



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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.

January 13, 2020

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.

CALL TO ORDER

FLAG SALUTE - Councilmember Mouanoutoua

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation declaring January as National Slavery and Human Trafficking Prevention Month.
2. Presentation of Proclamation Recognizing the 550th Birth Anniversary of Guru Nanak.

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.

3. Administration - Approval - Minutes from the December 9, 2019 and December 16, 2019 Council Meetings.
4. Administration - Adopt - Ord. 19-20, R2019-008, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District. Located at the northeast corner of Leonard and Barstow Avenues. (Vote 5-0)
5. Planning and Development Services - Approval - Final Acceptance for CIP 17-11, Ashlan Alley.
6. Planning and Development Services - Approval - Final Acceptance for CIP 17-14, Temperance Avenue Street Improvements - Shaw Avenue to Barstow Avenue.
7. Planning and Development Services – Approval – Waive the City's usual purchasing procedures and authorize the City Manager to enter into a purchase agreement with Tesco Controls, Inc. to supply a motor control center for CIP 18-14 Well 11A Pump and Motor Improvements.
8. Public Utilities – Approval – Authorizing the execution of a Purchase Agreement for property located at 1665 Tollhouse Road, Clovis, CA from Anlin Industries in the amount of \$534,000.

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.

9. Consider Approval - Res. 20-____, A request to initiate rezoning to the Clovis R-R (Rural Residential – 1 DU/2 Ac) Zone District for four properties located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.

Staff: George González, MPA, Associate Planner
Recommendation: Approve

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

10. Consider Approval – Authorization of City staff to proceed with an assessment increase election for Landscape Maintenance District No. 1 Benefit Zones 1 and 5; and Authorize the City Manager to enter into an agreement with Francisco and Associates, Inc. to administer the Landscape Maintenance District assessment increase election.

Staff: Glenn Eastes, Assistant Public Utilities Director

Recommendation: Approve

CITY MANAGER COMMENTS

11. Receive and File - Brief Update on Proposed Housing Legislation.

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

Jan. 21, 2020 (Tue.)
Feb. 3, 2020 (Mon.)
Feb. 10, 2020 (Mon.)
Feb. 18, 2020 (Tue.)

CITY of CLOVIS PROCLAMATION

Declaring January 2020 as National Slavery and Human Trafficking Prevention Month

WHEREAS, Fresno Economic Opportunities Commission Sanctuary and Support Services Central Valley Against Human Trafficking project assisted and identified over 1,000 victims of human trafficking from our local communities; and

WHEREAS, the Central Valley against Human Trafficking project provides resources to empower self-sufficiency, restore dignity, and support recovery from trauma for survivors; and

WHEREAS, the International Labor Organization recognizes there are an estimated 40.3 million people in modern slavery globally where 1 in 4 victims are children; and

WHEREAS, the National Center for Missing and Exploited Children estimates one out of six endangered runaways were likely child sex trafficking victims; and

WHEREAS, the U.S. Department of Labor identified 139 goods from 75 countries made by forced and child labor; and

WHEREAS, the City of Clovis recognizes the need for greater awareness and accountability in regard to modern-day slavery.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis does hereby proclaim January 2020 to be

National Slavery and Human Trafficking Prevention Month

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 13th day of January, 2020.



Drew M. Bosson
Mayor

CITY of CLOVIS PROCLAMATION

RECOGNIZING The 550th Birth Anniversary of Guru Nanak

WHEREAS, Sikhs around the world are celebrating the 550th birth anniversary of their founder-prophet, Guru Nanak, marking the occasion in diverse ways around the world; and

WHEREAS, Sikhism’s founder, Guru Nanak, taught that men and women, rich and poor, and people of all races and faiths are equal under God; and

WHEREAS, Guru Nanak was a unique and revolutionary spiritual thinker who expressed himself through divine poetry, which forms the basis of the Sikh scripture; and

WHEREAS, During the 15th century, Guru Nanak established what has become the world’s fifth-largest religion. More than 30,000 Sikhs live in the central San Joaquin Valley; and

WHEREAS, Sikhs first settled in California in 1890, where many still live as farmers, making a significant contribution to California’s agricultural economy; and

WHEREAS, the Sikh population has spread throughout the country and Sikhs work in all sectors of society, including business, transportation, education, science, technology and health.

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

The 550th Birth Anniversary of Guru Nanak

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 13th day of January, 2020.



Drew M. Besong
Mayor

CLOVIS CITY COUNCIL MEETING

December 9, 2019

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Bessinger
Flag Salute led by Boy Scout Troop

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

PUBLIC COMMENTS 6:03 P.M.

None

CONSENT CALENDAR 6:04

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar, except item 7, be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

1. Administration - Receive and File - Business Organization of Old Town (B.O.O.T.) Second Quarter Report, October through December 2019.
2. Administration - Approval – 2020 Street Closure Requests; and Approval - **Res. 19-162**, Declaring Certain Events as Old Town Special Events and Setting Precise Boundaries for Those Old Town Special Events.
3. Finance – Receive and File – Investment Report for the Month of August 2019.
4. Finance – Receive and File – Treasurer’s Report for the Month of August 2019.
5. Finance - Receive and File – Status Report of Community Facilities District Revenues and Expenditures.
6. Planning and Development Services - Approval - For the City Manager to enter into a contract with Regency Property Management for the management and maintenance of certain improvements in Blackhorse Estates 1 & 2 – Assessment District 1995-1.
8. Public Utilities – Approval – Authorize the Purchase of Three CNG Side-Loading Refuse Trucks from Golden State Peterbilt.
9. Public Utilities – Approval – Waive Formal Bidding Requirements and Authorize the Purchase of a 5-Yard Dump Truck off of the Sourcewell Purchasing Contract from PB Loader Corporation.

6:06 –CONSENT CALENDAR ITEM 7 - APPROVED - **RES. 19-163**, A REQUEST TO CONSIDER THE INITIATION OF AN ORDINANCE AMENDMENT TO PROVIDE FOR ELECTRONIC MESSAGE LED AND VIDEO DISPLAY SIGNS, CALIFORNIA HEALTH SCIENCES UNIVERSITY AND CLOVIS RODEO ASSOCIATION APPLICANTS

Planning and Development Services Director Dwight Kroll presented a report on a request consider the initiation of an ordinance amendment to provide for electronic message LED and video display signs, California Health Sciences University and Clovis Rodeo Association applicants. Staff has received requests from the California Health Science

University and the Clovis Rodeo Association to consider the installation of signs with video capability. Both organizations are seeking video signs to advertise on-site activities as well as community oriented events. With exception of changeable copy and time and temperature signs, the sign ordinance does not allow the opportunity for video or animated signs and only one so far has been approved as a special sign program through the Planned Commercial Zone District at the northeast corner of State Highway 168 and Temperance Avenue. As both organizations fill a quasi-public role in the community, there may be value in providing video signage in advertising organizational and community events. Staff, however, is cautious that such signs should not be utilized as off-site advertising for businesses or other similar activities.

Tom McLaughlin, representing California Health Sciences University, spoke in support of the ordinance initiation. Vince Jenco, Director, Clovis Rodeo Association, spoke in support of the ordinance initiation. Representative of a sign company, commented on options available to council. Discussion by the Council.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve a request to consider the initiation of an ordinance amendment to provide for electronic message LED and video display signs. Motion carried by unanimous vote.

PUBLIC HEARINGS

- 10a. 7:01 - APPROVED - **RES. 19-164**, ADOPTING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2019-001, REZONE R2019-003, AND VESTING TENTATIVE TRACT MAP TM6263; AND **ITEM 10B** - APPROVED - **RES. 19-165**, GPA2019-001, AMENDING THE GENERAL PLAN AND HERNDON-SHEPHERD SPECIFIC PLAN TO RE-DESIGNATE FROM THE LOW DENSITY RESIDENTIAL (2.1 TO 4.0 DU/AC) TO THE MEDIUM DENSITY RESIDENTIAL (4.1 TO 7.0 DU/AC) CLASSIFICATION; AND **ITEM 10C** – APPROVED - INTRODUCTION - **ORD. 19-19**, R2019-003, APPROVING A REZONE FROM THE R-1-7500 (SINGLE FAMILY RESIDENTIAL-7,500 SQ FT) TO THE R-1-PRD (SINGLE FAMILY PLANNED RESIDENTIAL) ZONE DISTRICT; AND **ITEM 10D** – APPROVED - **RES. 19-166**, TM6263, APPROVING A VESTING TENTATIVE TRACT MAP FOR A 137-LOT PLANNED RESIDENTIAL DEVELOPMENT

Senior Planner Ricky Caperton and City Engineer Mike Harrison presented a report on various items associated with approximately 21.52 acres of property located along the south side of Shepherd Avenue between Clovis and Sunnyside Avenues. The applicant is proposing a 137-unit single-family, non-gated planned residential development on approximately 21.52-acres of property shown in Figure 1. The Project would include construction of public streets, sidewalks, landscaped areas, and a block wall along the perimeter of the site, as well as a public park and related amenities (i.e. benches). There is no homeowner’s association (HOA) proposed as part of the Project. To accommodate the Project, the applicant is requesting a general plan amendment to re-designate the site from the Low Density Residential (2.1 to 4.0 DU/Ac) to the Medium Density Residential (4.1 to 7.0 DU/Ac) designation, a rezone from the R-1-7500 (Single- Family Residential-7,500 Sq Ft) to the R-1-PRD (Single-Family Planned Residential) Zone District, and

approval of a vesting tentative tract map for a 137-lot, non-gated, planned residential single-family development. One of the three parcels that makes up the Project site is also designated as Housing Element Site #1, as also shown in Figure 1. This portion is an approximately 3-acre parcel and is within the City's Regional Housing Needs (RHN) Overlay District, which is further described below in the staff report.

Dirk Poeschel, representing the applicant, spoke in favor of the project. Deena Childers, resident who lives near the project raised concerns with traffic on Sunnyside Avenue. Marcus Dibuduo, area resident, raised concerns about traffic on Sunnyside Avenue and the Dry Creek Preserve Master Plan. Paul Pierce, area resident, raised concerns about traffic on Fowler Avenue. Joseph Flores, resident, commented on making more houses available for affordable housing. Gary Alver, area resident, questioned the traffic pattern spoke in support of an exit onto Shepherd Avenue. Jose Ramirez, traffic engineer for the project, addressed questions of Council and commented on the impact of traffic on Sunnyside. Todd Yinkling, area resident, commented on traffic impact on the project and requested Council consider an exit onto Shepherd.

Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve - **Resolution 19-164**, adopting an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-001, Rezone R2019-003, and Vesting Tentative Tract Map TM6263. Motion failed 3-2 with Councilmembers Mouanoutoua, Flores, and Mayor Bessinger voting no. Motion to reconsider the motion by Whalen, seconded by Flores, for the Council to approve. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve **Resolution 19-165**, GPA2019-001, amending the General Plan and Herndon-Shepherd Specific Plan to re-designate from the Low Density Residential (2.1 to 4.0 DU/Ac) to the Medium Density Residential (4.1 to 7.0 DU/Ac) classification. Motion carried by unanimous vote.

Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve the introduction of **Ordinance 19-19**, R2019-003, approving a rezone from the R-1-7500 (Single Family Residential-7,500 Sq Ft) to the R-1-PRD (Single Family Planned Residential) Zone District. Motion carried by unanimous vote.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve Resolution 19-166, TM6263, approving a vesting tentative tract map for a 137-lot Planned Residential Development with the added condition to plan for an access point on Shepherd Avenue. If it is feasible to include an access point off of Shepherd Avenue, the access point will be shown on the final map. Motion carried 3-2 with Councilmember Whalen and Ashbeck voting no.

AMINISTRATIVE ITEMS

11. 8:47 - APPROVED – BID AWARD FOR CIP 16-20, OWENS MOUNTAIN AND TEMPERANCE ROUNDABOUT; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY.

CIP Manager Thad Avery presented on the bid award for Owens Mountain and Temperance Roundabout. Staff is recommending that City Council authorize the City Manager to award and execute the contract to Emmett’s Excavation, Inc. who was the lowest responsible bidder from a bid opening that took place on November 19, 2019. The project consists of replacing the existing signalized intersection with a two-lane roundabout at the intersection of Temperance Avenue and Owens Mountain Parkway / Alluvial Avenue. The work, in general, consists of demolition, HMA pavement, curb, curb and gutter, sidewalk, truck apron, landscaping irrigation, sidewalk, signing and striping, and street and area lighting.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve the bid award for Owens Mountain and Temperance Roundabout. Staff is recommending that City Council authorize the City Manager to award and execute the contract to Emmett’s Excavation, Inc. Motion carried with Mayor Bessinger voting no.

12. 8:53 - APPROVED - 2018-19 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director Jay Schengel presented on the 2018-19 Comprehensive Annual Financial Report. Financial reports are a primary objective source of information to most persons concerned about a government's financial condition. Taxpayers are interested in the amount of revenues and expenditures. Investors and bond-rating agencies are interested in the ability of a jurisdiction to meet its debt obligations. For the City Council, the financial reports provide an opportunity to determine compliance with budgetary appropriations as well as the status of the government's assets and liabilities and the financial condition of the City. The City of Clovis' financial report was audited and received an unqualified opinion from The Pun Group LLP, a firm of independent, licensed certified public accountants, which means the financial statements for the fiscal year ending June 30, 2019 are free of material misstatement and are fairly presented in conformity with Generally Accepted Accounting Principles (GAAP).

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve the 2018-19 Comprehensive Annual Financial Report. Motion carried by unanimous vote.

13. APPROVED - **RES 19-167**, FINAL AMENDMENTS TO THE 2018-19 BUDGET IN CONFORMANCE WITH THE BUDGET ORDINANCE; AND RECEIVE AND FILE – YEAR END REPORT FOR ALL FUNDS AS OF JUNE 30, 2019.

Finance Director Jay Schengel presented the final amendments to the 2018-19 Budget in conformance with the Budget Ordinance; and receive and file the year-end report for all funds as of June 30, 2019. Each fiscal year, after the year end closing entries are completed, an analysis is prepared comparing actual fund balances against those projected during the budget process and presented to Council for adoption during the June 2019 budget hearings. The following is the summary of the actual results compared to estimates for the 2018-19 fiscal year end. During the preparation of the 2019-20 budget, estimates were made for 2018-19 revenues and expenditures to establish the estimated June 30, 2019 fund balances that are expected to be available for appropriation in the 2019-20 fiscal year. This report compares the variances between actual revenues and expenditures versus the estimates established during the budget process. The basis for this report is different from the information presented in the Comprehensive Annual Financial Report (CAFR), which compares actual data against the Council approved budget, as amended from time to time during the year. The Council adopted budget, as amended, is normally higher than the estimated budget used during the budget process. All departments were within or close to their estimates to close.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Ashbeck to approve the final amendments to the 2018-19 Budget in conformance with the Budget Ordinance; and receive and file the year-end report for all funds as of June 30, 2019.

CITY MANAGER COMMENTS 9:11

City Manager Luke Serpa commented on California Health Sciences University temporary Certificate of Occupancy.

COUNCIL COMMENTS 9:12

Councilmember Ashbeck asked about a development near Ashlan and Armstrong.

Councilmember Whalen showed picture of text message complimentary to living in Clovis.

Mayor Bessinger commented on plans to visit Disneyland.

CLOSED SESSION 9:15

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

- 16. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Attorney, David J. Wolfe
Unrepresented Employee: City Manager

PRELIMINARY - SUBJECT TO APPROVAL

AGENDA ITEM NO. 3.

Mayor Bessinger adjourned the meeting of the Council to December 16, 2019

Meeting adjourned: 9:25 p.m.

Mayor

City Clerk

CLOVIS CITY COUNCIL MEETING

December 16, 2019

6:00 P.M.

Council Chamber

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

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

PUBLIC COMMENTS 6:03 PM

None

CONSENT CALENDAR 6:04 PM

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried 5-0.

- 1. Administration - Approved - Minutes from the December 2, 2019 Council Meeting.
- 2. Administration - Adopted - **Ord. 19-19**, R2019-003, A request to approve a rezone from the R-1-7500 (Single Family Residential-7,500 Sq Ft) to the R-1-PRD (Single Family Planned Residential) Zone District. (Vote 5-0)

PUBLIC HEARINGS

- 3. 6:06 - APPROVED ITEMS ASSOCIATED WITH APPROXIMATELY 4.31-ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF LEONARD AND BARSTOW AVENUES. BN 6120 LP, PROPERTY OWNER; JOHN A. BONADELLE, APPLICANT; LORREN SMITH, HARBOUR AND ASSOCIATES, REPRESENTATIVE.
- 3a. APPROVED INTRODUCTION - **ORD. 19-20**, R2019-008, A REQUEST TO APPROVE A REZONE FROM THE R-1 (SINGLE FAMILY RESIDENTIAL LOW DENSITY) ZONE DISTRICT TO THE R-1-PRD (SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT) ZONE DISTRICT.
- 3b. APPROVED - **RES. 19-168**, TM6254, A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP FOR A 23-LOT PLANNED RESIDENTIAL DEVELOPMENT.

Senior City Planner Ricky Caperton presented a report on a request to approve a 23-lot single-family, non-gated planned residential development on approximately 4.31-acres of property located at the northeast corner of Barstow and Leonard Avenues. A review of the changes in development standards was reviewed. The Project would include construction of public streets, sidewalks, and landscaped areas with additional public amenities. The Project will provide a diversity in housing types and a quality residential environment for this

area. The applicant has requested a smaller garage size than current standard. The Project does not substantially impact sewer, water and other public services and will contribute to their proportionate share of infrastructure and open space. The proposed vesting tentative tract map is consistent with the goals and policies of the General Plan, Loma Vista Specific Plan and Development Code. Staff recommends that the Planning Commission approve R2019-008 and TM6254, subject to the conditions of approval.

Councilmember Ashbeck and Mouanoutoua asked for clarification on garage sizes and exceptions provided to previous developments. Councilmember Flores asked questions on how the garage size city code determined. Dave Merchen, City Planner spoke to the 20 x 20 garage size being an industry standard for functionality. Councilmember Whalen spoke on the development standards and the ability of a Planned Residential Development to deviate from the standard and the amenities provided and asked about previous development impacts. Mayor Bessinger asked about fire access in the proposed neighborhood. Fire Chief Binaski responded that the streets met standards for fire apparatus to access the neighborhood.

John Bonnadelle, applicant, supports staff recommendation for approval of the tract and requests smaller size garage sizes. The smaller garage size allows for a reduced sales price and allows for better home elevations and larger front yards. Councilmember Ashbeck asked if additional storage is provided elsewhere in the home. Mr. Bonnadelle responded that internal washer/dryer room is now available versus being in the garage. Councilmember Whalen asked what the tract would be if typical standards were kept. Mr. Bonnadelle stated the standard development was very inefficient use of the property and high density did not yield enough units for a gated product.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **ORD. 19-20**, rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District to include an allowance for reduced garage sizes as proposed by the applicant. Motion carried 5-0.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve Resolution **19-168**, a vesting tentative tract map for a 23-lot planned residential development including reduced garage sizes in accordance with the R-1-PRD zone. Motion carried 5-0.

- 4. 6:51 APPROVED ITEMS ASSOCIATED WITH APPROXIMATELY 5.7 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF THIRD STREET AT VETERANS MEMORIAL PARKWAY. CITY OF CLOVIS, OWNER/APPLICANT.
- 4A. APPROVED - **RES. 19-169**, A REQUEST TO APPROVE A SITE PLAN REVIEW FOR A PROPOSED PUBLIC FACILITY, INCLUDING A SENIOR ACTIVITY CENTER, TRANSIT FACILITY, HEALTH CARE CLINIC, AND FUTURE FRESNO COUNTY LIBRARY.
- 4B. APPROVED – DEFER CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF THIRD STREET AND VETERANS MEMORIAL PARKWAY THAT IS PROJECTED TO BE NECESSARY BY THE YEAR 2039.

- 4C. APPROVED – AUTHORIZE STAFF AND THE CITY’S CONTRACT DESIGN TEAM TO PROCEED WITH THE PREPARATION OF CONSTRUCTION DOCUMENTS AND RELATED BID DOCUMENTS.
- 4D. APPROVED – CONSIDER UPDATE ON NAMING OF THE PROJECT AND ESTABLISH “CLOVIS LANDMARK SQUARE” AS THE OFFICIAL NAME.

Councilmember Jose Flores left the dais at 6:51 due to having a financial interest in property within 500 feet.

Assistant Planning and Development Services Director Renee Mathis and City Planner Dave Merchen provided a report on the City’s proposal to develop the “Landmark Commons” project, an expansion of the Clovis Civic Center to the property on the north side of Third Street at its intersection with Veterans Memorial Parkway. The project includes the development of a new Senior Activities Center and Health Care Clinic (the “Senior Center”), Transit Facility, and a building pad that will accommodate a new Fresno County Library in the future. The Library building will be developed by the County independently, with a separate site plan review scheduled for consideration in early 2020.

In February of 2019, the City Council approved Phase 1 of Landmark Commons, authorizing the construction of various infrastructure improvements, including a roundabout at the intersection of Third Street and Veterans Memorial Parkway. Staff is now recommending that the Council consider deferring the construction of the roundabout until traffic conditions necessitate its construction. This will streamline the development of Landmark Commons, while allowing the associated capital improvement dollars to be reapplied to street projects that address more immediate needs such as the Seventh Street and Clovis Avenues pedestrian improvement project.

Updated cost estimates including causes of the increase and funding sources were presented for Council’s consideration. City Manager Luke Serpa provided a recommendation to increase the project budget to meet the goals of the project. A recommendation from the naming committee to formally establish “Clovis Landmark Square” as the project name moving forward was also provided. If the Council takes the recommended actions in support of the project, staff will work with the contract design team to complete the construction documents and make the project bid-ready during the spring of 2020.

The Project is consistent with the Clovis General Plan, Development Code and Central Clovis Specific Plan, and provides the community with expanded services for the Senior Center, Transit Facility, St. Agnes Medical Clinic, and the County Library. Development of the site also moves toward completion of underutilized property within the Old Town area. Staff therefore recommends that the City Council approve Site Plan Review SPR2018-02, subject to the conditions of approval listed as Attachment 1, authorize the deferral of the roundabout, authorize staff to move forward with the preparation of construction documents, and proceed with official naming of the project as “Clovis Landmark Square”.

Steve Vogt, representing the Debenedetto family, commented on the traffic circle not being installed per the EIR and potential to work with the family on 2nd street access to the site. The family is in support of the project overall.

Tom Wright commented on the name of the project and supports the name Landmark Square as presented. He also spoke on behalf of the Clovis Veterans Memorial District encourage the investment needed to make the project exceptional.

Paul Pierce at 8321 N. Fowler asked questions on the roundabout being able to control traffic speed.

Council discussion on the name. Discussion on the EIR in regards to the roundabout, David Wolfe commented it does not impact the EIR until 2039

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve Resolution 19-169, a site plan review for a proposed public facility, including a Senior Activity Center, Transit Facility, Health Care Clinic, and future Fresno County Library. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to defer construction of a roundabout at the intersection of Third Street and Veterans Memorial Parkway that is projected to be necessary by the year 2039. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen for the Council to Authorize staff and the City's contract design team to proceed with the preparation of construction documents and related bid documents. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen for the Council to establish "Clovis Landmark Square" as the official name. Motion carried 4-0-0-1 with Councilmember Flores abstaining.

7:57 - Councilmember Flores returned to the dais.

6. 7:58 ADOPTED – **ORD. 19-21**, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING PROVISIONS OF TITLE 9 TO THE CLOVIS MUNICIPAL CODE RELATING TO HOUSING DEVELOPMENT PROJECT STANDARDS AND PROCEDURES, DENSITY BONUS, ACCESSORY DWELLING UNITS, REVIEW PROCEDURES, AND MAKING RELATED FINDINGS.

City Planner Dave Merchen provided a report on an urgency ordinance to address State legislation related to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, Review Procedures and make related findings. As an urgency ordinance, a four-fifths (4/5) vote is required.

The State Legislature and Governor have declared a statewide housing emergency. In that regard, the 2019 Legislative Session produced numerous laws related to housing ("2019

Housing Laws”) that use a combination of funding and regulation to promote affordable housing growth within the state. Among the effects of the 2019 Housing Laws are changes to the procedures and standards for housing development projects, density bonus, accessory dwelling units (“ADUs”), and other housing-related concerns. Many of the final bills were formally approved on October 9, 2019. Certain provisions of the 2019 Housing Laws are already in effect and other provisions go into effect on January 1, 2020.

This urgency ordinance is being recommended to address new State legislation as well as providing additional opportunity for affordable housing through streamlined review, clear and concise objective standards, and revised Density Bonus and Accessory Unit provisions.

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 **ORD. 19-21**, an Urgency Ordinance of the City Council of the City of Clovis Amending Provisions of Title 9 to the Clovis Municipal Code Relating to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, Review Procedures, and Making Related Findings. Motion carried 5-0.

- 5. 8:28 APPROVED - **RES. 19-170**, A RESOLUTION AMENDING AND RENAMING THE 1992 MULTIPLE-FAMILY RESIDENTIAL DESIGN GUIDELINES AS THE MULTIPLE-FAMILY RESIDENTIAL DESIGN STANDARDS.

Bryan Araki, Consulting Planner, provided a report to amend and rename the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards in response to recent State legislation requiring cities to streamline the review process for multiple-family projects utilizing objective design standards.

Several modifications were necessary to amend the 1992 Multiple-Family Residential Design Guidelines to create objective standards. The revised and reorganized Multiple-Family Residential Design Standards have incorporated excerpts from the Development Code with deleted text related to Director, City Engineer, and City Planner discretion. The results are standards that can be used to evaluate projects objectively in a timely manner. Additionally, the Multiple-Family Residential Design Standards will provide applicants with clear direction when designing projects for City review

The proposed amendment to the Multiple-Family Residential Design Standards is necessary to provide a streamlined review process for multiple-family residential projects as well as a guiding document for applicants submitting plans for review.

James Cruss, resident, asked a question about a vacant lot and discretion the City does or doesn't have on its future use. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve **RES. 19-170**, a resolution amending and renaming the 1992 Multiple-Family Residential Design Guidelines as the Multiple-Family Residential Design Standards. Motion carried 5-0.

7. 8:43 - APPROVED - **RES. 19-171**, APPROVING THE EXCEPTION TO THE 180-DAY WAIT PERIOD (GOVERNMENT CODE SECTIONS 7522.56 & 21224) PERTAINING TO THE HIRING OF SHELLI VINSON AS A CONTRACT EXTRA-HELP SENIOR FIRE PREVENTION OFFICER.

Fire Chief John Binaski provided a report on the need for an exception to the 180-Day wait period, pursuant to Government Code Sections 7522.56 & 21224, pertaining to the hiring of Shelli Vinson as extra help for fire prevention inspections and projects. The approval would provide for the life safety and enforcement of fire code for the citizens of Clovis in an immediate and urgent way. The inspections scheduled to be completed by the contract employee are state mandated, reported annually, safeguard the businesses of Clovis, and generate income for the City through the standard inspection fees.

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 RES. 19-171, a resolution Approving the Exception to the 180-Day Wait Period (Government Code Sections 7522.56 & 21224) Pertaining to the Hiring of Shelli Vinson as a contract extra-help Senior Fire Prevention Officer. Motion carried 5-0.

8. 8:45 APPROVED – **SECOND AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT.**

General Service Director Shonna Halterman provided a report on the Second Amendment to City Manager Employment Agreement which sets forth the terms and conditions of the appointment of Luke Serpa as City Manager through June 30, 2020. After evaluating the City Manager's performance, the Council desires to provide Serpa with the equivalent of a second employee step increase, which amounts to a 5% adjustment in salary. Serpa's annual salary shall be \$232,020 effective as of January 1, 2020. Serpa shall also be entitled to receive cost of living adjustments made applicable to all executive management employees, including those that become effective fiscal years 2020/2021. The current salary range for City Manager is \$210,444 to \$255,804.

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

Motion by Councilmember Ashbeck, seconded by councilmember Flores, for the Council to approve the Second Amendment to City Manager Employment Agreement. Motion carried 5-0.

CITY MANAGER COMMENTS - 8:47

The City manager commented on the meeting schedule and wished a Merry Christmas.

COUNCIL COMMENTS - 8:48

Councilmember Whalen presented housing affordability historic chart.
Councilmember Ashbeck reported on FCTA meeting.
Councilmember Mouanoutoua wished all a Merry Christmas
Councilmember Flores commented on a navigation center being built in San Francisco.
Mayor Bessinger commented on his trip to New Jersey and Disneyland and wished all a Merry Christmas.

Mayor Bessinger adjourned the meeting of the Council to January 6, 2020

Meeting adjourned: **8:58 p.m.**

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 13, 2020

SUBJECT: Administration - Adopt - Ord. 19-20, R2019-008, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District. Located at the northeast corner of Leonard and Barstow Avenues. (Vote 5-0)

This item was approved for introduction on December 16, 2019 with a unanimous vote.

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 Department

DATE: January 13, 2020

SUBJECT: Planning and Development Services - Approval - Final Acceptance for CIP 17-11, Ashlan Alley

ATTACHMENT: 1. Vicinity Map

RECOMMENDATION

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

EXECUTIVE SUMMARY

The project involved alley reconstruction activities at Ashlan Alley, north of Ashlan Avenue east of Helm Avenue. The work included re-grading the alley and installation of new concrete driveway approaches, concrete valley gutters, and asphalt concrete pavement. The project was funded by Community Development Block Grant (CDBG) funds.

BACKGROUND

Bids were received on August 13, 2019, and City Council pre-authorized the City Manager to award the project to the low bidder, Asphalt Design by Juan Gomez, on August 5, 2019. The project was completed in accordance with the construction documents.

FISCAL IMPACT

1. Award	\$ 103,759.79
2. Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$ 2,485.81
3. Contract Change Orders	<u>\$ 794.75</u>
Final Contract Cost	\$ 107,040.35

This project was approved in the Community Investment Program 2018-2019 fiscal year budget and is funded by CDBG Funds.

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the engineering inspector, and the project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Asphalt Design by Juan Gomez, has requested final acceptance from City Council.

ACTIONS FOLLOWING APPROVAL

1. The notice of completion will be recorded; and
2. All remaining retention funds will be released 35 calendar days following recordation of the notice of acceptance, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

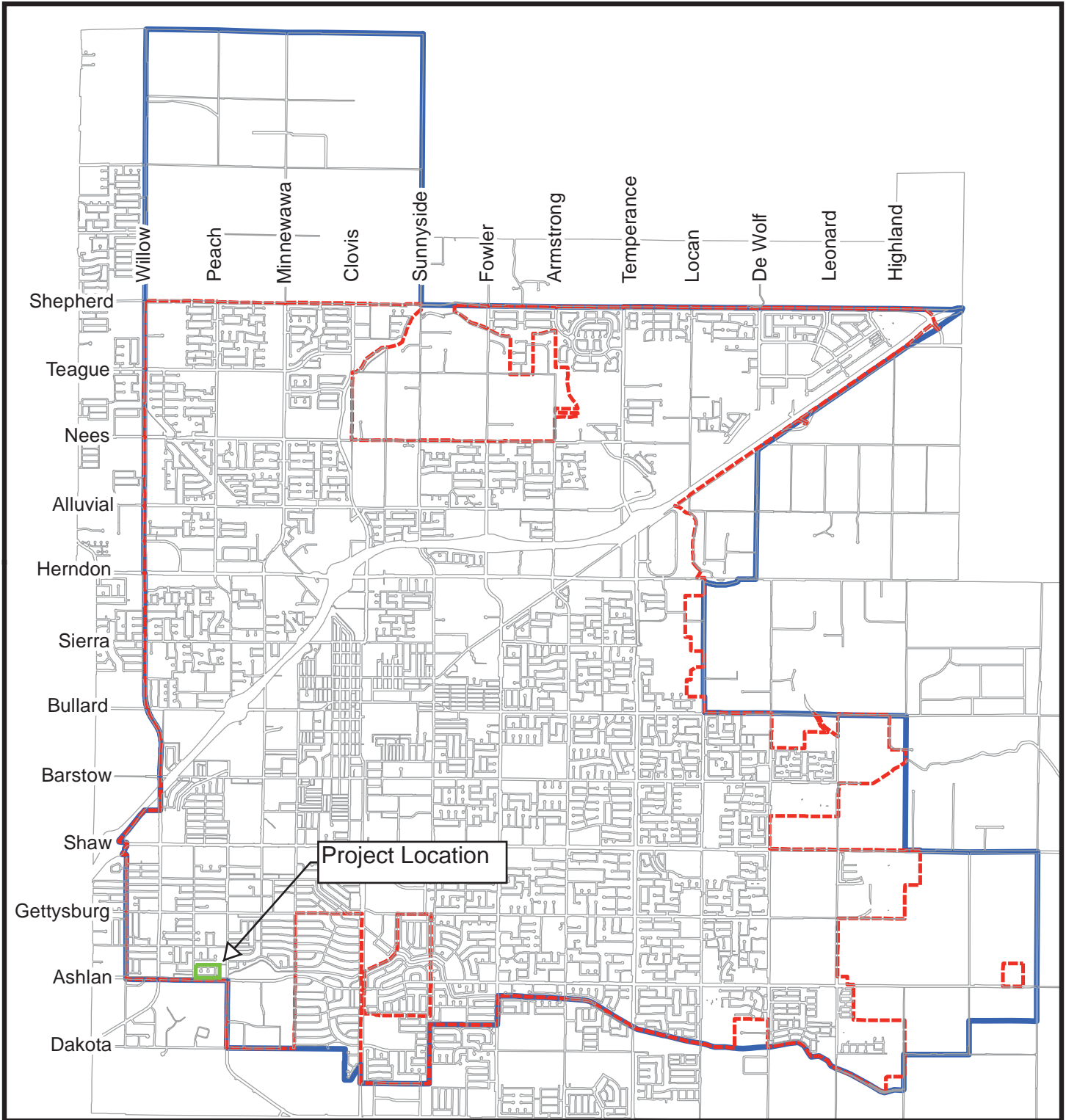
Prepared by: Kevin Gross, Civil Engineer

Reviewed by: City Manager *[Signature]*

VICINITY MAP

AGENDA ITEM NO. 5.

CIP 17-11 Ashlan Alley



ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 13, 2020

SUBJECT: Planning and Development Services - Approval - Final Acceptance for CIP 17-14, Temperance Avenue Street Improvements - Shaw Avenue to Barstow Avenue.

ATTACHMENT: 1. Vicinity Map

CONFLICT OF INTEREST

City Manager Luke Serpa owns property within 500' of said project.

RECOMMENDATION

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

EXECUTIVE SUMMARY

This project consisted of street improvements on Temperance Avenue from Shaw Avenue to Barstow Avenue. New construction addressed pavement deficiencies as well as existing curb return ramps that were not in compliance of current ADA standards. This project was funded by the Regional Surface Transportation Program (RSTP).

BACKGROUND

Bids were received on July 9, 2019, and City Council pre-authorized the City Manager to award the project to the low bidder, AJ Excavation Inc., on July 1, 2019. The project was completed in accordance with the construction documents.

FISCAL IMPACT

1. Award	\$ 704,576.00
2. Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$ -12,907.00

3. Contract Change Orders	<u>\$ 13,200.00</u>
Final Contract Cost	\$ 704,869.00

This project was approved in the 2018-2019 fiscal year within the Community Investment Program budget and was funded by RSTP Funds.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

1. The notice of completion will be recorded; and
2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

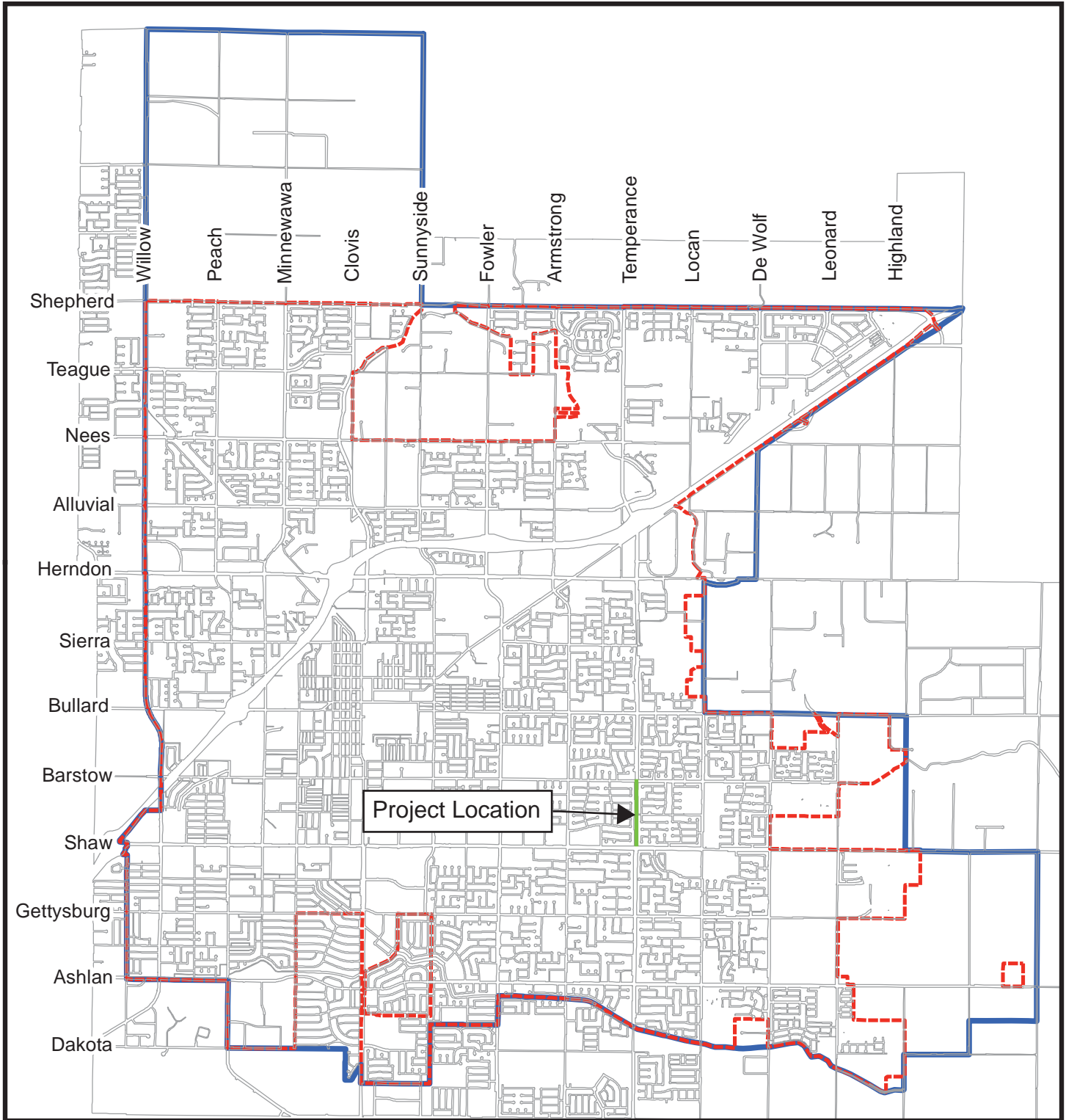
Prepared by: John Armendariz, Civil Engineer

Reviewed by: City Manager *JH*

VICINITY MAP

AGENDA ITEM NO. 6.

CIP 17-14 Temperance Avenue Street Improvements



ATTACHMENT 1



 CITY LIMITS

 SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: January 13, 2020

SUBJECT: Planning and Development Services – Approval – Waive the City’s usual purchasing procedures and authorize the City Manager to enter into a purchase agreement with Tesco Controls, Inc. to supply a motor control center for CIP 18-14 Well 11A Pump and Motor Improvements.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to waive the City’s usual purchasing procedures and authorize the City Manager to sign a purchase agreement in an amount estimated at \$170,125.00 for material and services to be provided by Tesco Controls, Inc. for City Well Site 11A.

EXECUTIVE SUMMARY

Tesco Controls, Inc. will be providing one (1) motor control center (MCC) that will be installed at Well Site 11A located at 1801 Stanford Avenue, Clovis, CA 93612. The City will be using a competitively bid General Services Administration (GSA) contract, which was awarded to Tesco Controls, Inc. The 2019-2020 Water Enterprise budget has sufficient funding for the purchase of the MCC at said site.

BACKGROUND

Because of propriety software by Tesco Controls, Inc. used by the City of Clovis to control the automation of its existing well sites, City staff would like to contract directly with Tesco Controls, Inc. under their GSA contract. The City’s purchasing policies and procedures allow services to be exempt from the bidding process when the City is participating in an

established governmental cooperative purchasing agreement. Tesco Controls, Inc. has secured GSA contract #GS-07F-0513X, with a contract period from June 1, 2016 through May 31, 2021. The program has been price analyzed and competitively bid for government agencies. The bidding process has been completed so that each individual government entity does not need to repeat the process for the same products and services.

Council authorization will allow the City of Clovis to utilize the GSA contract #GS-07F-0513X to purchase and deliver an MCC to Well 11A through Tesco Controls, Inc. The MCC will contain all components necessary for Public Utilities Department to control well pump operations by automation with their existing computer system or manually on site.

FISCAL IMPACT

This project is budgeted in the Community Investment Program budget.

REASON FOR RECOMMENDATION

Tesco Controls, Inc. has met the necessary requirements for obtaining a GSA contract, which complies with the public bidding requirements of the Public Contract Code, as well as complying with the latest building and safety codes.

ACTIONS FOLLOWING APPROVAL

1. The City Manager will enter into a Purchase Agreement with Tesco Controls, Inc.; and
2. The City Manager will authorize a purchase order in an amount estimated at \$170,125.00 to Tesco Controls, Inc. for the purchase and delivery of one (1) motor control center to the Well Site 11A.

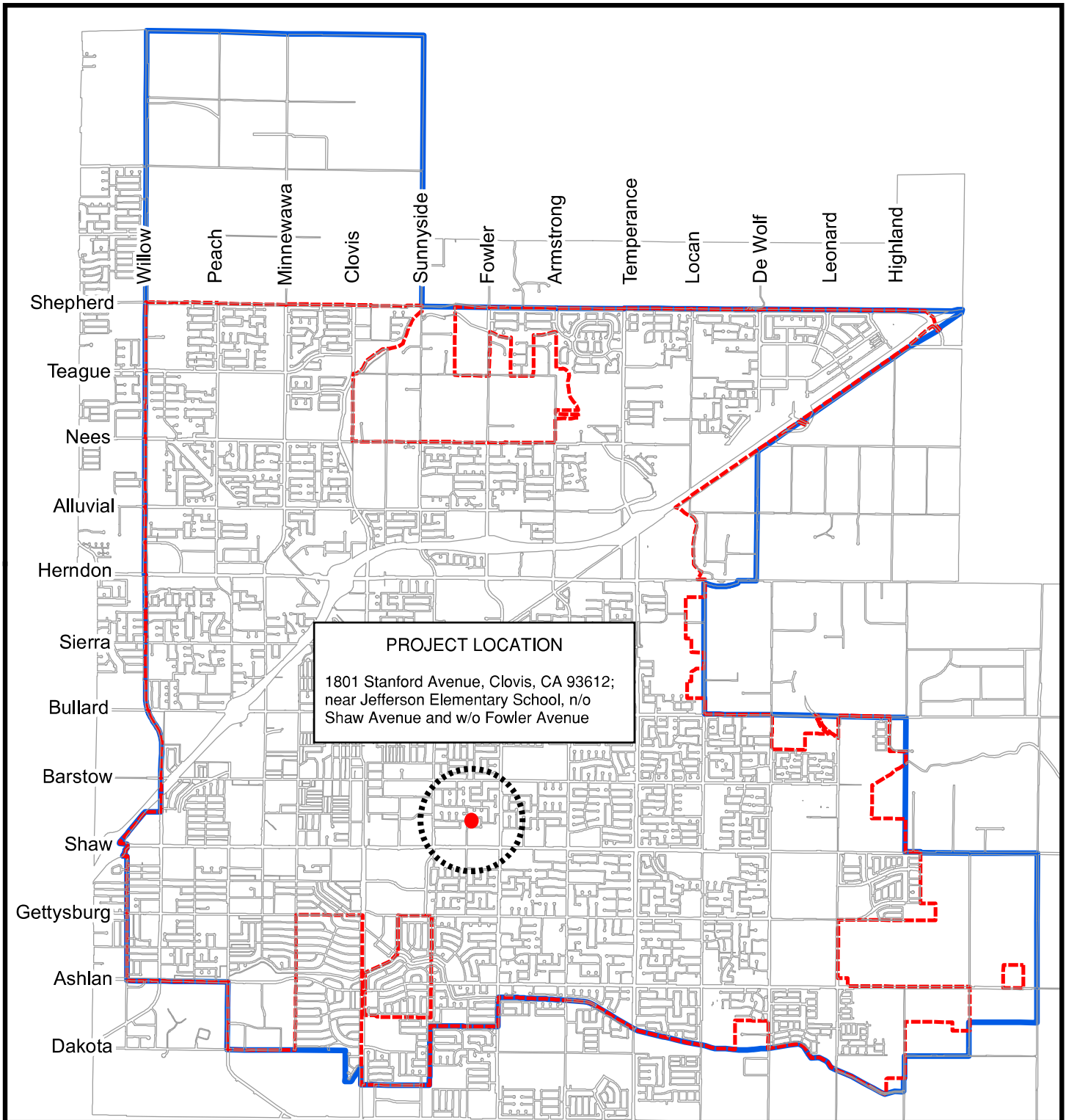
Prepared by: Thomas K. Cheng, Project Civil Engineer

Reviewed by: City Manager *TH*

VICINITY MAP

AGENDA ITEM NO. 7.

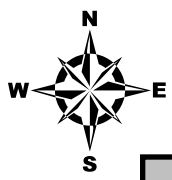
CIP 18-14 Well 11A Pump and Motor Improvements



PROJECT LOCATION
1801 Stanford Avenue, Clovis, CA 93612;
near Jefferson Elementary School, n/o
Shaw Avenue and w/o Fowler Avenue



ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: January 13, 2020

SUBJECT: Public Utilities – Approval – Authorizing the execution of a Purchase Agreement for property located at 1665 Tollhouse Road, Clovis, CA from Anlin Industries in the amount of \$534,000.

ATTACHMENTS: 1. Vicinity Map
2. Property Layout
3. Purchase Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Authorize the execution of a Purchase Agreement for property located at 1665 Tollhouse Road, Clovis, CA from Anlin Industries in the amount of \$534,000.
2. Authorize the City Manager to execute the Agreement and other necessary documents.

EXECUTIVE SUMMARY

Approval of this request would allow the City Manager to sign an agreement and execute the purchase of 1.44 acres of property located at the northwest corner of Anlin Industries, adjacent to the City of Clovis Corporation Yard. This property would be utilized for expansion of the Corporation Yard and would allow for the Transit and Solid Waste fleets to park and maintain additional vehicles due to City growth. It would also provide area to relocate existing stored equipment and materials so that a warehouse could be added at the northeast corner of the existing facility for increased warehouse storage capacity. The property purchase and projects associated with expansion of the Corporation Yard have been included in the City of Clovis 2019-20 budget and staff has been working on the design of the projects concurrently with the property acquisition from Anlin Industries.

BACKGROUND

Per Council direction, staff has been discussing the potential property purchase from Anlin Industries for the expansion of the City of Clovis Corporation Yard. The existing Yard is being fully utilized and has no room for growth, which is causing difficulties in housing Transit and Solid Waste vehicles and storing Solid Waste materials such as totes and bins. The addition of this property would give the City additional area in the future to park additional vehicles and add a warehouse for storage to meet City growth. Staff received authorization from Council to discuss the purchase of the property with Anlin Industries on December 3, 2018.

Staff has negotiated a purchase price initially based upon a previous Market Valuation (appraisal) performed by James G. Palmer Appraisals Inc. The property under consideration is shown in the property layout map (Attachment 2). The property consists of improved and unimproved land. During initial negotiations, improved property was valued at \$9.50 per square foot, unimproved property was valued at \$6.00 per square foot, and access easement property was valued at 50% of unimproved property, which was \$3.00 per square foot. City staff, under Council authorization, settled at an offer of \$500,000 for the 1.19 acres of improved and unimproved land and \$34,000 for the 0.25 acres under easement to fully acquire access ownership rights to the Corporation Yard facility. The final negotiated terms include a purchase price of \$534,000 for the total 1.44 acres.

Staff believes the additional costs above the appraised value are warranted for the following reasons: 1) This transaction is being completed without the use of a Realtor or broker, which would add about three to six percent in buyer fees; 2) The proximity of this location allows staff to fully utilize the site in conjunction with operations at the Corporation Yard; 3) The site strategically includes access to the Stanford/Menlo knuckle, giving the Public Utilities Department more options for ingress and egress from the Corporation Yard facility; and 4) As the City continues to develop and grow, the Public Utilities Department needs to grow with it to continue providing the exceptional service that City of Clovis residents expect. The addition of this property will allow for additional storage and parking. Execution of the proposed agreement will allow the City to open an escrow account and complete the property purchase transaction.

FISCAL IMPACT

The total estimated cost to acquire the property is \$550,000. This includes the purchase price of \$534,000 plus escrow charges. Funds have been budgeted for this property purchase in the Public Utilities Department's Water, Sewer, and Solid Waste accounts.

REASON FOR RECOMMENDATION

Acquisition of the property would provide additional area needed for expansion of the Corporation Yard. The property is situated in an ideal location and Anlin Industries has generously worked with the City in the property transaction.

ACTIONS FOLLOWING APPROVAL

1. Staff will execute the agreement and proceed with purchase of the property.
2. Staff will continue working on expansion of the Corporation Yard based on the property acquired.

Prepared by: Scott Redelfs, Public Utilities Director

Reviewed by: City Manager LS

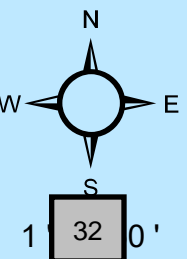


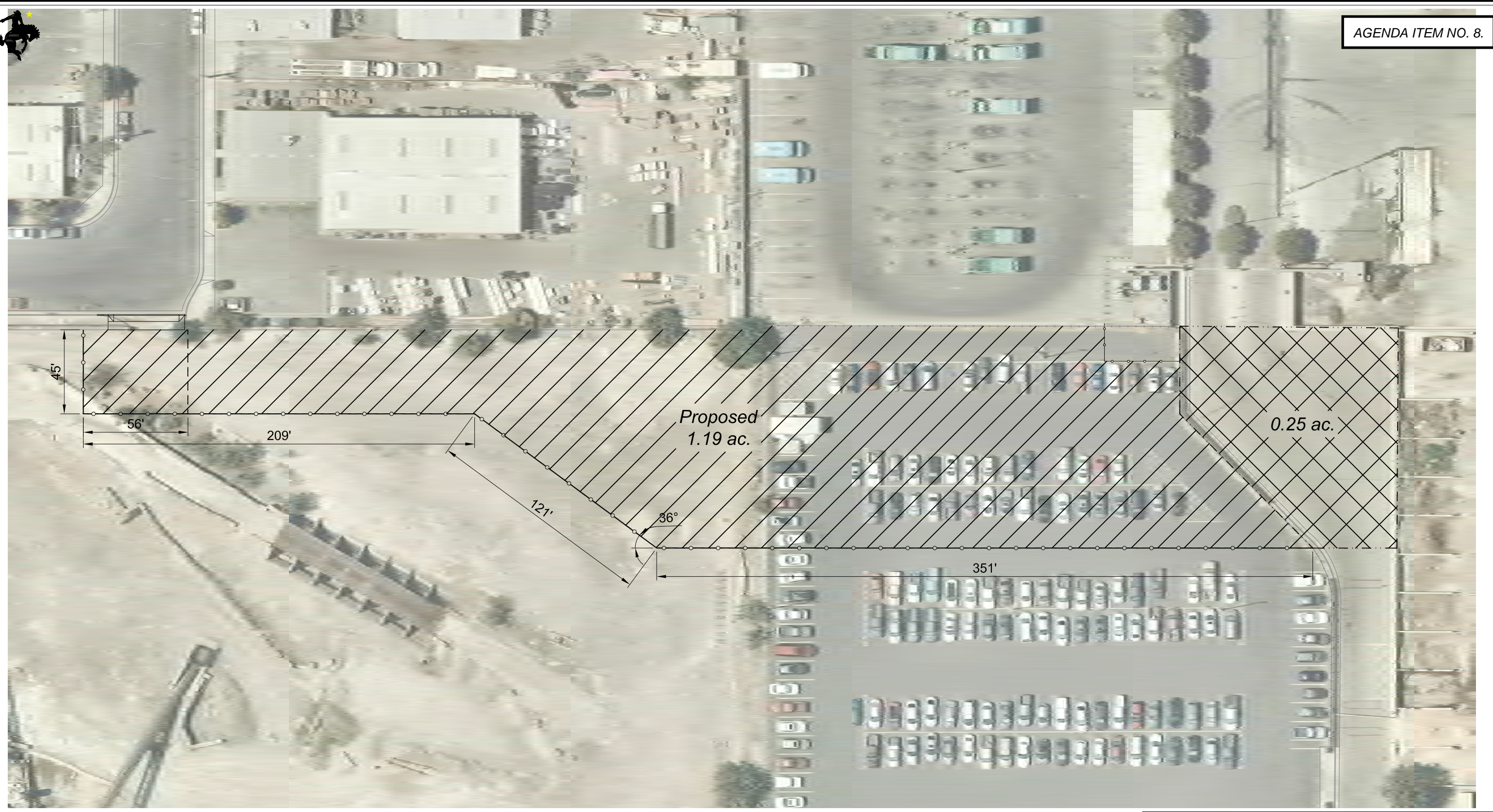
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Anlin Property Acquisition VICINITY MAP

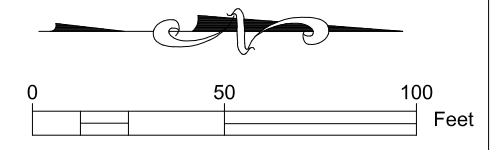
12/30/2019

(ATTACHMENT 1)





(ATTACHMENT 2)



CITY of CLOVIS PUBLIC UTILITIES DEPARTMENT 155 N. SUNNYSIDE AVENUE	
PROJECT TITLE CORPORATION YARD PARKING LOT	PROJECT NO. -
SHEET DESCRIPTION LEGAL DESCRIPTION LAYOUT	SHEET NO. 1 33

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 Anlin Industries, a California corporation (“Seller”) pursuant to the following recitals:

RECITALS:

A. WHEREAS, Seller owns certain real property located at 1665 Tollhouse Road, City of Clovis, within the County of Fresno, State of California.

B. WHEREAS, Buyer desires to acquire a 1.44 acre portion of the real property, more particularly identified below, for right-of-way purposes and related uses in connection with improvements of the City of Clovis Corporation Yard; and

C. WHEREAS, Seller desires to sell the 1.44 acre portion of the real property 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 1.44 acres, located at 1665 Tollhouse Road, City of Clovis, in the County of Fresno, California, portions of Fresno County Assessor’s Parcel No’s. 491-08-59-S and 491-08-8 as more particularly described and depicted in Exhibit “A” 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”), but not so much of Seller’s easements, licenses and interests affecting real property lying east of the Property along the northerly boundary of real property being retained by Seller.

2. Purchase Price. The total purchase price to be paid by Buyer for the Property shall be five hundred and thirty four thousand dollars (\$534,000.00) (the “Purchase Price”). 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. 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. 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.

4. 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.

5. Escrow. Upon execution of this Agreement, Buyer and Seller agree to open an escrow account with First American Title Company, located at 7010 N. Palm Ave., Fresno, CA 93650 ("Title Company") for the purposes of preparing a preliminary title report, arranging for title insurance desired by Buyer, preparing the grant deed, preparing and recording new legal descriptions for both properties, ensuring that the proper authority for selling the property is obtained, and other customary provisions. Buyer and Seller shall execute Escrow instructions needed to carry out this section.

- 5.1 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.
- 5.2 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.
- 5.3 Title and closing costs. Buyer will pay costs to convey title in the condition described in Section 5.2 above, including but not limited to any fees associated with the partial or full reconveyance of any deed(s) of trust. Seller must pay costs for any delinquent and/or unpaid taxes, assessments, or liens. Buyer shall pay the costs of any owner's title policy, insuring Buyer's title in the condition described in Section 5.2, 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.
- 5.4 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, but not later than August 31, 2020. The escrow will be considered closed on the date the grant deed is recorded ("close of escrow").
- 5.5 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 5.2 above, for the amount designated by

Buyer.

- 5.6 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.

6. 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.

7. [Reserved]

8. Miscellaneous Provisions.

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

Buyer assures Seller that:

(a) An Access Easement from the Stanford and Menlo knuckle in favor of Seller will be reserved in accordance with a written easement to be recorded at close of escrow.

(b) Buyer's installation of new facilities will meet the minimum setbacks as required by Buyer's Planning and Development Services Department;

(c) Buyer will install fencing along the property line between the Property and the real property retained by Seller that will meet or exceed the conditions of the existing chain link fencing currently in place;

(d) Any improvements constructed by Buyer on the Property will preserve the Property's current drainage patterns. The existing storm drain system located within the Property shall be accessible by both the Buyer and Seller. Buyer may install an additional drainage inlet and appurtenances for drainage at the southwest corner of Seller's parking lot for proper drainage of the area. Modifications to the drainage facilities will require approval from both parties to this Agreement.

(e) Seller will be able to retain use of the existing parking area on the Property until August 31, 2020, or until such later time as Seller has graded for additional parking or Buyer requires the use of that area. Consistent with the foregoing sentence, Buyer will have access to and the ability to perform improvements on such area upon close of escrow.

(f) Buyer will address slope and drainage issues between the Property and the adjacent real property of Seller. Seller agrees to allow Buyer to work on both properties to address slope and drainage issues. Modifications to Seller's property

will require approval from both parties to this Agreement.

(g) Buyer, at its sole expense, will rewire the power supply of the two parking lot lights located on the western end of the parking area on the Property not later than September 30, 2020.

- 8.2 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 three days after depositing the notice or communication in the U. S. certified or registered mail, postage prepaid, and addressed to the relevant party at the address set forth below.

To Seller: Jonathan R. Chessum
Anlin Industries
1665 Tollhouse Road
Clovis, CA 93611

To Buyer: Scott Redelfs
Public Utilities
City of Clovis
155 N. Sunnyside Ave
Clovis, CA 93611

- 8.3 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.

- 8.4 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.

- 8.5 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.

- 8.6 Time of the Essence. Time is of the essence of each term in this Agreement.

- 8.7 Governing Law. This Agreement and the legal relations between the parties shall be governed by and construed according to California law.

- 8.8 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.

- 8.9 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.

- 8.10 Severability. The provisions of this Agreement are severable. The invalidity, or unenforceability of any provision in this Agreement will not affect the other

provisions.

- 8.11 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

SELLER:
Anlin Industries, A California Corporation

By _____
Luke Serpa, City Manager

By: _____
John J. Maloney, President

Dated: _____, 2020

By: _____
Jonathan R. Chessum, Secretary

Dated: _____, 2020

EXHIBIT 'A'

AGENDA ITEM NO. 8.

That portion of the Southeast Quarter of the Northeast Quarter of Section 4, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Northeast Quarter of Section 4; thence North 0°03'51" East along the West Line of said Southeast Quarter of the Northeast Quarter, a distance of 289.68 feet to the TRUE POINT OF BEGINNING; thence North 0°03'51" East continuing along said West Line, a distance of 547.98 feet to the Southwest Corner of that certain parcel of land described as Exhibit "A" in the Grant Deed to the City of Clovis reordered November 21, 2017 as Document No. 2017-0150823, Official Records Fresno County; thence South 89°56'09" East along the South Line of said Exhibit "A", a distance of 18.78 feet to the Southeast Corner thereof; thence North 0°03'51" East along the East Line of said Exhibit "A", a distance of 40.35 feet to the Northeast Corner thereof; thence North 89°56'09" West along the North Line of said Exhibit "A", a distance of 18.78 feet to the Northwest Corner thereof lying on the West Line of the Southeast Quarter of the Northeast Quarter of Section 4; thence North 0°03'51" East along said West Line, a distance of 115.26 feet to the Northwest Corner of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4; thence South 89°40'41" East along the North Line of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4, a distance of 116.12 feet; thence South 0°03'51" West parallel with the West Line of the Southeast Quarter of the Northeast Quarter of Section 4, a distance of 396.18 feet; thence South 36°03'51" West, a distance of 121.00 feet; thence South 0°03'51" West, a distance of 209.00 feet; thence North 89°56' 09" West, a distance of 45.00 feet to the Point of Beginning.

Containing 1.44 acres, more or less.

RESERVING THEREFROM an access easement appurtenant to the Grantor's remaining property over and across the south 56.00 feet of the above described property.



December 16, 2019
Katrina M. Olsen, LS 7058
McPheeters & Associates
1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
(559) 299-9098
www.mcpheeters.com

Job No. 118165

EXHIBIT 'A'

SHEET 2 OF 2

AGENDA ITEM NO. 8.


NW COR OF
S 1/2 OF N 1/2 OF
SE 1/4 OF NE 1/4
SEC 4, 13/21

PARCEL 6 OF
PARCEL MAP 94-08
BK 57 PM PG 50-51, F.C.R.

NORTH LINE OF S 1/2 OF N 1/2 OF
SE 1/4 OF NE 1/4, SEC 4, 13/21

LOS ALTOS ALIGNMENT

LEGEND

 INDICATES AREA TO BE DEEDED IN FEE
CONTAINING 1.44 ACRES MORE OR LESS.

* INDICATES ACCESS EASEMENT RESERVED
OVER AND ACROSS THE SOUTH 56.00
FEET OF AREA TO BE DEEDED IN FEE.

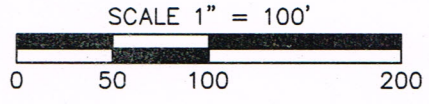


EXHIBIT 'A'
TO CITY OF CLOVIS
DOC # 2017-0150823,
O.R.F.C.

S89°56'08"E
18.78'

WEST LINE OF SE 1/4
OF NE 1/4, SEC 4, 13/21

N0°03'51"E 993.27'

S89°40'41"E
116.12'

115.26'

N89°56'08"W
18.78'

40.35'
N0°03'51"E

S0°03'51"W 396.18'

547.98'

S36°03'51"W
121.00'

153.00'

209.00'

S0°03'51"W

56.00'

MENLO AVENUE

P.O.B.

STANFORD AVENUE

289.68'

N89°56'09"W
45.00'

SE COR OF
SE 1/4 OF NE 1/4
SEC 4, 13/21



CITY of CLOVIS

PLANNING & DEVELOPMENT

PREPARED BY:
McPHEETERS & ASSOCIATES
1486 TOLLHOUSE ROAD, #107
CLOVIS, CA 93611
(559) 299-9098

DATE: 12-16-
FILE: 118165. 40



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 13, 2020

SUBJECT: Consider Approval - Res. 20-____, A request to initiate rezoning to the Clovis R-R (Rural Residential – 1 DU/2 Ac) Zone District for four properties located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

- ATTACHMENTS:
1. Draft Resolution
 2. Applicant’s Request to Initiate Rezoning
 3. Prezone Initiation Vicinity Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the City Council initiate the rezoning process for four properties located in the southwest area of Teague and N. Fowler Avenues to the Clovis R-R (Rural Residential – 1 DU/2 Ac) Zone District.

EXECUTIVE SUMMARY

The City recently received a request to initiate a prezone to accommodate a 74-lot single family residential development on the south side of Teague Avenue, between N. Sunnyside and N. Fowler Avenues and annexation of approximately 55 acres. The annexation boundary (see Attachment 3) has been established in cooperation with the Fresno Local Agency Formation Commission (LAFCo) and County of Fresno. All properties proposed to be annexed into the City are required to be rezoned consistent with the General Plan Land Use Diagram and, for this specific Project, the Dry Creek Preserve Master Plan. The boundary consists of fourteen properties, four of which are related to the proposed 74-lot single-family residential development (TM6284) and ten others which are required to create a logical boundary.

The applicant has requested authorization from the ten property owners to prezone and annex their properties. However, the applicant has been successful in obtaining only six authorizations. Therefore, the applicant is requesting that the Council initiate the pre zoning process in accordance with Section 9.86.020 (Initiation of Amendments) of the Clovis Development Code. Approval of this request will allow staff to continue to work on processing the development proposal, including scheduling public hearings before both the Planning Commission and City Council.

BACKGROUND

The applicant's 74-lot single family residential development proposal is located on the south side of Teague Avenue, between N. Sunnyside and N. Fowler Avenues (see Figure 1 below).

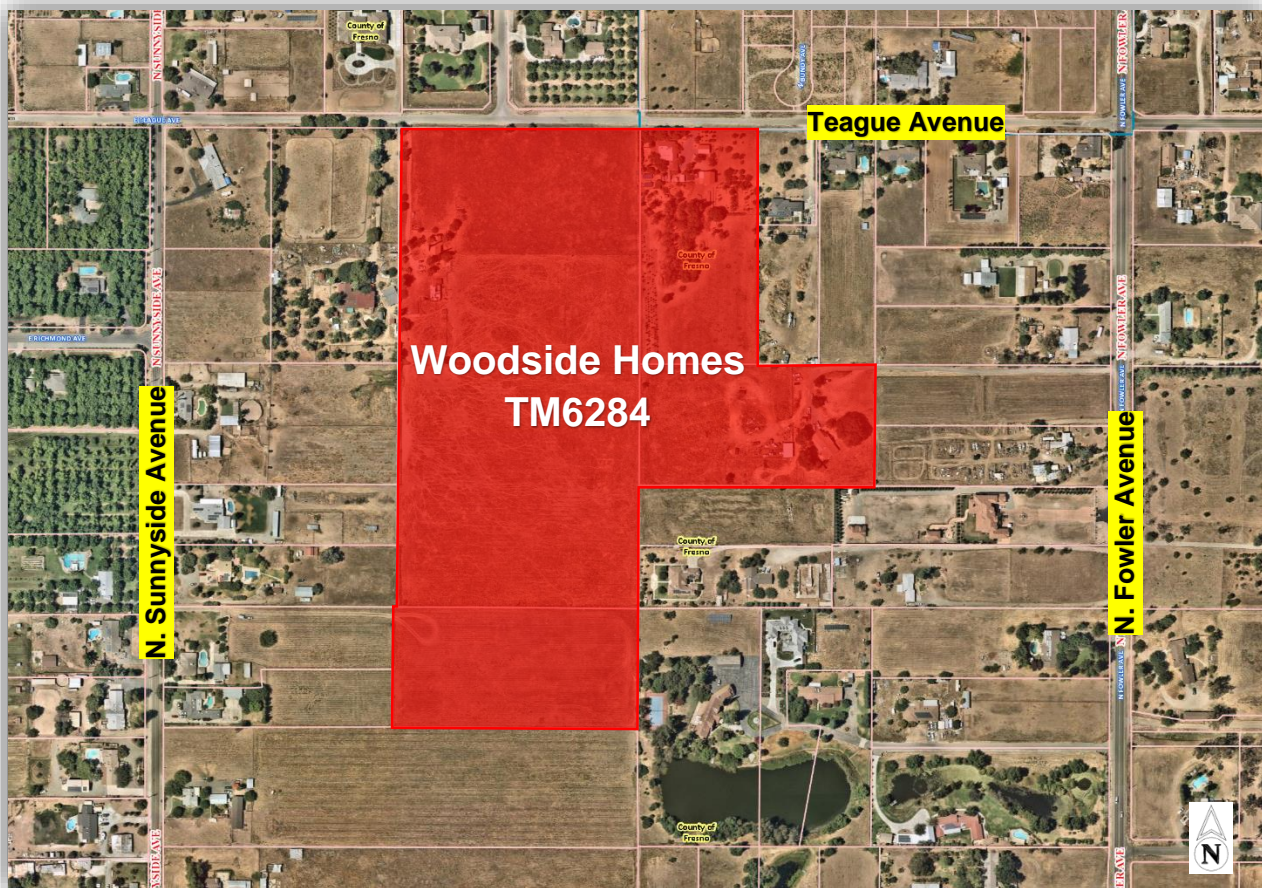


Figure 1

LAFCo and City of Clovis policy requires creation of logical annexation boundaries which avoid creating County islands and long peninsulas. With projects inside the Dry Creek Preserve Area, proposed annexations need to be consistent with the Annexation Program adopted with the Master Plan. Primarily, that depending on the location of a proposed project, the annexation boundary could encompass surrounding properties. There are ten properties (see Figure 2 below) to the east of TM6284 that, if included in the annexation, would comply with the first amendment to the 2017 Memorandum of Understanding (MOU)

between the City and the County of Fresno. Per the Standards for Annexation under the MOU, annexation boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries.

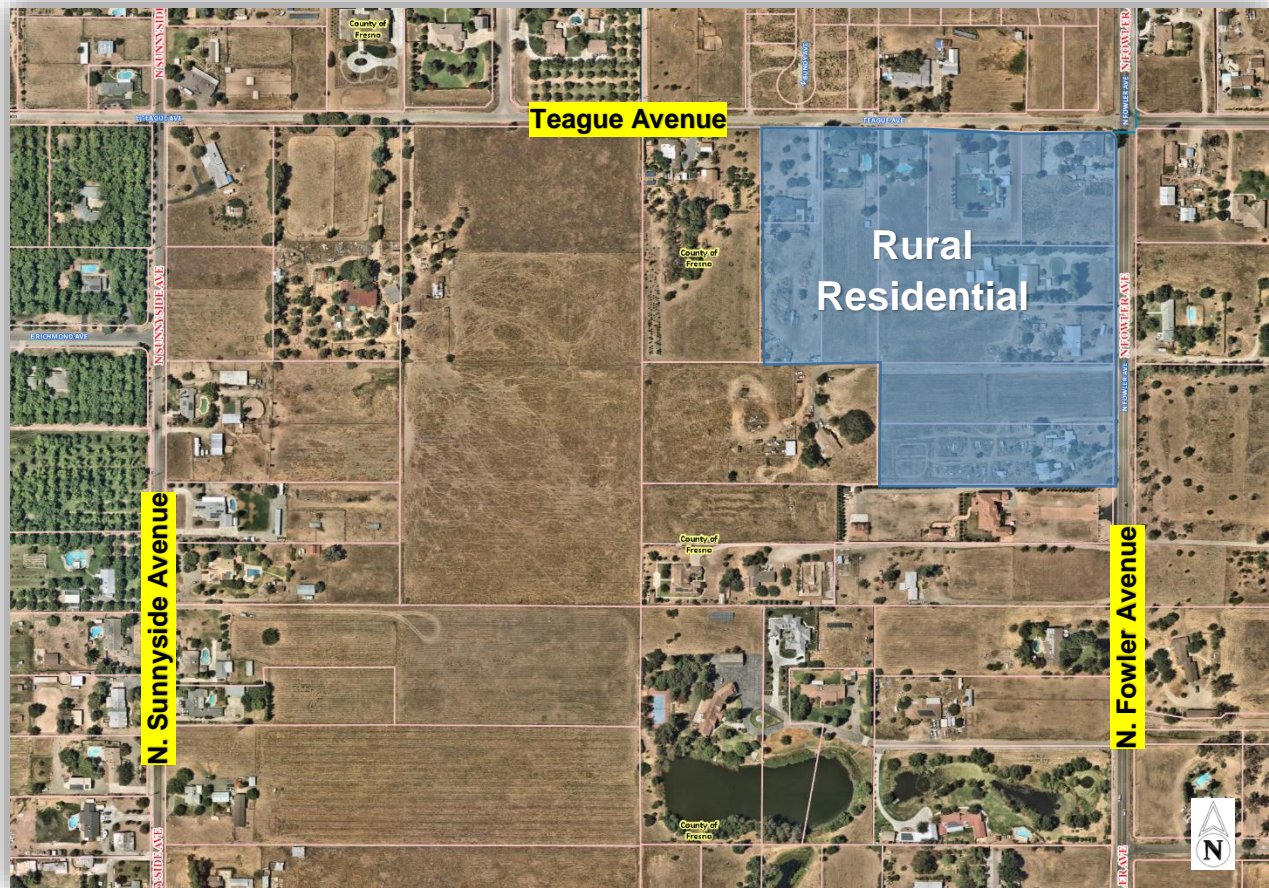


Figure 2

PROPOSAL AND ANALYSIS

The four subject parcels are part of a larger reorganization request seeking annexation (see Attachment 3), into the City of Clovis (Teague-Fowler Southwest Reorganization). This annexation also includes the proposed 74-lot single family residential development by Woodside Homes.

Project Element	Number of Parcels	Acres
74 Lot Subdivision	4	34.3
Surrounding Parcels - Authorized	6	11.45
Surrounding Parcels – NOT Authorized	4	7.48
Totals	14	53.23

Because it appears unlikely that the authorization will be obtained from all 10 of the surrounding property owners, the applicant is requesting that the City Council initiate

prezoning of these four specific properties consistent with the General Plan Land Use Designation. However, the applicant will continue to work with the four property owners to receive authorization. The prezone initiation request would be to the Clovis R-R (Rural Residential – 1 DU/2 Ac) Zone District, consistent with the General Plan (see **Figure 3** below).

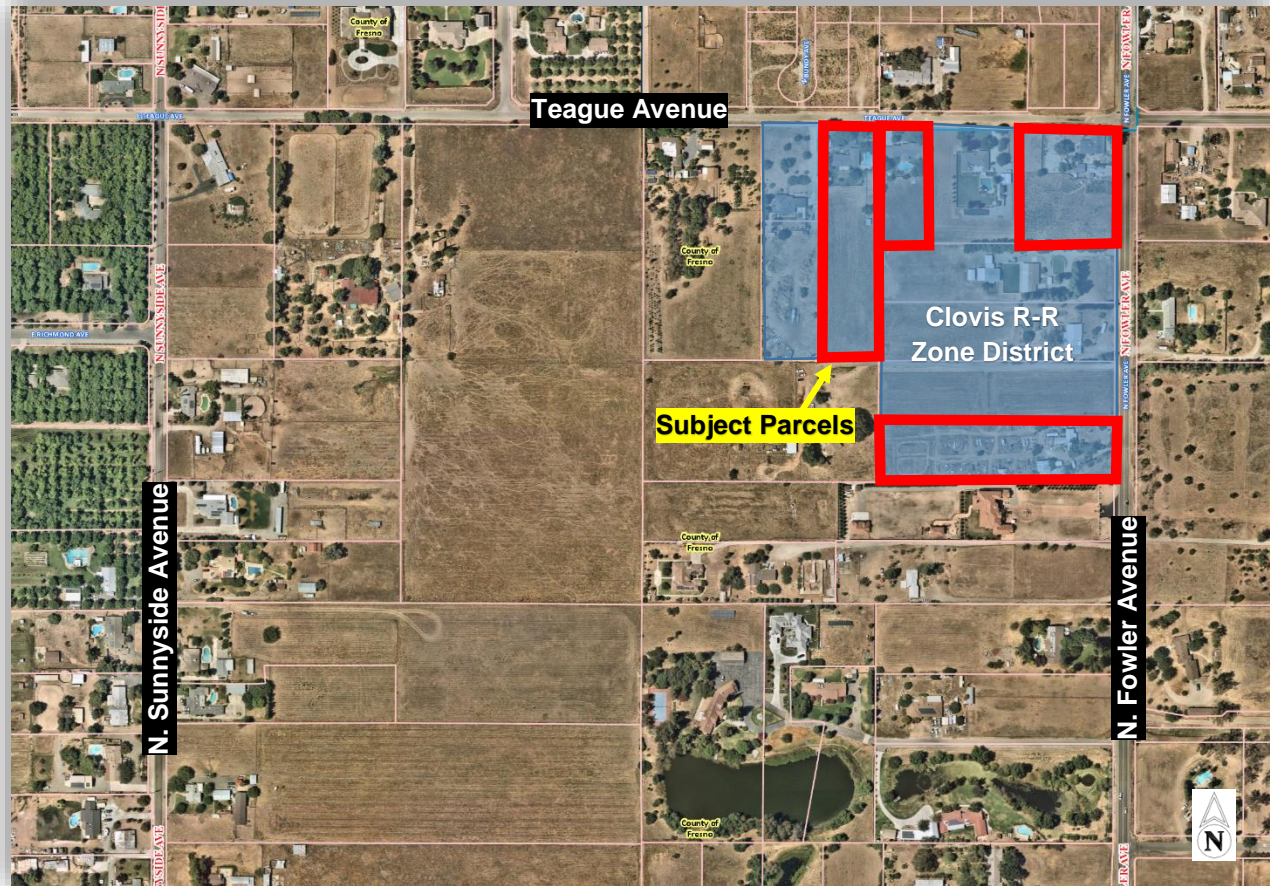


Figure 3

Neighborhood Outreach

As indicated by the applicant (see Attachment 2), outreach efforts have been made to the property owners within the proposed annexation boundary area. Planning staff had the opportunity to discuss the proposed annexation and prezoning request with one of the property owners. Additionally, Mr. Paul Pearce came to the front counter at Planning and Development Services to discuss a letter that he had received from Matt Smith with Woodside Homes. Mr. Pearce indicated that he does not want his property to be included in the prezoning and annexation proposal. His property is one of the four properties being included in this Prezone Initiation request and is the southernmost property outlined in red (see Figure 3 above).

FISCAL IMPACT

The prezoning application fee has been paid by Woodside Homes, the applicant for the proposed residential development project.

REASON FOR RECOMMENDATION

It is the policy of the City of Clovis to prezone all properties within an annexation area to provide consistency with the General Plan Land Use Diagram, Dry Creek Preserve Master Plan and comply with LAFCo regulations. Initiation of a prezone for the four properties will facilitate the applicant's proposal and provide for future development of all parcels as envisioned in the Dry Creek Preserve Master Plan. Staff therefore recommends that the City Council initiate the prezone for the four subject properties.

ACTIONS FOLLOWING APPROVAL

1. The applicant will continue to work with the four property owners to receive authorization to prezone and annex their property.
2. Staff will schedule the subject properties for rezoning consistent with the General Plan Land Use Diagram and Dry Creek Preserve Master Plan, which will include public hearings before the Planning Commission and City Council.

Prepared by: George González, MPA, Associate Planner

Reviewed by: City Manager *JH*

RESOLUTION 20-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING A REQUEST TO INITIATE PREZONING TO THE CLOVIS R-R (RURAL
RESIDENTIAL – 1 DU/2 Ac) ZONE DISTRICT FOR FOUR PROPERTIES LOCATED IN
THE SOUTHWEST AREA OF TEAGUE AND N. FOWLER AVENUES

WHEREAS, Woodside Homes of Fresno, LP., 9 River Park Place, Suite 430, Fresno, CA 93720, has applied for a Prezone R2019-007 to facilitate the annexation and development of a 74-unit single family residential subdivision in the southwest area of Teague and N. Fowler Avenues in the County of Fresno, California; and

WHEREAS, a total of 14 parcels are included within the proposed annexation boundary, each of which must be rezoned in a manner consistent with the Clovis General Plan prior to annexation; and

WHEREAS, this is a request to initiate the rezoning of four properties located within the proposed annexation boundary, the owners of which have not yet provided Woodside Homes with authorization to include their properties in the prezone application; and

WHEREAS, the four properties are described as current Assessor Parcel Numbers, 559-021-07, 559-021-08, 559-021-58, and 559-021-63 as shown on the County Assessor’s record dated October 31, 2016; and

WHEREAS, the City Council held a noticed public hearing on January 13, 2020; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. That the initiation of rezoning is consistent with the Clovis Development Code.
2. That the initiation of rezoning is necessary for the continued development of the Dry Creek Preserve Master Plan.

WHEREAS, if Council approves the initiation of the rezoning, the prezone request will be forwarded to both the Planning Commission and City Council through the public hearing process.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council does initiate the rezoning of four parcels described above, as part of Prezone R2019-007.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 13, 2020, by the following vote, to wit.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: January 13, 2020

Mayor

City Clerk

December 17, 2019

To: Clovis City Council
From: Woodside Homes

Re: Woodside Homes Development Request for Pre-zoning of Property

Dear Members of the City Council:

Woodside Homes is requesting your assistance in pre-zoning an area inside the City of Clovis' Sphere of Influence, in conjunction with an application we have submitted for the annexation of those parcels into the City of Clovis.

Background: In July 2018, after several months of discussion and community outreach, the Clovis City Council approved the Woodside Tract Map (Tract 6154) and the Dry Creek Preserve Master Plan, which sets forth the framework for future development of property inside the Dry Creek Preserve. This framework included conditions under which development could take place, including that the density of all projects in the Master Plan area must not exceed 2.3 units per gross acre, and must have a minimum of 10 acres in size. In the Master Plan, a map showing the expected areas of future development (page 20) and associated Annexation Scenarios (page 21) were also approved. In conjunction with those approvals, the City and County also signed the First Amendment to 2017 Amended and Restated Memorandum of Understanding in which the County of Fresno and City of Clovis came together to say that they would consider any annexation that was consistent with the Master Plan Annexation Scenarios to have complied "with all standards for annexation".

After the Master Plan Approval: After Woodside's Tract Map and the neighborhood's Master Plan were approved, additional landowners on the south side of Teague Ave. expressed interest to Woodside Homes regarding the development of their properties, as well. Over the past year we have worked with these landowners to design a new community that 1) complies with the conditions set in the Master Plan (density requirements, etc.) 2) and complies with the Annexation Scenarios. After designing the community, we submitted applications to the City for the entitlements required for development, namely a Tentative Map, General Plan Amendment (consistent with the Master Plan requirements), Pre-Zoning, and Annexation.

Annexation Outreach: Woodside Homes has made significant efforts to make contact with each landowner in the proposed annexation boundary. One of the reasons we have wanted to make contact, was to ensure that each of the landowners has had the opportunity to review the Annexation Agreement that was referenced in the Master Plan. As a reminder, the City provided two windows of time that landowners could sign the annexation agreement. The first was shortly after the Master Plan's approval, and the second, is when an annexation is proposed on the landowner's property. As Woodside is now proposing annexation on their property, we wanted to make sure that each of the landowners has a copy of the document and understands that now is the time to sign, if that is their desire.

Landowners Who Have Signed the Annexation Agreement and Consent Forms

1. Troy and Debra McKenney (APN: 559-021-03)
2. Rick and Susan Warren (APN: 559-021-69)
3. Charles and Sheree Merrill (APN: 559-021-04)
4. Ronald and Judy Talent (APN: 559-021-57)
5. Esther and Russell Carter (APN: 559-021-59)
6. Amardeep Aulakh and Jaspreet Kaur (APN: 559-021-37)
 - They did not sign the Annexation Agreement but are selling their entire property for development and will not need the protections from the agreement.

Landowners Who Have Signed the Consent Forms and Who We've Put in Contact with the City to Sign the Annexation Agreement

1. Linda and Sidney Adams (APN: 559-021-60)
2. Robert Sharma (APN: 559-021-64)

Landowners Who Have Not Signed the Annexation Agreement nor the Consent Forms

1. Paul Pearce (APN 559-021-63)

We made contact with Mr. Pearce over the phone, and he clearly stated that he does not want to be annexed into the City, or to sign the annexation agreement and consent documents.

2. Irma and Javier Herrejon (APN 559-021-05 & 06)

We have answered their questions and given them all the documents for their review. They are still considering whether to sign the documents.

3. Carol Haun (APN 559-021-07)

We've sent two letters to the owner and have not received a response. In addition, I've visited the home twice. On one occasion the door was answered, and I spoke with a woman (believed to be the daughter or granddaughter of Carol). She confirmed that they had received the Woodside letters, told me that Carol was recovering from surgery, but told me that she would relay my message to Carol. I explained in great detail what the annexation was and the benefits of signing the annexation agreement. I also gave her my card and encouraged Carol or the family to call me to discuss further. I also left all the consent forms and the annexation agreement for the family to review with Carol. We have not heard anything back from Carol or the family.

4. Adam and Kelsey Kook (559-021-08)

We have walked Mr. Kook through the details of the annexation, annexation agreement, and consent forms. We also put him in contact with George Gonzalez, who has offered to schedule a time for the Kooks to sign the annexation agreement. Regarding the consent documents, Mr. Kook is willing to sign the consent documents if 1) the City allows Woodside to stub sewer and water to his property during the development of Teague Ave. and 2) if Woodside pays for the installation of those stubs. Woodside is willing to install the sewer and water stubs at our cost, but the City has not agreed to allow the stubbing of the utilities, unless the Kooks immediately connect to City services, which Mr. Kook has stated that he is not prepared to do immediately, but will do in the "near future if possible". Mr. Kook is asking the City



for an exception to this policy, and the City has not yet granted the exception. For that reason, he has not signed the consent documents.

5. Dina Ibrahim (559-021-58)

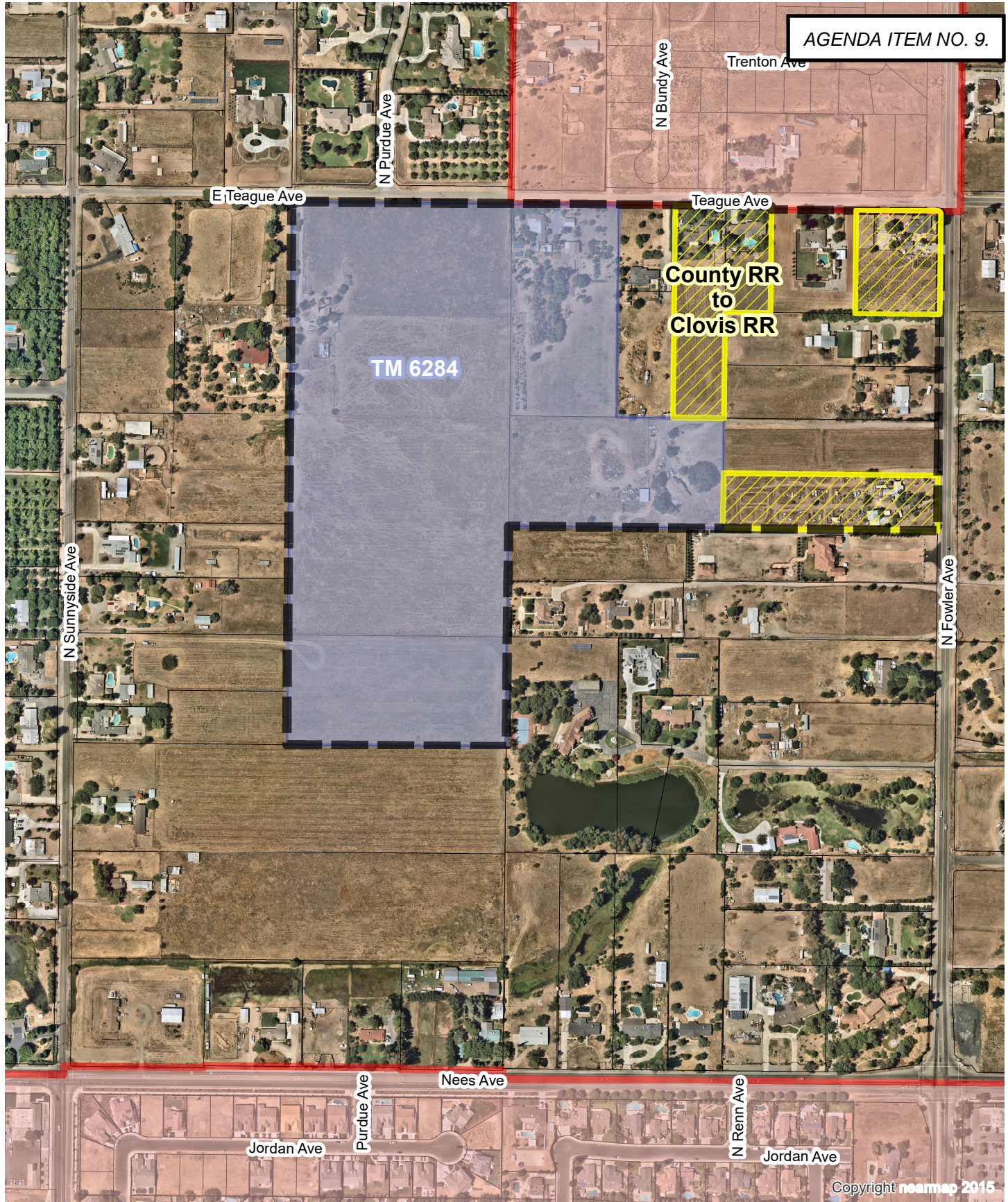
We sent two letters to Dina Ibrahim' mailing address that went unanswered. Dina does not live at the property and so we left a note for the tenant (relatives of Dina). The tenant called us back (who we believe to be her Father) and provided us with Dina's telephone number. From there, we called Dina, gave her an overview of the situation, and sent her the annexation agreement and consent documents via email, for her review. We also copied George Gonzalez, to make it easier on her to schedule the signing of the annexation agreement, if she chooses to do so. Dina is reviewing the documents and has not signed.

Thank you for your consideration. We would respectfully request that the City Council initiate the pre-zoning of these properties, in preparation for the annexation that complies with the approved Master Plan. There is a chance, and we are hopeful, that some of the individuals above, who are still considering signing the annexation agreement and consent documents, will sign by the time we are heard at the City Council meeting. We will keep you updated on that progress.

My Best-

Matt Smith

Land Acquisition Manager
Woodside Homes








Copyright neamap 2015



12/23/2019

Prezone Initiation Vicinity Map

-  Annexation Boundary
-  Prezone Initiation Parcels
-  Woodside Homes Project Area
-  City Limits



51

1" = 400'



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: January 13, 2020

SUBJECT: Consider Approval – Authorization of City staff to proceed with an assessment increase election for Landscape Maintenance District No. 1 Benefit Zones 1 and 5; and Authorize the City Manager to enter into an agreement with Francisco and Associates, Inc. to administer the Landscape Maintenance District assessment increase election.

Staff: Glenn Eastes, Assistant Public Utilities Director
Recommendation: Approve

ATTACHMENTS: 1. Election Diagram Map – Benefit Zone 1
 2. Election Diagram Map – Benefit Zone 5
 3. Proposal – Francisco & Associates, Inc.

CONFLICT OF INTEREST
 None

RECOMMENDATION

1. For the City Council to authorize City staff to proceed with the Landscape Maintenance District assessment increase election.
2. For the City Council to authorize the City Manager to enter into an agreement with Francisco & Associates, Inc. to administer the Landscape Maintenance District assessment increase election.

EXECUTIVE SUMMARY

The City of Clovis Landscape Maintenance District (LMD) No. 1 is comprised of 41 Benefit Zones that consist of parks, street-side landscaping, neighborhood monuments, lighting, and neighborhood roundabouts that benefit the properties within each of the zones. The properties in each zone are assessed to provide funding for landscape maintenance and the repair and replacement of monuments, lights, irrigation systems, and park amenities.

Annually, staff analyzes the revenues, expenses, and reserves of each Landscape Benefit Zone to determine assessment rates.

Staff is proposing an election in Benefit Zones 1 and 5 at this time.

Benefit Zone 1 includes the streetside and street median landscaping generally north of Herndon Avenue. A map showing the properties assessed in Zone 1 is included as Attachment 1.

The rates in Zone 1 have not increased since the election in 2004. Over the past few years, expenditures have exceeded revenue in Zone 1.

It is recommended to increase the existing annual rate by \$20 (from \$78.50 to \$98.50).

Benefit Zone 5 includes parks located generally south of Herndon Avenue between Sunnyside Avenue and Locan Avenue. A map showing the properties assessed in Zone 5 is included as Attachment 2.

The rates in Zone 5 have not increased since the election in 2004. Over the past several years, expenditures have exceeded revenue in Zone 5. In 2016, a rate increase election was conducted but failed by a narrow margin. As a result, services were reduced to keep the fund balance from going negative. The playground structures are an average of 14 years old, with one being over 25 years old.

It is recommended to increase the annual rate by \$18 (from \$50.10 to \$68.10). This would allow sufficient funds to restore the oldest playground structures.

Francisco & Associates, Inc. is an engineering firm that specializes in the administration of LMDs. Joe Francisco has served as Clovis' LMD Engineer since 1995 and has previously contracted with Clovis on three LMD elections. Staff is recommending contracting with Francisco & Associates, Inc. for services associated with the election.

BACKGROUND

There are currently 41 Benefit Zones within Landscape Maintenance District No. 1. These Benefit Zones were established to provide funding for specific landscape and lighting benefits throughout the City. The properties that receive a specific benefit from those improvements are assessed in proportion to the benefit they receive. The first six zones cover the City's LMD street and LMD park landscaping. Benefit Zones 1, 2, and 3 fund the City's LMD streetside and street median landscaping. Benefit Zones 4, 5, and 6 fund the City's LMD parks. Benefit Zones 7 through 40 are neighborhood-specific, and include decorative neighborhood entries and/or decorative street lighting. Benefit Zone 11 is no longer used. Benefit Zone SE is the Loma Vista Area. Loma Vista includes all landscaping, parks, and lighting throughout the Loma Vista area. All landscape features throughout Loma Vista are similar and therefore the Loma Vista area is assessed as one zone.

The assessments for LMD Benefit Zones 1 through 6 do not have an annual escalation factor, because not all of the properties within these zones include an escalation authority in their property covenants. The assessments for LMD Benefit Zones 7 through SE do include an annual escalation factor equal to the Consumer Price Index Increase (CPII) plus 2%. If assessments need to increase in Zones 1 through 6, or if assessments in other zones need to increase more than CPII plus 2%, it is necessary to hold an election for the affected property owners. The balloting is conducted per Proposition 218; election results are determined by a simple majority of returned ballots. Benefit zones are tabulated separately and each benefit zone stands on its own.

In 2016, staff consulted with Strategy Research Institute to conduct property owner surveys prior to the assessment elections. This allowed for an understanding of potential assessment rate thresholds. Since a survey was conducted in Zone 2 in FY15-16, staff is not recommending another survey for this election.

Election Recommendations

The recommendation for an assessment rate increase is based on a review of the Zones' benefits, revenues, expenditures, and reserve balance.

In 2016, the City held an election to increase assessments in Zone 5 but failed (50.12% of ballots not in favor). Reductions to service were implemented in Zone 5 and those measures have postponed the need for an assessment rate increase election until this year.

According to the Bureau of Labor Statistics Consumer Price Index, today's prices in 2020 are 36.16% higher than average prices in 2004. That would put the 2004 rates at \$106.89 and \$68.22 in Zones 1 and 5, respectively. The proposed rate increases are just slightly lower than these values.

Contract With Francisco and Associates, Inc. To Administer The Election

Joseph Francisco, the principal of Francisco & Associates, Inc., has administered the LMD for the City since 1995. Mr. Francisco has consistently provided excellent service to the City and administered the LMD elections in 2004, 2013, 2016, and 2018 in a competent and efficient manner.

Francisco & Associates, Inc. has submitted a proposal (included as Attachment 3) for services associated with the administration of the recommended LMD election, including assisting the City with preparing and mailing the notices and ballots and the subsequent tabulation of the ballots. Staff has reviewed the proposal and has found the costs for the services to be reasonable. Francisco & Associates, Inc. specializes in the administration of LMDs, has expertise in the legislative and judicial issues associated with LMDs, and is very familiar with Clovis' LMD. For these reasons, staff recommends that Council authorize the City Manager to enter into an agreement with Francisco & Associates, Inc. for these services.

FISCAL IMPACT

Preparation of the notices and ballots and tabulation of the ballots will cost approximately \$29,315 (\$2.05/ballot). Postage for mailing out the notices and ballots and postage for returning the ballots will cost approximately \$14,300. Sufficient funds are available in the LMD reserve to pay these costs. If the election is successful, revenues will be adequate to maintain the current level of services for at least another 5 years. If the election is not held or is unsuccessful, revenue in Zones 1 and 5 will not be adequate to support the current level of service, and staff will reduce service to fit available revenue beginning in FY20/21.

REASON FOR RECOMMENDATION

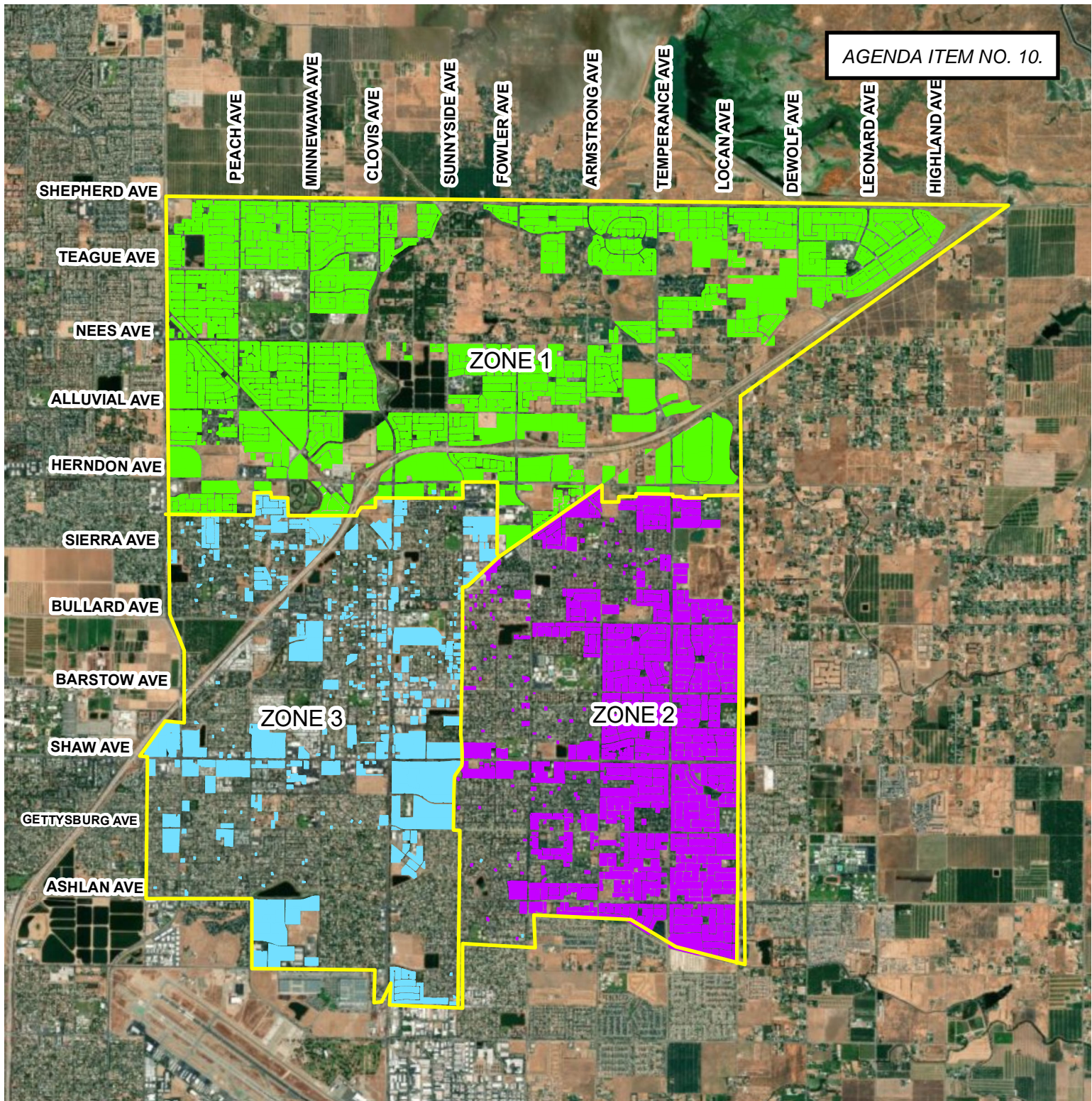
There has not been a rate increase since 2004. Expenditures have continued to rise due to typical inflation. Expenditures in both Benefit Zones 1 and 5 have exceeded revenues over the past few years and the reserve balance for these zones will go negative next year. It is necessary to either reduce service or increase assessments for these zones. Francisco & Associates, Inc. is the most qualified to provide certain services associated with the election and submitted a proposal for those services. Staff has reviewed the proposal and found the costs to be reasonable.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute a contract with Francisco & Associates, Inc. Notices and ballots will be prepared and mailed to approximately 14,300 property owners within LMD Benefit Zones 1 and 5. A public hearing will be held on June 1, 2020 and balloting will be closed. The election results will be tabulated and will be presented to Council on June 15, 2020. A public hearing will be continued on that same day to confirm the LMD assessments.

Prepared by: Glenn Eastes, Assistant Public Utilities Director

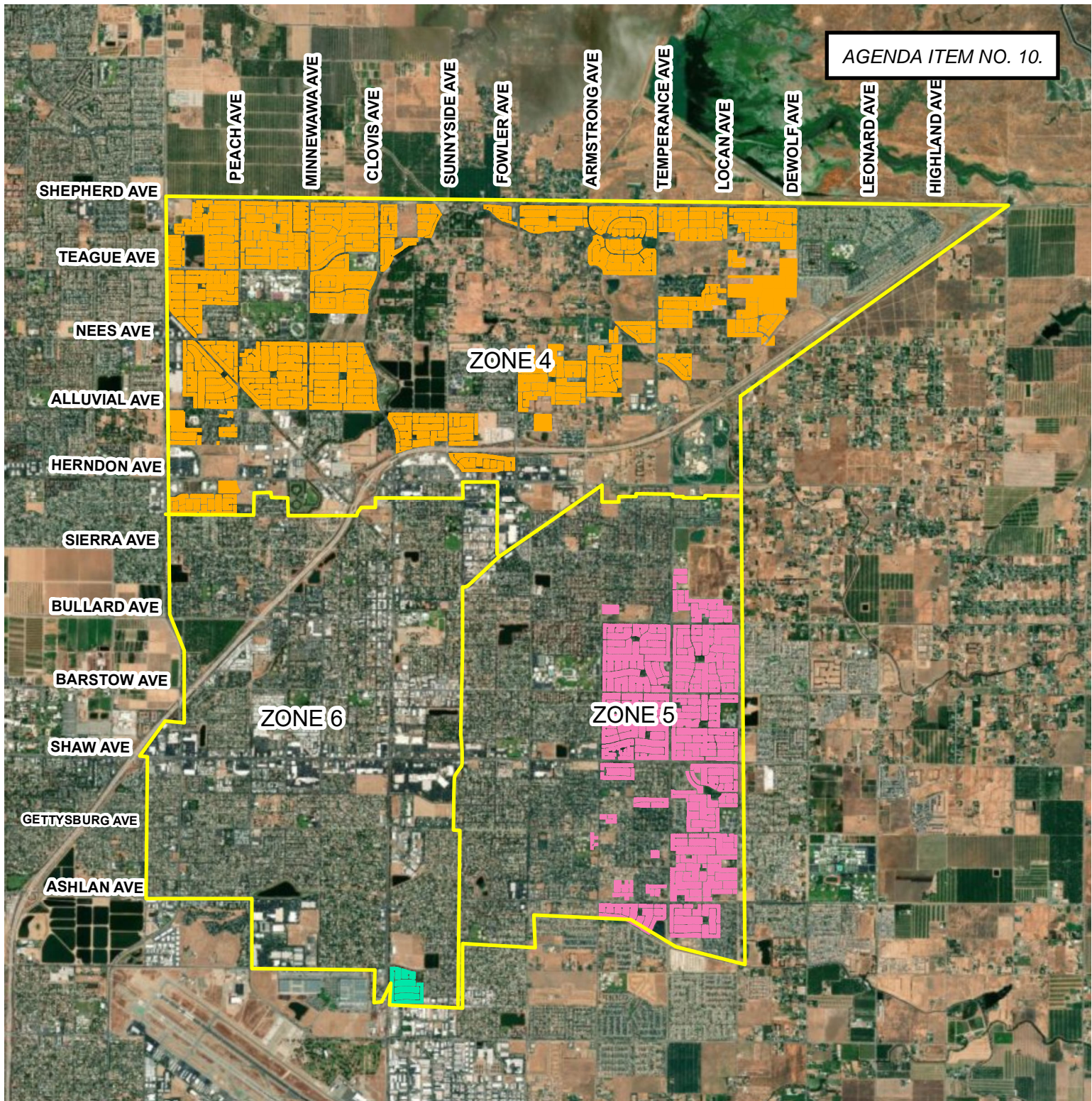
Reviewed by: City Manager LS



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

(ATTACHMENT 1)





LMD ZONES 4-6 PARKS

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

(ATTACHMENT 2)





December 31, 2019

Scott Redelfs, P. E.
Public Utilities Director
Public Utilities Department
City of Clovis
155 N. Sunnyside
Clovis, CA 93611

Subject: Proposal to Assist the City of Clovis to Conduct the Proposition 218 Notice and Ballot Mailing and Subsequent Ballot Tabulation for Benefit Zones No. 1 and No. 5 in the City’s Landscape Maintenance District No. 1

Dear Scott:

Francisco & Associates, Inc. appreciates the opportunity to submit this proposal to the City of Clovis to conduct the Proposition 218 notice and ballot mailing and subsequent ballot tabulation for Benefit Zones No. 1 and No. 5 in the City’s Landscape Maintenance District No. 1.

SCOPE OF SERVICES

The scope of work will consist of updating the notice and balloting database to include the most current parcel information (e.g. property owner names, mailing addresses, etc.), duplication of approximately 14,300 notices, ballots and outgoing and return envelopes, mailing of the notices and ballots, preparation of replacement notices and ballots if requested by property owners and subsequent tabulation of ballots for Benefit Zones No. 1 and No. 5.

Task 1 – Develop updated Notice and Ballot Database

Coordinate with the County to obtain the most current property owner database and update the property owner names and mailing address information for the parcels located within Benefit Zones No. 1 and No. 5.

Task 2 –Mail Merge and Duplicate Approximately 14,300 Notices, Ballots, Outgoing Envelopes and Return Envelopes

Coordinate with City staff and the mail house to mail merge and duplicate approximately 14,300 notices, ballots, outgoing and incoming envelopes. The outgoing envelopes will be white No. 10 windowed envelopes with the City’s logo, return address, stamp and statement that the envelopes contain an assessment ballot inside. The No. 9 return envelopes will be a light pastel color and contain the City’s logo and return address on them along with prepaid

231 Market Place, Suite 543 ~ San Ramon, CA 94583
(925) 867-3400 ~ fax (925) 867-3415

return postage. The notice will be 11" x 17" and contain the information associated with the proposed assessment increase and the ballot will be colored card stock.

Task 3 – Mailing of Notices and Ballots

Fold, stuff, apply postage to outgoing and incoming envelopes and deliver approximately 14,300 notices and ballots to the post office to ensure they are delivered by the legal deadline. The ballots will be mailed no less than 45 days prior to the public hearing.

Task 4 – Duplicate Notices and Ballots

If requested by the City or property owner, Francisco & Associates will prepare and mail duplicate notices and ballots in the event they are lost, misplaced, if the property owner wishes to change their vote, etc. These ballots will be printed on a different colored card stock than the original ballots to ensure ballots are not counted twice.

Task 5 – Tabulation of Ballots

After the close of the Public Hearing, open, sort, and tabulate all returned ballots and prepare the ballot tabulation reports for each Benefit Zone. The tabulation reports shall include, but not limited to; the number of returned ballot votes in favor of the assessment increase, number of ballot votes opposed to the assessment increase, number ballot votes considered invalid, and number of ballots not returned.

Responsibilities of the City

- 1) Provide qualified legal counsel to review and approve the Proposition 218 documents and proceedings;
- 2) Determine the assessment increases for Benefit Zones No. 1 and 5;
- 3) Prepare and publish all legal notices;
- 4) Prepare all staff reports and resolutions; and
- 5) Schedule and agendize required City Council meetings.

FEE SCHEDULE

The following is a listing of our lump sum fee schedule.

Preparation, Mailing of Notices/Ballots and Tabulation (14,300 parcels) \$2.05/parcel

All mail house costs associated duplication, folding, stuffing, etc. the notices and ballots are included in the lump sum fee per parcel shown above. Based upon conducting a Proposition 218 election for 14,300 parcels within Benefit Zones No. 1 and No. 5 the estimated fee would be \$29,315.00.

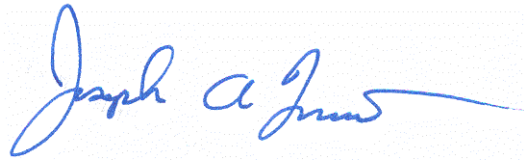
City to pay outgoing and incoming postage prior to mailing which is estimated to be \$14,300.00.

TERMS

Francisco & Associates will invoice the City on a monthly basis for services performed during the previous month. The City will pay undisputed invoices within 30 days of receipt of invoice.

If you have any questions or comments regarding our proposal, please call me at 925-867-3400.

Sincerely
FRANCISCO & ASSOCIATES, INC.



Joseph A. Francisco, P.E.
Principal