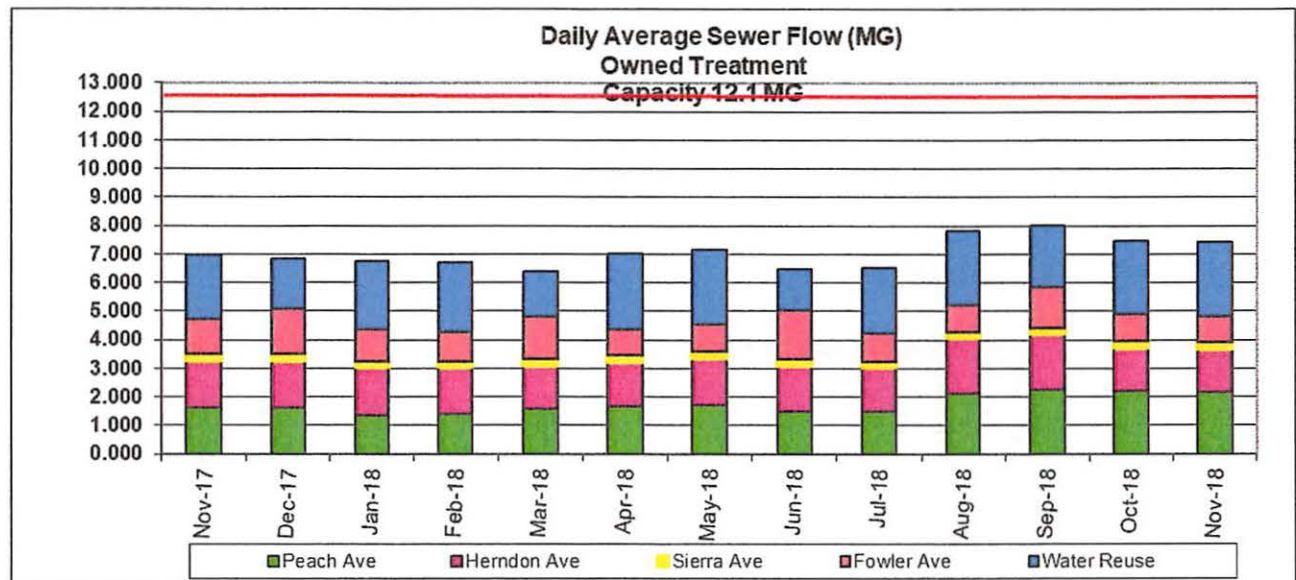
TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 6, 2019

SUBJECT: Receive and File – Public Utilities Report for November 2018

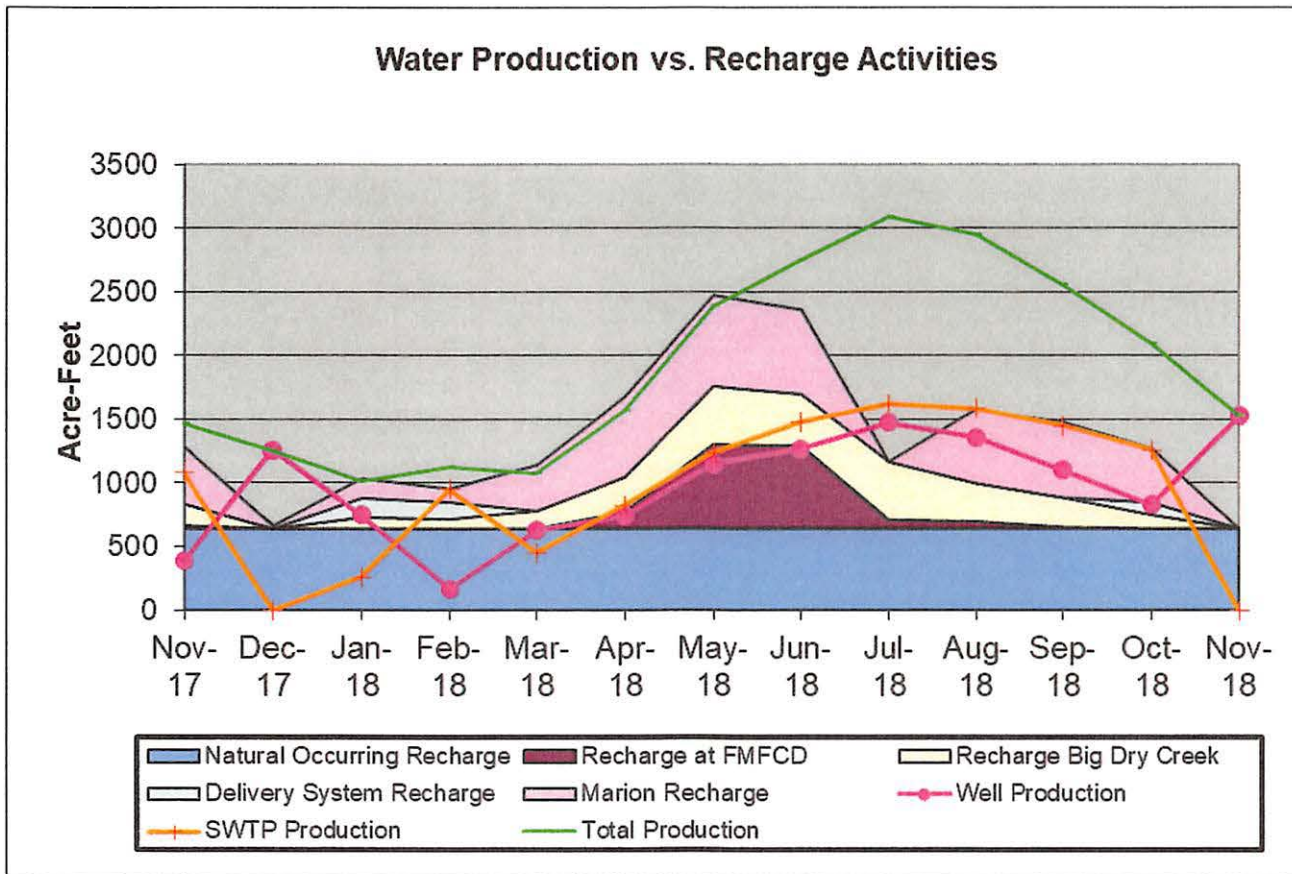
<u>Sewer Flow</u>	Total Flow in Million Gallons In October		Average Daily Flow In Million Gallons		Owned Treatment Capacity In Million Gallons
	2018	2017	2018	2017	
Peach Avenue	64.680	42.208	2.156	1.607	3.0
Herndon Avenue	46.550	50.385	1.552	1.679	2.8
Sierra Avenue	5.620	6.346	0.187	0.211	0.5
Fowler Avenue	27.590	37.047	0.920	1.235	3.0
Water Reuse	78.217	67.262	<u>2.61</u>	<u>2.242</u>	<u>2.8</u>
TOTAL			7.425	6.974	12.1



Storm Drain Maintenance

Summary of Activities	November 2018	November 2017	November 2016
Number of storms this month	5	5	5
Total rainfall this month (inches)	1.67	0.28	1.38
Rainfall fiscal year to date (inches)	1.77	0.53	2.05

	This Month	Calendar Year to date
Recharge at FMFCD Basins (Acre Feet)	0	1,579
Recharge Upstream in Big Dry Creek (Acre Feet)	0	2,534
Marion Recharge per FID (Acre Feet)	0	4,219
Delivery System Recharge	0	383
Total Artificial Recharge (Acre Feet)	0	8,715
Natural Recharge	642	7,062
Total Well Production (Acre Feet)	1,526	11,015
Treatment Plant Production (Acre Feet)	0	11,132



Summary of Activities	2018	Year to Date	2017	Year to Date	2016	Year to Date
SWTP production (mg)	0	3627.203	352.096	3411.270	0	2550.072
Well production (mg)	497.241	3589.328	125.403	3502.501	427.382	3999.360
Total water production (mg)	497.241	7216.531	477.499	6913.771	427.382	6549.432
Daily average	16.575	21.606	15.916	20.699	14.246	19.551
Days between readings	30	334	30	334	30	335



AGENDA ITEM NO: **18**

City Manager: *AT*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 6, 2019

SUBJECT: Receive and File – Public Utilities Report for December 2018

Piano Installation at Sierra Vista Mall

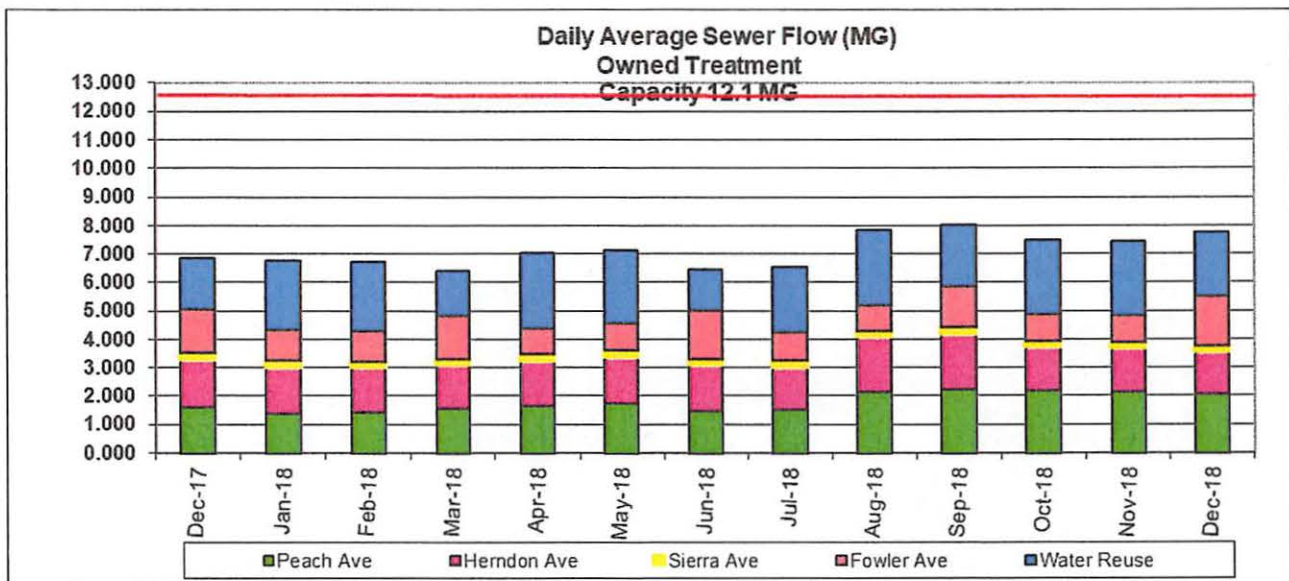


Several months ago, the Parks Section asked via social media for piano donations. Recently, Dr. Margie Jessen contacted Parks staff, asking if a piano was still needed, but staff indicated that pianos were no longer being accepted. Dr. Jessen then asked if Sierra Vista Mall would want to put one inside the mall. Staff offered to reach out and inquire, and the management at Sierra Vista Mall

responded with interest in having a piano in the mall that anyone could play. A few of the Parks staff, on their own time, took Dr. Jessen's piano to the mall where it can now be seen and played at the mall's Center Court. There was a ribbon cutting for the mall's new public piano on December 21st, 2018.

City Council Report
Public Utilities Monthly Report December 2018
May 6, 2019

<u>Sewer Flow</u>	Total Flow in Million Gallons In October		Average Daily Flow In Million Gallons		Owned Treatment Capacity In Million Gallons
	2018	2017	2018	2017	
Peach Avenue	62.810	33.972	2.026	1.096	3.0
Herndon Avenue	47.280	51.515	1.525	1.662	2.8
Sierra Avenue	5.791	6.605	0.187	0.213	0.5
Fowler Avenue	54.290	31.737	1.751	1.024	3.0
Water Reuse	70.069	76.125	<u>2.260</u>	<u>2.456</u>	<u>2.8</u>
TOTAL			7.749	6.451	12.1

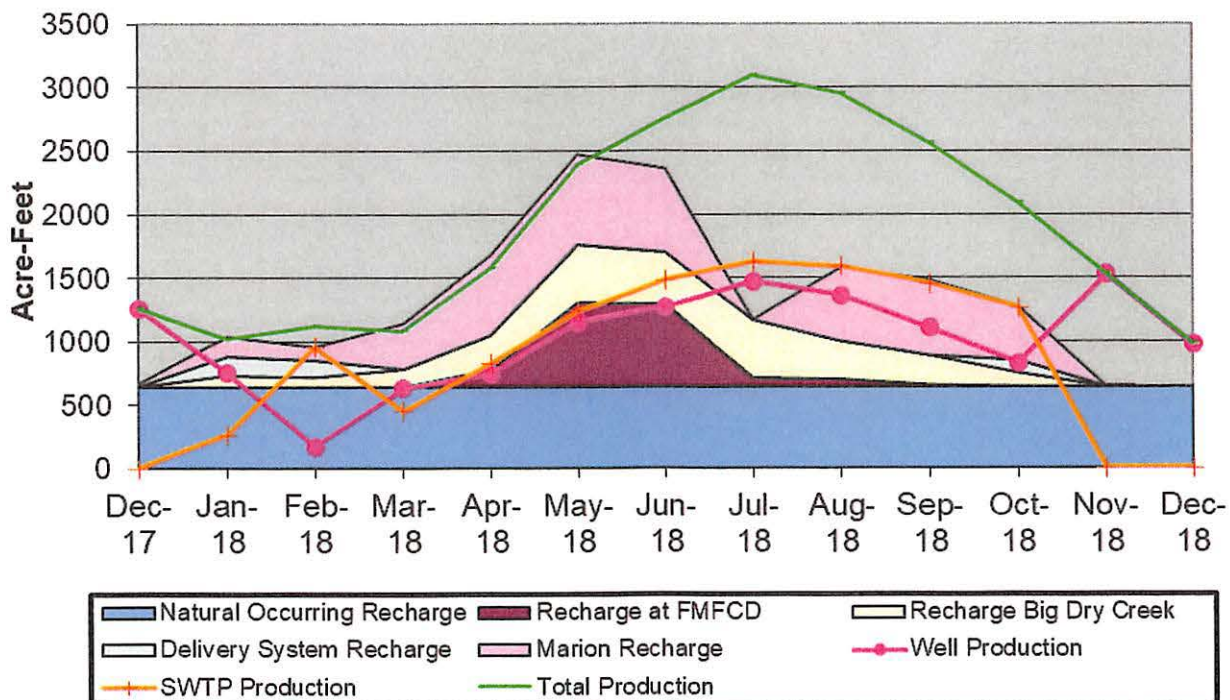


Storm Drain Maintenance

Summary of Activities	December 2018	December 2017	December 2016
Number of storms this month	6	1	6
Total rainfall this month (inches)	0.56	0.04	2.51
Rainfall fiscal year to date (inches)	2.33	0.57	4.56

	This Month	Calendar Year to date
Recharge at FMFCD Basins (Acre Feet)	0	1,579
Recharge Upstream in Big Dry Creek (Acre Feet)	0	2,534
Marion Recharge per FID (Acre Feet)	0	4,219
Delivery System Recharge	0	383
Total Artificial Recharge (Acre Feet)	0	8,715
Natural Recharge	638	7,700
Total Well Production (Acre Feet)	976	11,991
Treatment Plant Production (Acre Feet)	0	11,132

Water Production vs. Recharge Activities



City Council Report
Public Utilities Monthly Report December 2018
May 6, 2019

Summary of Activities	2018	Year to Date	2017	Year to Date	2016	Year to Date
SWTP production (mg)	0	3627.203	0	3411.270	0	2550.072
Well production (mg)	318.071	3907.399	410.168	3912.669	330.655	4330.015
Total water production (mg)	318.071	7534.602	410.168	7323.939	330.655	6880.087
Daily average	10.260	20.643	13.231	20.066	10.666	18.798
Days between readings	31	365	31	365	31	366



AGENDA ITEM NO: 19

City Manager: AS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 6, 2019

SUBJECT: Consider items associated with approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues. Mark O'Polo Enterprises, Inc., owners/ applicant; Kent P. Rodrigues, representative.

- a. Consider Approval, Res. 19-__, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25.
- b. Consider Introduction, Ord. 19-__, R2018-11, A request to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential-(1 Unit/2,000 Sq. Ft.) Zone District.

- ATTACHMENTS:
1. Initial Study & Mitigated Negative Declaration
 2. Initial Study & Mitigated Negative Declaration Comments from FMFCD
 3. Draft Ordinance
 4. Draft CEQA Resolution
 5. Location Map
 6. R2018-11 Conditions of Approval
 7. Correspondence from Commenting Agencies
 8. Site Plan
 9. Clovis Planning Commission Minutes dated March 28, 2019
 10. Letter from Joann Cernokus
 11. Letter from Shannon Lynch

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council:

- Approve an environmental finding of a Mitigated Negative Declaration for R2018-11, CUP2018-13 and SPR2018-25, pursuant to CEQA Guidelines; and
- Approve Rezone R2018-11; subject to the conditions of approval listed as Attachment 6.

EXECUTIVE SUMMARY

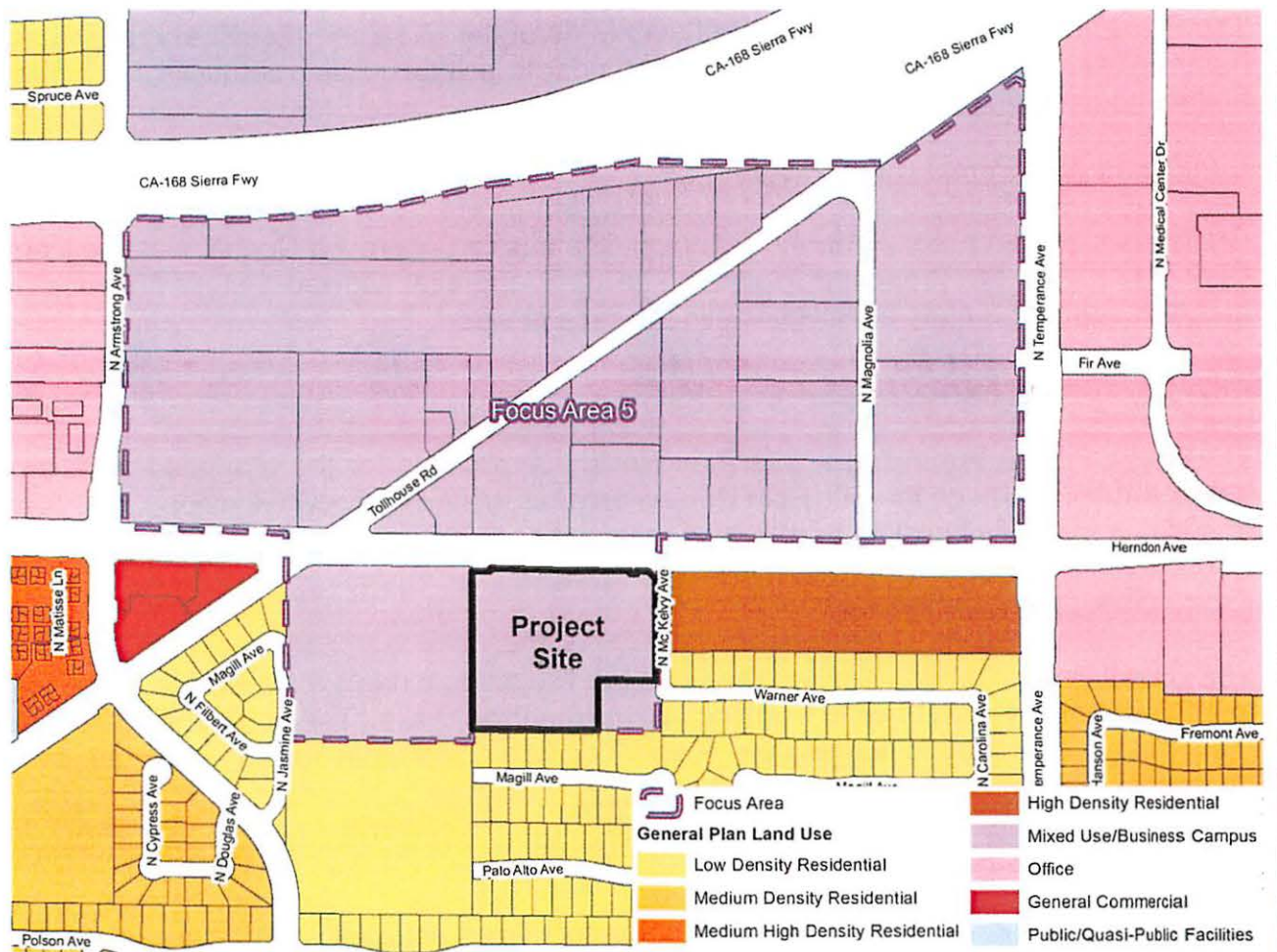
The applicant is requesting to rezone approximately 7.5 acres of property located at the southwest corner of Herndon and N. McKelvy Avenues from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential - 1 Unit/2,000 Sq. Ft.) Zone District. Approval of this rezone would allow the developer to continue processing Site Plan Review SPR2018-25 and development drawings for the multi-family development.

BACKGROUND

- General Plan Designation: Mixed Use/ Business Campus
- Existing Zoning: R-A (Single Family Residential – 24,000 Sq. Ft.)
- Lot Size: 7.5 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Commercial – Light Manufacturing Use/ Vacant
 - South: Single-Family Residential
 - East: Multi-Family Residential & Single-Family Residential
 - West: Rural Residential
- Previous Entitlements: PME2018-08 (Lot Line Adjustment)
CUP2018-13 (Building Stories & Height)

Per the General Plan Land Use Diagram, the Project site is located under Mixed Use Focus Area #5, which provides a primary use of Business Park, Commercial and Office. A secondary use under this Focus Area includes Medium High Density Residential for up to 25% of the area. The targeted density for the multi-family residential component under Mixed Use Focus Area #5 is High Density Residential (15.1-25.0 DU/Ac).

Mixed Use Focus Area #5



PROPOSAL AND ANALYSIS

Rezone

The applicant is requesting to rezone the Project site from the R-A (Single Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential - 1 Unit/2,000 Sq. Ft.) Zone District. The Project's proposed rezone is consistent with the General Plan and Mixed Use Focus Area #5 and approval of the proposed rezone to the R-3 Zone District would accommodate the development of a 158-unit multi-family development at the subject site. The multi-family density is proposed at 21.18 units per acre which is consistent with the target density of Focus Area #5.

Development Standards

The Project will follow the development standards of the R-3 Zone District and the Multiple Family Residential Design Guidelines. The standards include building setbacks, lot coverage and minimum parcel size.

Conditional Use Permit CUP2018-13

On Thursday, March 28, 2019, the Planning Commission approved Conditional Use Permit CUP2018-13 for the proposed Project. The CUP approval allowed 3-story buildings and greater height for 2-story buildings within the Project site.

Site Plan Review SPR2018-25

The applicant has submitted a Site Plan Review application for the proposed multi-family development. Through the Site Plan Review process, staff will review elevations, floor plans, parking, community building, pool, common use space, fencing, lighting, and landscaping.

Police Department Comments

The Clovis Police Department has reviewed the Project and has expressed the potential for additional security measures to be placed within the Project site. The applicant will work with the Police Department to address the need for cameras and other security measures at key pedestrian and vehicular access points.

Regional Housing Needs Allocation

The Project site is currently zoned R-A, therefore, was not eligible to be included in the Regional Housing Needs Allocation (RHNA), Housing Inventory within the 2015-2023 Housing Element. Rezoning of this parcel would add 158 units to the City's RHNA High-Density inventory.

Neighborhood Meeting

Although not required, the applicant held a neighborhood meeting on Thursday, August 16, 2018, at the Fairfield Inn & Suites, Clovis CA. The meeting was attended by staff and area property owners who reside in the single-family residential neighborhood to the east and south of the Project site. Concerns raised included access, privacy to existing homes to the south, and that the City does not need additional multiple-family projects in this area.

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. Planning staff received two letters of opposition for the subject project. Both letters are attached (Attachments 10 & 11) to this staff report for the Council's review and consideration.

Planning Commission Comments

The Planning Commission considered this Project on Thursday, March 28, 2019. The Commission approved Rezone R2018-11 and Conditional Use Permit CUP2018-13 by a vote of 5-0. Additionally, the Commission unanimously approved the mitigated negative declaration associated with the proposed project by a vote of 5-0. The March 28th Planning Commission minutes are attached (Attachment 9) for the Council's review and consideration.

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.

Clovis Unified School District provided comments expressing concern of re-designation of the land use. The Project does not include a request to re-designate the land use. Very-High Density residential is consistent with the General Plan.

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

life. Each development should contribute to a diversity of housing sizes and types within the standards appropriate to the land use designation. This policy does not apply to projects smaller than five acres.

Policy 5.2 Ownership and rental. Encourage a mixture of both ownership and rental options to meet varied preferences and income affordability needs.

Policy 5.6 Workforce housing. Encourage the development of workforce housing that serves the needs of those working in Clovis.

California Environmental Quality Act (CEQA)

The City of Clovis has completed an environmental review (an assessment of the project's impact on natural and manmade environments) of the proposed project, as required by the State of California. The City Planner has recommended approval of a Mitigated Negative Declaration (a written statement announcing that this project will not have a significant effect on the environment). Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean this project will be approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, April 24, 2019.

The Fresno Metropolitan Flood Control District (FMFCD) provided comments on the Initial Study and Mitigated Negative Declaration for the proposed development. Staff has reviewed the proposed modifications to the Hydrology and Water Quality section of the Initial Study by FMFCD. In staff's opinion, the FMFCD comments do not alter the Determination Findings of the Initial Study. Furthermore, the requirements of FMFCD are addressed in the Conditions of Approval for the project under Attachment 6. Therefore, impacts to this section of the Initial Study continue to be less than significant.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposal will provide multi-family residential units and a quality residential environment for this area as envisioned by Mixed Use Focus Area #5 of the General Plan. The Project does not substantially impact sewer, water and other public services and will contribute to their proportionate share of infrastructure. The proposed rezone is consistent with the goals and policies of the General Plan, Multiple Family Design Guidelines and Development Code. Planning Commission and staff recommend that the City Council approve Rezone R2018-11, subject to the conditions of approval attached as Attachment 6.

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, 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 approve a Mitigated Negative Declaration for the project pursuant to CEQA guidelines.

ACTIONS FOLLOWING APPROVAL


None.

NOTICE OF HEARING

Property Owners within 600 feet notified:	90
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and Development

**REZONE R2018-11
CONDITIONAL USE PERMIT CUP2018-13
SITE PLAN REVIEW SPR2018-25**
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PREPARED BY:



CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

Planning Division
1033 Fifth Street
Clovis, CA 93612

Project Manager:
George González, Associate Planner
559-324-2383
georgeg@cityofclovis.com

March 2019

**R2018-11, ATTACHMENT 1, Initial Study & Mitigated
Negative Declaration Comments from FMFCD**



CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

For County Clerk Stamp

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC REVIEW OF A PROPOSED MITIGATED NEGATIVE DECLARATION**

NOTICE IS HEREBY GIVEN that on **Thursday, March 28, 2019, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following items:

1. Consider items associated with approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues. Mark O'Polo Enterprises, Inc., owners/ applicant; Kent P. Rodrigues, representative.
 - a. Consider Approval, Res. 19-__, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25.
 - b. Consider Approval, Res. 19-__, **R2018-11**, A request to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential)(1 Unit/2,000 Sq. Ft.) Zone District.
 - c. Consider Approval, Res. 19-__, **CUP2018-13**, A request to approve a conditional use permit to allow 3-story buildings and 48-feet, 6-inches in height for Building Types 1, 1A and 3. Additionally, allow 36-feet, 4-inches in height for Building Types 2 and 5, allow 36-feet, 3-inches in height for Building Type 5A. The Code allows a maximum height of 2 stories and 35-feet for main structures.

A Mitigated Negative Declaration has been completed for Project Item No. 1, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean this project will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on March 28, 2019, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to George Gonzalez, Associate Planner at (559) 324-2383 or email at georgeg@cityofclovis.com.

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at www.cityofclovis.com. Select "Planning Commission Agendas" from right side of the main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.

If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director

PUBLISH: Wednesday, March 6, 2019, *The Business Journal*



CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: March 5, 2019

Agency File No: R2018-11, CUP2018-13 & SPR2018-25

Finding: The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

Lead Agency: City of Clovis is the Lead Agency for this project.

Project Title: Rezone R2018-11, Conditional Use Permit CUP2018-13 & Site Plan Review SPR2018-25.

Project Location: Southwest corner of Herndon and N. McKelvy Avenues in the City of Clovis, CA.

Project Description: Consider items associated with approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues. Mark O'Polo Enterprises, Inc., owners/ applicant; Kent P. Rodrigues, representative.

- a. Consider Approval, Res. 19-__, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25.
- b. Consider Approval, Res. 19-__, **R2018-11**, A request to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential)(1 Unit/2,000 Sq. Ft.) Zone District.
- c. Consider Approval, Res. 19-__, **CUP2018-13**, A request to approve a conditional use permit to allow 3-story buildings and 48-feet, 6-inches in height for Building Types 1, 1A and 3. Additionally, allow 36-feet, 4-inches in height for Building Types 2 and 5, allow 36-feet, 3-inches in height for Building Type 5A. The Code allows a maximum height of 2 stories and 35-feet for main structures.

Environmental Assessment: The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

Justification for Mitigated Negative Declaration: The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any

rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: George González, MPA, Associate Planner Phone: (559) 324-2383

Signature: _____ Date: March 5, 2019

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INITIAL STUDY

1.0 Introduction

This document is an Initial Study and Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA), for the project. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines Sections 15070(b), 15071(e).

1.1 Documents Incorporated By Reference

This mitigated negative declaration utilizes information and incorporates information and analyses provided in the following documents pursuant to CEQA Guidelines Section 15150.

- **City of Clovis General Plan.** The 2014 Clovis General Plan provides a description of the project area setting, and sets forth a plan for the development of the general plan planning area, of which the current project area is part.
- **Program Environmental Impact Report prepared for the 2014 Clovis General Plan Update.** The General Plan Program EIR describes potential impacts of development of the project area consistent with the general plan land use map. Some of these impacts (e.g. runoff, aesthetics, etc.) are to be expected with any urban development, and are therefore applicable to the current project.
- **Findings and Statement of Overriding Considerations prepared for the adoption of the Clovis General Plan.** Adoption of the development plan contained in the General Plan is expected to result in certain unavoidable environmental impacts (Agriculture, Air Quality, Cultural Resources, Greenhouse Gas, Hydrology and Water, Noise and Vibration, Population and Housing, Transportation and Traffic, and Utility and Service Systems) that the City has determined are outweighed by the potential benefits of plan implementation. These impacts are applicable to the project at hand due to the fact that the proposal is consistent with the planned urbanization of the general plan planning area.
- **Environmental Impact Report prepared for the Clovis Landfill Expansion and Permitting Project (Certified July 11, 2005, SCH No. 2002091105).** The EIR examined the potential impacts of a revision to the city's Solid Waste Facility Permit to expand filling operations and expand the land fill property boundaries.
- **Environmental Impact Report prepared for the Clovis Sewage Treatment /Water Reuse Facility Program (Certified July 18, 2005, SCH No. 2004061065).** The EIR examined the potential impacts from the construction and operation of the City's new sewage treatment/water reuse facility (ST/WRF) that would provide an alternative solution to its current sewage (wastewater) treatment services capabilities.
- **Clovis Municipal Code Title 5 (Public Welfare, Morals And Conduct) and Title 9 (Development Code).** This Code consists of all the regulatory, penal, and administrative laws of general application of the City of Clovis and specifically to development standards, property maintenance and nuisances, necessary for the protection of health and welfare, codified pursuant to the authority contained in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California.
- **California Health and Safety Code Section 7050.5.** This section states that in the event that human remains are discovered, there shall be no further disturbance of the site of any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has been notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
- **Section 15064.5 of the CEQA Guidelines.** This section addresses the discovery of human remains, and the disturbance of potential archaeological, cultural, and historical resources.

The requirements of Section 15064.5 with regard to the discovery of human remains are identical to the requirements of Health and Safety Code Section 7050.5.

- **City of Clovis 2018-2019 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2018-2019 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted July 14, 2014).** The City of Clovis Economic Development Strategy outlines the City's strategies for the retention, expansion, and attraction of industrial development, commercial development, and tourism.
- **City of Clovis 2015 Urban Water Management Plan.** The Clovis Urban Water Management Plan outlines the City's strategy to manage its water resources through both conservation and source development. The Plan was prepared in compliance with California Water Code Section 10620.
- **Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan (Adopted December 13, 2017).** The Fresno Metropolitan Flood Control District (FMFCD) is located in the north-central portion of Fresno County between the San Joaquin and Kings rivers. The FMFCD service area includes most of the Fresno-Clovis metropolitan area (excluding the community of Easton), and unincorporated lands to the east and northeast. The Storm Drainage and Flood Control Master Plan includes program planning, structure, service delivery, and financing, for both flood control and local drainage services. The flood control program relates to the control, containment, and safe disposal of storm waters that flow onto the valley floor from the eastern streams. The local drainage program relates to the collection and safe disposal of storm water runoff generated within the urban and rural watersheds.
- **San Joaquin Valley Air Pollution Control District, Regulation VIII - Fugitive PM10 Prohibitions.** The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII is available for download at <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. A printed copy may be obtained at the District's Central Region offices at 1990 E. Gettysburg Ave., Fresno, CA 93726.
- **Biological Resources Letter from Dirk Poechel, Land Development Services, Inc.,** January 25, 2019, A letter addressing biological impacts.
- **Cultural Resources Review from LSA,** dated January 30, 2019, An evaluation of cultural resources.
- **Greenhouse Gas Analysis from LSA,** February 15, 2019, An evaluation of the impacts related to Greenhouse Gas.
- **City of Clovis Wastewater Collection System Master Plan,** July 2, 2018, An evaluation of impacts to the Master Sewer Collection System.
- **Traffic Impact Letter from Dirk Poechel, Land Development Services, Inc.,** January 23, 2019, A letter addressing traffic impacts.
- **County of Fresno Department of Public Health,** August 28, 2018, recommended conditions of approval.

Unless otherwise noted, documents incorporated by reference in this Initial Study are available for review at the Clovis Planning and Development Services Department located at 1033 Fifth Street, Clovis, CA 93612 during regular business hours.

1.2 Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general government powers, such as a city or county, rather

than an agency with a single or limited purpose." Based on these criteria, the City of Clovis will serve as lead agency for the proposed project.

1.3 Agencies That May Use This Document

This Initial Study and Mitigated Negative Declaration may be used by any responsible or trustee agencies that also have review authority over the project. As stated in the CEQA Guidelines Section 15231:

A Final EIR prepared by a lead agency or a Negative Declaration adopted by the lead agency shall be conclusively presumed to comply with CEQA for the purposes of use by responsible agencies which were consulted pursuant to Sections 15072 or 15082 unless one of the following conditions occurs:

- a. The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or*
- b. A subsequent EIR is made necessary by Section 15162 of these Guidelines.*

The various local, state, and federal agencies that may use this document are listed in Section 2.0, "Project Description."

2.0 Project Information

2.1 Project Description

The project consists of a request to approve a rezone and conditional use permit on approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues in the City of Clovis. Furthermore, the project includes the Fresno Metropolitan Flood Control District and San Joaquin Valley Air Pollution Control District as responsible agencies.

Rezone R2018-11 is requesting to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential)(1 Unit/2,000 Sq. Ft.) Zone District.

Conditional Use Permit CUP2018-13 is a request to approve a conditional use permit to allow 3-story buildings and 48-feet, 6-inches in height for Building Types 1, 1A and 3. Additionally, allow 36-feet, 4-inches in height for Building Types 2 and 5, allow 36-feet, 3-inches in height for Building Type 5A. The Code allows a maximum height of 2 stories and 35-feet for main structures.

The project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2017 City of Clovis Standards.

2.2 Project Location

The proposed project is located within the City of Clovis in the County of Fresno (see Figure 1). The proposed project site is located at the southwest corner of Herndon and N. McKelvy Avenues (see Figure 2).



Figure 1 - Regional Location

R2018-11, CUP2018-13

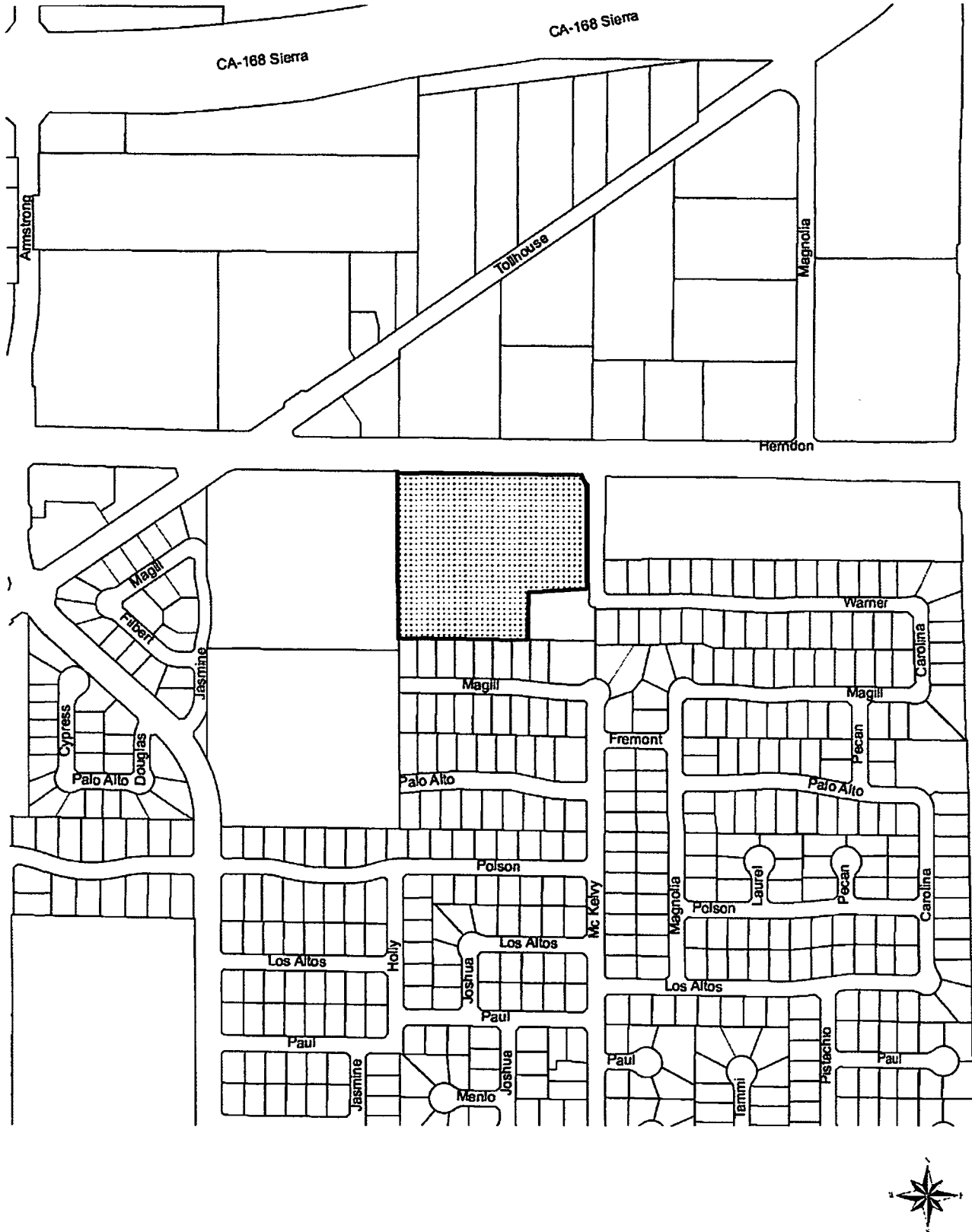
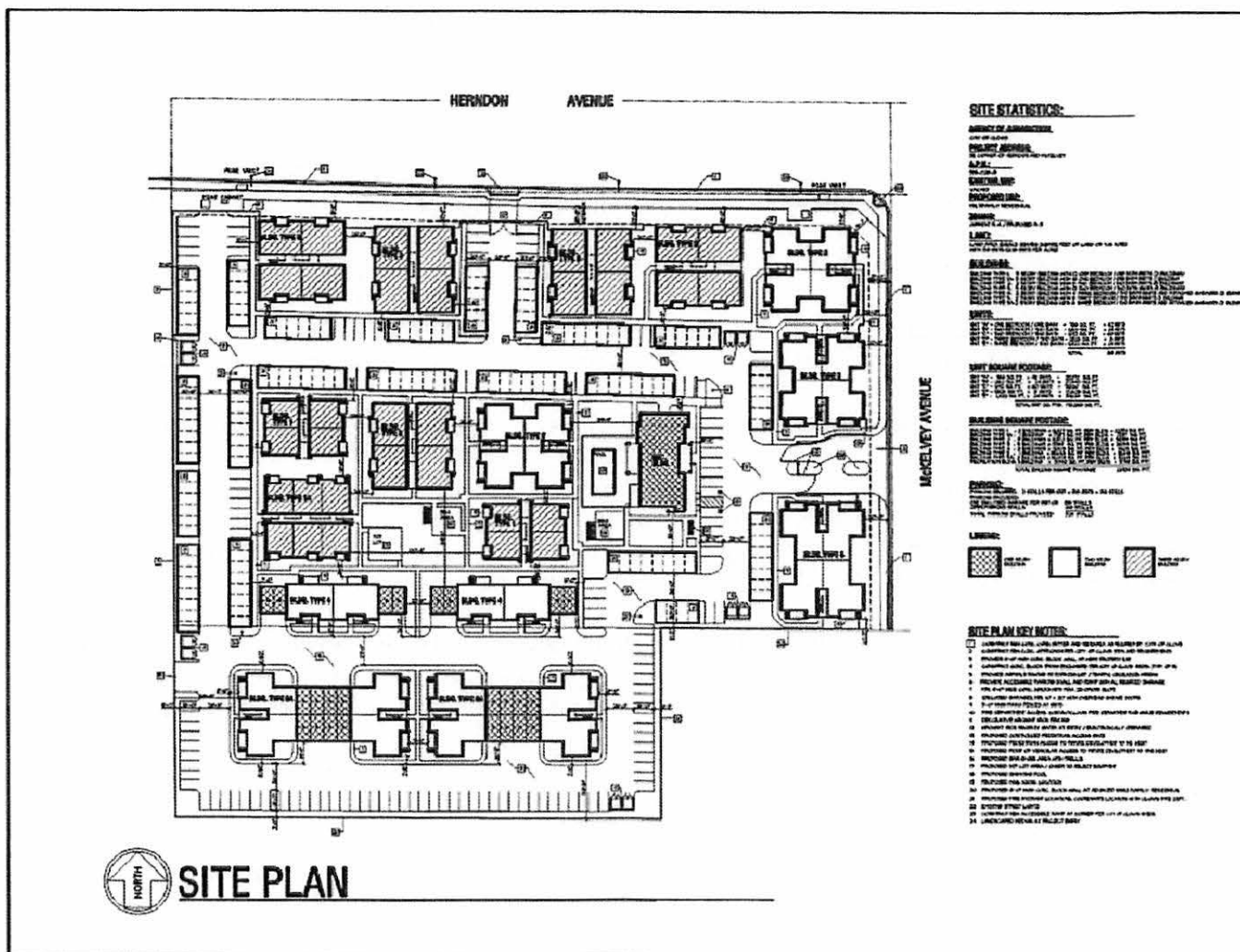


Figure 2 - Project Location

Proposed Design of the Site

Figure 3 shows proposed site plan.



Standard Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise

The following construction noise control standards per the Clovis Municipal Code (Clovis Municipal Code Section 5.27.604 et seq.) will be required, which are proven effective in reducing and controlling noise generated from construction-related activities.

- Noise-generating construction activities. Unless otherwise expressly provided by permit, construction activities are only permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. Extended construction work hours must at all times be in strict compliance with the permit.
- Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.

Standard Environmental Measure 2: Erosion Control Measures to Protect Water Quality

To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures for each development.

- Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
- Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
- Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; heavily chlorinated water.
- Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.

Standard Environmental Measure 3: Dust Control Measures to Protect Air Quality

To control dust emissions generated during construction of future parcels, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM₁₀ are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis' Storm Water Management Plan (SWMP) and the Project Storm Water Pollution Prevention Plan (SWPPP), if applicable.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Standard Environmental Measure 4: Measures to Control Construction-Related Emissions

To comply with guidance from the SJVAPCD, the City will incorporate the following measures into the construction specifications and project performance specifications:

- The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.
- The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities). Current SJVAPCD rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.
- The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.
- The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

Standard Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials

Construction of the project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications for each parcel that includes the use of hazardous materials, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.

- *Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.* The City/contractor shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code,

Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.

- *Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.* The City shall require contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- *Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.* In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- As applicable, each project applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies.

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin,
 - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

Standard Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan

If applicable, the construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to insure public safety, provide noise control and dust control. The plan shall be approved by the City of Clovis City Engineer and comply with City of Clovis local ordinances and standard policies.

- The construction traffic control plan will be provided to the City of Clovis for review and approval prior to the start of construction and implemented by construction contractor during all construction phases, and monitored by the City.

Required Project Approvals

In addition to the approval of the proposed project by the City of Clovis, the following agency approvals may be required:

- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District

3.0 Environmental Setting, Impacts and Mitigation Measures

Introduction

This chapter provides an evaluation of the potential environmental impacts of the proposed project, including the CEQA Mandatory Findings of Significance. There are 18 specific environmental topics evaluated in this chapter including:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities/Service Systems

For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant with Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

3.1 Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Aesthetics <i>Would the Project:</i>				
a. Have a substantial effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The City of Clovis is located within the San Joaquin Valley. As a result, the project site and surrounding areas are predominantly flat. The flat topography of the valley floor provides a horizontal panorama providing vistas of the valley. On clear days, the Sierra Nevada Mountains are visible to the east. Aside from the Sierra Nevada and nearby foothills, there are no outstanding focal points or views from the City.

Impacts

The project may result in significant aesthetic impacts if it substantially affects the view of a scenic corridor, vista, or view open to the public; causes substantial degradation of views from adjacent residences, or results in night lighting that shines into adjacent residences.

- The proposed project will not obstruct federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The City of Clovis is located in a predominantly agricultural area at the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. The project site is currently vacant land. The project proposes a 158-unit multi-family development, consistent with the allowed uses under Focus Area #5 of the General Plan. As such, the implementation of the project using the proposed R-3 zoning standards, would result in a less than significant impact to scenic vistas.
- The project is located in a predominately urban area. The development of this parcel with a multi-family development would have a less than significant impact on scenic resources.
- The project site is currently vacant land. The implementation of the project, consistent with the proposed zoning would not substantially degrade the visual character or quality of the site and its surroundings.
- The project will include on-site project and off-site street lighting, which would introduce a new source of light to the area. The lighting is necessary to provide enough illumination at night for security and traffic purposes. All lighting will be installed per City and PG&E standards. With the

inclusion of the following Mitigation Measure, impacts in this category will be reduced to a less than significant impact.

Mitigation Measure 3.1-d

The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties. Street lighting shall be spaced in accordance with City Standards to reduce up-lighting. The applicant shall utilize a PG&E street light which directs light downward.

3.2 Agriculture and forest resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Agriculture and forest resources <i>Would the Project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Clovis and Vicinity

The early agricultural history of Clovis was partly tied to the logging industry in the Sierra Nevada. A 42-mile log flume was built from Shaver Lake to Clovis, and a mill and finishing plant were developed in Clovis. Other agricultural products from the Clovis area included grains and livestock (Clovis 2012).

Currently, there is little active agricultural use in the Plan Area because of water supply constraints and soil suitability issues.

General Plan Designation for Agricultural Use

The General Plan EIR analyzed the impacts of the City's urban growth on agricultural land and includes mitigation measures to reduce those impacts; however, impacts to agricultural land remain significant and unavoidable. A Statement of Overriding Considerations was adopted for the impacts to agriculture lands. The proposed Project does not significantly impact agricultural resources as identified in the General Plan's PEIR.

3.3 Air Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Air Quality <i>Will the proposal:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standards or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

SAN JOAQUIN VALLEY AIR BASIN

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea

level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Straits. At its northern end is the Sacramento Valley, which comprises the northern half of California's Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

Climate

The SJVAB is in an inland Mediterranean climate zone and is influenced by a subtropical high-pressure cell most of the year. Mediterranean climates are characterized by sparse rainfall, which occurs mainly in winter. Summers are hot and dry. Summertime maximum temperatures often exceed 100°F in the valley.

The subtropical high-pressure cell is strongest during spring, summer, and fall and produces subsiding air, which can result in temperature inversions in the valley. A temperature inversion can act like a lid, inhibiting vertical mixing of the air mass at the surface. Any emissions of pollutants can be trapped below the inversion. Most of the surrounding mountains are above the normal height of summer inversions (1,500–3,000 feet).

Winter-time high pressure events can often last many weeks, with surface temperatures often lowering into the 30°F. During these events, fog can be present and inversions are extremely strong. These wintertime inversions can inhibit vertical mixing of pollutants to a few hundred feet (SJVAPCD 2012a).

Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors,” those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 5.3-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

**TABLE 3.4-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.075 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.03 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM ₁₀	Annual	--	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	35 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	3-Month Avg.	1.5 ug/m ³	--

Notes: ppm = parts per million; ug/m³ = micrograms per cubic meter.

Source: California Air Resources Board, 2008. Ambient Air Quality Standards (4/01/08), <http://www.arb.ca.gov/aqs/aaqs2.pdf>.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

Attainment Status

The air quality management plans prepared by SJVAPCD provide the framework for San Joaquin Valley Air Basin (SJVAB) to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment for PM_{2.5}. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

Impacts

The SJVAPCD has established the following standards of significance (SJVAPCD, 1998). A project is considered to have significant impacts on air quality if:

- A project results in new direct or indirect emissions of ozone precursors (ROG or NO_x) in excess of 10 tons per year.

- Any project with the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.
- A project produces a PM₁₀ emission of 15 tons per year (82 pounds per day).

While the SJVAPCD CEQA guidance recognizes that PM₁₀ is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM₁₀. However, for the purposes of this analysis, a PM₁₀ emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVAPCD threshold level at which new stationary sources requiring permits for the SJVAPCD must provide emissions "offsets". This threshold of significance for PM₁₀ is consistent with the SJVAPCD's ROG and NO_x thresholds of ten tons per year, which are also the offset thresholds established in SJVAPCD Rule 2201 New and Modified Stationary Source Review Rule.

The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls, including compliance with its Regulation VIII fugitive PM₁₀ Prohibitions. The SJVAPCD guidelines provide feasible control measures for construction emission of PM₁₀ beyond that required by SJVAPCD regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant.

With the incorporation of existing mitigation measures from the 2014 General Plan EIR, as well as existing policies and measures per the San Joaquin Valley Air Pollution Control District, the project will not have a significant impact to air quality or greenhouse gas.

- a. The project site is located within the San Joaquin Valley Air Basin (SJVUAPCD), which is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM₁₀. The Federal Clean Air Act and the California Clean Air Act require areas designated as nonattainment to reduce emissions until standards are met. The proposed project would not obstruct implementation of an air quality plan; however, temporary air quality impacts could result from construction activities. The proposed project would not create a significant impact over the current levels of ozone and PM₁₀ or result in a violation of any applicable air quality standard. The project is not expected to conflict with the SJVUAPCD's attainment plans. The project will be subject to the SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions and subject to Environmental Measure 3: Dust Control Measures to Protect Air Quality. With the incorporation of these existing measures, the project will have a less than significant impact.
- b. The proposed project would result in short-term construction related emissions (dust, exhaust, etc.). The SJVAB currently exceeds existing air quality standards for ozone and the State Standard for PM₁₀. However, as with all construction projects, the project will be subject to the rules and regulations adopted by the SJVUAPCD to reduce emissions throughout the San Joaquin Valley and will be subject to Environmental Measure 4: Measures to Control Construction-Related Emissions. Therefore, the project would create a less than significant impact with existing measures incorporated.
- c. See responses to 3.3a and b above.
- d. The existing sensitive receptors near the proposed project include single-family residences, a multi-family development and two rural residential homes. The proposed project may subject sensitive receptors to pollutant concentrations due to construction activities. The use of construction equipment would be temporary and all equipment is subject to permitting requirements of the SJVUAPCD. This impact is considered less than significant.
- e. Objectionable odors are possible during site preparation and construction. However, the odors are not expected to be persistent or have an adverse effect on residents or other sensitive receptors in the project's vicinity. No objectionable odors are anticipated after constructions activities are complete; therefore, the project is expected to have a less than significant impact.

3.4 Biological Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Biological Resources <i>Will the proposal result in impacts to:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is currently vacant land. The site is bounded by urban development to the east and south. There is a rural residential home to the west and commercial/ light manufacturing uses to the north.

Impacts

The project would have a significant effect on the biological resources if it would:

- 1) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- 2) Substantially diminish habitat for fish, wildlife or plants; or
- 3) Substantially affect a rare, threatened, or endangered species of animal or plant or the habitat of the species.

CEQA Guidelines Section 15380 further provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future. This includes listed species, rare species (both Federal and California), and species that could reasonably be construed as rare.

- a. The proposed project has the potential for impact, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife. However, with inclusion of mitigation measures to address the breeding season, impacts in this category are less than significant.
- b. There is no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife within the project area. Therefore, the proposed project would not have a substantial adverse effect on riparian or other sensitive natural habitat.
- c. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d. The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

Mitigation Measure

- **Mitigation Measure 3.4-a:** The applicant shall conduct a pre-construction general nesting bird survey within all suitable nesting that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction.

- **Mitigation Measure 3.4-a2:** If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.
- **Mitigation Measure 3.4-a3:** If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act.

3.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Cultural Resources <i>Will the proposal:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Mitigation Measures in the Clovis General Plan Program Environmental Impact Report require evaluation of the site for archaeological, paleontological, and historical structure sensitivity. These mitigation measures, which identify archaeological and paleontological levels of sensitivity, list historically important sites identified by the Fresno County Library. The project is not anticipated to impact any cultural resources; however, the project could lead to the disturbance of undiscovered archaeological and paleontological resources. General Plan Conservation Element Goal 2 acts to preserve historical resources, and mitigation measures adopted in association with the General Plan PEIR help to reduce potential impacts to a less than significant level. The project was evaluated by LSA who concluded that no archaeological resource were found on the project site during the filed survey. However, one historic-period cultural resource, an agricultural ditch, was found on the site. The agricultural ditch has been abandoned and portions have been filled in.

Pursuant to requirements of AB52, a notification was sent to the Native American Heritage Commission for review with local tribes for cultural significance.

Impacts

The project may have a significant impact on cultural resources if it causes substantial adverse changes in the significance of a historical or archaeological resource as set forth by the California Register of Historic Places and Section 106 of the National Historic Preservation Act; directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; or disturbs any human remains, including those interred in formal cemeteries. A cultural study was performed by LSA who concluded that there were no archaeological resource found on the project site during the filed survey.

- a. A Cultural Resource Study was conducted by LSA, and found no archaeological resource on the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. Therefore impacts in this category are less than significant.
- b&c. The proposed project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines or directly or indirectly destroy a unique paleontological resource or site or unique geological features. There are no known archaeological or paleontological resources located in the areas of construction. These areas have been previously disturbed; however, with ground disturbance there is chance that previously undiscovered archaeological and/or paleontological resources could be uncovered. The project is subject to Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. Therefore, impacts will be less than significant. Implementation of this Standard Environmental Measure would ensure that potential impacts due to uncovering of previously undiscovered archaeological and/or paleontological resources would be less than significant.
- d. The site has not been identified as containing areas where human remains may be located. However, California Public Resources Code Section 5097.98, provides procedures in case of accidental finds. Should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to California Health and Safety Code, Section 7050.5 and California Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. Compliance with this regulatory compliance measure would ensure that potential impacts due to discovery of human remains would be less than significant.

3.6 Geology and Soils

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Geology and Soils <i>Will the Project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i). Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the project site. There are several known faults that exist close enough to the project to cause potential damage to structures or individuals. The City of Clovis has adopted the California Building Code to govern

all construction within the City, further reducing potential impacts in this category by ensuring that development is designed to withstand seismic or other geologic hazards.

Impacts

The Project may result in significant earth impacts if it causes substantial erosion or siltation; exposes people and structures to geologic hazards or risk from faults, landslides, unstable soil conditions, etc.; or substantially alters the natural topography or a unique geological or physical feature. Grading that disturbs large amounts of land or sensitive grading areas (e.g. slopes in excess of 20 percent, intermittent drainages) may cause substantial erosion or siltation.

- a. No known faults with evidence of historic activity cut through the valley soils in the Project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the Project site, the closest fault being approximately 62 miles to the southwest. Due to the geology of the Project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the Project vicinity is considered minimal. There are no Impacts in this category.

Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Taking into account the distance to the causative faults and compliance with the California Building Code, the potential for ground motion in the vicinity of the Project site is such that a minimal risk can be assigned. There are no Impacts in this category.

Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. Studies indicate that the soil types are not conducive to liquefaction (General Plan, Page 7-6 and General Plan EIR, Page 4-5). There are no Impacts in this category.

Landslides and mudflows are more likely in foothill and mountain areas where fractured and steep slopes are present (as in the Sierra Nevada Mountains). The Project is located on relatively flat topography with no slopes in vicinity; therefore, the Project will not result in or expose people to potential impacts from landslides or mudflows. There are no Impacts.

- b. The sandy loam soil on the project site has a moderate potential for erosion. Project construction activities would loosen the soil, leaving it exposed to potential water and wind erosion. The eroded soils, in turn, could be transported off the project site. Compliance with the provisions of the Clovis-Fresno Storm Water Quality Management Program (CFSWQMP), which incorporates the Construction General Permit, issued by the State Water Resources Control Board (SWRCB). The Construction General Permit is required for all projects that disturb one acre of land or more. The permit requirements include preparation of a Storm Water Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer to address potential water quality issues. The SWPPP includes implementation of Best Management Practices to avoid or minimize adverse water quality impacts. Best Management Practices fall within the categories of Temporary Soil Stabilization, Temporary Sediment Control, Wind Erosion Control, Tracking Control, Non-Storm Water Management, and Waste Management and Materials Pollution Control. Only Best Management Practices applicable to the project would become part of the SWPPP. In short, the project has potentially significant impacts related to erosion, but compliance with SJVAPCD Regulation VIII and SWPPP, would result in a less than significant impact.

- c. The soils underlying the sites where the facilities would be constructed have not been identified as inherently unstable or prone to failure. The soils are not conducive to liquefaction and landslides are unlikely on this topographically flat project site. The project would not change existing stability conditions. Appropriate engineering design would avoid potential adverse effects. The project would have no impact on the stability of soils.
- d. Potential hazards from liquefaction, lateral spreading, seismically induced settlement, and subsidence are considered unlikely given the stiff soil conditions of the project site. Because the topography of the project site is flat, it is not at risk for landslides or geologic hazards resulting from steep slopes. Additionally, all new structures will be required to conform to current seismic protection standards in the California Building Code (California Code of Regulations Title 24).

It is possible that grading and construction activities related to development of the Project could contribute to soil erosion. However, with implementation of erosion control measures as required by state and local regulation, erosion will be less than significant.

Based on these factors, impacts pertaining to geology and soil factors resulting from the Project, are less than significant.

- e. The City of Clovis provides necessary sewer and water systems for development within the City. The Project will not utilize septic tanks or alternate waste disposal. There are no Impacts in this category.

3.7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Greenhouse Gas Emissions <i>Will the proposal:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. While the presence of the primary GHGs in the atmosphere is naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.¹ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

In April 2009, the California Office of Planning and Research published proposed revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that "to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation."

¹ California Air Resources Board (ARB), 2006, Climate Change website. (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>).

- OPR's emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project's energy use and energy efficiency potential.

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process. Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below "business as usual" (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

Significance Criteria

The SJVAPCD's *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct, impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project's GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

A Greenhouse Gas Impact Analysis was performed by LSA, dated February 15, 2019. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

Impacts

- a. A significance threshold of 29% below "business as usual" levels is considered to demonstrate that a project would be consistent with the goals of AB 32. A Greenhouse Gas Analysis was performed by LSA. The report concludes that impacts related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases is less than significant.
- b. A Greenhouse Gas Analysis was prepared for the project by LSA. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed project.

GHG emissions were calculated for BAU conditions and for conditions with implementation of GHG emission reduction project design features proposed by the project applicants. The report concludes that the proposed project would not result in any direct impacts to the global climate, and cumulative impacts would be less than significant.

3.8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hazards and Hazardous Materials <i>Will the Project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Definitions

For purposes of this chapter, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined in the Code of Federal Regulations (CFR) as “a substance or material that...is capable of posing an unreasonable risk to health, safety, and property when transported in commerce” (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. “Hazardous wastes” are defined in California Health and Safety Code Section 25141(b) as wastes that: ... because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Schools

Cedarwood Elementary School is located approximately 0.49 miles east of the Project site. Mickey Cox Elementary School is located approximately 0.23 miles southwest of the Project site. No other existing schools or future school sites are located within one-quarter of the project site.

Impacts

- a.-b. The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used during construction of commercial developments, including vehicle fuels, paints, oils, and transmission fluids. Similarly, the types and amounts of hazardous materials used during operation of the Project would be typical of such developments and would include cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products. However, all potentially hazardous materials to be used during construction and operation of the Project would be contained, stored, and used in accordance with manufacturers’ instructions and handled in compliance with applicable federal, State, and local regulations. The project includes

construction of a 158-unit multi-family development and does not involve the use, transport or disposal of hazardous materials and would not result in such an impact. Therefore, these impacts are considered less than significant.

- c. Cedarwood Elementary School is located approximately 0.49 miles east of the project site. Mickey Cox Elementary School is located approximately 0.23 miles southwest of the project site. Based on field review, there are no signs of potential contamination or hazardous materials on the project site. All materials used during both the construction and operation of the Project would be used in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. In addition, the Project would not involve the use or handling of acutely hazardous materials, substances, or waste. As such, the use of such materials would not create a significant hazard to nearby schools. Therefore, impacts in this category are considered less than significant.
- d. The land within the Project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazardous waste and substances sites within the City of Clovis (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm). Therefore, in the category are less than significant.
- e. The Project site is not located within the Fresno-Yosemite International Airport land use plan area. There are no impacts in this category.
- f. The Project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the Project vicinity related to an airstrip or aviation activities. There are no impacts in this category.
- g. Temporary detouring of traffic during construction periods is anticipated. Emergency response departments will be notified per City Standards and Policies. The periods of closure or detouring will be monitored by traffic personnel. The proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.
- h. The Project site is located in an area surrounded by urban uses. As such, the site is not adjacent to or in close proximity to wildland areas. No impacts are anticipated.

3.9 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hydrology and Water Quality <i>Will the proposal result in:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

which would not support existing land uses or planned uses for which permits have been granted)?				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The General Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part

of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD's flood control system are sized to accommodate stormwater from each basin's drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke 2014). Basins are highly effective at reducing average concentrations of a broad range of contaminants, including several polycyclic aromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Stormwater Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

Groundwater

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, *Kings Groundwater Basin*, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2017).

In the Plan Area, groundwater levels are monitored by the City of Clovis and FID. The area has not experienced land subsidence due to groundwater pumping since the early 1900s (FID 2006). Subsidence

occurs when underground water or natural resources (e.g., oil) are pumped to the extent that the ground elevation lowers. No significant land subsidence is known to have occurred in the last 50 years as a result of land development, water resources development, groundwater pumping, or oil drilling (FID 2006). The City has identified a localized area of subsidence of 0.6 feet in the vicinity of Minnewawa and Herndon Avenues within the last 14 years (Clovis 2016). Regional ground subsidence in the Plan Area was mapped as less than one foot by the US Geological Survey in 1999 (Galloway and Riley 1999). However, groundwater levels in the San Joaquin Valley are forecast to hit an all-time low in 2014 (UCCHM 2014).

Groundwater Recharge

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City's boundaries (Clovis 2011).

The FMFCD urban stormwater drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area. The process of expansion of the FMFCD urban storm drainage system is explained above under the analysis of the 2035 Scenario under Impact 5.9-1.

Projects pursuant to the proposed General Plan Update and developed outside of the FMFCD urban stormwater drainage system would be required to meet the requirements of NPDES regulations, including the implementation of BMPs to improve water retention and vegetation on project sites.

Executive Order to Reduce Water Use

The new Clovis General Plan PEIR indicates that the City would have adequate water supply to meet the demand of planned development through the 2035 planning horizon. The current drought situation through mid-2014 was considered and addressed in the General Plan PEIR.

During the 2015 drought, the Governor's April 1, 2015, executive order and the resulting State Water Resources Board regulations require that urban water users reduce water use by at least 25 percent (36 percent for the City of Clovis), and was implemented by the City of Clovis through a number of measures. These measures included:

- Establishment of mandatory reductions for all users and implementation of penalties for failure to comply
- Restriction of outdoor water use to two days per week
- Increased enforcement of water conservation rules
- Reducing water use on City landscaping by at least 36 percent below 2013 levels
- Relaxing enforcement of all neighborhood preservation ordinances that could require ongoing landscape irrigation
- Increased public outreach

During 2016 due to improved water conditions, the restrictions were relaxed by the State if the water supplier could self-certify adequate water supplies for the next three dry years. Clovis was able to meet this requirement and subsequently relaxed water conservation requirements for 2016.

It is noted that all landscaping associated with the project will comply with applicable drought tolerant regulations including the City's adopted Water Efficient Landscape Ordinance. Since the residents within the project are subject to and will comply with water use reduction requirements, the project would not result in any significant adverse impacts related to water supply and quality or a substantial increase in the severity of the impacts identified in the Program EIR.

Impacts

The proposed project may result in significant impacts if it would violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with ground water recharge; substantially alter the existing drainage pattern of the site; substantially increase the rate or amount of surface runoff; exceed the existing or planned storm water drainage system; provide substantial additional sources of polluted runoff; degrade water quality; place housing or structures within a 100-year flood hazard area; expose people or structures to risks of flooding; and inundation from seiche, tsunami, or mudflow.

The General Plan Program Environmental Impact Report identified significant and unavoidable impacts for both the 2035 scenario and full build-out of the General Plan Area and statement of overriding considerations was adopted.

- a. Development of the project site would be required to comply with all City of Clovis ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. The project would also be required to comply with Fresno County Health Department requirements, FMFCD regulations, and all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

Construction activities of the project are subject to several regulations that address erosion and sediment control, and minimize the resulting effects of erosion on water quality. These requirements include adherence to the existing General Construction Permit requirements (pursuant to the NPDES General Permit for Discharges of Stormwater Runoff Associated with Construction Activity), which are specifically aimed at reducing impacts on surface waters that may occur due to construction activities. Specifically, the Permit requires preparation of a stormwater pollution prevention plan (SWPPP) that would incorporate best management practices (BMPs) to improve water retention and vegetation on project sites. Given the extent of existing regulations and mandated compliance that the project would be required to comply with that address reducing or avoiding the erosion of disturbed soils during construction activities, the impact would be less than significant.

- b. The project is served by the City of Clovis' public water system and will not directly utilize groundwater in its construction or operation. As the City of Clovis relies in part on groundwater for its municipal water supply, the project may have an indirect impact on groundwater supplies. However, based on the 2015 Urban Water Management Plan, the City is forecast to have adequate water supplies to meet estimated water demands generated by build out of the General Plan Update under the 2035 Scenario, which included development of the project area with new hospital facilities and other business and commercial uses consistent with the subject proposal. Further, the City has diversified its water supply over time to utilize surface water and recycled water while proportionally decreasing groundwater usage (additional information regarding the City's water supply is included in Chapter 20, Utilities and Service Systems). The project also uses reclamations tanks for the recycling and reuse of water.

Regarding groundwater recharge, the project will increase impervious surfaces in the project area. However, the increase in the amount of impervious surfaces in the area was previously addressed in the Clovis General Plan EIR. As discussed in the Clovis General Plan EIR, most of the areas where development is anticipated are already served by the FMFCD urban drainage system, and

new development would be required to pay Local Drainage Fees to fund drainage improvements pursuant to the FMFCD Master Plan serving the affected drainage areas before the beginning of any work on such developments. Additionally, onsite infrastructure needed such as additional curbs and gutters, storm drain inlets, and underground storm water pipelines will be constructed as part of the project. Given that the project would be adequately served by water supplies already designated for use by the City of Clovis and would not require additional groundwater supply entitlements, and given that the design and operational characteristics of the project would not substantially deplete groundwater resources or interfere with groundwater recharge, impacts to groundwater supplies and recharge would be less than significant.

- c. The project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. Therefore, impacts are less than significant.
- d-f. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Therefore, impacts are less than significant.

The Project site is presently vacant which typically does not result in notable stormwater runoff except when soils are saturated during periods of extended above-normal rainfall. The generation of stormwater runoff from the project site will increase when developed.

Stormwater collection and drainage service needs are provided by the Fresno Metropolitan Flood Control District. The existing off-site stormwater infrastructure from the project site to Basin S was installed with previous development. According to comments received from FMFCD, much of the Master Plan storm drainage system for the area is complete. These facilities are adequate to serve Project's stormwater drainage needs. The project will also be subject to the required drainage fees. Onsite infrastructure such as additional curbs and gutters, storm drain inlets, and underground stormwater pipelines will be constructed as part of the proposed project. The stormwater management needs of the project area and other areas within the City of Clovis were considered in the adoption of the Clovis General Plan and the Fresno Metropolitan Flood Control District's Storm Drainage and Flood Control Master Plan. Compliance with existing plans and regulations will assure that any impacts associated with the project related to drainage and runoff will be less than significant.

- g. The project would not place housing within a 100-year flood hazard area as mapped on the latest federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- h. The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- i. The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j. The Project is not located near any ocean, coast, or seiche hazard areas and would not involve the development of residential or other sensitive land uses. Therefore, the Project would not expose people to potential impacts involving seiche or tsunami. No potential for mudflows is anticipated. There is no impact associated with the proposed Project.

3.10 Land Use and Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Land Use and Planning <i>Will the proposal:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, Shaw Avenue Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project is consistent with the land use policies of the City, including the Clovis General Plan Land Use Diagram and Zoning Ordinance; therefore impacts in this category are avoided.

3.11 Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mineral Resources <i>Will the proposal:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Clovis General Plan states, "The Clovis Project area does not contain those mineral resources that require managed production, according to the State Mining and Geology Board."

Impacts

The Project would create significant impacts if it results in the loss of availability of a known mineral resource with future value.

- a-b. The proposed Project would not use or extract any mineral or energy resources and would not restrict access to known mineral resource areas. Therefore, there would be no impact.

3.12 Noise

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Noise <i>Will the proposal result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The ambient noise environment in the immediate Project vicinity is defined primarily by local traffic, animals, residents and natural noise associated with an urban residential and commercial environment. The Clovis Development Code (Section 9.22.080) sets forth land use compatibility criteria for various community noise levels.

Impacts

- a. The construction of the proposed Project would result in temporary construction-related noise impacts. These impacts would be short-term in nature and only occur for a limited duration. Existing Measure 1: Measures to Minimize Effects of Construction-Related Noise will help reduce any potential noise impacts to surrounding uses. Construction noise would be short-term in nature and only occur for a limited duration and are therefore considered less than significant.
- b. Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the project. The construction activities would be temporary in nature and no persons would be exposed for extended periods of time. Therefore, impacts associated with exposure to, or generation of, groundborne vibration or noises are considered to be less than significant.
- c. The proposed project could result in a permanent increase in the ambient noise levels due to increased traffic, population and equipment related to multi-family residential; however, the increases are not expected to exceed the General Plan standards and impacts are considered less than significant.
- d. A temporary increase in ambient noise levels would occur in association with construction activities. However, construction noise would be short-term in nature and only occur for a limited duration. Therefore, impacts are considered less than significant.
- e. The proposed project site is not located within an airport land use plan area. Therefore, the project would not expose people to excessive airport or airstrip noise. There is no impact.
- f. The Project is not located within the vicinity of a private airstrip. There is no impact.

3.13 Population and Housing

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Population and Housing <i>Would the Project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project will generate or result in increased population in the area. The Project includes a 158-unit multi-family residential development. The number of new residents in the area would equal approximately 427 residents.

Impacts

- a. The Project will add 158 units to the area equating to approximately 427 new residents. It is anticipated that this multi-family residential development would introduce a number of new citizens to the City of Clovis, however it is considered to be less than significant.
- b. The Project would not result in displacement of housing.
- c. The Project would not result in displacement of people.

3.14 Public Services

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Public Services <i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project would not result in a significant increased demand for public services. The project includes a 158-unit multiple-family residential development, consistent with the General Plan; therefore impacts in this category are not anticipated to be significant.

Impacts

- a. The Project may result in significant public service impacts if it substantially and adversely alters the delivery or provision of fire protection, police protection, schools, facilities maintenance, and other governmental services.

Development of the proposed project would involve a minor addition to the responsibilities to the Clovis Fire Department. It would not degrade the existing service ratio, response time, or other performance objectives. The proposed project would comply with standard mitigation measures, and would not require the construction of new facilities or physically alter existing governmental facilities. The proposed project would have less than significant environmental impact associated with its demand on fire services.

- b. The proposed project would be served by existing police protection resources and would not require the construction of new facilities or physically alter existing facilities. Therefore, the Proposed Project would have a less than significant impact associated with its demand on Police services.
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a per square foot school facilities fee to help defray the impact of residential development. The project is subject to the fees in place at the time fee certificates are obtained. The school facility fee paid by the developer to the school district are conclusively deemed to reduce any potential impact to a less than significant level.
- d. Development of this site with a 158-unit multi-family residential development will introduce new residents to the community. The Parks and Recreation Element of the General Plan requires a specific ratio of park area to residents. A park impact fee is required for each new unit and is then used to construct community parks to meet these goals. With payment of these fees, the impacts in this category are less than significant since this Project will contribute to the park funds.
- e. The Project will introduce new residents to Clovis. However, the Project would have a less than significant impact on other public facilities such as recreation, trails, Civic Center services, Senior Services, and County Library.

3.15 Recreation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Recreation <i>Will the proposal:</i>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The City of Clovis maintains approximately 285 acres of parks and open space (including a series of recreational trails), as well as a variety of public recreational facilities such as the City of Clovis Batting Cages, the Clovis Rotary Skatepark, and the Clovis Recreation Center. These parks, trails, and recreational facilities are dispersed throughout the City.

Impacts

- a. The proposed project would not create new demand for any type of recreational facilities that were not already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. The project would have a less than significant impact to recreation.

3.16 Transportation/Circulation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Transportation/Circulation <i>Will the proposal result in:</i>				
a. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designed in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Environmental Setting

Roadways are the primary existing transportation facilities in the vicinity of the project area. Although non-automobile travel does occur in the area, separate facilities for transit, bicycles, or pedestrians are limited. The General Plan classifies major streets in the area as well as designates where bike lanes and pedestrian paths will occur. Implementation of improvements generally occur with development or in the case of streets within County areas, through government funded projects in cooperation with the County.

Impacts

- a. The project site is currently vacant. The project is proposing a 158-unit multi-family residential development. New traffic will be introduced to this area with the development of this project. The City Engineer has analyzed the Project and concluded that the current and proposed improvements can accommodate the additional traffic, and that impacts are considered less than significant.
- b. The City Engineer analyzed the project and concluded that the current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- c. The proposed project may result in a temporary change in traffic patterns due to construction; however, the project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings will reduce impacts to a less than significant level.
- d. The City Engineer states that the location of drive access points are adequate in addressing the City Standards and has determined that impacts in this category are less than significant.
- e. The project will not result in inadequate emergency access. The project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings, which requires contractors to keep emergency services informed of the location and progress of work.
- f. The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

3.17 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Tribal Culture Resources <i>Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52 applies to all projects for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

The project was mailed to each interested Tribe listed on the latest Tribal Consultation list provided by the Native American Heritage Commission using registered US Mail. The Tribes were provided a 30-day period (from receiving the City letter) in which to request consultation. Once the consultation period ran its course, the CEQA Initial Study was prepared and a Notice of Intent filed with the County Clerk and/or Office of Planning and Research.

Impacts

- a. A cultural resources review was prepared by LSA, dated January 30, 2019 for the project area. The Southern San Joaquin Valley Information Center (SSJVIC) database indicated that there are no previously recorded cultural resources within the project site.
- b. Per AB52, the project was mailed to all Tribes listed on the Native American Heritage contact list, dated January 25, 2019. Tribes were provided an opportunity to request consultation. The General Plan EIR includes existing measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

3.18 Utilities and Service Systems

Utilities and Service Systems <i>Will the proposal:</i>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (MID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the project site. Stormwater runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

Impacts

- a. The wastewater impacts were evaluated in accordance with the Waste Water master Plan. The City Engineer concludes that the project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Therefore, impacts are considered less than significant.
- b. The project will not directly result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The project may result in the construction of new storm water drainage facilities. The Fresno Metropolitan Flood Control District has policies for this type of project.
- d. The project will not require new or expanded entitlements and resources. The site is also within the Fresno Irrigation District and will turn over the water rights to the City of Clovis upon development.
- e. The project will not require a determination by a wastewater treatment provider (see item b above).
- f. According to the Solid Waste Division, the project will contribute to the landfill, however, the impacts are less than significant.
- g. The project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis.

3.19 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mandatory Findings of Significance				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The proposed project includes a 158-unit multi-family residential development located at the southwest corner of Herndon and N. McKelvy Avenues in the City of Clovis.

Impacts

- Based on the analysis provided in Initial Study, the Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.
- Based on the analysis provided in this Initial Study, the project would not result in any significant cumulative impacts relative to other current projects, or the effects of probable future projects.
- Based on the analysis provided in Initial Study, the project will not have environmental effects that will cause substantial adverse effects on human beings.

4.0 Cumulative Impacts

This section addresses the project's potential to contribute to cumulative impacts in the region. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." The individual effects may be changes resulting from a single project or separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor yet collectively significant projects taking place over a period of time.

The cumulative setting for the proposed project is the build-out of the City of Clovis General Plan which was adopted in 2014. The City has processed several General Plan Amendments since 2014, all of which were included in the project's analysis related to water, sewer, traffic, air quality, and greenhouse gas impacts.

Aesthetics

The environmental impact report for the City of 2014 Clovis General Plan concluded that the cumulative adverse impacts upon the community's aesthetic conditions anticipated to occur due to the projected urban growth and development would not be considerable. This determination was based upon the provisions of numerous General Plan goals and policies and implementing requirements of the City's Development Code which promote the visual quality and compatibility of new development. A mitigation measure to shield lighting and/or utilize additional spacing to reduce the potential is included in the conditions of approval and mitigation measures.

Agriculture and Forest Resources

The proposed project would not substantially contribute to the conversion of agricultural land or forest land to urban or other uses. There are no forest lands in adjacent to or in the immediate vicinity. The project area is not classified as Prime Farmland or Farmland of Statewide Importance, therefore, the project would result in a less than significant cumulative agricultural or forest resources impact.

Air Quality

Implementation of the project could result in cumulative short-term construction air quality impacts associated with increased emissions. The project would not result in cumulative air quality impacts to the region. Existing measures are incorporated to address Air Quality Standards during construction. The project would result in less than significant cumulative air quality impacts.

Biological Resources

The project could result in significant impacts to nesting migratory and nongame birds without mitigation. The project would have a less than significant impact to cumulative biological resources with a mitigation measure incorporated.

Cultural Resources

The proposed project is not anticipated to contribute to any potential impacts related to cultural and/or paleontological impacts. Any impacts would be site specific and would not contribute to cumulative impacts. Therefore, the project would have a less than significant impact to cumulative cultural resources.

Geology and Soils

Project impacts associated with geology and soils would be site-specific and implementation of the project would not contribute to cumulative seismic hazards. Therefore, the project would create no impact to cumulative geophysical conditions.

Greenhouse Gas Emissions

As discussed under Section 3. Greenhouse Gas Emissions, implementation of the proposed project would contribute to GHG emissions, which is inherently a cumulative issue. The emissions from construction would be short-term (during construction) as a result of various fossil fuel-based construction equipment. Since these impacts are short-term and the contributions to GHG emissions would be minor when compared to the State's GHG emissions target of 427 MMTCO₂-eq by 2020, the construction related greenhouse gas emissions of this project would be considered a less than significant cumulative impact.

The operational emissions from the Project would be as the result of indirect emissions from electricity usage of the well pump, emissions resulting from the occasional operation of the emergency back-up diesel generator when the power fails, and emissions from maintenance vehicles. These emissions would not be substantial and are considered less than significant. The Project's related GHG emissions would not contribute significantly to global climate change and would not impede the State's ability to meet its greenhouse gas reduction targets under AB 32.

Hazards & Hazardous Materials

The proposed project is not expected to have significant impacts as the result of hazards or hazardous materials; therefore, the project is expected to have a less than significant impact to cumulative hazards and hazardous materials impacts.

Hydrology/Water Quality

The proposed project would not contribute to cumulative surface water quality impacts associated with construction and operational activities. As described in Section 3.9 Hydrology/Water Quality, the proposed project would not substantially alter the direction of groundwater flows, or result in a substantial change in the quantity of groundwater. The project would have a less than significant impact to cumulative water conditions.

Land Use Planning & Population/Housing

With the implementation of the mitigation measure identified in Sections 3.1 (Aesthetics), land use impacts would be less than significant. The project will not have significant impacts to housing or population. The proposed project is not expected to result in substantial cumulative impacts to land use planning, population or housing.

Mineral Resources

The proposed project is expected to have no impact to any site-specific mineral resources; therefore, the project is expected to have a less than significant impact to cumulative mineral resource impacts.

Noise

As described in Section 3.12 Noise, the Project could result in increased construction noise as well as long-term traffic noise impacts. These impacts are less than significant and would not contribute to any cumulative impacts creating a level of significance.

Public Services

The proposed project creates additional units and residents but as identified in the initial study, would not result in significant impacts to public services. The project would have less than significant to cumulative public services conditions.

Recreation

The proposed Project creates additional multi-family units and residents but as identified in the initial study, would not result in significant impacts to recreation. The proposed Project would not result in significant impacts to recreation uses and/or resources. Thus, a less than significant impact to recreation is anticipated.

Transportation/Circulation

The proposed project would not contribute to short-term or long-term traffic congestion impacts. The project is not expected to impact cumulative transportation/circulation conditions. Therefore, the Project would have a less than significant impact on cumulative transportation and circulation conditions.

Tribal Cultural

Tribal Cultural resources are site specific. The proposed project would not cause a substantial adverse change in the significance on a cumulative Tribal cultural resource.

Utilities and Service Systems

The Clovis General Plan and other plans and reports have designated the project area for urban development which is planned to be served by municipal public utility systems. Development of the site as well as urban development of other vacant properties in the immediate vicinity, will increase demand for public services and necessitate construction of public utility infrastructure improvements.

The Clovis General Plan and other related long-range planning documents – such as the UMWP, the Water Master Plan Phase III, and Sewer System Management Plan – include analysis showing that adequate services for water, sewer, and solid waste disposal can be provided to accommodate the build out of the general plan. Since the project is consistent with general plan policies and its demand on public utilities is within the growth parameters considered in the City's long-range planning documents, the project would not have a cumulatively considerable impact with respect to utilities and service systems.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion in this Initial Study.

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by this Initial Study.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Haz Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural | <input checked="" type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

5.0 Determination Findings

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction, or do not exceed a threshold of significance. Therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

According to the analysis in this Initial Study, based on substantial evidence in the public record, the City of Clovis finds:

- This Initial Study, prepared pursuant to CEQA Section 15063, has identified potentially significant environmental effects that would result from the project.
- The City has reviewed the proposed project impacts and has determined the following mitigation measures will address the identified impacts and reduce impacts to the level required by applicable standards:
 - **3.1-d:** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
 - **3.4-a1:** The applicant shall conduct a pre-construction general nesting bird survey within all suitable nesting that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction.
 - **3.4-a2:** If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.

- **3.4-a3:** If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act.
- The City finds that the cumulative impacts of this project are less than significant as described in Section 4.0 (Cumulative Impacts). As such, this project would not generate significant cumulative impacts.
- Feasible mitigation measures have been incorporated to revise the project before the Mitigated Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 15070 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
- The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Section 6.0) will be adopted by incorporating mitigation measures into the project plan (CEQA Section 21081.6(b)).
- There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
- Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070 for the proposed project.

Signature _____ Date: March 5, 2019
 George González, MPA, Associate Planner

Applicant's Concurrence

In accordance with Section 15070 (b) (1) of the CEQA Guidelines, we hereby consent to the incorporation of the identified mitigation measures which are also contained in Section 6.0 of this document.

Signature _____ Date: _____

6.0 Mitigation Monitoring EXHIBIT B

City of Clovis Mitigation Monitoring and Reporting Program Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25 Dated: March 5, 2019

6.1 Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Mitigated Negative Declaration.

The City of Clovis will be the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they appear in the Mitigated Negative Declaration.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

6.2 Mitigation Monitoring Program

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.1 Aesthetics				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	view of the light source from adjacent residential properties.			
3.4 Biological				
3.4-a1	The applicant shall conduct a pre-construction general nesting bird survey within all suitable nesting that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4.a2	If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.			
3.4-a3	If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

7.0 Report Preparation

CITY OF CLOVIS- LEAD AGENCY
 PLANNING DIVISION
 George González, MPA, Associate Planner
 1033 Fifth Street
 Clovis, CA 93612
 (559) 324-2383
 georgeg@cityofclovis.com



Fresno Metropolitan Flood Control District

Capturing Stormwater since 1956

File 170.11

310. "5F", "7D"

550.20 "5F", "7D"

April 2, 2019

Mr. George Gonzalez, Associate Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez,

**Fresno Metropolitan Flood Control District Comments for
Initial Study and Mitigated Negative Declaration
Rezone R2018-11, CUP 2018-13, SPR 2018-25
Drainage Areas "5F" and "7D"**

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the subject Initial Study and requests the following revisions to Section 3.9 "Hydrology and Water Quality:

Environmental Setting, Page 37, Paragraph 4, Sentence 2

When necessary, FMFCD can move water from a basin ~~in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area~~ *by pumping it into another basin or into a canal.*

Environmental Setting, Page 37, Paragraph 5

A proposed development that would construct more impervious area on its project site than the affected ~~detention/retention basin storm drain pipeline~~ is sized to accommodate is required to ~~infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales~~ *mitigate the impacts of the increased runoff. The Project may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system.*

R2018-11, ATTACHMENT 2, Initial Study & Mitigated Negative Declaration Comments from FMFCD

Impacts, Page 40, Paragraph f

Stormwater collection and drainage service needs are provided by the Fresno Metropolitan Flood Control District. *The project is located within FMFCD Drainage Area "5F" and Drainage Area "7D". Per the FMFCD Master Plan, 5.75 acres shall drain to Magill Avenue (Drainage Area "5F") and 3.27 acres shall drain to Herndon Avenue (Drainage Area "7D").* The existing off-site stormwater infrastructure from the project site to ~~Basin S Basins~~ *Basins "5F" and "7D"* was installed with ~~previous~~ *previous* development. According to comments received from FMFCD, much of the Master Plan storm drainage system for the area is complete. ~~These facilities are adequate to serve Project's stormwater drainage needs.~~ *However, the existing system located in Drainage Area "5F" is designed to serve medium and medium-high density residential uses and does not have capacity to serve the proposed high density residential land use. The Project shall be required to mitigate the impacts of the increased runoff from the proposed high density residential land use to a rate that would be expected if developed to medium and medium-high density residential. The Project may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the Project choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a high density residential development, to a two-year discharge, which would be produced by the property if developed medium and medium-high density residential. The FMFCD existing Master Plan drainage system can accommodate the proposed high density residential land use associated with that portion of the Project located within Drainage Area "7D".*

The Project shall grant a drainage covenant to APN 550-020-69 and grade the site to allow runoff from APN 550-020-69 to drain across the Project in order to reach the Master Plan facilities located in Magill Avenue.

Permanent drainage service is available to that portion of the Project draining to Herndon Avenue (Drainage Area "7D") provided the developer can verify to the satisfaction of the City of Clovis that runoff can be safely conveyed to the Master Plan inlet. Permanent drainage service is available to the remaining portion of the Project (Drainage Area "5F") however, due to the lack of a street between the Project and Magill Avenue, the developer will need to provide a drainage channel and obtain drainage covenants from APN's 550-020-39 and 550-020-18 to reach the

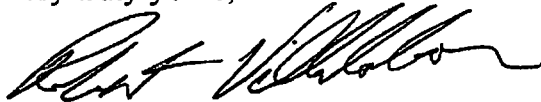
Mr. George Gonzalez
Initial Study and Mitigated Negative Declaration
Rezone R2018-11, CUP 2018-13, SPR 2018-25
April 2, 2019
Page 3

Master Plan inlet in Magill Avenue. If the drainage channel is not constructed, the District recommends temporary facilities until permanent service is available.

The project will also be subject to the required drainage fees. Onsite *and offsite* infrastructure such as additional curbs and gutters, storm drain inlets, and underground stormwater pipelines *may also* will be constructed as part of the proposed project. The stormwater management needs of the project area and other areas within the City of Clovis were considered in the adoption of the Clovis General Plan and the Fresno Metropolitan Flood Control District's Storm Drainage and Flood Control Master Plan. Compliance with existing plans and regulations will assure ~~than~~ *that* any impacts associated with the project related to drainage and runoff will be less than significant.

Thank you for the opportunity to comment. Please keep our office informed on the development of the project and if you have any further questions, or need any additional information, please contact the District at (559) 456-3292.

Very truly yours,



Robert Villalobos
Engineering Technician III

RV/lrl

**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 SOUTHWEST CORNER OF HERNDON AND N. MCKELVY AVENUES AND ADOPTING A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA GUIDELINES

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Marc O' Polo Enterprises, Inc., 7471 N. Remington, Suite 100, Fresno, CA 93711, has applied for a Rezone R2018-11; and

WHEREAS, this is a request to rezone approximately 7.5 acres from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential)(1 Unit/2,000 Sq. Ft.) Zone District for property located at the southwest corner of Herndon and N. McKelvy Avenues, in the City of Clovis, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on March 28, 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 R2018-11; 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 May 6, 2019, to consider Rezone R2018-11. 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 approve a Mitigated Negative Declaration pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on May 6, 2019, to consider the approval of Rezone R2018-11; and

WHEREAS, on May 6, 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 R2018-11, 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 R2018-11, 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 approve a Mitigated Negative Declaration for the project pursuant to CEQA guidelines.

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 R-A to Classification R-3

The property so reclassified is located at the southwest corner of Herndon and N. McKelvy 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: May 6, 2019

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on May 6, 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

**DRAFT
RESOLUTION 19-__**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A
MITIGATED NEGATIVE DECLARATION FOR REZONE R2018-11, CONDITIONAL USE
PERMIT CUP2018-13 AND SITE PLAN REVIEW SPR2018-25, PURSUANT TO CEQA
GUIDELINES**

WHEREAS, the project proponent, Marc O' Polo Enterprises, Inc., 7471 N. Remington, Suite 100, Fresno, CA 93711, has submitted various files including a Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25 for property located at the southwest corner of Herndon and N. McKelvy Avenues, in the City of Clovis; and

WHEREAS, the City of Clovis ("City") caused to be prepared an Initial Study (hereinafter incorporated by reference) in March 2019, for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

WHEREAS, on the basis of this Initial Study, a Mitigated Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

WHEREAS, the City Council has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Mitigated Negative Declaration, or otherwise commented on the Project.

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

1. Adopts the foregoing recitals as true and correct.
2. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
3. Finds and declares that the Initial Study and Mitigated Negative Declaration were presented to the City Council and that the City Council has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Initial Study and Mitigated Negative Declaration, or otherwise commented on the Project prior to approving the Project and adopts the Mitigated Negative Declaration for this project.
4. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit "B," including the mitigation measures identified therein and as described in the Mitigated Negative Declaration.

5. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and that the custodian of the record be the City Planner or other person designated by the Planning and Development Services Director.
6. The Planning and Development Services Director, or his/her designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 6, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: May 6, 2019

Mayor

Attest:

City Clerk

**TABLE 6.0-1 (EXHIBIT "B")
MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.3 Air Quality				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	
3.4 Biological				
3.4-a	<p>The applicant shall conduct a pre-construction general nesting bird survey within all suitable nesting that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction.</p> <p>If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.</p> <p>If construction activities are not initiated immediately</p>	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act.			

R2018-11

CA-168 Sierra

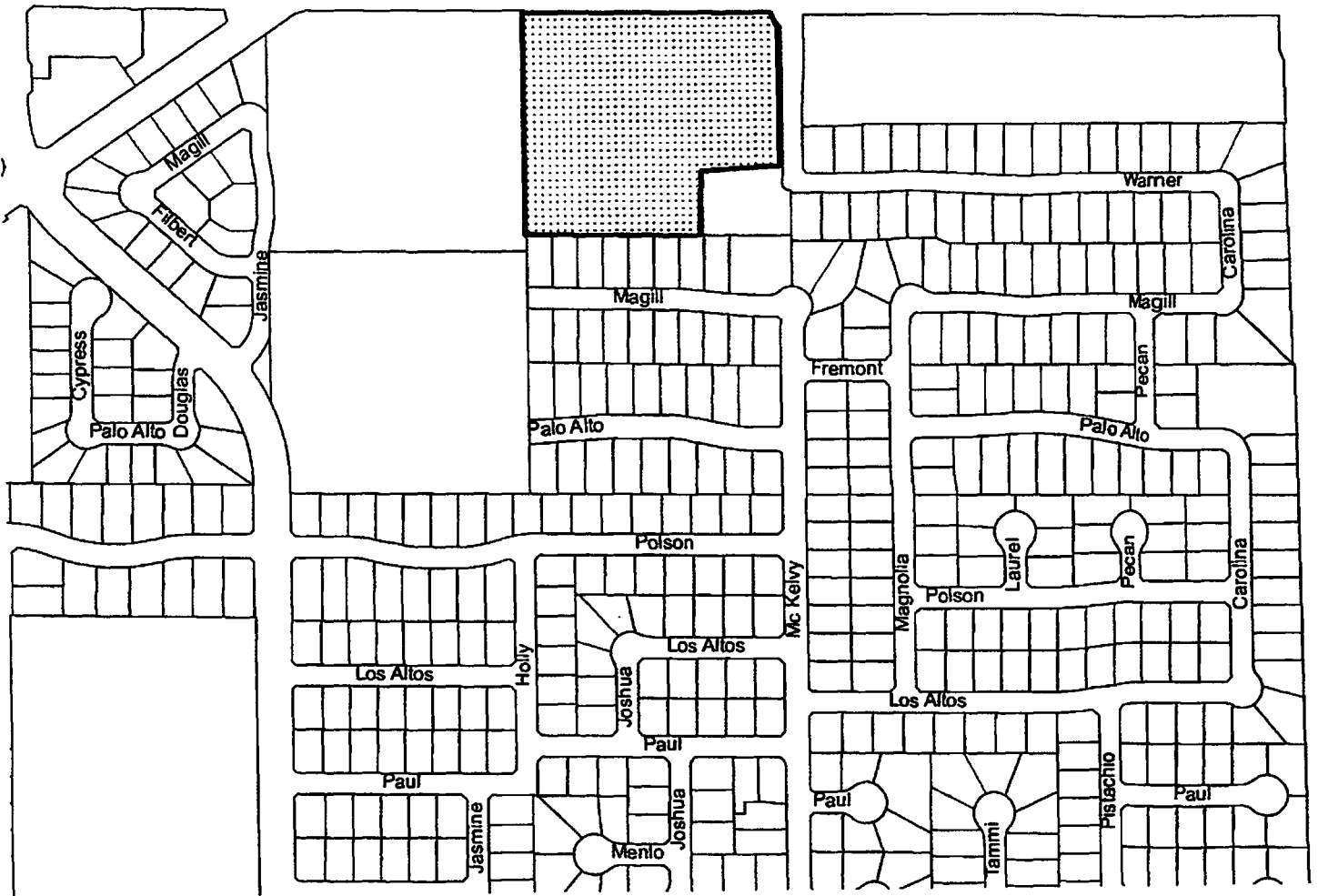
CA-168 Sierra

Armstrong

Tollhouse

Magnolia

Hemdon



ATTACHMENT 3
Conditions of Approval – R2018-11

PLANNING DIVISION CONDITIONS
(George González, Division Representative – (559) 324-2383)

1. This Project is subject to the development standards of the General Plan Land Use Diagram and the multiple family residential design guidelines.
2. Rezone R2018-11 approves an R-3 Zoning permitting the development of a multi-family product. Density shall be consistent with the General Plan Land Use Diagram, Mixed Use/ Business Campus designation and not exceed 25.0 dwelling units per acre.
3. Conditional Use Permit CUP2018-13 allows 3-story buildings and 48-feet, 6-inches in height for Building Types 1, 1A and 3. Additionally, CUP2018-13 allows 36-feet, 4-inches in height for Building Types 2 and 5, allows 36-feet, 3-inches in height for Building Type 5A.
4. Development of this site shall be a multi-family residential development consistent with Rezone R2018-11, Conditional Use Permit CUP2018-13 and Site Plan Review SPR2018-25.
5. The development shall utilize the development standards of the R-3 Zone District.
6. Herndon Avenue shall have a 25-foot landscape/pedestrian setback, with a 10-foot parkway, 5-foot sidewalk, and 10-foot landscape setback.
7. N. McKelvy Avenue shall have a 20-foot landscape/pedestrian setback, with a 5-foot parkway, 5-foot sidewalk, and 10-foot landscape setback.
8. The applicant shall obtain City approval in advance of temporary and permanent multi-family signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
9. The development is permitted a double side monument sign on McKelvy Avenue with a total of 24 square feet each side and maximum height of 6 feet.
10. All transformers for the multi-family development shall be located underground. Pad mounted transformers may be considered through an Administrative Use Permit.
11. All landscaping (open space and private yards) shall conform the City of Clovis Water Efficient Landscape Ordinance.
12. The project shall meet the density requirements within Focus Area #5 of 15.1 to 25 units per acre. Density shall be calculated using the Net Developable Acreage. Net Developable Acreage includes all portions of the site excluding private drives and the project's community open space.
13. This project shall have an on-site manager.

Attachment 6

14. The developer shall provide the following parking requirements:

- 1 and 2 bedroom units – 2 spaces for each dwelling unit, of which at least 1 shall be covered.
- 3 or more bedroom units – 3 spaces for each dwelling unit, of which at least 1 shall be covered.

15. Per the proposed site plan (Attachment 11), the developer shall provide a total of 348 parking stalls, of which at least 158 stalls shall be covered. The development is currently providing 326 parking stalls, including 158 covered stalls. The applicant shall provide an additional 22 open parking stalls.

16. Covered parking stalls shall be a minimum of 10' x 20' (inside dimension).

17. Open stalls shall be a minimum of 9'x 20'. The applicant may use the optional 17' stall with 3' bumper overhang.

18. Carports shall be cantilevered type with posts toward front of stalls.

19. The project requires the submittal and approval of a site plan review. Specific colors, materials, walls, fencing, and landscaping will be evaluated.

20. A minimum six foot high masonry wall shall be constructed along the west, east, north, and south property lines of the development.

21. The developer shall construct a minimum six-foot high solid split face masonry wall along the Herndon Avenue frontage.

22. The proposed fencing along the McKelvy Avenue frontage shall be constructed of decorative tubular steel with masonry columns or solid split face masonry.

23. Wall height shall be measured from the highest point of finished grade.

24. If court challenge is presented in association with the Mitigated Negative Declaration and/or Initial Study, the applicant shall hold the City harmless and prepare any required assessments/ studies at no cost to the City.

25. The developer shall comply with all mitigation measures as identified in the adopted mitigation monitoring program for this rezone and conditional use permit.

- 3.1-d The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.

- **3.4** The applicant shall conduct a pre-construction general nesting bird survey within all suitable nesting that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction.

If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.

If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act.

POLICE DEPARTMENT CONDITIONS

(Curt Shurtliff, Department Representative - 324-2400)

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

FIRE DEPARTMENT CONDITIONS

(Gary Sawhill, Department Representative - 324-2224)

- 30. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
- 31. **Fire apparatus Access Roads (26'):** 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').

32. **Fire Lane:** All roads throughout complex shall be designated as Fire Lanes. The fire lanes curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
33. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45').
34. **Fire Access – Landscape Obstruction:** Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.
35. **Driveway Access:** 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.
36. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation.
37. **Perimeter Fire Walking Access:** Walking access is required to reach building openings within two-hundred feet (200') of a paved surface designed to fire apparatus use. Required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment. Gates shall be a minimum of four feet (4') in width if they are used in the walking access path. Gates that are locked and are required for building access shall have a fire/police padlock or approved lock box with gate keys installed for access and shall comply with Clovis Fire Department Gates Standard #1.5.
38. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
39. **Commercial Fire Hydrant:** The applicant shall install 4 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any units.

40. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.
41. **Vehicle Impact Protection:** The applicant must install protection posts that meet the City of Clovis specifications according to Clovis Fire Department Standard #1.7.
42. **Apartment Fire Sprinklers:** The applicant shall install an automatic fire sprinkler system in all apartment buildings as per NFPA 13 or 13R standards as approved by the Fire Department.
43. **Underground Fire Service Line Installation:** 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.
44. **FDC Location:** 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.
45. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
46. **Apartment Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A-10BC minimum rating, with a maximum travel of seventy-five feet (75') from any apartment unit's front door. These should be located and approved by the Clovis Fire Department prior to building occupancy.
47. **Address Numbers:** Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Apartment Complex map and addressing at entry gates shall be approved by Clovis Fire Department prior to occupancy.
48. **Construction Type:** Buildings that are 3 stories require 1 hour construction or a full NFPA 13 fire sprinkler system. Buildings with a foot print of 7000 sq ft or larger require 1 hour construction or a full NFPA 13 fire sprinkler system.
49. **Review for compliance with fire and life safety requirements for the building interior and its intended use** are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.

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

50. The development of this project is subject to the Clovis Unified School District impact fee.

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

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

FRESNO IRRIGATION DISTRICT CONDITIONS
(Laurence Kimura, FID Representative - 233-7161)

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

COUNTY OF FRESNO COMMENTS
(Steve Farmer, County of Fresno Representative - 488-2892)

53. The applicant shall pay the County of Fresno's facilities impact fees set forth in the applicable Schedule of Fees adopted by the County Board of Supervisors, in County Ordinance, Chapter 17.90.

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7307

FAX (559) 488-4088

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*Serious drought.
Help save water!*

October 26, 2018

FRE-168-8.429

SPR2018-25, CUP2018-13, R2018-11

HERNDON-MCKELVEY APARTMENTS

Mr. George Gonzalez
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, California 93612

Dear Mr. Gonzalez:

Caltrans has completed its review of a proposal to build multi-family housing totaling 158 units at the southwest corner of Herndon and McKelvey Avenues. The project involves the concurrent processing of applications for site plan review (SPR2018-25), conditional use permit (CUP2018-13), and rezone (R2018-11). It is Caltrans' mission to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The following comments are provided, consistent with the State's goals of supporting vibrant economy and sustainable communities:

Sustainability

Nationwide, there is a housing shortage, which is why Caltrans supports the development of denser housing located near points of interest—as this project proposes. However, the housing shortage disproportionately affects persons of lower income. So, the City is encouraged to assess how many units should be earmarked for affordable rentals, and what threshold of affordability will apply, for this project.

A housing project of this size can become a heat island for lack of greenery. The plans provided did not include landscape details so, if they have not already, the developer is recommended to include shade trees and drought tolerant plants wherever possible. Further heat mitigation can be achieved through use of green roofs whose benefits are twofold: they beautify the views for second- and third-story occupants, and they reduce demand for air conditioning (lowering utility costs and reducing greenhouse gas emissions).

Traffic

The proposed development will add a minimum 158 vehicle trips in the project area. It is projected that trips generated from the proposed high density residential development would impact State Route (SR) 168. Therefore, this project should be responsible for a fair-share contribution to Fresno County's Regional Traffic Mitigation Fee (RTMF) program.

R2018-11, ATTACHMENT 7, Correspondence

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Mr. George Gonzalez
October 26, 2018
Page 2

It is anticipated that this project will impact traffic operations between the SR168 off-ramps at Temperance—particularly the eastbound off-ramp—and Herndon Avenue. A traffic impact study conducted for the expansion of Clovis Community Medical Center and the Herndon Avenue widening project (SCH #2016101005) identified two deficiencies which the proposed project will also influence. First, an additional right turn lane will need to be constructed at the SR168 off-ramp to N Temperance Avenue. Second, building another southbound through lane on N Temperance Avenue between the SR168 off-ramp and Fir Avenue was advised. Caltrans recommends the proposed project contribute a proportional fair share towards the cost of constructing those operational improvements.

I can be reached at (559) 488-7307, or Jamaica.Gentry@dot.ca.gov, for questions about these comments.

Sincerely,



JAMAICA GENTRY
Transportation Planner
Transportation Planning-North



October 23, 2018

George Gonzalez
Planning and Development Services Dept.
1033 Fifth St.
Clovis, CA 93612

SUBJECT: R2018-11
Southeast corner of Herndon and McKelvey Avenues
APN 555-020-4101

Dear Mr. Gonzalez:

The purpose of this letter is to provide school district information relative to the above-referenced development and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the developer/owner and the State Department of Real Estate.

In regards to this project with R2018-11 the district has concern regarding the re-designation of the land located on the southeast corner of Herndon and McKelvey Avenues. Currently this project site has a designation of R-A (0.6-2.0 DU/Ac) and the General Plan calls for a Mixed Use Business Campus, the district does not feel confident in the ability to accommodate students associated with a re-designation to R-3 (Multifamily High Density 15.1 to 25.0 DU/AC). The district would like to bring this concern to the attention of the planning department and owner/sub divider.

1. Elementary School Information:

- (a) The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: *Mickey Cox Elementary*
Address: *2191 Sierra Ave Clovis CA 93611-0659*
Telephone: *(559) 327-6400*
Capacity: *750*
Enrollment: *637 (CBEDS enrollment 2018-19 school year)*

- (b) Because of projected growth in the District and the District's plans for construction of new school facilities, it is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the school listed above, and (2) students residing in the project area may attend more than one elementary school within the District during their elementary school years.

Governing Board

Sandra A. Budd
Christopher Casado
Steven G. Fogg, M.D.
Brian D. Heryford
Ginny L. Hovseplan
Elizabeth J. Sandoval
Jim Van Volkinburg, D.D.S.

Administration

Elmear O'Farrell, Ed.D.
Superintendent
Don Ulrich, Ed.D.
Deputy Superintendent
Norm Anderson
Associate Superintendent
Barry S. Jager, Jr.
Associate Superintendent
Michael Johnston
Associate Superintendent

2. Intermediate School Information:

School Name: *Clark Intermediate*
Address: *902 5th St Clovis CA 93612-1399*
Telephone: *(559) 327-1500*
Capacity: *1500*
Enrollment: *1552* (CBEDS enrollment 2018-19 school year)

3. High School Information:

School Name: *Clovis High School*
Address: *1055 Fowler Ave Clovis CA 93611-2099*
Telephone: *(559) 327-1000*
Capacity: *3000*
Enrollment: *2738* (CBEDS enrollment 2018-19 school year)

4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
5. The District currently levies a school facilities fee of \$4.87 per square foot (as of July 1, 2018) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact me if you have any questions regarding this letter.

Sincerely,



Michael Johnston
Associate Superintendent
Administrative Services



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

August 28, 2018

LU0019619
2604

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

Dear Ms. Thongsavath:

PROJECT NUMBER: **DRC2018-51**

DRC2018-51; Proposal for a 158-unit multi-family residential development consisting of two and three story buildings with enclosed garages with swimming pool complex.

APN: 555-020-41

ADDRESS: SWC Herndon & McKelvey Avenues

Recommended Conditions of Approval:

- 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 proposed construction project and proximity to an existing thoroughfare has the potential to expose nearby residents and tenants to elevated noise levels. Consideration should be given to your City's municipal code.
- Prior to the issuance of building permits, 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. Contact the Recreational Health Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain a permit to operate a public swimming pool 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.

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

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- 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.

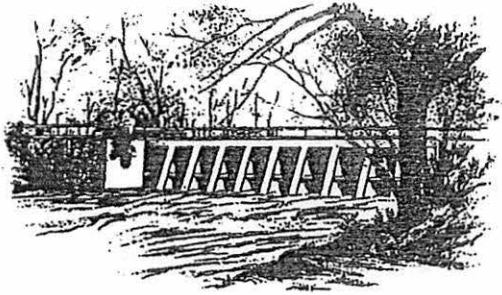
REVIEWED BY:

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

(559) 600-33271

KT

cc: Baruti, Kalugin & Sauls- Environmental Health Division (CT.57.02)
Kent Rodrigues- Applicant (kentparch1@comcast.net)



YOUR MOST VALUABLE RESOURCE - WATER



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

October 26, 2018

Mr. George Gonzalez
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Site Plan Review SPR2018-25, CUP2018-13, and R2018-11
S/W Herndon and Temperance avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review SPR2018-25 for which the applicant proposes the construction of a 158 unit multifamily development, APNs: 555-020-41, 37. This application is being processed concurrently with Conditional Use Permit CUP2018-13 and Rezone R2018-11. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Clovis No. 115 runs westerly along the north side of Herndon Avenue approximately 100 feet north of the subject property, crossing Temperance Avenue approximately 1,350 feet east of the subject property and Herndon Avenue approximately 500 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Temperance Avenue, Herndon Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
3. For informational purposes, a private facility know as the Clovis No. 115 crosses Herndon Avenue, traversing the east side and southern portions of the subject property, as shown on the attached FID exhibit map. FID's records indicate this private facility is active and should be treated as such. FID can supply the City of Clovis with a list of known users upon request.

4. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area is currently mostly open land or rural residential with little to no water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. FID suggests 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.
5. 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 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 of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
6. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Clovis and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.

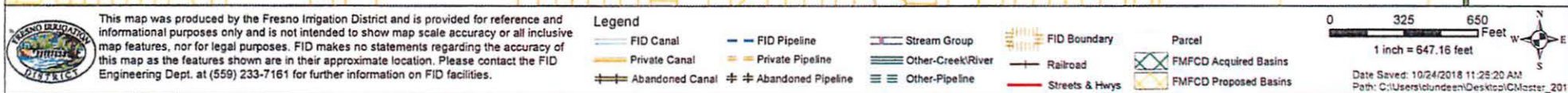
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment





Fresno Metropolitan Flood Control District

Capturing Stormwater since 1956

File 210.432 "2018-025"
210.433 "2018-013"
210.434

November 13, 2018

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

Dear Mr. Gonzalez,

Rezone Application No. R2018-11
Drainage Areas "5F" and "7D"

The proposed rezone lies within the District's Drainage Areas "5F" and "7D" as shown on the attached Exhibit No. 1. The District has existing Master Plan facilities located within Drainage Area "7D" to accommodate the "7D" portion of the rezone. The facilities were constructed to serve light industrial development consistent with the City's General Plan. Therefore, as a condition of approval, development within the "7D" portion of the rezone will be required to pay drainage fees at a light industrial rate, even if developing at a lower density, as the existing system is to be paid for through the collection of drainage fees calculated at a light industrial rate.

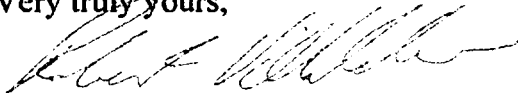
The Drainage Area "5F" system is designed to serve medium and medium high density residential uses and the existing Master Plan storm drainage facilities do not have the capacity to accommodate the increased runoff generated by the proposed high density residential type land use. The District requests that as a condition of the rezone, the developer be required to mitigate the impacts of the increased runoff located within Drainage Area "5F" from the proposed high density residential type land use to a rate that would be expected if developed to medium and medium high density residential land uses. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development.

Mr. George Gonzalez
Rezone Application No. R2018-11
Drainage Areas "5F" and "7D"
November 13, 2018
Page 2

Should the developer choose to construct a permanent peak reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by the high density residential type use development to a two-year medium and medium high density residential land use discharge. The developer will be required to submit improvement plans to the District for review and approval showing the proposed method of mitigation prior to implementation.

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

Very truly yours,



Robert Villalobos
Engineering Technician III

RV/lrl

NOTE: THIS MAP IS SCHEMATIC.
DISTANCES, AMOUNT OF CREDITABLE
FACILITIES, AND LOCATION OF INLET
BOUNDARIES ARE APPROXIMATE.



LEGEND

- Existing Master Plan Facilities
- Existing Temporary Inlet
- Existing Private Facilities
- Drainage Area Boundary



1" = 200'

CL REZONE 2018-11 DRAINAGE AREAS "5F" & "7D"



EXHIBIT NO. 1 FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr

Date: 11/8/2018

Path: K:\Autocad\DWGS\0EXHIBIT\REZONE\CL 2018-11.mxd

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.433

Page 1 of 4

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

ARMEN BASMAVIAN, MARK O'POLO
ENTERPRISES, INC.
7471 N. REMINGTON, #100
FRESNO, CA 93711

PROJECT NO: 2018-013

ADDRESS: SWC HERNDON & MCKELVY

APN: 550-020-69, 70

SENT: 11/13/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
5F	\$33,914.00	NOR Review *	\$316.00	To be paid prior to release of District comments to Public Agency and Developer.
7D	\$39,750.00	Grading Plan Review *	\$1,607.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$73,664.00		Total Service Charge: \$1,923.00		

* The Development Review Service Charge shown above is associated with CL SPR 2018-025 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 10/17/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL
CUP
No. 2018-013

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

Page 2 of 4

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

1. ___ a. Drainage from the site shall
 X b. Grading and drainage patterns shall be as identified on Exhibit No. 1
 ___ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 ___ Developer shall construct facilities as shown on Exhibit No. 1 as
 X None required.
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 X Grading Plan
 X Street Plan
 ___ Storm Drain Plan
 ___ Water & Sewer Plan
 ___ Final Map
 X Drainage Report (to be submitted with tentative map)
 ___ Other
 ___ None Required
4. Availability of drainage facilities:
 ___ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 ___ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 ___ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
 X d. See Exhibit No. 2.
5. The proposed development:
 ___ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 X Does not appear to be located within a flood prone area.
6. ___ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

CL CUP No. 2018-013

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

Page 3 of 4

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.


Debbie Campbell
Design Engineer


Robert Villalobos
Project Engineer

**CL
CUP No. 2018-013**

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

Page 4 of 4

CC:

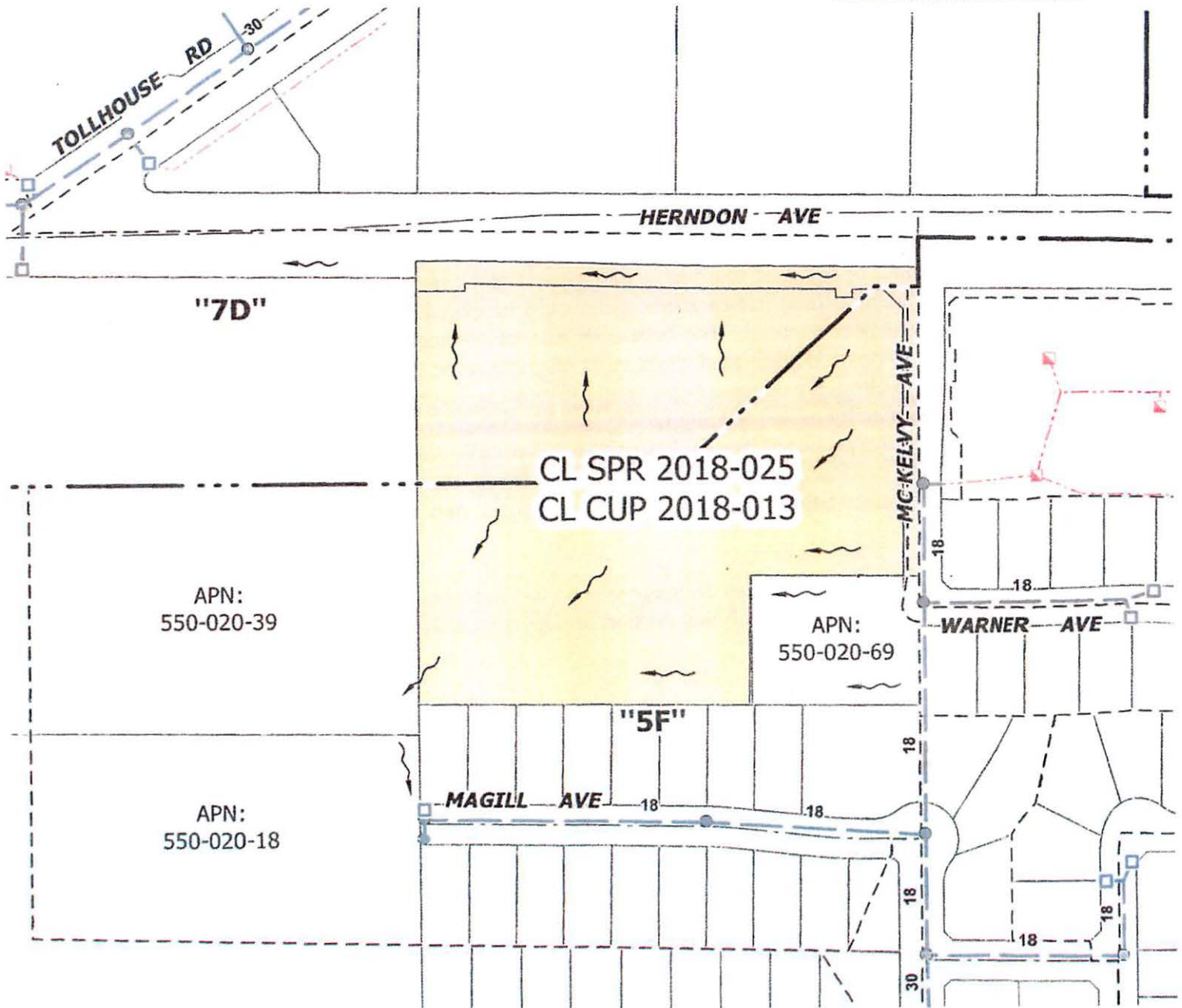
KENT P. RODRIGUES, ARCH

2090 W. MAGILL AVE.

FRESNO, CA 93711

CL CUP No. 2018-013

NOTE: THIS MAP IS SCHEMATIC.
DISTANCES, AMOUNT OF CREDITABLE
FACILITIES, AND LOCATION OF INLET
BOUNDARIES ARE APPROXIMATE.



LEGEND

- Existing Master Plan Facilities
- Existing Temporary Inlet
- Existing Private Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage



1" = 200'

CL SPR 2018-025
CL CUP 2018-013

DRAINAGE AREAS "5F" & "7D"



EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr

Date: 11/2/2018

Path: K:\Autocad\DWGS\0EXHIBIT\CLSPR\2018-025.mxd

OTHER REQUIREMENTS
EXHIBIT NO. 2

Clovis CUP 2018-013 is located in two drainage areas, Drainage Area "5F" and Drainage Area "7D", as shown on Exhibit No. 1. Per the Master Plan, 5.75 acres shall drain to Magill Avenue (Drainage Area "5F") and 3.27 acres shall drain to Herndon Avenue (Drainage Area "7D").

The District's existing Master Plan drainage system located in Drainage Area "5F" is designed to serve medium and medium-high density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed high density residential land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed high density residential land use to a rate that would be expected if developed to medium and medium-high density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a high density residential development, to a two-year discharge, which would be produced by the property if developed medium and medium-high density residential. Implementation of the mitigation measures may be deferred until the time of development.

The District's existing Master Plan drainage system can accommodate the proposed high density residential land use associated with that portion of Clovis CUP 2018-013 located within Drainage Area "7D".

Clovis CUP 2018-013 shall grant a drainage covenant to APN 550-020-69 and grade the site to allow runoff from APN 550-020-69 to drain across Clovis CUP 2018-013 in order to reach the Master Plan facilities located in Magill Avenue as shown on Exhibit No. 1.

Permanent drainage service is available to that portion of the site draining to Herndon Avenue (Drainage Area "7D") as shown on Exhibit No. 1 provided the developer can verify to the satisfaction of the City of Clovis that runoff can be safely conveyed to the Master Plan inlet. Permanent drainage service is available to the remaining portion of the site (Drainage Area "5F") however, due to the lack of a street between Clovis CUP 2018-013 and Magill Avenue, the developer will need to provide a drainage channel and obtain drainage covenants from APN's 550-020-39 and 550-020-18 to reach the Master Plan inlet in Magill Avenue. If the drainage channel is not constructed, the District recommends temporary facilities until permanent service is available.

The District is aware of the developer's proposal to direct drainage from the site (not in accordance to the Master Plan) to the existing eighteen-inch (18") storm drain line located in Warner Avenue to obtain permanent drainage service. The existing storm drain line was not sized to accommodate runoff from Clovis CUP 2018-013. The developer will need to submit a drainage report and calculations confirming there is adequate capacity in the existing storm drainage pipeline to handle the additional runoff. The District requests that the grading engineer contact the District as early as possible to review the proposed site grading.

Development No. Clovis CUP 2018-013

**AGENCY OF JURISDICTION**

AGENCY OF JURISDICTION
CITY OF CLEVELAND
PROJECT ADDRESS:
26 CLEVELAND AVENUE AND HAZELWY
A.P.N.:
325-020-41
EXISTING USE:
VACANT
PROPOSED USE:
MULTIFAMILY RESIDENTIAL
ZONING:
GARAGE R-4 / PROPOSED R-3

LAND:
LAND AREA EQUALS SQUARE SQUARE FEET OF LAND OR 2.46 ACRES
WITH 60 LINTS (2.16 IN 25 PER ACRES)

BUILDINGS:

BUILDING TYPE 1 STORY BUILDING WITH ONE GEORCH / ONE BATH WITH 2 BUILDINGS
 BUILDING TYPE 2 STORY BUILDING WITH TWO GEORCH / TWO BATHS (2 BUILDINGS)
 BUILDING TYPE 3 STORY BUILDING WITH TWO GEORCH / TWO BATHS (2 BUILDINGS)
 BUILDING TYPE 4 STORY BUILDING WITH TWO GEORCH / TWO BATHS AND ATTACHED GARAGES (2 BUILDINGS)
 BUILDING TYPE 5 STORY BUILDING WITH THREE GEORCH / TWO BATHS AND ATTACHED GARAGES (2 BUILDINGS)
 BUILDING TYPE 6 STORY BUILDING WITH THREE GEORCH / TWO BATHS AND ATTACHED GARAGES (2 BUILDINGS)

UNITS

[illegible]

UNIT SQUARE FOOTAGE:

UNIT "A" -	100	SOL.	PT.	=	43	UNITS	=	37773	SOL.	PT.
UNIT "B" -	1500	SOL.	PT.	=	34	UNITS	=	11400	SOL.	PT.
UNIT "C" -	1500	SOL.	PT.	=	40	UNITS	=	13300	SOL.	PT.
UNIT "D" -	1500	SOL.	PT.	=	8	UNITS	=	2600	SOL.	PT.
UNIT "E" -	1423	SOL.	PT.	=	24	UNITS	=	3420	SOL.	PT.
TOTAL UNIT SOL. PT. FEB. 2000 SOL. PT.										

BUILDING SQUARE FOOTAGE:[illegible]

PARKING:

PARKING PROVIDED:	2 STALLS PER UNIT = 60 UNITS = 120 STALLS
ONE EXCLUDED GARAGE PER UNIT OR	60 STALLS
OTHER PARKING STALLS	<u>100 STALLS</u>
TOTAL PARKING STALLS PROVIDED	220 STALLS

LEGEND:

 ONE STORY BUILDING
  TWO STORY BUILDING
  THREE STORY BUILDING

SITE PLAN KEY NOTES:

- [illegible]

5 1 2

CLOVIS PLANNING COMMISSION MINUTES
March 28, 2019

A regular meeting of the Clovis Planning Commission was called to order at 6:00 p.m. by Chair Hatcher in the Clovis Council Chamber.

Flag salute led by Commissioner Cunningham

Present: Commissioners Antuna, Bedsted, Cunningham, Hinkle, Chair Hatcher

Absent: None

Staff: Bryan Araki, City Planner
Orlando Ramirez, Deputy City Planner
George Gonzalez, Associate Planner
Sean Smith, Associate Civil Engineer

MINUTES

1. The Commission approved the February 28, 2019, minutes by a vote of 5-0.

COMMISSION SECRETARY

None

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Antuna expressed gratitude for being sent to the Planning Commission Academy, providing some details of what her experience entailed.

Commissioner Hinkle also expressed gratitude for the experience, providing details regarding upcoming bills he learned about that concern him.

Commissioner Cunningham congratulated the Planning and Development Services Department, having learned at the last City Council meeting that the City of Clovis General Plan Housing Element has been recertified, with compliments from the Housing Authority staff.

City Planner Bryan Araki confirmed that the department had received a letter on Monday from HCD recertifying the general plan housing element and informed that had been requested to keep the news quiet, as Governor Newsom intends to announce the information in his next address. City Planner Araki also warned that inventory is lost with each approved tract map, and informed that there is a new reporting procedure in place to monitor loss and gain of housing inventory.

COMMUNICATIONS AND REFERRALS

An item of correspondence related to Agenda Item X-3.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

2. Consider approval, **TM6123**, A request to approve a one-year extension to an approved tentative tract map for property located on the north side of Shaw Avenue, west of Highland Avenue. Fagundes Dairy, owner/applicant; Precision Civil Engineering, representative.

Associate Planner George Gonzalez presented the staff report.

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

Ed Dunkel of Precision Civil Engineering, 5041 San Juan Avenue, offered to answer any questions.

Commissioner Cunningham remarked that, after visiting the site, there appears to have been no work done over the last two years and the applicant is now requesting a one-year extension. He inquired as to the reason for the delay in work.

Mr. Dunkel explained that the delay is due to issues involving the improvement plans for Shaw Avenue, and that provided those issues are settled, plans can be finalized and work can begin.

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

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

There being none, the Chair closed the public portion.

Commissioner Antuna requested information from Associate Civil Engineer Sean Smith regarding the Shaw Avenue improvement plan issues delaying this project. Associate Civil Engineer Smith provided some details and assured the Commission that staff are working with the applicant to resolve the aspects that involve them.

Commissioner Cunningham sought and received confirmation that the delay is more on the part of the City rather than the developer.

Commissioner Hinkle sought and received confirmation that there have been no changes or corrections to what was previously approved for this map.

At this point, a motion was made by Commissioner Bedsted and seconded by Chair Hatcher to approve an extension to TM6123. The motion was approved by a vote of 5-0.

3. Consider items associated with approximately 7.5 acres of land located at the southwest corner of Herndon and N. McKelvy Avenues. Mark O'Polo Enterprises, Inc., owners/applicant; Kent P. Rodrigues, representative.
 - a. Consider Approval, Res. 19-10, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2018-11, Conditional Use Permit CUP2018-13, and Site Plan Review SPR2018-25.
 - b. Consider Approval, Res. 19-11, **R2018-11**, A request to approve a rezone from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-3 (Medium Density Multiple Family Residential – 1 unit/2,000 Sq. Ft.) Zone District.
 - c. Consider Approval, Res. 19-12, **CUP2018-13**, A request to approve a conditional use permit to allow 3-story buildings and 48-feet, 6-inches in height for Building Types 1, 1A, and 3. Additionally, allow 36-feet, 4-inches in height for Building Types 2 and 5, allow 36-feet, 3-inches in height for Building Type 5A. The Code allows a maximum height of 2 stories and 35-feet for main structures.

Associate Planner George Gonzalez presented the staff report.

Commissioner Hinkle inquired as to whether the proposed project falls under density bonus law. City Planner Araki responded in the negative, explaining what would be needed to make that the case.

Commissioner Hinkle followed up with an inquiry as to whether the proposed project is consistent with the Housing Accountability Act. City Planner Araki responded in the affirmative.

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

Dirk Poeschel of 923 Van Ness Avenue, Fresno, provided background on the project, addressed the letters of opposition, and offered to answer any questions. In addition, he indicated that the project architect and the applicant were also present and available to answer questions.

Commissioner Bedsted inquired as to whether the feedback from the neighborhood meeting resulted in any design changes. Mr. Poeschel responded in the affirmative, providing an explanation of the resulting changes.

Commissioner Bedsted sought and received confirmation that there had been positive reaction from the neighbors to increasing the height of a wall. He remarked that this increase and a previously-mentioned reorientation of the buildings are good and reasonable concessions. Mr. Poeschel responded that something will go there sooner or later, and a well-designed residential project is more compatible with the area than a commercial or industrial project.

Commissioner Hinkle remarked that, with the way things are changing, there could be sixty-foot tall buildings going on this property in the future. He inquired as to whether the applicant/developer would be able to make adjustments to reach the parking requirement. Mr. Poeschel responded that they will work something out to reach that requirement.

Commissioner Hinkle inquired as to whether there had been any consideration given to electric charging stations. Mr. Poeschel responded that they did not wish to commit to something here but that it is under consideration, as the presence of such is a marketing tool and the new building code will have certain requirements. Commissioner Hinkle followed up with a suggestion to contact PG&E on this, as a developer last year had benefitted from doing so on a condominium project. Mr. Poeschel informed that there are already plans for solar panels on parking for the project.

Commissioner Hinkle sought and received confirmation that the proposed buildings would be two-story on the south and east sides of the site to accommodate the neighbors.

Commissioner Antuna referred to a picture exhibit and inquired as to whether the developer intends to put more mature trees on the portion of the site close to the neighboring residential area. Mr. Poeschel responded that the referenced picture is showing the proposed landscaping at maturity.

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

Linda Loring of 312 N. McKelvy stated her preference for nice-looking apartments rather than for an industrial building. She informed that the nearby Marbella Apartments and their residents have caused no problems to her knowledge or recollection. She supports this project as people who will work at other nearby new developments, such as the Clovis Community Hospital, will need a place to live, and a residential development is more to her preference than a commercial or industrial project.

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

There being none, the Chair closed the public portion.

Commissioner Hinkle sought confirmation as to the private nature of an irrigation line going through the property. City Planner Araki confirmed that it appears to be a private irrigation line but expressed uncertainty as to where it terminates, though he and Commissioner Hinkle both stated that it appears to terminate on the subject property.

Chair Hatcher inquired as to the next closest project in which three-story apartments were allowed. Associate Planner Gonzalez cited the apartment development on the south side of the Sierra Vista Mall. City Planner Araki cited Hotchkiss Terrace at the intersection of Barstow and Minnewawa Avenues.

Chair Hatcher inquired as to whether there is anything currently planned for the bottom cutout area marked as mixed use. City Planner Araki responded that it contains the original home to the property, which is currently slated to remain.

Chair Hatcher remarked that she is concerned with the larger number of parking stalls (twenty-two) that still need to be added to the site plan and inquired as to whether staff has any concerns with finding space to locate that remaining parking. Deputy City Planner Orlando Ramirez responded that this will be done and memorialized through the site plan review process.

Commissioner Antuna cited a letter from the Department of Transportation in regards to the project and the Herndon Avenue expansion and inquired as to whether staff had discussed that issue with the developer. Mr. Poeschel provided some information and clarification on the matter, confirmed by City Planner Araki.

Chair Hatcher cited a letter from Clovis Unified School District that stated the project will put their schools, Clovis High School in particular, well over capacity and inquired as to staff's take on it. City Planner Araki referred to Associate Planner Gonzalez's report, this issue having been identified as an initial misunderstanding on the part of the school district. The project is to be evaluated for a zoning change, consistency with the general plan, and the conditional use permit, and does not involve a re-designation of land use.

Commissioner Antuna followed up with an inquiry as to what target consumers the applicant envisions for residency in the apartment development, that it appears to be in a prime location for student housing. Mr. Poeschel responded that they wish to address different component of the market, providing an explanation.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve a finding of a Mitigated Negative Declaration for R2018-11, CUP2018-13, and SPR2018-25. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve R2018-11. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve CUP2018-13. The motion was approved by a vote of 5-0.

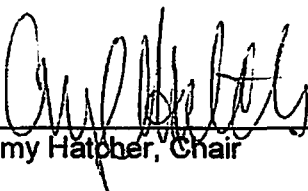
OLD BUSINESS

None

NEW BUSINESS

Chair Hatcher reminded the Commission that the April meeting has been moved up a week due to the Clovis Rodeo.

ADJOURNMENT AT 6:47 P.M. UNTIL the Planning Commission meeting on April 18, 2019.



Amy Hatcher, Chair

March 25, 2019

City of Clovis Planning Division,

When we purchased the home at 2345 Magill Ave., Clovis, CA 93611 in 2012, it was with the understanding that the adjacent property was zoned for single-family residence. The rental income from this home currently generates 30% of our retirement income. The loss of this income will constitute a significant financial hardship. Who will want to rent a home that backs up onto 158 three story apartment units?

There is no question that the market value of this property will be negatively impacted with this proposed development. Please consider the consequences of approving this zoning change as it is very unfair to adjacent Property Owners such as ourselves.

Sincerely,

A handwritten signature in black ink that reads "Joann Cernokus". The signature is written in a cursive, flowing style.

Joann Cernokus
559-930-3219
Cernokus@yahoo.com

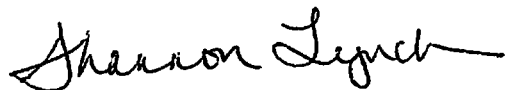
March 26, 2019

City of Clovis Planning Division,

I have been the resident at 2345 Magill Ave. Clovis, CA 93611, since 2012 when my mother Joann Cernokus purchased this residence. I am opposed to the construction of a multifamily residential property, which is planned to be built behind my property. The 2 and 3-story apartments will greatly impose on my family's level of privacy of which we have become accustomed. We enjoy opening our windows for sunlight on a daily basis as it brings in natural light and decreases our energy bill. However, due to wishing to maintain our privacy we will now need to keep all of our windows closed. We are also greatly concerned regarding the noise level which will result from having approximately 427 new residents and 348 parking spaces behind our property.

I was aware when my mother purchased this residence that homes could possibly be built on the land behind our property. However, I never would have considered this residence should I have known that a 3-story apartment complex of 158 units was even a possibility. I ask that you please consider leaving the property zoned for single family residence or at least having the apartments no more than single story. I unfortunately will be out of town the day of the hearing. I ask that you please take my thoughts and concerns into consideration.


Thank you,

A handwritten signature in black ink that reads "Shannon Lynch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shannon Lynch
2345 Magill Ave.
Clovis, CA 93611
(559)770-8725
slynch2779@gmail.com



AGENDA ITEM NO: 20

City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 6, 2019

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #57-T6154-North West Corner of Teague and Fowler) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services)

1. Consider Approval - Res. 19-____, A Resolution annexing territory (Annexation #57) (T6154-North West Corner of Teague and Fowler) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #57) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
2. Consider Approval - Res. 19-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

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

CONFLICT OF INTEREST

None

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #57) to Community Facilities District No. 2004-1.

- Consider Approval – Res. 19-____, A Resolution of annexation of territory (Annexation #57) to the Community Facilities District (City of Clovis Community Facilities District No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.
- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 19-____, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

EXECUTIVE SUMMARY

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

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #57 (ROI) to annex territory to the CFD on April 1, 2019. The ROI set a public hearing for May 6, 2019. The action today finalizes the annexation to the CFD.

BACKGROUND

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

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #57 (ROI) to annex territory to the CFD. The ROI set a public hearing for May 6, 2019. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

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

1. The maximum annual tax will be \$248.52 for single family residential and \$214.58 for multi-family residential.

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

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any interested person within the proposed boundaries. If no property owner protests are received, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds (2/3) of the property within the proposed boundaries vote in favor of the CFD, then the Council can take action to direct the recording of Notice of Special Tax Lien. A unanimous vote is required to have the election the same night as approval of the resolution of annexation. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

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

FISCAL IMPACT

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

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

Submitted by: Jay Schengel, Finance Director 

RESOLUTION NO. 19-

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

**CITY OF CLOVIS
Community Services District No. 2004-1
(Police and Fire Services)
Annexation No. 57**

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

WHEREAS, this Council, on April 1, 2019, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

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

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

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

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

WHEREAS, Annexation Map No. 57 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

NOW, THEREFORE, IT IS HEREBY ORDERED,

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 57 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 19-36 adopted by this Council for the District on April 1, 2019 each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on May 6, 2019, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5th Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on May 6, 2019, whether received by mail or by personal delivery.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 6, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 6, 2019

Mayor

City Clerk

RESOLUTION NO. 19-

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

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 57**

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 19-, a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted May 6, 2019.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.
4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 6, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 6, 2019

Mayor

City Clerk

EXHIBIT A

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 57**

CANVASS AND STATEMENT OF RESULT OF ELECTION

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

Qualified Landowner Votes	Votes Cast	YES	NO
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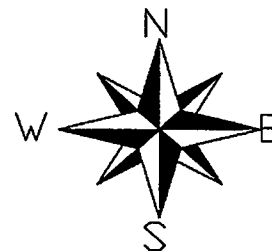
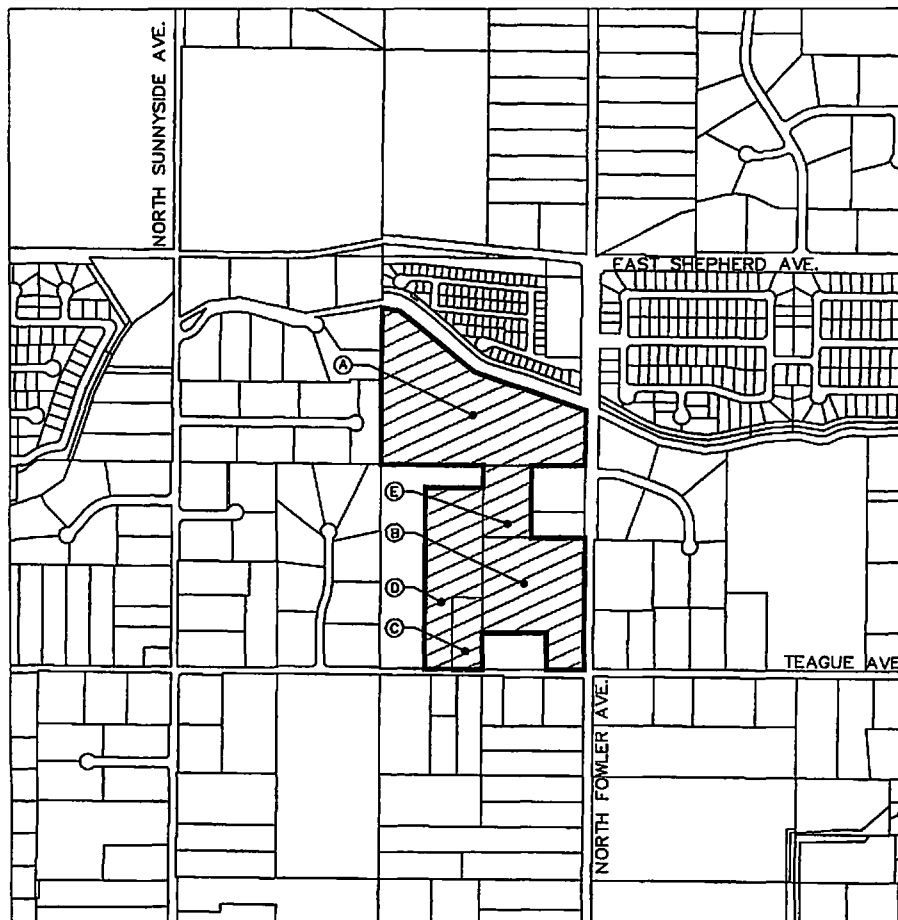
**City of Clovis
Community Facilities District No. 2004-1
(Police and Fire Services), Annexation No. 57
Special Tax Annexation Election,
May 6, 2019.**

BALLOT MEASURE: Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 19-___ of the City of Clovis, adopted by its Council on May 6, 2019?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2019.

CITY OF CLOVIS

By: _____
City Clerk



LEGEND

- PARCEL
- ANNEXATION BOUNDARY
- Ⓐ APN 559-011-08
- Ⓑ APN 559-011-11
- Ⓒ APN 559-011-13
- Ⓓ APN 559-011-14
- Ⓔ APN 559-011-705

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ MAY, 2019. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 57 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 8TH DAY OF _____ MAY, 2019, BY ITS RESOLUTION NO. 19-_____

JOHN HOLT
CITY CLERK
CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2019, AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

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

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

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

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

ANNEXATION MAP NO. 57

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

0 250' 500'
SCALE: 1" = 500'

CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 6, 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: May 6, 2019

SUBJECT: Consider Approval – Res. 19-__, Permanent Closure of the Clovis Avenue Frontage Road at Santa Ana Avenue, in Conjunction with the Clovis Avenue/Santa Ana Avenue Traffic Signal Modification by SPR 2017-024 (Costco).

ATTACHMENTS: (A) Res. 19-__
(B) Vicinity Map
(C) Option One to Modify the Frontage Road
(D) Option Two to Modify the Frontage Road
(E) Area of Residents Affected

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 19-__, which will:

1. Authorize City staff to proceed with a permanent closure of the Clovis Avenue frontage road at Santa Ana Avenue.

EXECUTIVE SUMMARY

The development of the northwest corner of Santa Ana and Clovis Avenues by Costco Warehouse Corporation ("Costco") is conditioned through Site Plan Review 2017-024 to complete the Santa Ana-Clovis intersection and modify the traffic signal. This will result in the widening of Santa Ana so that the westbound traffic is better aligned through the intersection. With these modifications and the potential increase in pedestrian and vehicular traffic, staff is recommending improvements that will either

alter or close the Clovis Avenue frontage road south of Santa Ana Avenue to enhance safety, primarily for pedestrians traversing the intersection.

BACKGROUND

As a Condition of Approval for Site Plan Review 2017-024, Costco is required to complete the north side of Santa Ana Avenue west of Clovis Avenue. The new geometry of Santa Ana makes it necessary to modify the traffic signal at the Santa Ana-Clovis intersection. The modification, together with the new pedestrian improvements on the Costco site, will change pedestrian and vehicular movements through the intersection and make it necessary to reevaluate and improve pedestrian safety at the intersection, as well as address vehicular safety concerns. Currently, there is no pedestrian path of travel provided for crossing Santa Ana Avenue and no pedestrian facilities on the existing Costco parcel. The new configuration will place the pedestrian crossings at the intersection, making the adjacent frontage road a confusing remnant. In addition, there are several traffic movements that could become more of an issue as traffic increases, such as the flow of traffic from southbound Clovis Avenue to the frontage road and access to Clovis Avenue from the frontage road.

Many factors were considered by Costco and City staff during the design of the intersection modifications, some of which included on-street parking, trash/debris service, street sweeping, emergency services, vehicular circulation, and pedestrian safety. Each proposal had differing impacts to these factors, all of which were evaluated before staff arrived at the two options described below and depicted in Exhibits C and D.

Option 1: Permanent Closure of the Clovis Avenue frontage road at Santa Ana.

- Provides conventional intersection look and feel.
- Provides substantial pedestrian refuge.
- Provides a continuous sidewalk on south side of Santa Ana Avenue to the intersection with no intervening crossings.
- No frontage road crossing for pedestrians.
- Eliminates potentially dangerous vehicular movements to and from the frontage road.
- Street cleaning by public utilities made more difficult. Some periodic handwork may be necessary.
- Retains parking in front of corner parcel.

Option 2: A trap right turn for vehicles traveling eastbound on Santa Ana Avenue and reconfiguring the Clovis Avenue frontage road between Santa Ana and Rall Avenues to be one-way southbound.

- Provides conventional intersection pedestrian movements with separate crossing of right turn lane.
- Provides substantial pedestrian refuge.
- Single eastbound lane for through and right-turn movements.
- Eliminates potentially dangerous vehicular movements to and from the frontage road.
- Street cleaning is accommodated.
- Retains parking in front of corner parcel.

Staff consulted with the Fire Department and confirmed that both options will not adversely affect emergency services, public health or public safety. Frontage roads, in general, are installed to provide neighborhood connectivity with limited connections to major streets such as Clovis Avenue. The frontage road segment between Santa Ana and Rall Avenues is no longer necessary, because residents will be able to access Santa Ana Avenue via Woodworth Avenue, and Clovis Avenue via San Gabriel Avenue. The only two residents immediately adjacent to the frontage road between Santa Ana and Rall Avenues side onto this segment and will not be negatively impacted in respect to vehicular access onto their property. There are no commercial businesses that would be negatively impacted by the options. Pedestrian safety is increased with the closure of the frontage road. Access to the pedestrian push button is currently from the roadway, which will be improved by both options as they install additional sidewalk up to the pedestrian push button. Both options provide a safe refuge for pedestrians as they wait to cross either Santa Ana or Clovis Avenue.

Staff hosted a neighborhood meeting on April 9th to gather input from residents who might be affected by the proposed changes. Staff invited the residents within the neighborhood blocks southwest of Clovis and Santa Ana Avenues who use the Woodworth and San Gabriel Avenue connection points for ingress and egress as shown on Exhibit E. The owner of the property immediately at the southwest corner of the intersection, Ms. Susan Johnson Bates, attended the meeting, along with the Costco general contractor and several City staff. The discussion by staff was focused on the issues mentioned above. City staff's impression was general agreement with the frontage road closure.

Staff feels Option 1 is overall a better design than Option 2 and recommends City Council for authorization.

FISCAL IMPACT

For Option 2, there is minimal fiscal impact. The developer will be replacing street improvements with sidewalk, curb and gutter. For the closure (Option 1), there will be

an impact on the ability of the public utilities department to clean the streets. As a result, periodic hand cleaning may be necessary at some additional cost.

REASON FOR RECOMMENDATION

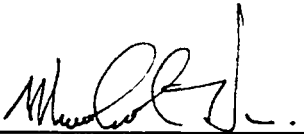
City staff recommends closing the Clovis Avenue frontage road at Santa Ana Avenue to provide increased pedestrian and vehicular safety,

ACTIONS FOLLOWING APPROVAL

City staff will direct the developer to proceed with the construction of improvements necessary to affect the frontage road closure.

Prepared by: Gene G. Abella, Assistant Engineer

Submitted by:



Michael Harrison
City Engineer

Recommended by:



Dwight Kroll, AICP
Director of Planning
And Development
Services

RESOLUTION 19-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING THE CLOSURE OF THE CLOVIS AVENUE FRONTAGE ROAD AT
SANTA ANA AVENUE**

WHEREAS, Clovis Avenue frontage road between Santa Ana and Rall Avenues (Frontage Road) currently serves as a redundant connection between Rall and Santa Ana Avenues, and

WHEREAS, the Frontage Road connection to Santa Ana Avenue is no longer needed for efficient movement of vehicular traffic, and

WHEREAS, the closure of the Frontage Road in conjunction with intersection improvements at Santa Ana and Clovis Avenues will make the area safer for vehicular and pedestrian traffic, and

WHEREAS, the Frontage Road is not identified in the General Plan as a major street, and closure at Santa Ana Avenue will not cause a conflict with the circulation element, and

WHEREAS, no commercial businesses exist that will be impacted by closing the road, and

WHEREAS, no driveways front on the segment of the Frontage Road between Santa Ana and Rall Avenues, and the properties siding onto this segment will not be impacted, and

WHEREAS, multiple access points for the residential neighborhood exist and will not be negatively impacted, and

WHEREAS, the Frontage Road closure will not interfere with the delivery of emergency services or otherwise adversely affect the public health and safety.

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

ATTACHMENT A

1. The Clovis Avenue frontage road closure at Santa Ana is hereby approved.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 6, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

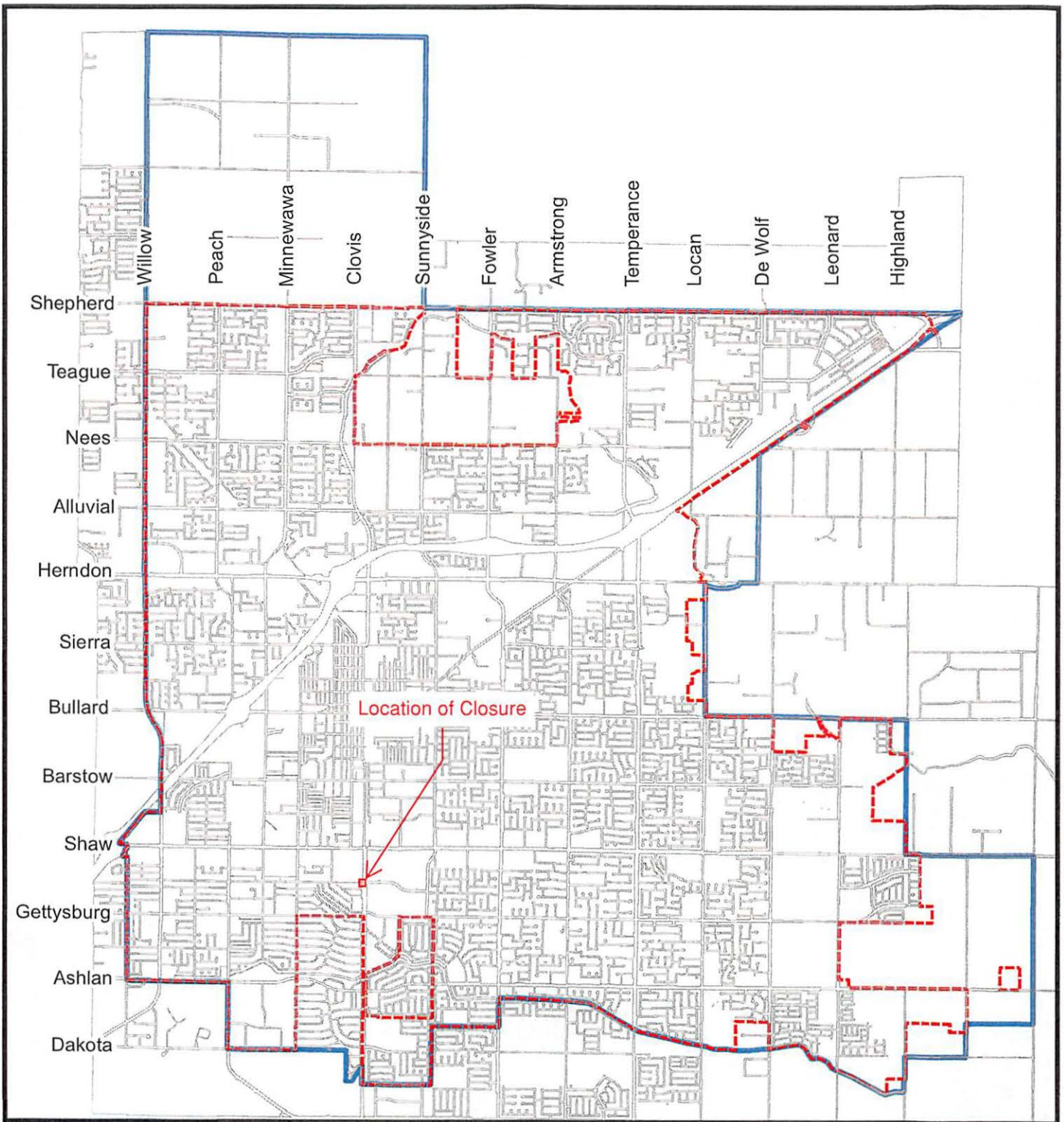
DATED:

Mayor

City Clerk

VICINITY MAP

Clovis Avenue Frontage Rad Closure



ATTACHMENT B



 CITY LIMITS SPHERE OF INFLUENCE

November 2, 2018

Prepared By: Gene Abella

EXHIBIT C OPTION ONE



Proposed Concrete Area

Proposed Northwest
Corner of Intersection

Clovis

Santa Ana

Santa Ana

Proposed Southwest
Corner of Intersection

Road Closed

Clovis

1" = 40'



EXHIBIT D OPTION TWO

Proposed Northwest
Corner of Intersection

Trap Right

Proposed Southwest
Corner of Intersection

One-Way Southbound

Proposed Curb

Proposed Concrete Area

Filled in as part of the
existing median.

1" = 40'

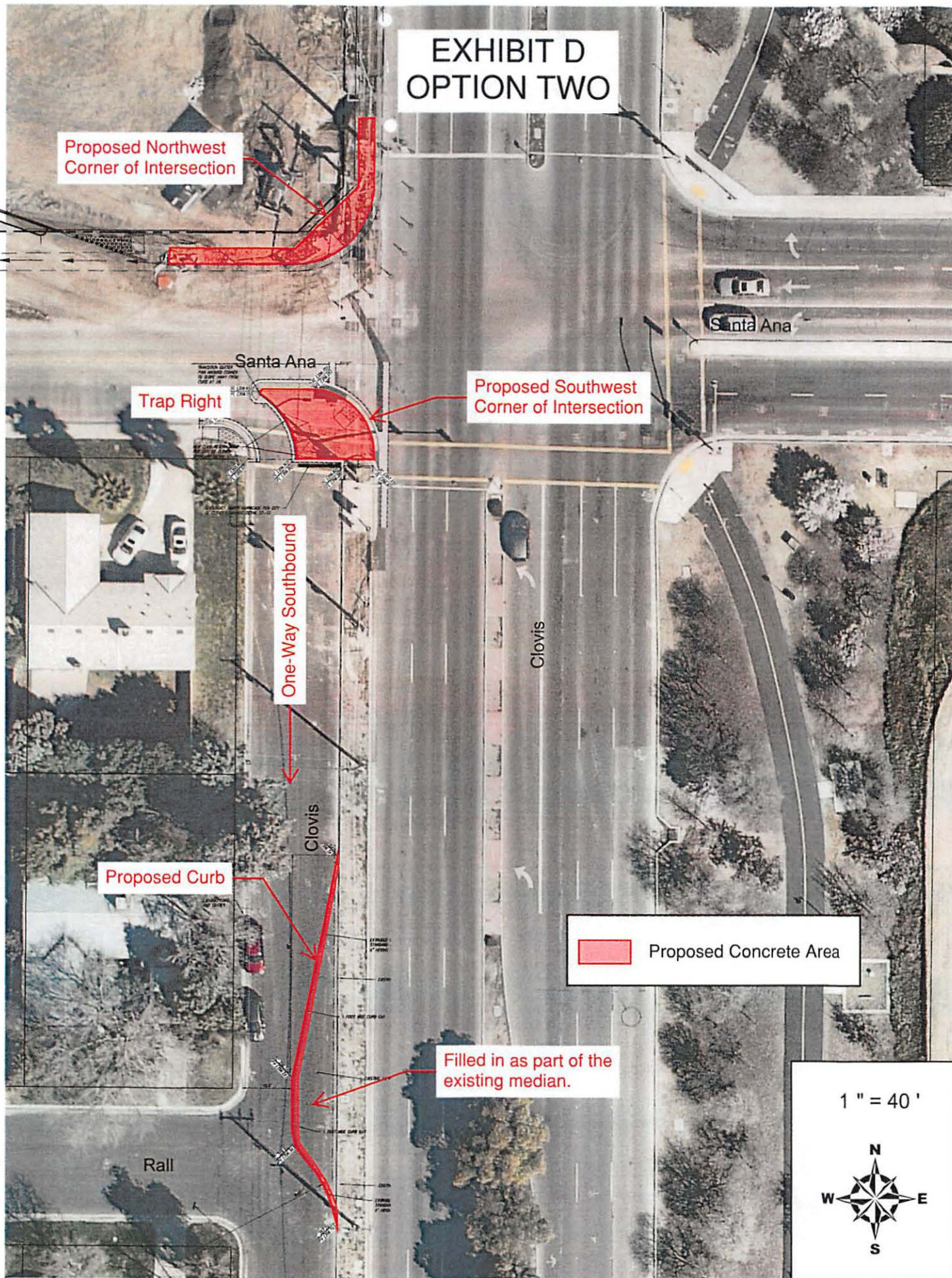
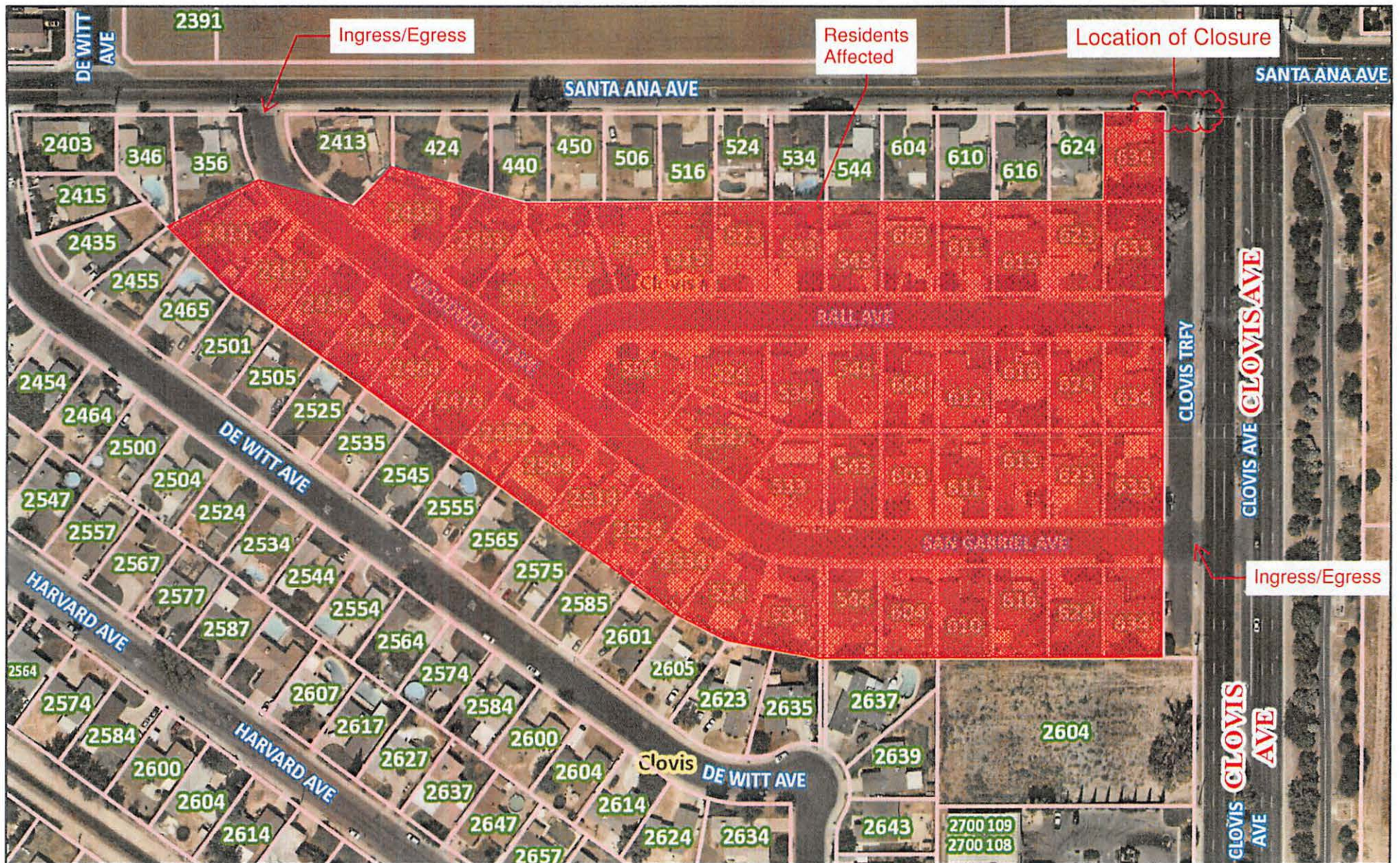


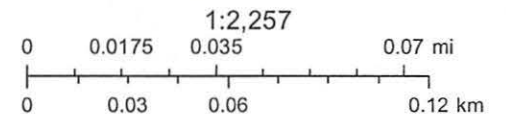
Exhibit E: Area of Residents Affected



January 23, 2019

- Street Address
- Parcels
- County Boundary
- City Limits
- Streets Local and Private
- Streets Arterial and Collector

- Red: Band_1
- Green: Band_2
- Blue: Band_3



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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.



AGENDA ITEM NO: 23
City Manager: Ad

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 6, 2019

SUBJECT: Consider Approval – Rejection of all bids for CIP 16-20, Owen’s Mountain & Temperance Roundabout.

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to reject all bids for the project.

EXECUTIVE SUMMARY

The project to construct a roundabout at the intersection of Owen’s Mountain Parkway and Temperance Avenue was put out to bid in anticipation of beginning construction at the beginning of summer. Two bids were received on April 16, 2019, with the lowest bid being 45% higher than the estimated cost. Staff is recommending rejection of these bids and rebidding at a later date in hopes of a more competitive climate for bidding.

BACKGROUND

The following is a summary of the bid results of April 16, 2019:

BIDDERS	BASE BIDS
DOD Construction	\$ 2,834,524.10
American Paving Co.	\$ 3,489,213.64
ENGINEER’S ESTIMATE	\$ 1,956,178.50

All bids were examined and the bidder's submittals were found to be in order. Staff has validated the bidder's contractor license status and DBE requirements.

Due to the low number of bidders and with such a wide disparity between the bids and the project estimate, staff investigated the possible cause to ascertain whether the bids received are appropriate and to identify any shortfalls in the engineer's estimate. Based on that investigation, staff believes that the bids received are likely high and not representative of costs the City should expect to pay for these facilities.

Staff asked the consultant for the project, Peters Engineering Group (PEG), to provide an evaluation of the bid result and reassess the validity of the estimate they provided in light of the bids received. PEG indicated that they have recent experience on roundabout construction and widening projects with unit prices that were substantially lower than the bids received and more in line with the estimates they provided. PEG also contacted several bidders who would normally submit bids on these kinds of projects. Some of these contractors indicated that they were already at capacity for projects this summer and were not able to bid. PEG also indicated that the engineer's estimate may be a little low, given the current environment, but not to the extent suggested by the bids received.

While there is always uncertainty in bidding, staff and PEG believe that a better result can be obtained by rebidding the project later in the year when there is more availability of contractors. Also, due to the length of construction estimated for this project, immediate rebidding would cause the project to last into the winter months. Therefore, staff is proposing to rebid the project at the end of this calendar year to start construction in the spring 2020.

During the intervening time, staff will work on identifying and revising project plan elements to lower costs, if possible. Staff will also reevaluate the budget and address any additional funding needs for the project.

FISCAL IMPACT

This project was budgeted in the 2018-2019 Community Investment Program. The City currently has Congestion Mitigation and Air Quality funding of just under 2.1 million for construction. The project exceeds the currently available budget and funding. Rebidding should yield a project within budget.

REASON FOR RECOMMENDATION

The low bid is 45% over the engineer's estimate. Staff and the engineering consultant for the project, PEG, believe the bids received are not an indication of the true project costs.

ACTIONS FOLLOWING APPROVAL

Staff will make adjustments to the project bid documents before re-bidding the project.

Prepared by: Thad Avery, Associate Engineer

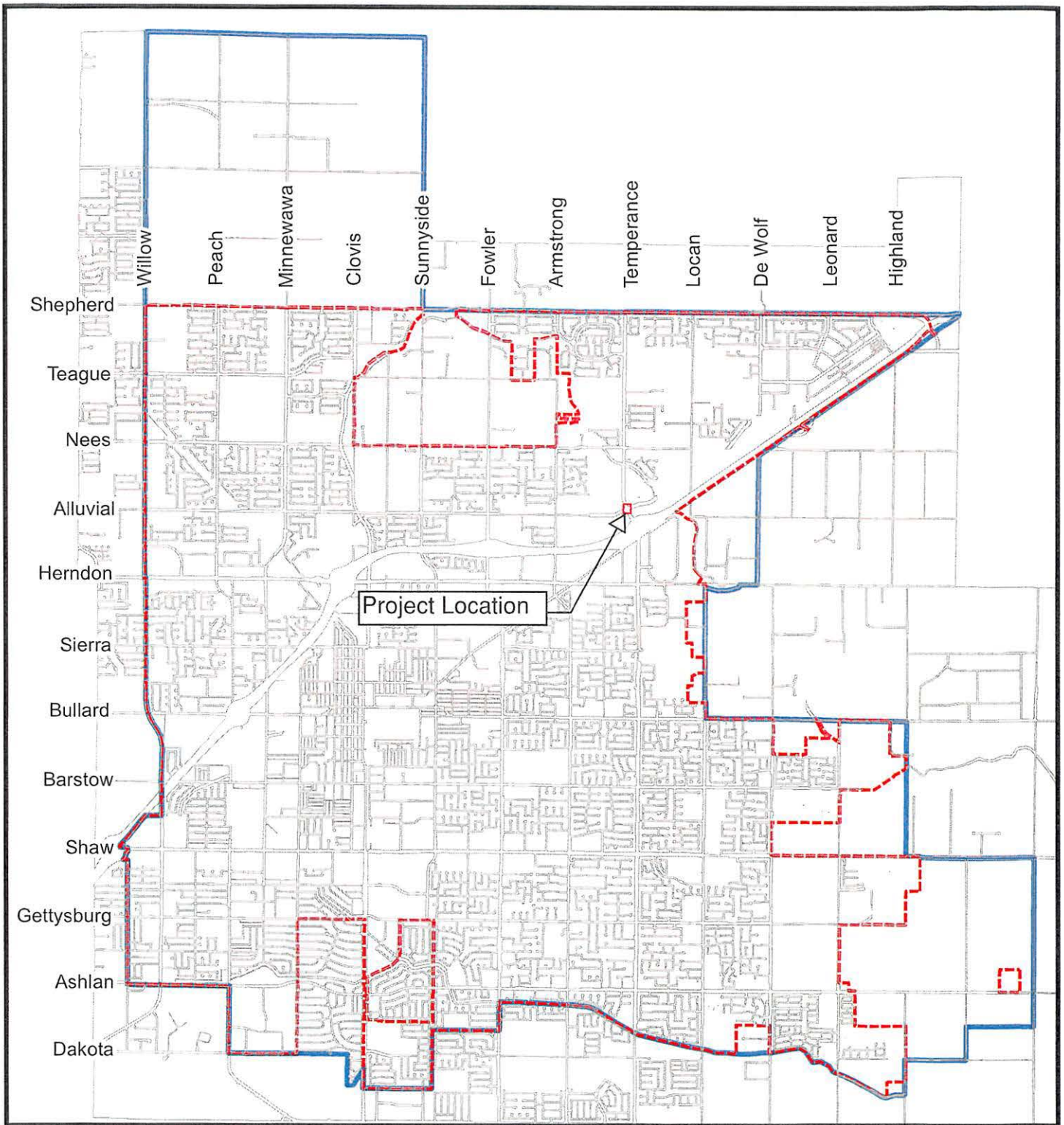
Submitted by: _____
Michael Harrison
City Engineer

Recommended by: _____


Dwight Kroll
Director of Planning and
Development Services

VICINITY MAP

CIP 16-20, Owen's Mountain and Temperance Roundabout



ATTACHMENT A



May 6, 2019

 CITY LIMITS  SPHERE OF INFLUENCE

Prepared By: Thad Avery



AGENDA ITEM NO: 24
City Manager: LS

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 6, 2019

SUBJECT: Consider Approval – Appointment to Personnel and Planning Commissions

CONFLICT OF INTEREST

None.

RECOMMENDATION

It is recommended that the Mayor, subject to approval by the City Council, consider the reappointment of Jerry Brady to the Personnel Commission. The reappointment is for a four-year term of office which would expire in May of 2023.

It is also recommended that the Mayor, subject to approval by the City Council, consider the reappointment of Michael Cunningham to the Planning Commission. The reappointment is for a four-year term of office which would expire in May of 2023.

EXECUTIVE SUMMARY

Personnel Commissioner Jerry Brady, whose term of office expires in May of 2019, has requested to be reappointed. Mayor Bessinger is recommending that the Personnel Commissioner be reappointed.

Planning Commissioner Michael Cunningham, whose term of office expires in May of 2019, has requested to be reappointed. Mayor Bessinger is recommending that the Planning Commissioner be reappointed.

BACKGROUND

Personnel Commissioner Jerry Brady has requested to be reappointed. Upon review and recommendation from staff, Mayor is recommending that he be reappointed to another four-year term.

Planning Commissioner Michael Cunningham has requested to be reappointed. Upon review and recommendation from staff, Mayor is recommending that he be reappointed to another four-year term.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

Staff will inform the appointed Personnel and Planning Commissioners of the action taken by the City Council.

Prepared by: Jacquie Pronovost, Exec. Asst.

Submitted by: Luke Serpa, City Manager LS