



# CITY of CLOVIS

## AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

December 7, 2020

6:00 PM

Council Chamber

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.

### **\*SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Council meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the City Council may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/government/city-council/city-council-agendas/>

### **Written Comments**

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.

- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

### **Verbal Comments**

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

### **Webex Participation**

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

### **CALL TO ORDER**

### **FLAG SALUTE - Councilmember Flores**

### **ROLL CALL**

### **PRESENTATIONS/PROCLAMATIONS**

1. Presentation - Virtual Holiday Tree Lighting Ceremony.

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

**ORDINANCES AND RESOLUTIONS** - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be

read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

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

- [2.](#) Administration - Approval - Minutes from November 9, 2020 and November 16, 2020 Council Meetings.
- [3.](#) Finance – Receive and File – Status Report of Community Facilities District Revenues and Expenditures.
- [4.](#) Finance - Approval - Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #66) (T6277-Northeast Corner of Locan and Teague), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for January 19, 2021.
- [5.](#) Finance - Approval – Res. 20-\_\_\_\_, Approving the submittal of the 2020-2021 Local Transportation Funding (LTF) Claim to the Council of Fresno County Governments.
- [6.](#) Finance – Receive and File – Investment Report for the Month of September 2020.
- [7.](#) Finance – Receive and File – Treasurer's Report for the Month of September 2020.
- [8.](#) General Services – Approval – Res. 20-\_\_\_\_, Amending the City's Classification and Compensation Plan by Revising and Retitling the Information Technology Manager Classification to the Deputy Director of Information Technology, and to Revise the Information Technology Supervisor Classification; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan in the City Clerk Department.
- [9.](#) General Services – Approval – Res. 20-\_\_\_\_, Amending the City's Classification and Compensation Plan to include Fire Inspector I, Fire Inspector II, and the Fire and Life Safety Specialist Classifications; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan by adding one (1) Fire and Life Safety Specialist Classification and deleting one (1) Fire Code Compliance Officer position, and adding one (1) Fire Inspector I and deleting one (1) Fire Prevention Officer position within the Fire Department
- [10.](#) Planning and Development Services - Approval - Res. 20-\_\_\_\_, Final Map Tract 6263, located at the southeast corner of Shepherd and N Preuss Avenues (Lennar Homes of California, Inc.).
- [11.](#) Planning and Development Services - Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6263, located at the southeast corner of Shepherd and N Preuss Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, Inc.).
- [12.](#) Planning and Development Services – Approval – Res. 20-\_\_\_\_, Final Map Tract 6050 located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
- [13.](#) Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6050, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP (Wilson Homes).

- [14.](#) Planning and Development Services – Approval - Res. 20-\_\_\_\_, Final Map Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
- [15.](#) Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP Wilson Homes).
- [16.](#) Public Utilities – Approval – Final Acceptance for CIP 20-02 Electric Vehicle Bus Chargers.

**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.

- [17.](#) Consider Actions related to Annexation of Territory (Annexation #64, T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - a. Consider Approval - Res. 20-\_\_\_\_, A Resolution annexing territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #64) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - b. Consider Approval - Res. 20-\_\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

- [18.](#) Consider Actions related to Annexation of Territory (Annexation #65, T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - a. Consider Approval - Res. 20-\_\_\_\_, A Resolution annexing territory (Annexation #65) (T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #65) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).
  - b. Consider Approval - Res. 20-\_\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

- [19.](#) Consider Adoption – Ord. 20-\_\_\_\_, OA2019-004 (Extension), A request to adopt an Urgency Ordinance, the purpose of which is to extend an earlier Urgency Ordinance (No. 19-21 adopted on December 16, 2019 and extended on January 21, 2020) which amends various sections of Title 9 of the Clovis Municipal Code (“Development Code”) to bring the Development Code into compliance with recently enacted State laws.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Adopt

## COUNCIL ITEMS

- [20.](#) Consider Approval - Confirmation of City Manager’s Appointment of Planning and Development Services Director.

**Staff:** Luke Serpa, City Manager

**Recommendation:** Approve

- [21.](#) Consider – Consideration of Design of City of Clovis Flag.

**Staff:** Mayor Bessinger

**Recommendation:** Consider

**WORKSHOP** - For the Clovis City Council to conduct a workshop to discuss the impact on ongoing City operations during the COVID-19 State of Emergency as declared by the Federal Government, State of California, County of Fresno, and City of Clovis; and to explore actions the City may take in response to the crisis.

## CITY MANAGER COMMENTS

## COUNCIL COMMENTS

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

22. Government Code Section 54956.9(d)(1)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
SEMI-ANNUAL LITIGATION UPDATE

### COURT CASES

1. Desiree Martinez, Maria De Jesus Sanchez v. City of Clovis, et al.
2. Debra Lindsay v. City of Clovis
3. City of Clovis v. Greg A. Borden, et al.
4. Brianne Glick v. City of Clovis
5. Dimitrios Kastis v. City of Clovis et. al.
6. Bryon Espinosa v. City of Clovis
7. Clayman v. City of Clovis
8. County of Santa Cruz, et al v. Bureau of Cannabis Control, et al.

## CLAIMS

9. Sandra Culpepper v. City of Clovis
10. Richard Darby v. City of Clovis
11. Ofelia Gonzales-Owen v. City of Clovis
12. Paul Lee v. City of Clovis
13. Beatrice Santellan v. City of Clovis
14. Max Spohn v. City of Clovis

23. Government Code Section 54957

### PUBLIC EMPLOYMENT PERFORMANCE EVALUATION

Title: City Manager

24. Government Code Section 54957.6

### CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: City Attorney, David J. Wolfe

Unrepresented Employee: City Manager

## 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:

Dec. 14, 2020 (Mon.)

Jan. 4, 2021 (Mon.)

Jan. 11, 2021 (Mon.)

Jan. 19, 2021 (Tue.)

**CLOVIS CITY COUNCIL MEETING**

**November 9, 2020**

**6:00 P.M.**

**Council Chamber**

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

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

**PUBLIC COMMENTS – 6:02 - NONE**

**CONSENT CALENDAR – 6:04**

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

1. Administration - Approved - Minutes from the November 2, 2020 Council Meeting.
2. Administration - Adopted - Ord. 20-16, Campaign Contribution Limits, A request to add Chapter 1.9 to Title 1 of the Clovis Municipal Code relating to campaign contribution limits. (Vote: 5-0)
3. Administration - Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, July–September 2020.
4. General Services – Approved – Claim Rejection of General Liability Claim submitted by Rory K. Pendergast on behalf of Beatrice Julia Santellan.
5. General Services – Approved – Claim Rejection of General Liability Claim submitted by Stuart R. Chandler on behalf of Max Spohn.

**PUBLIC HEARINGS**

6. 6:05 - APPROVED – **RES. 20-157**, A RESOLUTION OF NECESSITY TO DETERMINE THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF A PORTION OF PROPERTY FOR PUBLIC PURPOSES, AND AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR SAID PROPERTY LOCATED ON THE WEST SIDE OF SUNNYSIDE AVENUE, NORTH OF HERNDON AVENUE (APN: 562-142-81)

Engineering Program Supervisor Ryan Burnett presented a report on a request for the City Council to hold a public hearing and approve a Resolution of Necessity, approving the eminent domain process to acquire a portion of a property for public street and utility improvement purposes for property located on Sunnyside Avenue, south of the State Route 168 overpass. Staff has been unable to acquire the needed right-of-way by voluntary purchase and sale agreement as a result of the property owner’s concern that a voluntary sale may trigger a prepayment penalty provision in the loan agreement for the property. The property owner does not object to the City’s acquisition of the right-of-way, but requests the City initiate eminent domain to prevent the imposition of the prepayment penalty under

the loan agreement. This action is needed to avoid further delays in the construction of improvements on Sunnyside Avenue. California Code of Civil Procedure Section 1245.240 requires the Resolution of Necessity be approved by a vote of two-thirds of all the members of the City Council.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve a Resolution of Necessity, approving the eminent domain process to acquire a portion of a property for public street and utility improvement purposes for property located on Sunnyside Avenue, south of the State Route 168 overpass. Motion carried by unanimous vote.

**ADMINISTRATIVE ITEMS**

- 7. 6:09 - APPROVED – UPDATE ON CALIFORNIA HEALTH SCIENCE UNIVERSITY (CHSU) AND REQUEST FOR THE CITY COUNCIL TO PROVIDE POLICY DIRECTION REGARDING ESTABLISHMENT OF STUDENT AND/OR FACULTY HOUSING WITHIN THE AREA SURROUNDING THE CHSU CAMPUS. GRANVILLE HOMES AND THE ASSEMI GROUP, APPLICANT.

City Planner Dave Merchan presented an Update on California Health Science University (CHSU) and request for the City Council to provide policy direction regarding establishment of student and/or faculty housing within the area surrounding the CHSU Campus. Dave Merchan indicated that staff is seeking Council policy direction related to the addition of student and faculty housing within the area planned for the Research and Technology Park (R-T Park) with regard to three points:

- 1. Is the Council comfortable with the updated vision presented by Granville Homes and the Assemi Group to utilize approximately 65 acres of R-T Park land for student and faculty housing in support of the CHSU?
- 2. What level of affiliation tying the student and faculty housing to the CHSU Campus is reasonable and appropriate, considering that traditional housing projects are not otherwise allowed within the area planned for R-T Park?
- 3. If the Council concurs with the updated vision described above, should staff begin working on a zoning “clean-up” action within the R-T Park area to remove existing inconsistencies and streamline the process?

In 2016, the Planning and Development Services Director approved an Administrative Use Permit (AUP) to allow for the development of CHSU within the City’s planned R-T Park. In addition to the various educational buildings shown in the campus layout, CHSU requested and received approval to include student housing located west of Locan and north of the Owens Mountain Parkway alignment. In 2019 Granville Homes and the Assemi Group began working with staff to implement the housing component of the 2016 AUP. The applicant’s current vision for CHSU related housing anticipates an expanded area near the Campus being utilized to accommodate student and faculty housing needs.



Granville Homes and the Assemi Group have requested that an informational presentation be made to the City Council to provide an update on the development of the CHSU Campus and to request direction regarding their updated vision for CHSU related housing within the area surrounding the campus.

Christine Ligenfelter, Florence Dunn, and Darius Assemi, representing the applicant, spoke in support of the expanded request regarding the housing component of the 2016 AUP. Discussion by the Council. It was the consensus of City Council to provide general direction for staff to continue to work with the applicant to come to resolution regarding what the applicant is requesting and how staff can assist on the path forward regarding CHSU student and faculty housing in the R-T Park and return to council for consideration. General policy direction from Council was to:

- Craft “guard rails” (ties between housing and CHSU) that will create a better tie between housing and CHSU that is something more than 5 permanent housing as provided by the applicant in the letter to council.
- Ensure student and faculty housing is necessary and essential noting that market rate single family residential is not permitted in the R-T Park.
- Address whether student and faculty housing should be phased for demand as the campus expands?
- Address whether student housing should be restricted to CHSU students? If not, should there be a percentage restricted to CHSU students?
- Work with the applicant to develop some kind of master plan with images to show council the campus housing ties to CHSU.
- Regarding the three policy questions:
  1. Is the Council comfortable with the updated vision presented by Granville Homes and the Assemi Group to utilize approximately 65 acres of R-T Park land for student and faculty housing in support of the CHSU? *Consensus of Council to direct staff to work with the applicant and further evaluate actual need for student and faculty housing and timing of that need.*
  2. What level of affiliation tying the student and faculty housing to the CHSU Campus is reasonable and appropriate, considering that traditional housing projects are not otherwise allowed within the area planned for R-T Park? *Consensus of Council to direct staff to work with the applicant on a more realistic tie (affiliation) between student and faculty housing and CHSU comparing what was included in the applicant’s letter to Council (5 homes) versus what the applicant provided in their oral presentation.*
  3. If the Council concurs with the updated vision described above, should staff begin working on a zoning “clean-up” action within the R-T Park area to remove existing inconsistencies and streamline the process? *Consensus of Council to direct staff to begin work on the “clean-up”.*

**WORKSHOP – 8:32**

City Manager Luke Serpa provided City Council an update on current Fresno County and City of Clovis COVID-19 pandemic numbers.

**COUNCIL COMMENTS – 8:37**

Councilmember Whalen commented on a recent e-mail he had received from a constituent regarding placement of a group home near her home. He indicated that he would forward on to staff for follow up with the constituent.

Mayor Bessinger adjourned the meeting of the Council to November 16, 2020

Meeting adjourned: 8:40 p.m.

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Mayor

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City Clerk

**CLOVIS CITY COUNCIL MEETING**

**November 16, 2020**

**6:00 P.M.**

**Council Chamber**

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

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

- 1. 6:02 - PRESENTATION OF PROCLAMATION DECLARING NOVEMBER 28, 2020 AS "SMALL BUSINESS SATURDAY".

Councilmember Whalen presented a proclamation to members of the Business Organization of Old Town and the Clovis Chamber of Commerce declaring November 28, 2020 as "Small Business Saturday".

**PUBLIC COMMENTS - 6:16**

Resident, commented on Governor Newsom’s moving the County of Fresno into the purple classification for COVID-19, and questioned if council was going to enforce the governor’s order.

**CONSENT CALENDAR – 6:23**

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

- 2. Administration - Approved – Award the Request for Proposals to Zones for the purchase of seventeen (17) Mobile Data Computers.
- 3. Finance – Received and Filed – Investment Report for the Month of August 2020.
- 4. Finance – Received and Filed – Treasurer’s Report for the Month of August 2020.
- 5. General Services – Approved – **Res. 20-158**, Amending the City’s FY 2020-2021 Position Allocation Plan by adding one (1) Management Analyst Position within the Police Department.

**PUBLIC HEARINGS**

- 6. 6:24 - APPROVED - **RES. 20-159**, GPA2020-004, AMENDING THE TEXT OF THE SHAW AVENUE SPECIFIC PLAN TO PERMIT DRIVE-THROUGH USES. CITY OF CLOVIS, APPLICANT.

Senior Planner Ricky Caperton presented a report on a request to amend the text of the Shaw Avenue Specific Plan to permit drive-through uses. The Shaw Avenue Specific Plan (Specific Plan) is a guiding document for the comprehensive development that occurs within its boundaries, which includes the Shaw Avenue corridor from Clovis to Temperance Avenues. In recent years, staff has received multiple inquiries and requests for the addition

of drive-through uses in areas covered under the Specific Plan – many of which have been approved by City Council.

As market demands change, along with business models, and turnover of existing retail and other commercial establishments, an increased demand in revitalizing and enhancing existing shopping centers along Shaw Avenue (between Clovis and Temperance Avenues) with the use of drive-through facilities has followed. This has further been exacerbated with the arrival of COVID-19 and the restrictions placed on indoor dining and other distancing requirements. In response to this shift, coupled with the approvals for the drive-through uses in recent years, staff recommends approval of an update to the Specific Plan to allow for drive-through uses within its boundary.

The Planning Commission considered the GPA2020-004 at its October 22, 2020 meeting and adopted resolutions in support in a 4-0-1 vote (Commissioner Antuna absent).

There being no public comment, Mayor Pro Tem Flores closed the public portion. Discussion by the Council. Motion by Councilmember Mouanoutoua, seconded by Councilmember Whalen, for the Council to approve a request to approve a Resolution 20-159, GPA 2020-004, amending the text of the Shaw Avenue Specific Plan to permit drive-through uses. Motion carried by unanimous vote.

- 7. 6:46 - APPROVED – **RES. 20-160**, APPROVING THE SITE LAYOUT AND DESIGN OF THE LOMA VISTA VILLAGE GREEN, AN APPROXIMATELY 7-ACRE PARK THAT IS LOCATED NORTH OF GETTYSBURG AVENUE BETWEEN DEWOLF AND LEONARD AVENUES. CITY OF CLOVIS, APPLICANT.

Associate Planner Lily Cha presented a report on a request to approve the site layout and design of the Loma Vista Village Green, an approximately 7-acre park that is located north of Gettysburg Avenue between DeWolf and Leonard Avenues. Approval of this site plan review would provide the City with the opportunity to begin the construction design and improvement of the Loma Vista Village Green Park, consistent with the City of Clovis General Plan, Loma Vista Specific Plan and the Loma Vista Community Centers Master Plan. Lily Cha provided an overview of the proposed park. Erika McFarland, area resident, spoke in support, addressed questions, and proposed a dog park at that site. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve Resolution 20-160, approving the site layout and design of the Loma Vista Village Green, an approximately 7-acre park that is located north of Gettysburg Avenue between DeWolf and Leonard Avenues. Motion carried by unanimous vote.

**COUNCIL ITEMS**

- 8. 7:21 - APPROVED – CHANGE OF CITY COUNCIL MEETING SCHEDULE.

City Manager Luke Serpa presented a report on a recommendation to cancel the council meeting of December 21, 2020. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Ashbeck, for the Council to approve a recommendation to cancel the council meeting of December 21, 2020. Motion carried by unanimous vote.

9. 7:23 - APPROVED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS FLAG

Mayor Drew Bessinger provided an overview of the options for City Council to consider for design of a new city flag. Discussion by the Council. There being no public comment, Mayor Pro Tem Flores closed the public portion. Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to narrow the selection down to two preferred by council and have staff return on December 7, 2020 for final consideration.

**WORKSHOP – 7:45**

City Manager Luke Serpa provided city council an update on the numbers for the City for the week due to the COVID-19 pandemic. Luke Serpa also reported out on litter on Highway 168 and working with CalTrans to clean up.

**CITY MANAGER COMMENTS – 8:01**

City Manager Luke Serpa notified council that Clovis Unified School Board Member Ginny Hovsepian is retiring and requested a council member participate in an event on November 18, 2020. Mayor Pro Tem Flores volunteered to participate in the event for the city.

**COUNCIL COMMENTS – 8:05**

Councilmember Ashbeck commented on no COVID-19 testing being done by the County in the City of Clovis.

Mayor Bessinger complimented staff based on feedback he received from a resident.

Councilmember Mouanoutoua requested staff consider bringing back a financial year end report as well as a report on calls for service for police and fire due to the pandemic. He also noted that he had attended the grand reopening of Just My Essentials in downtown Clovis over the weekend.

Councilmember Whalen shared a photograph of a resident on the Old Town Trail who was making balloon caricatures for kids along the trail over the weekend.

Councilmember Flores commented on attending the grand reopening of Just My Essentials in downtown Clovis over the weekend.

**CLOSED SESSION – 8:20**

City Attorney David Wolfe indicated that no action would be taken in closed session.

10. Government Code Section 54956.9  
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision  
(d) of Section 54956.9  
1 case

Mayor Bessinger adjourned the meeting of the Council to December 7, 2020

Meeting adjourned: 8:58 p.m.

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Mayor

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City Clerk



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Finance – Receive and File – Status Report of Community Facilities District Revenues and Expenditures.

### **CONFLICT OF INTEREST**

None.

### **RECOMMENDATION**

That the Council receive and file the report on the status of the Community Facilities District (CFD) Revenues and Expenditures.

### **EXECUTIVE SUMMARY**

In March 2004, the Council approved the formation of Community Services District 2004-1, which provides funding for public safety operations in new growth areas generally located north of Herndon and east of Locan Avenues. The Council directed staff to prepare an annual report indicating the amounts received from CFD assessments and expenditures applicable to the CFD. The Council also requested that a citizens committee be established to review the revenues and expenditures of the CFD.

### **BACKGROUND**

Fiscal year 2005-2006 was the first year the City received revenues from the assessment of community facilities district fees. Any parcel located in the CFD with a building permit issued prior to May 1, would be subject to the CFD fee the following fiscal year, payable with their property tax bill.

There were 8,078 parcels assessed in 2019-2020, generating \$2,093,000 in assessments. The per-unit assessment for 2019-2020 was \$255.32 for single family units and \$220.46 for multifamily units.

Expenditures for public safety services' associated growth in the CFD area for 2019-2020 were \$4,408,000. In 2019-2020, Community Service District fee revenue covered 47% of Community Service District expenditures.

	<u>2019-2020</u>	<u>2018-2019</u>	<u>2017-2018 and prior</u>
Expenditures	\$4,408,000	\$4,499,000	\$35,000,000
Revenue	\$2,093,000	\$1,871,000	\$ 8,768,000

The Council established an independent citizens oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee consists of five members for a term of four (4) years without compensation and shall be appointed by the Mayor, subject to approval by the City Council. The committee includes one member of the real estate community, one member of the Building Industry Association, and three members who are landowners of residential properties within the Community Facilities District. Once appointed, the committee reviews expenditures of the tax proceeds and determines that such expenditures are in accordance with the purpose and intent of the Community Facilities District Resolution of Intention approved by the City Council and to report those findings to the City Council.

The following members were appointed at the December 9, 2019 Council meeting:

- Laura Corey - Real Estate Community Representative
- Mike Prandini - Building Industry Association Representative
- Denise Rivera - Property Owner
- David Martin Connolly - Property Owner
- Jonathan B. Holt - Property Owner

**FISCAL IMPACT**

This report provides a status of the CFD revenue and expenditures attributable to Community Facilities District. The report currently reflects that the CFD is contributing slightly less than half of the total expenditures attributable to the CFD.

**REASON FOR RECOMMENDATION**

The fiscal report is for information only and no action is required. The recommended members of the citizens oversight committee need Council confirmation. The committee will review the status report and provide comment to Council only if deemed necessary by the committee.

**ACTIONS FOLLOWING APPROVAL**

Copies of the report will be made available to any member of the public who requests a copy. The Committee will be meeting within the next two months and should they deem it necessary, will present their report to Council no later than May 1.

Prepared by: Elena Mendrin, Accountant

Reviewed by: City Manager LS





# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Finance - Approval - Res. 20-\_\_\_\_, A Resolution of Intention (ROI) to Annex Territory (Annexation #66) (T6277-Northeast Corner of Locan and Teague), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for January 19, 2021.

ATTACHMENTS: 1. Res. 20-\_\_\_\_, Intention to Annex Territory to CFD

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

That the Council approve Res. 20-\_\_\_\_, A Resolution of Intention to Annex Territory (Annexation #66) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for January 19, 2021.

### EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

### BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of

Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6277-Northeast Corner of Locan and Teague, is shown in the attached map.

**FISCAL IMPACT**

No fiscal impact by this action.

**REASON FOR RECOMMENDATION**

All requirements to begin the process for annexation of territory to the CFD have been completed, and the Council may take action on the ROI.

**ACTIONS FOLLOWING APPROVAL**

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for January 19, 2021 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager LS

## RESOLUTION 20-\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES  
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 66**

**WHEREAS**, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

**WHEREAS**, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Clovis:

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 66 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars (Attachment A). The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 66 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

**ATTACHMENT 1**

**4. Special Tax.** Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

**5. Hearing.** Tuesday, January 19, 2021 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

**6. Notice.** The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

**7. Annexation Contingency.** Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a “resolution of application”, with the Fresno County Local Agency Formation Commission (“LAFCO”) for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

**8. Effective Date.** This resolution shall take effect upon its adoption.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

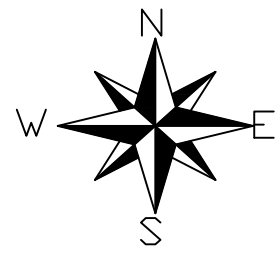
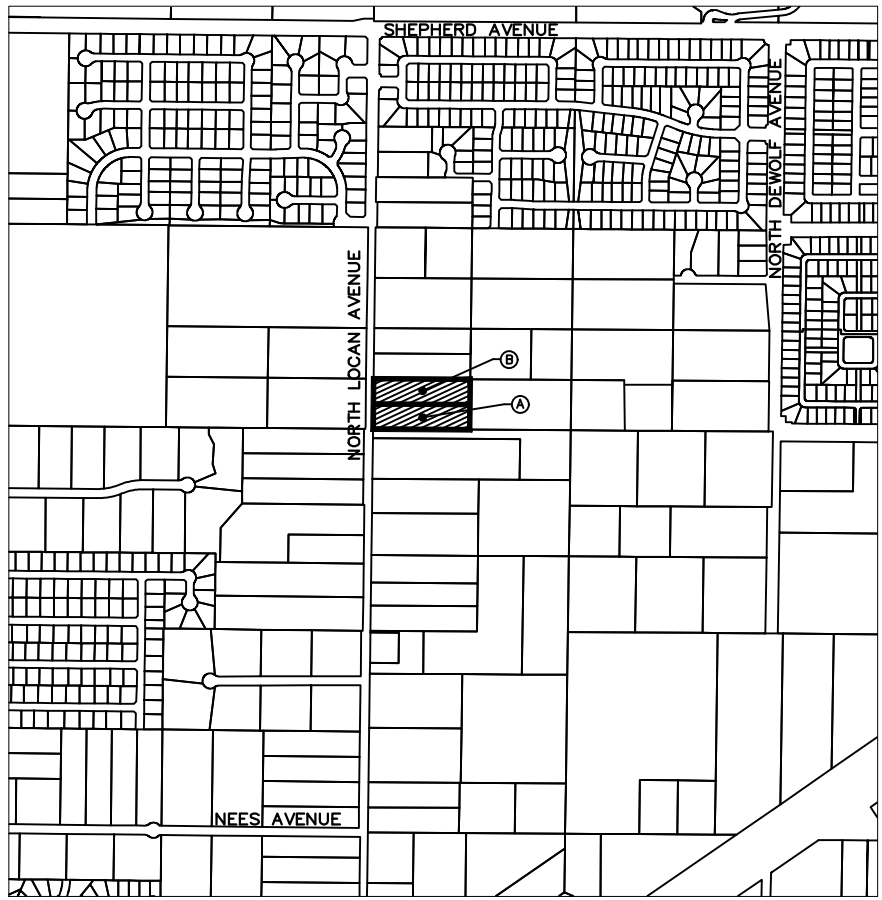
DATED: December 7, 2020

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Mayor

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City Clerk



- LEGEND**
- PARCEL
  - ANNEXATION BOUNDARY
  - (A) APN 558-020-14
  - (B) APN 558-020-79

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ JANUARY \_\_\_\_\_, 2021. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 66 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 19TH DAY OF \_\_\_\_\_ JANUARY \_\_\_\_\_, 2021, BY ITS RESOLUTION NO. 20-\_\_\_\_\_.

\_\_\_\_\_  
 JOHN HOLT  
 CITY CLERK  
 CITY OF CLOVIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

\_\_\_\_\_  
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER  
 COUNTY ASSESSOR-RECORDER  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA

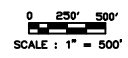
REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 66

COMMUNITY FACILITIES DISTRICT NO. 2004-1  
 (POLICE AND FIRE SERVICES)



CITY OF CLOVIS  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Finance - Approval – Res. 20-\_\_\_\_, Approving the submittal of the 2020-2021 Local Transportation Funding (LTF) Claim to the Council of Fresno County Governments.

ATTACHMENTS: 1. Res. 20-\_\_\_\_, Submission of LTF Claim Forms

### **CONFLICT OF INTEREST**

None.

### **RECOMMENDATION**

That the Council approve Resolution 20-\_\_\_\_, approving the submittal of the 2020-2021 Local Transportation Funding Claim.

### **EXECUTIVE SUMMARY**

Each year the City of Clovis is required to submit an annual transportation claim for the Local Transportation Fund of Fresno County to the Council of Fresno County Governments (COG) to receive funds provided through the Transportation Development Act (TDA) of 1971. The claim is prepared in accordance with the City's annual budget. After the LTF claim is adopted by the Resolution of the City Council, the claim is submitted to COG for adoption by Resolution of the COG board. After approval, the City will begin to receive the funds apportioned by COG for the 2020-2021 fiscal year.

### **BACKGROUND**

Each year the City files a claim with the Council of Fresno County Governments (COG) to receive funds provided through the Transportation Development Act (TDA) of 1971. The claim provides information on the various sources that are used to fund the transit operation and to fund bicycle/pedestrian projects.

The claim is normally based on the current year budget. However, circumstances have changed since the budget was prepared and the claim is based on the best available information.

In order for COG to allocate the LTF funds, the claim needs to be submitted to COG for approval. The claim allocates the available funds based on the final estimated allocation received from COG in May 2020.

**FISCAL IMPACT**

The LTF funds are budgeted in 2020-2021 based upon the final estimated allocation received from COG in May 2020. Approval of the claim by the Council will allow the City to receive the funds.

**REASON FOR RECOMMENDATION**

To allocate the funds in accordance with the 2020-2021 estimates, it is necessary to submit the LTF claim to COG for approval. Approval of the claim by the Council for submittal is required.

**ACTIONS FOLLOWING APPROVAL**

After Council approval, the claim will be filed with COG.

Prepared by: Calvin Campbell, Senior Accountant

Reviewed by: City Manager LS



**RESOLUTION 20-\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING SUBMISSION OF A CLAIM FOR FUNDS UNDER THE LOCAL  
TRANSPORTATION FUND OF FRESNO COUNTY FOR FISCAL YEAR 2020-2021**

**WHEREAS**, The City of Clovis is required to submit an annual transportation claim for the Local Transportation Fund of Fresno County for the fiscal year 2020-2021; and

**WHEREAS**, the Council of Fresno County Governments has the authority to review claims and allocate such funds in accordance with the Transportation Development Act of 1971 and Chapter 3 of Title 30 of the California Administrative Code; and

**WHEREAS**, the City of Clovis has approved the 2020-2021 Budget for expenditures for 2020-2021; and

**WHEREAS**, the Transportation Act of 1971 requires certain findings and declarations regarding transit needs and conformance with Article 8, Chapter 1400, Statutes 1971 and applicable rules and regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Clovis hereby authorizes submittal of its Claim for Local Transportation Funds, attached as Attachment A of Attachment 1, in the amount of \$8,507,228 for purposes allowed under Articles 3, 4, 4.5, and 8 of the Transportation Act of 1971.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote, to wit.

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

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ATTACHMENT 1**

Enter Date: 11/10/2020

Claimant Name: City of Clovis

AGENDA ITEM NO. 5.

### TRANSPORTATION FUNDING CLAIM FOR FISCAL YEAR: 2020/21

Instructions: Please note that each page of this claim is a separate worksheet, please click through all tabs and complete. Also note that light yellow fields require an entry if applicable, light grey fields contain formulas that will automatically calculate based on corresponding entries. A date and claimant name field is at the top of the first page, and automatically repeats on following pages, (date should be formatted 00/00/0000)

When completed, please print, sign and send signed original via mail to:

Les Beshears, Director of Finance, Fresno Council of Governments, 2035 Tulare Street, Suite 201, Fresno, CA 93721

From: Applicant:	City of Clovis
Address:	1033 Fifth Street
City/State/Zip:	Clovis, CA 93612
Contact Phone/email:	Jay Schengel / 559-324-2113

This applicant is an eligible claimant pursuant to Section 99203 of the Public Utilities Code and certifies that the following transportation funds are available to be claimed:

#### Local Transportation Fund

Apportionment:	\$ 4,597,852
Unexpended, Held by Claimant:	\$ 2,703,570
County 4.5 Contribution	\$ 12,949
County Contract for Tarpey Roundup:	\$ 52,853

#### State Transit Assistance Fund

Estimate:	\$ 1,140,004
Other Agency:	

#### Other

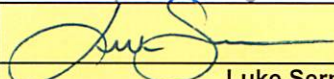
Audit Exception/Impairment (required General Fund Payback):	
Other:	

Eight Million, Five Hundred Seven Thousand, Two Hundred Twenty-Eight Dollars	<b>TOTAL</b>
	<b>\$ 8,507,228</b>

*spell out total amount in above cell*

for the purposes and respective amounts specified in the attached claim be drawn from the Local Transportation Fund and State Transit Assistance Fund.

Please print and sign after completing form

Authorized Signature:	
Name/Title:	Luke Serpa, City Manager
Date:	12/7/2020



2035 Tulare St., Ste. 201 tel 559-233-4148  
Fresno, California 93721 fax 559-233-9645

[www.fresnocog.org](http://www.fresnocog.org)

Enter Date: **11/10/2020**

Claimant Name: **City of Clovis**

AGENDA ITEM NO. 5.

**TRANSPORTATION FUNDING CLAIM DETAIL FOR FISCAL YEAR: 2020/21**

PURPOSE	AMOUNT	SUBTOTAL
<b>1. Bicycle &amp; Pedestrian Facilities:</b>		
Article 3:	\$ 92,017	
Article 8a:		
Audit Exceptions (General Fund Payback);		
Unexpended Funds, Held by Claimant:		
		\$ 92,017
<b>2. Regional Transportation Planning:</b>		
	\$ 128,502	\$ 128,502
<b>3. Public Transportation</b>		
Article 4:	\$3,869,968	
Article 8c:		
Tarpey Roundup County Contract:	\$ 52,853	
Other Agency:		
State Transit Assistance Funds (STA):	\$ 1,140,004	
Audit Exceptions (General Fund Payback):		
Unexpended Funds, Held by Claimant:	\$ 2,703,570.00	
		\$7,766,395
<b>4. Community Transit Service CTSA, Article 4.5:</b>		
	\$ 235,394	\$ 235,394
<b>5. To Be Claimed By:</b>		
FAX Contract:	\$ 284,920	
		\$ 284,920
<b>GRAND TOTAL</b>		<b>\$ 8,507,228</b>
<b>Claim Total Must Agree With Total on First Page</b>		<b>\$ 8,507,228</b>
<b>Minus All Unexpended Funds not used for Transit Claims</b>		<b>\$ 2,703,570</b>
<b>GRAND TOTAL PAYABLE TO CLAIMANT</b>		<b>\$ 5,803,658</b>

*Allocation instructions and payment by the Fresno County Auditor-Controller to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the rules and regulations of the Transportation Development Act.*

Enter Date: **11/10/2020**

Claimant Name: **City of Clovis**

**AGENDA ITEM NO. 5.**

### BICYCLE AND PEDESTRIAN FACILITIES FOR FISCAL YEAR: 2020/21

Two percent (2%) of the claimant's Local Transportation Fund apportionment must be spent on bicycle and pedestrian facilities (PUC 99233.3 and 99234); such claims are to be filed as Article 3. Claims for projects in excess of 2% may be filed as Article 8a (PUC 99400(a)). If other funding is to be used with Local Transportation Funds to implement projects, such funding should be shown on the claim form.

<b>PROJECT TITLE &amp; BRIEF DESCRIPTION</b>	<b>PROJECT COST</b>
Various Bicycle & Pedestrian Facilities throughout the claimant's jurisdiction:	\$ 92,017.00
<i>AND/OR:</i>	
Other - describe briefly if applicable:	\$ -
Other - describe briefly if applicable:	\$ -
Other - describe briefly if applicable:	\$ -
<b>TOTAL PROJECT COSTS</b>	<b>\$ 92,017.00</b>

**PUBLIC AND SPECIALIZED TRANSPORTATION SERVICE CLAIM FOR OPERATING AND CAPITAL EXPENSES FY: 2020/21**

**GENERAL TRANSPORTATION SERVICE PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

<b>TOTAL PROJECT COSTS</b>		<b>\$ 4,681,973.00</b>
Prior Year	\$ 3,041,375.00	
Percentage Change	54%	
	<i>more than prior year</i>	
<b>Revenue Source &amp; Amount</b>	<b>Operating</b>	<b>Capital</b>
LTF Article 4:	\$ -	\$ -
LTF Article 4.5 or 8c:		\$ -
STA:		\$ 356,859
Fares:	\$ 152,100.00	N/A
Local Support:	\$ 445,271.00	N/A
Fed/State Grants:		\$ 1,069,124.00
Measure C:	\$ 719,484.00	
Interest:	\$ 10,500.00	
Unexpended Funds Held By Claimant:	\$ 590,374.00	\$ 1,338,261.00
Audit Exception - General Payback Fund:		\$ -
<b>SUB-TOTALS</b>	<b>\$ 1,917,729.00</b>	<b>\$ 2,764,244.00</b>
		<b>\$ 4,681,973.00</b>

**ELDERLY/HANDICAPPED SERVICE PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

<b>TOTAL PROJECT COSTS</b>		<b>\$ 3,122,161.00</b>
Prior Year	\$ 3,020,793.00	
Percentage Change	3%	
	<i>more than prior year</i>	
<b>Revenue Source &amp; Amount</b>	<b>Operating</b>	<b>Capital</b>
LTF Article 4:	\$ 1,861,111	\$ 1,861,111.00
Tarpey Roundup:	\$ 52,853	\$ 52,853.00
STA:		\$ 356,859
Fares:	\$ 70,000	N/A
Local Support:	\$ 235,541	N/A
Fed/State Grants:		\$ -
Measure C:	\$ -	
Interest:	\$ 10,500	\$ 10,500.00
Unexpended Funds Held By Claimant:	\$ 858,800	\$ 1,338,261
Audit Exception - General Payback Fund:		\$ -
<b>SUB-TOTALS</b>	<b>\$ 3,088,805.00</b>	<b>\$ 1,695,120.00</b>
		<b>\$ 4,783,925.00</b>

**CONSOLIDATED TRANSIT SERVICE AGENCY PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

<b>TOTAL PROJECT COSTS</b>		<b>\$ 523,098.00</b>
Prior Year	\$ 499,458.00	
Percentage Change	5%	
	<i>more than prior year</i>	
<b>Revenue Source &amp; Amount</b>	<b>Operating</b>	<b>Capital</b>
LTF Article 4.5:	\$ 235,394.00	\$ 235,394.00
LTF Article 8c:		\$ -
STA:		\$ -
Fares:	\$ 10,000.00	N/A
Local Support:	\$ 277,704.00	N/A
Fed/State Grants:		\$ -
Other - describe briefly if applicable:		\$ -
Other - describe briefly if applicable:		\$ -
Unexpended Funds Held By Claimant:		\$ -
Audit Exception - General Payback Fund:		\$ -
<b>SUB-TOTALS</b>	<b>\$ 523,098.00</b>	<b>\$ -</b>
		<b>\$ 523,098.00</b>

<b>GRAND TOTALS:</b>	<b>OPERATING</b>	<b>CAPITAL</b>	<b>TOTAL</b>
	<b>\$ 5,529,632.00</b>	<b>\$ 4,459,364.00</b>	<b>\$ 9,988,996.00</b>

Enter Date: **11/10/2020**

Claimant Name: **City of Clovis**

**PUBLIC AND SPECIALIZED TRANSPORTATION SERVICE FAREBOX CALCULATION FOR FISCAL YEAR: 2020/21**

**REQUIRED OPERATING/FAREBOX CALCULATIONS**

**General Transportation Service:**

	<b>Operating Expenses:</b>	<b>\$ 1,917,729.00</b>
1. Total Operating Expenses Minus Exclusions	Amount Excluded	\$ 1,917,729.00
2. Farebox Revenues		\$ 152,100.00
3. Other Local Support		\$ 445,271.00
4. Total Local Support (Adds Lines 2 + 3)		\$ 597,371.00
5. Farebox Revenue/Operating Expense Ratio (Line 2 Divided By Line 1)		8%
6. Required Minimum Ratio Verification: <b>Enter 1 for Urban, 2 for Rural</b>	<b>1</b>	20%
7. Total Local Support/Operating Expense Ratio (Line 4 Divided By Line 1)		31%
8. Required Minimum Ratio Criteria:		20%
URBAN 20%		
RURAL 10%		
	<b>Meets Minimum Requirements</b>	

**Elderly/Handicapped Service:**

	<b>Operating Expenses:</b>	<b>\$ 3,088,805.00</b>
1. Total Operating Expenses Minus Exclusions	Amount Excluded	\$ 3,088,805.00
2. Farebox Revenues		\$ 70,000.00
3. Other Local Support		\$ 235,541.00
4. Total Local Support (Adds Lines 2 + 3)		\$ 305,541.00
5. Farebox Revenue/Operating Expense Ratio (Line 2 Divided By Line 1)		2%
6. Required Minimum Ratio Verification:		8%
7. Total Local Support/Operating Expense Ratio (Line 4 Divided By Line 1)		10%
8. Required Minimum Ratio Criteria:		10%
10%		
	<b>Meets Minimum Requirements</b>	

**Consolidated Transportation Service Agency:**

	<b>Operating Expenses:</b>	<b>\$ 523,098.00</b>
1. Total Operating Expenses Minus Exclusions	Amount Excluded	\$ 523,098.00
2. Farebox Revenues		\$ 10,000.00
3. Other Local Support		\$ 277,704.00
4. Total Local Support (Adds Lines 2 + 3)		\$ 287,704.00
5. Farebox Revenue/Operating Expense Ratio (Line 2 Divided By Line 1)		2%
6. Required Minimum Ratio Verification:		53%
7. Total Local Support/Operating Expense Ratio (Line 4 Divided By Line 1)		55%
8. Required Minimum Ratio Criteria:		55%
Fares 10%		
Other Local Support 45%		
	<b>Meets Minimum Requirements</b>	

**SUMMARY TOTALS:**

	<b>\$ 5,529,632.00</b>
1. Total <b>OF ALL</b> Operating Expenses <b>PLUS</b> Exclusions	<b>Total Operating Expenses: \$ 5,529,632.00</b>
	<b>Total Amount Excluded: \$ - \$ 5,529,632.00</b>
	<b>Must Agree With TOTAL, Project Detail Operator Tab: \$ 4,459,364.00</b>
	<b>2. Total of All Capital Projects: \$ 4,459,364.00</b>
	<b>Must Agree With CAPITAL PROJECTS, Project Detail Operator Tab: \$ 9,988,996.00</b>
	<b>3. GRAND TOTAL: \$ 9,988,996.00</b>

Enter Date: **11/10/2020**

Claimant Name: **City** **AGENDA ITEM NO. 5.**

**PUBLIC AND SPECIALIZED TRANSPORTATION SERVICE CLAIM FOR OPERATING AND CAPITAL EXPENSES FY: 2020/21**

**GENERAL TRANSPORTATION SERVICE PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

**TOTAL PROJECT COSTS** **\$ 4,681,973.00**  
**Prior Year** **\$ 3,041,375.00**  
**Percentage Change** **54%**  
*more than prior year*

Revenue Source & Amount	Operating	Capital	Total
LTF Article 4:	\$ -		\$ -
LTF Article 4.5 or 8c:			\$ -
STA:		\$ 356,859	\$ 356,859.00
Fares:	\$ 152,100.00	N/A	\$ 152,100.00
Local Support:	\$ 445,271.00	N/A	\$ 445,271.00
Fed/State Grants:		\$ 1,069,124.00	\$ 1,069,124.00
Measure C:	\$ 719,484.00		\$ 719,484.00
Interest:	\$ 10,500.00		\$ 10,500.00
Unexpended Funds Held By Claimant:	\$ 590,374.00	\$ 1,338,261.00	\$ 1,928,635.00
Audit Exception - General Payback Fund:			\$ -
<b>SUB-TOTALS</b>	<b>\$ 1,917,729.00</b>	<b>\$ 2,764,244.00</b>	<b>\$ 4,681,973.00</b>

**ELDERLY/HANDICAPPED SERVICE PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

**TOTAL PROJECT COSTS** **\$ 3,122,161.00**  
**Prior Year** **\$ 3,020,793.00**  
**Percentage Change** **3%**  
*more than prior year*

Revenue Source & Amount	Operating	Capital	Total
LTF Article 4:	\$ 1,861,111		\$ 1,861,111.00
Tarpey Roundup:	\$ 52,853		\$ 52,853.00
STA:		\$ 356,859	\$ 356,859.00
Fares:	\$ 70,000	N/A	\$ 70,000.00
Local Support:	\$ 235,541	N/A	\$ 235,541.00
Fed/State Grants:			\$ -
Measure C:	\$ -		\$ -
Interest:	\$ 10,500		\$ 10,500.00
Unexpended Funds Held By Claimant:	\$ 858,800	\$ 1,338,261	\$ 2,197,061.00
Audit Exception - General Payback Fund:			\$ -
<b>SUB-TOTALS</b>	<b>\$ 3,088,805.00</b>	<b>\$ 1,695,120.00</b>	<b>\$ 4,783,925.00</b>

**CONSOLIDATED TRANSIT SERVICE AGENCY PROPOSED 2020/2021** **PROJECT COSTS** **TOTALS**

*(Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)*

**TOTAL PROJECT COSTS** **\$ 523,098.00**  
**Prior Year** **\$ 499,458.00**  
**Percentage Change** **5%**  
*more than prior year*

Revenue Source & Amount	Operating	Capital	Total
LTF Article 4.5:	\$ 235,394.00		\$ 235,394.00
LTF Article 8c:			\$ -
STA:			\$ -
Fares:	\$ 10,000.00	N/A	\$ 10,000.00
Local Support:	\$ 277,704.00	N/A	\$ 277,704.00
Fed/State Grants:			\$ -
Other - describe briefly if applicable:			\$ -
Other - describe briefly if applicable:			\$ -
Unexpended Funds Held By Claimant:			\$ -
Audit Exception - General Payback Fund:			\$ -
<b>SUB-TOTALS</b>	<b>\$ 523,098.00</b>	<b>\$ -</b>	<b>\$ 523,098.00</b>

GRAND TOTALS:	OPERATING	CAPITAL	TOTAL
	<b>\$ 5,529,632.00</b>	<b>\$ 4,459,364.00</b>	<b>\$ 9,988,996.00</b>

Enter Date: **11/10/2020**

Claimant Name: **City of Clovis**

**AGENDA ITEM NO. 5.**

**CONTINGENCY PROJECT LISTING FOR FISCAL YEAR: 2020/21**

*Should additional Local Transportation Fund or State Transit Assistance Fund monies be made available during the current fiscal year, they are hereby also claimed for the following purposes:*

**CHECK ALL THAT APPLY (Enter "X" in yellow box)**

**BICYCLE AND PEDESTRIAN FACILITIES**      **PUBLIC TRANSPORTATION**  
 **Article 3**                                       **Article 4**

**SUPPLEMENTAL INFORMATION REQUIRED OF TRANSIT CLAIMANTS (CCR 6632)**

**ATTACHED TO THIS CLAIM ARE SUBMITTED THE FOLLOWING DOCUMENTS:**  
*(initial yellow box all that apply)*


- Budget or proposed budget for the 2020/21 fiscal year.
- Statement for prior year revenues and expenditures (projections acceptable).
- California Highway Patrol Certification pursuant to PUC 99251 (no claim may be approved unless accompanied by this certification). Date on this certification must be within 13 months of the proposed claim approval date.

**STANDARD ASSURANCES FOR TRANSIT CLAIMANTS**

**CLAIMANT ASSURANCES: (initial yellow box all that apply)**

- A. Claimant certifies that it has submitted a satisfactory, independent fiscal audit, with required certification statement, to the RTPA and to the State Controller, pursuant to PUC 99245 and 21 Cal. Code of Regulations Section 6664 for the prior fiscal year (project year minus two). Claimant assures that this audit requirement will be completed for the current fiscal year (project year minus one).
- B. Claimant certifies that it has submitted a State Controller Report, in conformance with the uniform system of accounts and records, to the RTPA, and to the State Controller, pursuant to PUC 99243, for the prior year (project year minus two). Beginning with the 1979–80 fiscal year, claimant assures that this report will be audited by an independent CPA. Claimant assures that this report will be completed for the current fiscal year (project year minus one)
- C. Claimant certifies in accordance with PUC Section 99314.5(b) that it is not precluded by any contract entered into on or after June 28, 1979, from employing part-time drivers or contracting with common carriers of persons operating under a franchise or license. Claimant further certifies that no person who was a full-time employee on June 28, 1979, shall have his or her employment terminated or his or her regular hours of employment, excluding overtime, reduced by the operator as a result of it employing part-time drivers or contracting with such common carriers.
- D. Claimant filing claim pursuant to PUC Section 99260 certifies that:  
*(check one by entering "X" in yellow cell):*
  - 1. the current cost of its retirement system is fully funded with respect to the officers and employees of its public transportation system (PUC Section 99271a); or
  - 2. the operator is implementing a plan approved by the transportation planning agency which will fully fund the retirement system for such officers and employees within 40 years (PUC Section 99271a); or
  - 3. the operator has a private pension plan which sets aside and invests on a current basis funds sufficient to provide for the payment of future pension benefits and which is fully compliant with the requirements stated in PUC Sections 99272 and 99273.
- E. Claimant certifies that it is in compliance with PUC Section 99264 that it does not routinely staff, with two or more persons, a vehicle for public transportation purposes designed to be operated by one person.
- F. Claimant certifies that it is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended in accordance with Section 6754(a)(3).
- G. Claimant certifies that this is in compliance with PUC Section 99155 that if it offers reduced fares to seniors, the same reduced rate is offered to disabled persons, handicapped persons, and disabled veterans and it honors the federal Medicare card for identification to receive reduced fares.
- H. Claimant certifies that it is in compliance with PUC Section 99155.5 regarding dial-a-ride and paratransit services being accessible to handicapped persons and that the service is provided to persons without regard to vehicle ownership and place of residence.

**The undersigned hereby certifies that the above statements are true and correct.**  
Please print and sign after completing form

Authorized Signature: 

Name/Title: **Luke Serpa, City Manager**  
Date: **12/7/2020**





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Finance – Receive and File – Investment Report for the Month of September 2020.

ATTACHMENTS:

1. Distribution of Investments
2. Monthly Investment Transactions
3. Certificates of Deposit
4. Municipal Securities
5. Graph of September 30, 2020 Treasury Rates

Attached is the Investment Report for the month of September 2020. Shown in Attachment 1 is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Attachment 2 reflects the monthly investment transactions for the month of September 2020. Attachment 3 lists the certificates of deposit. Attachment 4 lists the municipal securities. Attachment 5 is a graph of Treasury rates on September 30, 2020.

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

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.

4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return may be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 0.84%. The rate of return for the City of Clovis portfolio is 1.43%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 171% of the Treasury bill rate.

In accordance with the Investment Policy, the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of September 2020 the average investment life of the City's investment portfolio is 0.98 years.

#### Current Investment Environment and Philosophy

During the month of September 2020, the federal funds rate remained at 0.00%-0.25%. On September 30, 2020, the Treasury yield curve increased from 3-month to 10-year notes.

#### Certificates of Deposit (CD's)

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

#### Purchases and Maturities

- 0 government securities were purchased.
- 0 government securities were called or matured.
- 0 certificates of deposit were purchased.
- 3 certificates of deposit totaling \$750,000 matured.
- 1 municipal security totaling \$500,000 was purchased.

#### Market Environment

- During September, the federal funds rate remained at 0.00%-0.25%.
- On September 30, the yield curve increased from 3-month to 10-year notes. See Attachment 5, Graph of Treasury Rates on September 30, 2020.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager LS

**City of Clovis  
Distribution of Investments  
As of September 30, 2020**

AGENDA ITEM NO. 6.

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 9/30/2020</u>
<b><u>GOV'T SECURITIES</u></b>								
FHLMCMTN	2,477,875	2,494,499	2,520,950	2.375%	2.375%	08/02/18	02/16/21	139
FAMCMTN	2,502,236	2,500,639	2,534,750	2.650%	2.650%	06/28/18	04/19/21	201
FHLB	2,568,983	2,522,121	2,560,125	3.625%	3.625%	06/28/18	06/11/21	254
FAMCMTN	3,000,000	3,000,000	3,068,610	2.750%	2.750%	09/06/18	08/17/21	321
FFCB	1,998,520	1,999,424	2,045,900	2.700%	2.700%	09/06/18	08/27/21	331
FFCB	2,490,878	2,496,228	2,565,250	2.850%	2.850%	10/05/18	09/20/21	355
FFCB	2,500,200	2,500,098	2,580,275	2.800%	2.800%	12/17/18	12/17/21	443
FAMCMTN	2,999,400	2,999,533	3,052,140	1.520%	1.520%	01/23/20	01/10/22	467
FHLMCMTN	6,129,600	6,084,008	6,173,220	2.375%	2.375%	08/30/19	01/13/22	470
FHLB	12,110,520	12,065,092	12,407,280	2.500%	2.500%	04/25/19	03/11/22	527
FFCB	5,979,668	5,971,413	6,148,098	2.280%	2.280%	03/28/19	03/28/22	544
FFCB	6,017,400	6,011,471	6,173,760	1.875%	1.875%	06/27/19	06/14/22	622
FAMCMTN	6,024,900	6,016,905	6,181,260	1.950%	1.950%	07/25/19	06/21/22	629
FFCB	3,005,250	3,004,115	3,082,560	1.625%	1.625%	11/27/19	08/22/22	691
FHLB	6,065,100	6,049,947	6,217,080	2.000%	2.000%	10/31/19	09/09/22	709
FFCB	2,984,460	2,987,660	3,072,900	1.375%	1.375%	11/27/19	10/11/22	741
FFCB	5,008,500	5,007,140	5,144,650	1.600%	1.600%	01/23/20	10/13/22	743
FHLB	8,045,600	8,037,454	6,736,470	1.875%	1.875%	12/19/19	12/09/22	800
FHLB	5,047,500	5,040,314	6,736,470	1.875%	1.875%	01/23/20	12/09/22	800
FAMCMTN	8,544,965	8,539,878	8,725,420	1.350%	1.350%	02/27/20	02/27/23	880
FHLB	13,579,800	13,528,214	9,424,890	2.125%	2.125%	03/26/20	03/10/23	891
FHLB	5,255,000	5,240,101	9,424,890	2.125%	2.125%	04/30/20	03/10/23	891
<b>SECURITIES TOTAL</b>	<u>\$ 114,336,354</u>	<u>\$ 114,096,254</u>	<u>\$116,576,948</u>					
<b>LAIF</b>		<u>\$ 73,948,977</u>	<u>\$ 73,948,977</u>					
<b>Municipal Securities</b>		<u>\$ 500,000</u>	<u>\$ 499,855</u>					
<b>Sweep Account (Union Bank)</b>		<u>\$ 25,177,022</u>	<u>\$ 25,177,022</u>					
<b>TOTAL CD'S</b>		<u>\$ 9,990,000</u>	<u>\$ 10,306,545</u>					
<b>TOTAL INVESTMENTS</b>		<u>\$ 223,712,253</u>	<u>\$ 226,509,347</u>					

\* Market values for securities obtained from US Bank.

**City of Clovis**  
**Monthly Investment Transactions**  
**As of September 30, 2020**

AGENDA ITEM NO. 6.

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
East Boston Svgs Bk	CD	Maturity	250,000	250,000	2.500%	09/29/20	09/29/20
Eagle Bank	CD	Maturity	250,000	250,000	1.800%	09/28/20	09/28/20
Medallion Bk Salt Lake City	CD	Maturity	250,000	250,000	1.850%	09/29/20	09/29/20
Fresno Unified Taxable GO Bond	Municipal Security	Purchase	500,000	499,855	0.462%	09/30/20	08/01/23

**PORTFOLIO DATA**

**Current Month (09/20)**

	Book	Market
CD'S	\$ 9,990,000	\$ 10,306,545
Gov't Securities*	114,096,254	116,576,948
Municipal Securities	500,000	499,855
LAIF	73,948,977	73,948,977
Sweep Account (Union Bank)	25,177,022	25,177,022
<b>TOTAL</b>	<b>\$ 223,712,253</b>	<b>\$226,509,347</b>

**Prior Month (08/20)**

	Book	Market
CD'S	\$10,740,000	\$11,057,740
Gov't Securities*	114,096,254	116,750,124
Municipal Securities	-	-
LAIF	73,948,977	73,948,977
Sweep Account (Union Bank)	19,124,513	19,124,513
<b>TOTAL</b>	<b>\$217,909,744</b>	<b>\$220,881,354</b>

**Three Months Previous (06/20)**

	Book	Market
CD'S	\$11,240,000	\$11,577,120
Gov't Securities*	114,096,254	116,912,600
Municipal Securities	-	-
LAIF	73,702,820	73,702,820
Sweep Account (Union Bank)	39,396,328	39,396,328
<b>TOTAL</b>	<b>\$238,435,402</b>	<b>\$241,588,868</b>

**Six Months Previous (03/20)**

	Book	Market
CD'S	\$11,975,000	\$12,115,411
Gov't Securities*	119,528,679	121,989,353
Municipal Securities	-	-
LAIF	65,373,805	65,373,805
Sweep Account (Union Bank)	22,636,858	22,636,858
<b>TOTAL</b>	<b>\$219,514,342</b>	<b>\$ 222,115,427</b>

**One Year Previous (09/19)**

	Book	Market
CD'S	\$11,450,000	\$11,548,899
Gov't Securities*	130,291,307	131,021,946
Municipal Securities	-	-
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	7,697,336	7,697,336
<b>TOTAL</b>	<b>\$214,438,643</b>	<b>\$215,268,181</b>

\*Adjusted Quarterly for Premium/Discount Amortization

**City of Clovis  
Certificates of Deposit  
As of September 30, 2020**

AGENDA ITEM NO. 6.

<u>Negotiable CDs</u>	<u>COST</u>	<u>MARKET PRICE</u>	<u>INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>MATURITY FROM 09/30/20</u>	<u>INTEREST FREQUENCY</u>
Illinois Cmnty	250,000	251,207.50	2.000%	11/28/17	11/30/20	61	MONTHLY
Merrick Bank	250,000	253,250.00	2.550%	03/09/18	03/09/21	160	MONTHLY
Towne Bank	250,000	254,320.00	2.700%	04/27/18	04/27/21	209	MONTHLY
Citibank	250,000	255,197.50	2.900%	05/22/18	05/24/21	236	MONTHLY
University Of Iowa Cmnty Fcu	250,000	255,255.00	2.900%	05/24/18	05/28/21	240	MONTHLY
BMW Bank North America	250,000	255,795.00	3.000%	06/15/18	06/15/21	258	MONTHLY
Connectone Bk Englewood Cliffs	250,000	255,775.00	3.000%	06/15/18	06/15/21	258	MONTHLY
Bar Harbor Bank Trust	250,000	256,047.50	3.000%	06/29/18	06/29/21	272	MONTHLY
Keesler Fed Cr Un	250,000	257,352.50	3.050%	02/20/19	08/30/21	334	QUARTERLY
Ubs Bank Usa	250,000	259,157.50	3.200%	11/07/18	11/08/21	404	MONTHLY
Mountain America Fd Credit	250,000	259,305.00	3.200%	11/15/18	11/15/21	411	MONTHLY
Wells Fargo	250,000	259,932.50	3.000%	01/18/19	01/18/22	475	MONTHLY
Goldman Sachs Bk USA Ny	245,000	254,709.35	2.800%	02/20/19	02/22/22	510	QUARTERLY
Tiaa FSB Jacksonville Fla	245,000	254,893.10	2.850%	02/28/19	02/22/22	510	QUARTERLY
Comenity Capital Bank	250,000	260,022.50	2.550%	04/30/19	04/29/22	576	QUARTERLY
Synchrony Bank	250,000	259,897.50	2.450%	05/17/19	05/17/22	594	QUARTERLY
First State Bank of Dequeen	250,000	258,070.00	2.000%	07/26/19	05/26/22	603	QUARTERLY
Flagstar Bank	250,000	260,522.50	2.500%	06/12/19	06/13/22	621	QUARTERLY
Capital One Bank	250,000	259,955.00	2.350%	06/19/19	06/20/22	628	QUARTERLY
Morgan Stanley Bk	250,000	259,295.00	2.100%	07/25/19	07/25/22	663	QUARTERLY
Capital One Bank	250,000	259,717.50	2.150%	08/07/19	08/08/22	677	QUARTERLY
Everbanke USA Salt Lake City	250,000	259,232.50	2.050%	08/07/19	08/08/22	677	QUARTERLY
Raymond James Bank	250,000	258,675.00	1.900%	08/23/19	08/23/22	692	QUARTERLY
Ally Bank	250,000	258,675.00	1.850%	09/19/19	09/19/22	719	QUARTERLY
Usalliance Federal Credit Union	250,000	259,317.50	2.850%	09/30/19	09/30/22	730	QUARTERLY
Morgan Stanley Bank	250,000	258,980.00	2.100%	10/17/19	10/17/22	747	MONTHLY
Lafayette Fed Cr Un	250,000	258,525.00	1.700%	11/22/19	11/22/22	783	MONTHLY
Live Oak Banking Co.	250,000	259,002.50	1.750%	12/11/19	12/12/22	803	QUARTERLY
Wells Fargo Natl Bk West	250,000	259,297.50	1.800%	12/13/19	12/13/22	804	QUARTERLY
Valley Cent Svgs Bk	250,000	259,052.50	1.700%	01/15/20	01/17/23	839	QUARTERLY
Sallie Mae Bank	250,000	260,327.50	1.900%	01/23/20	01/23/23	845	QUARTERLY
Servisfirst Bank	250,000	258,760.00	1.600%	02/21/20	02/21/23	874	MONTHLY
Celtic Bank	250,000	258,637.50	1.550%	03/13/20	03/13/23	894	MONTHLY
Axos Bank	250,000	258,755.00	1.550%	03/26/20	03/27/23	908	MONTHLY
Nicolet Natl Bank	250,000	255,545.00	0.900%	03/27/20	03/27/23	908	MONTHLY
Centerstate Bank	250,000	254,590.00	0.900%	03/30/20	03/30/23	911	MONTHLY
Bank Leumi	250,000	258,132.50	1.450%	03/31/20	03/31/23	912	MONTHLY
Discover Bank	250,000	258,155.00	1.350%	04/02/20	04/03/23	915	MONTHLY
Berkshire Bank	250,000	257,220.00	1.300%	04/08/20	04/06/23	918	MONTHLY
American Express	250,000	255,987.50	1.100%	04/21/20	04/21/23	933	MONTHLY
<b>Negotiable CD TOTAL</b>	<u>\$ 9,990,000</u>	<u>\$ 10,306,545</u>					
<b>CD TOTAL</b>	<u>\$ 9,990,000</u>	<u>\$ 10,306,545</u>					

**City of Clovis  
Municipal Issuances  
As of September 30, 2020**

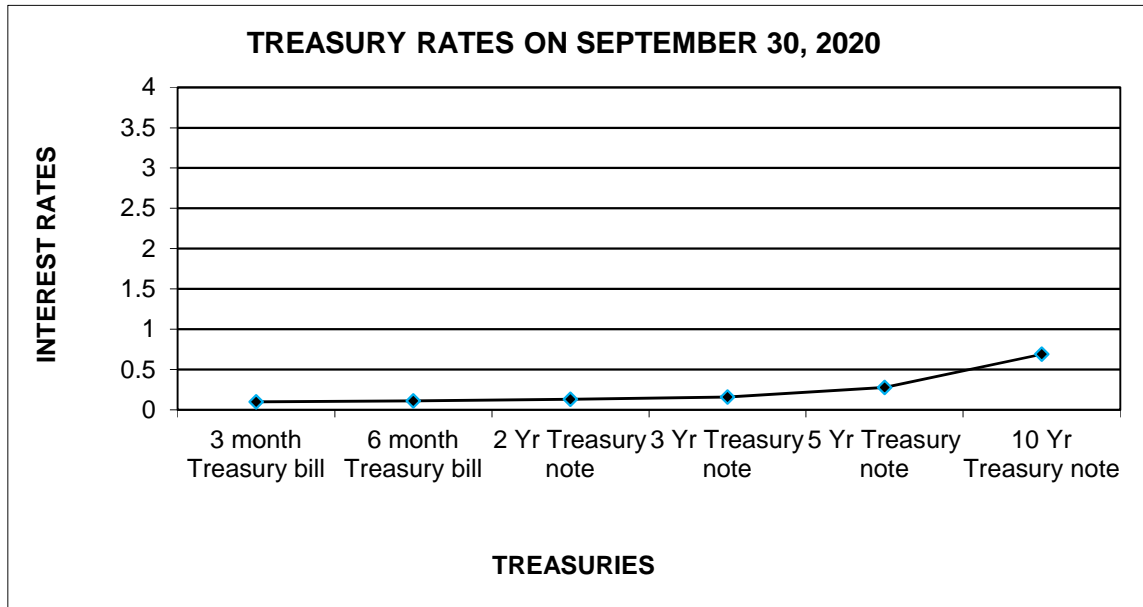
AGENDA ITEM NO. 6.

<u>Municipal Issues</u>	<u>COST</u>	<u>MARKET PRICE</u>	<u>INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>MATURITY FROM 09/30/20</u>	<u>INTEREST FREQUENCY</u>
Fresno Unified Taxable Go Ref Bond 2020	500,000	499,855.00	0.462%	09/30/20	08/01/23	1,035	MONTHLY
<b>Mun. Issue TOTAL</b>	<u>\$ 500,000</u>	<u>\$ 499,855</u>					
<b>Municipal Issuance TOTAL</b>	<u><u>\$ 500,000</u></u>	<u><u>\$ 499,855</u></u>					

**CITY OF CLOVIS  
FINANCE DEPARTMENT  
SEPTEMBER 30, 2020 TREASURY RATES**

**Treasury Rates as of September 30, 2020**

3 month Treasury bill	0.10
6 month Treasury bill	0.11
2 Yr Treasury note	0.13
3 Yr Treasury note	0.16
5 Yr Treasury note	0.28
10 Yr Treasury note	0.69



As indicated in the above graph, treasuries increase from 3-month to 10-year notes.



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Finance – Receive and File – Treasurer’s Report for the Month of September 2020.

ATTACHMENTS: 

1. Summary of Cash Balances
2. Summary of Investment Activity
3. Investments with Original Maturities Exceeding One Year

Attached for the Council’s information is the Treasurer’s Report for the month ended September 30, 2020.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. Attachment 1 provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. Attachment 2 summarizes the investment activity for the month and distribution, by type of investment, held by the City. Attachment 3 lists all investments with original maturities exceeding one year as of the month ended September 30, 2020.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager LS



**City of Clovis**  
**Statement of Cash Balances**  
**As of September 30, 2020**

<b>Previous Balance</b>	\$	4,059,261.82
<b>Deposits</b>		26,512,198.18
<b>Disbursements</b>		<u>(25,253,481.81)</u>
<b>Current Balance</b>	\$	<u><u>5,317,978.19</u></u>

<u>FUNDS</u>	<u>BALANCE</u>
100 General Fund	\$ 4,607,253.53
201 Local Transportation	16,832,705.46
202 Parking and Business Improvements	80,389.66
203 Off Highway Use	69,996.10
205 Senior Citizen Memorial Trust	53,827.02
207 Landscape Assessment District	4,671,422.48
208 Blackhorse III (95-1) Assessment District	132,268.00
301 Park & Recreation Acquisition	7,991,482.01
305 Refuse Equipment Reserve	1,525,186.24
310 Special Street Deposit Fund	23,905,458.08
313 Successor Agency	547,475.97
314 Housing Successor Agency	1,521,964.30
402 1976 Fire Bond Redemption	25,475.23
404 1976 Sewer Bond Redemption Fund	403,799.60
501 Community Sanitation Fund	15,531,859.45
502 Sewer Service Fund	34,160,466.66
504 Sewer Capital Projects-Users	1,043,748.79
506 Sewer Capital Projects-Developer	1,137,475.57
507 Water Service Fund	49,049,810.19
508 Water Capital Projects-Users	7,055,919.94
509 Water Capital Projects-Developer	6,942,333.79
515 Transit Fund	3,010,856.92
540 Planning & Development Services	16,205,214.97
601 Property & Liability Insurance	1,520,100.98
602 Fleet Maintenance	10,417,463.72
603 Employee Benefit Fund	3,287,303.07
604 General Government Services	16,185,997.55
701 Curb & Gutter Fund	159,656.93
703 Payroll Tax & Withholding Fund	1,462,478.19
712 Temperance/Barstow Assmt Dist (98-1)	75,353.75
713 Shepherd/Temperance Assmt Dist (2000-1)	5,705.63
715 Supp Law Enforcement Serv	106.04
716 Asset Forfeiture	72,731.06
720 Measure A-Public Safety Facility Tax	412.17
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	(666,027.90)
747 Housing Successor Trust Fund	1,137.98
<b>SUBTOTALS</b>	<u>\$ 229,030,230.53</u>
999 Invested Funds	<u>(223,712,252.34)</u>
<b>TOTAL</b>	<u><u>\$ 5,317,978.19</u></u>

**City of Clovis**  
**Summary of Investment Activity**  
**For the month of September 30, 2020**

<hr/> <hr/>		
<u>Balance of Investments Previous Month End</u>		<u>\$217,909,743.69</u>
<u>Time Certificates of Deposit Transactions</u>		
Investments	0.00	
Withdrawals	<u>(750,000.00)</u>	
<b>Total CD Changes</b>		(750,000.00)
<u>Other Changes</u>		
Government Securities	0.00	
LAIF	0.00	
Local Agency Investment Fund	0.00	
Municipal Securities	500,000.00	
Sweep Account	<u>6,052,508.65</u>	
<b>Total Other Changes</b>		<u>6,552,508.65</u>
<b>Balance of Investments Current Month End</b>		<u>\$ 223,712,252.34</u>

**City of Clovis**  
**Distribution of Investments**  
**As of September 30, 2020**

<hr/> <hr/>	
Insured CD's	9,990,000.00
Government Securities	114,096,253.25
US Treasury Notes	0.00
Local Agency Investment Fund	73,948,977.10
Municipal Securities	500,000.00
Sweep Account	<u>25,177,021.99</u>
<b>Investment Total</b>	<u>\$ 223,712,252.34</u>

**City of Clovis**  
**Original Maturities Exceeding One Year**  
**As of September 30, 2020**

<b>Institution</b>	<b>Face Value</b>	<b>Investment Balance At Amortized Cost</b>	<b>Maturity</b>	<b>Stated Rate</b>
FHLMCMTN	2,500,000.00	2,494,499.00	2/16/2021	2.375%
FAMCMTN	2,500,000.00	2,500,639.00	4/19/2021	2.650%
FHLB	2,500,000.00	2,522,121.00	6/11/2021	3.625%
FAMCMTN	3,000,000.00	3,000,000.00	8/17/2021	2.750%
FFCB	2,000,000.00	1,999,424.00	8/27/2021	2.700%
FFCB	2,500,000.00	2,496,228.00	9/20/2021	2.850%
FFCB	2,500,000.00	2,500,098.00	12/17/2021	2.800%
FAMCMTN	3,000,000.00	2,999,533.00	1/10/2022	1.520%
FHLMCMTN	6,000,000.00	6,084,008.00	1/13/2022	2.375%
FHLB	12,000,000.00	12,065,092.00	3/11/2022	2.500%
FFCB	5,960,000.00	5,971,413.00	3/28/2022	2.280%
FFCB	6,000,000.00	6,011,471.00	6/14/2022	1.875%
FAMCMTN	6,000,000.00	6,016,905.00	6/21/2022	1.950%
FFCB	3,000,000.00	3,004,115.00	8/22/2022	1.625%
FHLB	6,000,000.00	6,049,947.00	9/9/2022	2.000%
FFCB	3,000,000.00	2,987,660.00	10/11/2022	1.375%
FFCB	5,000,000.00	5,007,140.00	10/13/2022	1.600%
FHLB	8,000,000.00	8,037,454.00	12/9/2022	1.875%
FHLB	5,000,000.00	5,040,314.00	12/9/2022	1.875%
FAMCMTN	8,500,000.00	8,539,878.00	2/27/2023	1.350%
FHLB	5,000,000.00	5,240,101.00	3/10/2023	2.125%
FHLB	13,000,000.00	13,528,214.00	3/10/2023	2.125%



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: December 7, 2020

SUBJECT: General Services – Approval – Res. 20-\_\_\_\_, Amending the City’s Classification and Compensation Plan by Revising and Retitling the Information Technology Manager Classification to the Deputy Director of Information Technology, and to Revise the Information Technology Supervisor Classification; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan in the City Clerk Department.

ATTACHMENTS: 1. Resolution Classification Revisions  
2. Resolution Position Allocation Plan Adjustment

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For City Council to Approve Res. 20-\_\_\_\_, amending the City’s Classification and Compensation Plan by revising and retitling the Information Technology Manager Classification to the Deputy Director of Information Technology, and to revise the Information Technology Supervisor Classification; and Approval – Res. 20-\_\_\_\_, Amending the Position Allocation Plan in the City Clerk Department.

### EXECUTIVE SUMMARY

It is necessary to revise and retitle the Information Technology Manager classification to the Deputy Director of Information Technology and to revise the Information Technology Supervisor Classification. The updates will more clearly define the definition, class characteristics, education and experience requirements of each position. Modification of the City’s Classification, Compensation and Position Allocation plan requires City Council’s approval.

### BACKGROUND

An analysis of both the Information Technology Manager and the Information Technology Supervisor classifications recently conducted identified a need to retitle the manager

classification and to revise both classifications. It is recommended that the Information Technology Manager Classification title be changed to the Deputy Director of Information Technology with the same salary range of \$9,930-\$12,070. The classification title of Deputy Director of Information Technology is more consistent with other public agencies' Information Technology Divisions. The analysis also indicated that both of the classifications are in need of revision in order to accurately depict the current scope of duties that will be required of each classification. The recommended changes include the addition of clarifying verbiage regarding each classification definition, class characteristics, education and experience, and current duties needed to perform in each of the classifications. These updated classification amendments and the new manager classification title will reflect the current needs of the Department. The desired classification title change and revisions would result in the need to modify the current City's Classification, Compensation and Position Allocation Plan, which requires Council approval.

### **FISCAL IMPACT**

There will be no fiscal impact since the salary range will not change for either classification.

### **REASON FOR RECOMMENDATION**

The Information Technology Manager classification is recommended for a title change to Deputy Director of Information Technology. Both classifications will be revised in order to reflect an accurate description of the duties, education and experience requirements. Modification of the current City's Classification, Compensation and Position Allocation Plan requires City Council Approval.

### **ACTIONS FOLLOWING APPROVAL**

The City's Classification, Compensation and Position Allocation Plan will be updated to reflect the changes. The position allocation will be modified as noted in Attachment A of Attachment 2, attached.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager *JS*

**RESOLUTION 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLAN FOR THE DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY AND THE INFORMATION TECHNOLOGY SUPERVISOR CLASSIFICATIONS**

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

**WHEREAS**, it has been determined that the Information Technology Manager Classification be revised and retitled to the Deputy Director of Information Technology Classification, and the Information Technology Supervisor Classification be revised. Amendments to each classification definition, class characteristics, duties, and education and experience are necessary in order to accurately depict the current scope of duties; and,

**WHEREAS**, modification of the City's Classification and Compensation Plan requires authorization by the City Council.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis that the City's Classification and Compensation Plan shall be modified to include the revised and retitled Deputy Director of Information Technology with a salary range of \$9,930-\$12,070, and the revised Information Technology Supervisor specification in Attachment A of Attachment 1.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ATTACHMENT 1

**City of Clovis**  
**INFORMATION TECHNOLOGY MANAGER**  
**DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY**

**DEFINITION**

Under general supervision of the Finance Director **administrative direction**, coordinate, develop, direct the facilitation and supervise staff in the implementation and maintenance of information systems hardware and software for the City. **plan, direct, develop, manage and coordinate the activities and operations of the Information Technology division; and perform related work as required.**

**CLASS CHARACTERISTICS**

~~This classification is the primary management position within the Information Services Division. Performs data analysis, and creates and sets up systems for data tracing and reporting; conducts research and analysis on system related issues; writes technical reports; recommends system and software purchases and upgrades; develops software specifications; performs technical analysis to assure efficiency in systems operations; operates personal and micro computers, and other data processing equipment; prepares documentation and systems training manuals; supervises subordinates and serves as a project leader; implements computer systems; and performs related work as required~~  
**Reporting to the Assistant City Manager, the incumbent is responsible to direct, develop and manage all activities related to the administration of information systems for the city and coordinating technology projects and initiatives with other divisions, departments and outside agencies. The incumbent will conduct research and analysis on system related issues; write technical reports; recommend system and software purchases and upgrades; develop software specifications; perform technical analysis to assure efficiency in systems operations. Positions in this class act with a high degree of independence of action in the assigned area of responsibility. Incumbent is expected to develop methods and procedures and solve problems encountered. Except where a deviation in policy is involved, most work is not reviewed directly by a supervisor, and when work is reviewed, the review is directed toward final outcomes and results.**

**EXAMPLES OF DUTIES:**

Plan and coordinate city database administration, systems analysis, **network, telecommunications** and programming activities within the City's Information Systems Technology division; consult with **city departments and administration to determine requirements for new information systems applications or modifications to existing applications** regarding information technology services, applications, requirements, priority and feasibility for new information systems applications or modifications to existing applications; analyze operations to develop and recommend short and long range database systems and programming plans **technology and automation plans** to meet city needs; prepare, review and evaluate feasibility studies, conceptual designs and hardware and software requirements; prepare Requests for Proposals for purchase of hardware, software, and services; select, evaluate, and supervise the systems and **Information Technology staff** and assign workload; ~~coordinate the installation and maintenance of~~

local area networks (LAN), wide area networks (WAN), software, and hardware including desktop PC's and PC file servers and HP 3000; prepare, plan and control the division budget allocations; oversee and participate in the division's annual budget; participate in the forecast of funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures and implement adjustments; prepare studies, reports, and correspondence for formal and informal presentations for advisory staff, City Manager, and City Council; monitor state and federal policy and budget developments related to department matters, evaluate their impact upon operations and recommend policy and procedural improvements to the Assistant City Manager; plan, develop and coordinate training of both technical and non-technical City Staff; Develop recommend technological enhancements for the delivery of services to city personnel and the community; remain current and knowledgeable on new technology and issues associated with information systems; work collaboratively with others to prioritize and develop uses for new technology and perform related duties as assigned.

### **TYPICAL QUALIFICATIONS**

#### **LICENSE REQUIRED**

- Possession of a valid California driver's license and a good driving record.

#### **EDUCATION AND EXPERIENCE**

Education:

- ~~Any combination equivalent to:~~ Bachelor's Degree in information systems, computer science, or related field.
- Master's Degree is desired

And

- ~~Five (5)~~ Six (6) years increasingly responsible experience in development, installation, and maintenance of information systems, including planning, direction, hiring, supervision and coordination of staff.

### **QUALIFICATIONS**

Knowledge of:

- Principles, procedures, practices and techniques of management information systems and operations;
- Principles and practices of organization, administration, budgeting and personnel management;
- Identification and analysis of systems, computer networks, software, hardware and recommend cost effective solutions to problems;
- Long-term strategic planning in a rapidly changing technical environment;
- Methods and techniques of supervision, training and performance evaluation;
- Principles and practices of leadership, motivation, team building and conflict resolution;
- ~~Microsoft Windows NT server and workstation~~
- ~~Hewlett Packard MPE/iX and IBM AIX~~



- ~~Applicable computer language and software product evaluation~~
- ~~Multimedia applications, desktop publishing, inter-intranet applications, web site and forms design, etc.~~
- ~~Management information systems hardware and software~~
- ~~Management of outsourced technology services~~
- Voice systems including IP Telephony;
- ~~Principles and practices of personnel management~~
- ~~Requirements and restriction of database concepts~~
- ~~Technical aspects of field of specialty~~
- ~~Intranet/Internet concepts and development~~
- ~~Budget preparation~~
- ~~Oral and written communication skills~~
- Critical **Pertinent** federal, state and local laws codes and regulations.

Ability to:

- ~~Learn and use new program languages and operating systems~~
- ~~Analyze and resolve managerial and technical problems~~
- ~~Evaluate and prepare reports on new technologies~~
- ~~Install and operate various computer technologies~~
- **Oversee and participate in the management of a comprehensive information services program;**
- **Prepare clear and concise administrative, financial and complex technical reports;**
- **Manage outsourced technology services;**
- **Analyze and resolve managerial and technical problems;**
- **Perform advanced research and develop sound recommendations;**
- **Formulate and administer department and Internal Service Fund budgets;**
- **Establish and maintain cooperative and effective working relationships with others;**
- **Work independently with little direction;**
- **Help formulate and carry out city and division policy;**
- **Select, supervise and evaluate employees;**
- **Communicate clearly and concisely, both orally and in writing;**
- **Analyze and resolve critical issues with significant organizational impact;**
- **Manage fiscal, mechanical, and personnel resources to successfully accomplish intranet/internet responsibilities.**

## **SUPPLEMENTAL INFORMATION**

### **PHYSICAL DEMANDS AND WORKING CONDITIONS**

Attendance:

- ~~Incumbent is required to travel within and out of City to attend meetings~~
- ~~Regular attendance during normal operating hours is expected~~
- ~~Additional attendance outside of normal operating hours including evening meeting attendance may be required~~

Environment:

- ~~Office environment, fast paced work; constant interruptions~~

- ~~Work is primarily sedentary~~

~~Physical Abilities:~~

- ~~Dexterity of hands and fingers to operate a computer keyboard;~~
- ~~Seeing to view monitors;~~
- ~~Hearing and speaking to exchange information and make presentations, lifting moderately heavy objects;~~
- ~~Sitting or standing for extended periods of time.~~

~~Hazards:~~

- ~~Extended viewing of monitor~~

- Work is primarily sedentary and primarily conducted in an office environment.
- Positions in this class are designated as confidential employees under the Meyers-Milias-Brown Act and are exempt employees under the Fair Labor Standards Act.
- Incumbents are required to attend periodic evening meetings.
- Incumbents are required to travel within and out of city to attend meetings.

## City of Clovis INFORMATION TECHNOLOGY SUPERVISOR

### DEFINITION

Under general direction, plans, organizes and supervises staff and contractors assigned to implement and maintain City-wide integrated data systems including networks and software applications operating on various platforms; and performs related work as required.

### CLASS CHARACTERISTICS

Reporting to the Deputy Director of Technology, this management level classification oversees the day to day operation of the City's integrated data systems. Positions in this class have considerable independence in selecting work methods from a variety of standard methods or procedures. Instructions given by supervisor generally do not provide all of the information needed to complete the assignment. Incumbents are expected to resolve most problems confronted through the application of judgment and precedent, referring to supervisor only those which involve the establishment of new procedures or which involve solutions which are inconsistent with departmental procedures and policies. Incumbents have responsibility for either Network and Communications Systems or Enterprise Software applications and database development. This class differs from Senior Information Technology Analyst in that incumbents of the latter may provide lead direction and may be assigned to more complex projects, but do not possess supervisory responsibilities. Incumbents in this classification are classified as exempt under the Fair Labor Standards Act and Confidential under the Meyers-Millias-Brown Act.

### EXAMPLES OF DUTIES

Plans, organizes, assigns, supervises and monitors day-to-day activities of network or software applications systems and assigned staff; participates in the selection, training and evaluation of staff; identifies new developments in all associated programs, policies and procedures; plans and organizes all activities associated with systems upgrades, including the coordination of consulting services; provides insight and analysis of long and short-term planning in relation to any information technology processes; assists in planning and organizing technical and functional requirements associated with software or network releases; provides input toward prioritizing tasks, goals and objectives for all information technology related issues; meets with user departments, provides guidance in analyzing systems to determine network or software development requirements; recommends and assists in establishing effective technology procedures relating to concepts, business processes workflow, component interfaces and resource usage; assists with the preparation and monitoring of the division budget; conducts staff and safety meetings; instructs assigned staff in work methods; checks and corrects work in progress; observes and enforces safety regulations; provides for the training of assigned personnel in proper and safe operating procedures and methods; assists in creating and developing written manuals and instructions; instructs staff in new operating procedures and methods; assists in creating training instruction manuals in assigned areas of responsibilities; responds to emergency situations as required, including those

occurrences after normal working hours; ensures subordinates follow safety practices in work methods and procedures; enforces proper safety procedures; educates employees on rules, regulations, codes, safe work habits and potential hazards presented by their work; prepares reports on equipment utilization and status of projects; attends meetings and training sessions; and perform related duties as assigned.

## TYPICAL QUALIFICATIONS

### LICENSE REQUIRED

Possession of a valid Class C California Drivers license and a good driving record.

### EDUCATION AND EXPERIENCE

~~Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:~~

Education:

- Bachelor's Degree from an accredited college or university in information systems, computer science or related field

And

Experience:

- ~~Four~~ **Five (5)** years increasingly responsible experience in development, installation, and maintenance of information systems, two **(2)** of which include supervision of assigned technical staff. ~~No more than two (2) years of education may be substituted by additional related experience.~~

### QUALIFICATIONS

Knowledge Of:

- Microsoft Windows NT server and workstation;
- Hewlett Packard MPE/iX and IBM AIX;
- **Server Virtualization Technologies;**
- Multimedia applications, desktop publishing, inter-intranet applications, web site and forms design, etc.;
- Management information systems hardware and software;
- Voice systems including IP Telephony;
- Intranet/Internet concepts and development;
- Principles and practices of budget administration;
- ~~Critical~~ **Pertinent** federal and state laws governing information systems functions;
- Computer network systems, network alternatives and their uses;
- Principles and practices of effective supervisory techniques.

Ability to:

- Develop and implement operational policies and procedures.
- Schedule, plan and direct the work of others.

- Analyze data communications, networks, hardware and software problems and determine feasible solutions.
- Analyze functional requirements and specifications for computer hardware and software.
- Establish and maintain effective working relationships with co-workers and representatives of user departments.
- Operate a vehicle observing legal and defensive driving practices
- Supervise and evaluate employees,
- Maintain the confidentiality of privileged information;
- Communicate effectively orally and in writing,
- Keep accurate and concise records and make reports

**SUPPLEMENTAL INFORMATION****PHYSICAL DEMANDS AND WORKING CONDITIONS**

- Work is primarily sedentary and primarily conducted in an office environment.
- Positions in this class are designated as confidential employees under the Meyers-Milias-Brown Act and are exempt employees under the Fair Labor Standards Act
- Incumbents are required to attend periodic evening meetings.
- Incumbents are required to travel within and out of City to attend meetings.

**RESOLUTION 20-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO THE FY20-21 POSITION ALLOCATION PLAN**

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

**WHEREAS**, the FY20-21 Position Allocation Plan in the City Clerk Department was approved as part of the FY20-21 City budget adoption process; and,

**WHEREAS**, a review of the staffing needs of the City indicates that it is necessary to revise and retitle Information Technology Manager Classification to the newly added Deputy Director of Information Technology Classification and,

**WHEREAS**, amending the City’s adopted FY20-21 Position Allocation Plan requires City Council authorization.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis that the City’s FY20-21 Position Allocation Plan shall be amended as noted in Attachment A of Attachment 2, attached.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ATTACHMENT 2

**POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY20-21**

**DEPARTMENT NUMBER OF POSITIONS**

City Clerk

Add: Deputy Director of Information Technology	1.0
Delete: Information Technology Manager	1.0



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: December 7, 2020

SUBJECT: General Services – Approval – Res. 20- \_\_\_\_, Amending the City's Classification and Compensation Plan to include Fire Inspector I, Fire Inspector II, and the Fire and Life Safety Specialist Classifications; and Approval – Res. 20- \_\_\_\_, Amending the Position Allocation Plan by adding one (1) Fire and Life Safety Specialist Classification and deleting one (1) Fire Code Compliance Officer position, and adding one (1) Fire Inspector I and deleting one (1) Fire Prevention Officer position within the Fire Department

ATTACHMENTS:

1. Resolution Classifications
2. Resolution Position Allocation Plan Adjustment

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For City Council to approve Res. 20-\_\_\_\_, amending the City's Classification and Compensation Plan to include Fire Inspector I, Fire Inspector II, and Fire and Life Safety Specialist Classifications and, approve Res. 20- \_\_\_\_, amending the Position Allocation Plan by adding one (1) Fire and Life Safety Specialist and deleting one (1) Fire Code Compliance Officer position, and adding one (1) Fire Inspector I and deleting one (1) Fire Prevention Officer position within the Fire Department.

### EXECUTIVE SUMMARY

A recent reclassification study of the positions in the Prevention Bureau within the Fire Department concluded that current classifications would need to be updated to reflect current job duties and certification requirements. It is recommended that the City's Classification, Compensation, and Position Allocation Plans be adjusted to provide for Fire Inspector I, Fire Inspector II, and Fire and Life Safety Specialist Classifications. Modification of the City's Classification, Compensation, and Position Allocation Plans requires City Council's approval.



## **BACKGROUND**

At the request of the Fire Department, a study of several classifications was conducted in the Fire Prevention Bureau. The classifications of Fire Prevention Officer, Senior Fire Prevention Officer, and Fire Code Compliance Officer were reviewed. It was determined that the Fire Prevention Officer and Senior Fire Prevention Officer classifications needed to be revised and retitled. The Fire Prevention Officer will be revised and retitled to the Fire Inspector I classification, and the Senior Fire Prevention Officer will be revised and retitled to the Fire Inspector II classification. The Fire Code Compliance Officer classification was entirely updated to the Fire and Life Safety Specialist classification. The current and proposed classification titles and salary amounts are listed below:

### **Current Classifications**

- Fire Prevention Officer salary range of \$5,299 to \$6,441
- Senior Fire Prevention Officer salary range of \$5,902 to \$7,174
- Fire Code Compliance Officer salary range of \$6,448 to \$7,837

### **New Proposed Classifications**

- Fire Inspector I salary range of \$5,299 to \$6,441
- Fire Inspector II salary range of \$5,902 to \$7,174
- Fire and Life Safety Specialist salary range of \$7,049 to \$8,568

The Fire and Life Safety Specialist salary range will be slightly higher than the Fire Code Compliance Officer due to added responsibilities. With the upcoming retirement of the current Deputy Fire Marshal, the Deputy Fire Marshal and the Fire Code Compliance Officer positions will be combined into one (1) singular position of Fire and Life Safety Specialist. The incumbent Fire Code Compliance Officer will be reclassified into the Fire and Life Safety Specialist classification. The incumbent is currently performing a majority of the job duties of the Fire and Life Safety Specialist classification. The Fire Department currently has one (1) vacant Fire Prevention Officer position that will be converted to a Fire Inspector I position. These newly proposed classifications will reflect the current needs of the Department. The desired new classifications would result in the need to modify the current City's Classification, Compensation, and Position Allocation Plans, which requires Council approval.

Finally, it is recommended that the Fire Inspector I, Fire Inspector II, and the Fire and Life Safety Specialist classifications be assigned to the Clovis Public Safety Employees Association (CPSEA) bargaining unit for representation. Representatives from CPSEA have been consulted regarding the classifications and their assignment to their bargaining unit and are in agreement with staff's recommendations.

### **FISCAL IMPACT**

If the recommendation is approved, it will have no additional fiscal impact, as the Fire Code Compliance Officer and the Deputy Fire Marshal positions will be combined into the one (1) Fire and Life Safety Specialist position.

**REASON FOR RECOMMENDATION**

The new classifications are recommended to meet the needs of the Fire Prevention Bureau within the Fire Department. Modification of the current City's Classification, Compensation, and Position Allocation Plans requires City Council Approval.

**ACTIONS FOLLOWING APPROVAL**

The City's Classification, Compensation and Position Allocation Plan will be updated to reflect the changes. The Position Allocation Plan will be modified as noted in Attachment A of Attachment 2 attached

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager *JS*

**RESOLUTION 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY’S CLASSIFICATION AND COMPENSATION PLAN BY ADDING FIRE INSPECTOR I, FIRE INSPECTOR II, AND FIRE AND LIFE SAFETY SPECIALIST CLASSIFICATIONS**

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

**WHEREAS**, a classification study in the Fire Department concluded that a Fire Inspector I, Fire Inspector II, and Fire and Life Safety Specialist classifications are necessary in order to properly classify the type and scope of work performed; and

**WHEREAS**, an analysis of the internal and external job market finds that the monthly salaries for the new positions should be for the Fire Inspector I \$5,299-\$6,441, Fire Inspector II \$5,902-\$7,174, and Fire and Life Safety Specialist \$7,049-\$8,568; and

**WHEREAS**, modification of the City’s Classification and Compensation Plan requires authorization by the City Council.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis that the City’s Classification and Compensation Plan shall be modified to include Fire Inspector I with a monthly salary range of \$5,299-\$6,441, Fire Inspector II with a monthly salary range of \$5,902-\$7,174 and Fire and Life Safety Specialist with a monthly salary of \$7,049-\$8,568 specifications as noted in Attachment A of Attachment 1.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY OF CLOVIS**  
**FIRE INSPECTOR I**  
~~FIRE PREVENTION OFFICER~~

\$5,299.00 - \$6,441.00 Monthly

**DEFINITION**

Under general direction, performs community risk reduction throughout the community and public education. Participates in a variety of fire prevention, inspection and code enforcement duties for residential, commercial and industrial occupancies including plan checking, and testing of hazardous processes and fire protection and extinguishing systems. **Performs related duties as required.**

**CLASS CHARACTERISTICS**

**Fire Inspector I is an entry level classification and is distinguished from the Fire Inspector II class by the performance of more routine tasks and duties performed according to established procedures with changes in procedures or exceptions to rules explained in detail as they arise.** Positions in the classification report to the **Fire and Life Safety Specialist Deputy Fire Marshal** and perform fire prevention and enforcement duties ~~that do not require a sworn firefighter.~~ Incumbents are expected to work with the public in a tactful but authoritative manner when inspecting and instructing on fire prevention and safety.

**EXAMPLES OF DUTIES**

**Inspects state mandated and non-mandated occupancies and facilities such as apartments, schools, hotels, businesses, assembly buildings, daycare and care home facilities, auto body garages, and storage facilities for compliance with mandated federal, state and local codes; conducts fire sprinkler and alarm tests; reviews and tracks fire alarm and sprinkler company test results; conducts fire flow tests; inspects properties for the weed abatement program, sends notices and follows up; keeps records on all designated projects and findings; reviews building and site plans regarding fire protective construction; reviews sprinkler plans and verifies calculations; inspects general business plans for the prevention, control and mitigation of dangerous conditions and to ensure compliance with codes; issues violation notices and citations; inspects buildings under construction for compliance with fire and building codes which relate to fire prevention, detection systems and suppression systems; works on special programs such as fire sprinkler five year servicing, Christmas trees, inspecting firework display racks or booths, Knox box, etc.; provides information to the general public about fire protection assistance; lectures to groups on fire safety; and performs related duties as required.**

~~Performs annual Fire and Life Safety Inspections to ensure compliance with applicable codes and standards as mandated by the State including but not limited to schools, apartments, institutional facilities, and assisted living residential facilities. Conducts inspections on other facilities as assigned to ensure compliance with codes and standards. Provides technical advice to property owners on corrective action necessary to bring properties into compliance with fire codes, laws, regulations, and standards. Enforces weed abatement including noticing property owners, abating weeds, and issuing citations and fines. Provides public education throughout the community including but not limited to the Clovis Fire Department public school fire safety program, City events, and~~

~~local businesses. Prepares notice of violations, reports, and records regarding fire inspections. Tests and approves fire suppression systems, kitchen suppression systems, and fire alarm systems for compliance with codes and standards. Approves new buildings, tenant spaces and occupancies for compliance with codes and standards. Completes other duties as assigned.~~

## **TYPICAL QUALIFICATIONS**

### **LICENSE REQUIRED**

- Possession of a valid and appropriate California Class C Driver's License and a good driving record.

### **EDUCATION AND EXPERIENCE**

**Any** A combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Education:

- Education equivalent to graduation from high school.

#### Certifications:

- Possession of current California State Fire Marshal (CSFM) Fire Inspector I certification:
  - 1A: Duties and Administration
  - 1B: Fire and Life Safety
  - 1C: Field Inspection
  - 1D: Field Inspection – California Specific
  - HazMat First Responder Awareness

**or**

- The ability to complete the CSFM Fire Inspector I series of courses within one(1) year;

**or**

- Completion of the previous CSFM Prevention Officer series of courses:
  - 1A: Introduction to the California Fire Code
  - 1B: Inspection of Fire Protection Systems and Special Hazards
  - 1C: Flammable Liquids and Gasses

#### Experience:

- ~~One (1) year paid experience as a Fire Inspector with a paid Fire Department: or two years of experience with enforcement of the building code, code enforcement, OSHA, or similar inspection duties involving enforcing applicable codes and standards.~~
- ~~Possession of the current ICC Fire Inspector I certification or the ability to complete all required courses to obtain certification within one (1) year of appointment.~~

#### Desirable

- ~~Associate's Degree or higher from an accredited college.~~
- ~~Completion of the current California Office of the State Fire Marshal Fire Inspector I series of courses. 1A: Duties and Administration, Fire Prevention 1B: Fire and Life~~

~~Safety, Fire Prevention 1C: Field Inspection, and Fire Prevention 1D: Field Inspection~~  
~~or~~

- ~~• Completion of the previous California Office of the State Fire Marshal Fire Prevention Officer series of courses. Fire Prevention 1A: Introduction to the California Fire Code, Fire Prevention 1B: Inspection of Fire Protection Systems and Special Hazards, Fire Prevention 1C; Flammable Liquids and Gasses.~~

## QUALIFICATIONS

### Knowledge of:

- Proper fire inspection methods and techniques;
- Principles of combustion as related to various types of building and construction material;
- Proper storage and handling of explosives and flammable materials and other hazardous materials;
- Building fire extinguishing and alarm systems;
- Principles, practices and procedures of firefighting;
- Principles of water hydraulics;
- ~~• English usage, spelling, grammar and punctuation;~~
- ~~• Basic math;~~
- ~~• Record-keeping methods~~
- ~~• State and federal law, codes and ordinances pertaining to fire prevention;~~
- Appropriate safety precautions and procedures;
- Safety codes related to fire prevention including but not limited to Uniform Fire Code, Uniform Building Code, State Administrative Code and National Fire Code;
- Standard fire protection and prevention theory, techniques and practices relative to various types of occupancies;
- Building materials and construction practices.

### Ability to:

- Operate a variety of machines, equipment and tools including a personal computer, scanner/radio, engineer/architect scale, Pitot tube and gauge, camera and calculator;
  - Operate both as a member of a team and independently;
  - Effectively communicate with individuals or groups utilizing a broad base of verbal skills to successfully educate the public about fire hazards and prevention;
  - Use independent judgment in regularly routine situations when issuing citations;
  - Perform complex tasks during life threatening emergencies;
  - Use manual and power tools in performance of duties;
  - Comprehend and correctly use a variety of reference books and manuals as well as informational documents, including utilizing and interpreting basic technical engineering, legal, electrical and hydraulics terminology;
  - Prepare fire flow charts, letters, articles for newspapers, lists of occupancies and weed abatement and boiler plate form letters using prescribed format and conforming to all rules of punctuation, grammar, diction and style;
  - Add, subtract, multiply and divide;
  - Calculate decimals, ratios, percentages, fractions and exponents.
- ~~• Communicate effectively with the public;~~
  - ~~• Maintain accurate records;~~

- ~~Operate City vehicles, observing defensive driving practices;~~
- ~~Read, understand and apply difficult materials;~~
- ~~Understand and carry out oral and written instructions;~~
- ~~Establish and maintain effective relationships with those contacted in the course of work;~~
- ~~Operate a computer as required;~~
- ~~Detect and determine proper corrective action for fire hazards found at various buildings and installations;~~
- ~~Inspect and determine corrective action for deficiencies in a variety of fixed fire protection systems;~~
- ~~Write complete and accurate inspection reports;~~
- ~~Interpret basic architectural, mechanical, plumbing, and electrical plans;~~
- ~~Maintain positive attitude toward serving the public~~
- ~~Use sound judgment under adverse or changing conditions.~~

## **SUPPLEMENTAL INFORMATION**

### **PHYSICAL DEMANDS AND WORKING CONDITIONS**

- Lifting, carrying and/or pushing 50 pounds with frequent lifting and/or carrying of objects weighing up to 25 pounds;
- Ability to climb ladders to access any portion of a building and be comfortable working on roof top areas or other above ground locations;
- **Ability to work in extreme weather conditions;**
- Ability to attend periodic evening meetings and weekend events outside of regularly scheduled shift;
- Incumbents may be scheduled to work modified workweeks including evenings and weekend, subject to periodic rotation of schedule;
- Incumbents may be required to travel within and out of the City to attend meetings, training, or other job-related requirements.

**CITY OF CLOVIS**  
**FIRE INSPECTOR II**  
~~SENIOR FIRE PREVENTION OFFICER~~

\$5,902.00 - \$7,174.00 Monthly

**DEFINITION**

Under general direction, performs community risk reduction throughout the community and public education. Participates in a variety of fire prevention, inspection and code enforcement duties for residential, commercial and industrial occupancies including plan checking and testing of hazardous processes and fire protection and extinguishing systems. Performs related duties as required.

~~Under general supervision participates in code enforcement; inspections of state mandated occupancies, existing buildings and new construction including the various fire suppression/alarming systems; supports plan review and plan check process; coordinates school, business and FEMA based public education programs; assists in various emergency management functions locally; performs administrative and technical support for community risk reduction activities; and performs related work as required.~~

**CLASS CHARACTERISTICS**

This is the full journey level class within the Fire Inspector series. Employees within this class are distinguished from the Fire Inspector I by the performance of the full range of duties as assigned including complex duties requiring the knowledge of general Department procedures and Fire Department policies and procedures. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Fire Inspector II reports to the Fire and Life Safety Specialist or designee. The incumbent may provide lead direction on special projects or in day-to-day assignments to a Fire Inspector I.

~~Reporting to the Life Safety Enforcement Manager, positions in this class perform the advanced journey level fire prevention and enforcement duties that do not require a sworn fire fighter. The Senior Fire Prevention Officer classification is distinguished from the Fire Prevention Officer classification in that the incumbents are assigned responsibilities that require an advanced level of California State Fire Marshal (CSFM) training and certification, Federal Emergency Management Agency (FEMA) certification, National Incident Management System (NIMS) certifications supporting emergency operations center (EOC) coordination, coordination responsibilities for program, acting as the lead in development and maintenance of public education programs and overall supervision of the City's weed abatement program. Whereas the Fire Prevention Officer supports these programs through assigned activities working within specific direction. Incumbents are expected to use sound and considerable judgment. Latitude and initiative are expected in order to complete program and field projects~~



## EXAMPLES OF DUTIES

Inspects complex, difficult or special occupancies and facilities such as churches, dance halls and bars/nightclubs, manufacturing and industrial use buildings, auto body garages and care homes for compliance with mandated federal, state and local codes; participates in the review of building construction plans for compliance with local, state and federal regulations; conducts fire sprinkler and alarm tests; reviews and tracks fire alarm and sprinkler company test results; conducts fire flow tests; inspects properties for the weed abatement program, sends notices and follows up; keeps records on all designated projects and findings; reviews building and site plans regarding fire protective construction; reviews sprinkler and fire alarm plans and performs calculations; inspects general business plans for the prevention, control and mitigation of dangerous conditions to ensure compliance with codes; issues violation notices and citations; inspects buildings under construction for compliance with fire and building codes which relate to fire prevention, detection systems and suppression systems; works on special programs such as fire sprinkler five year servicing, Christmas trees, inspecting firework display racks or booths, Knox box, etc.; provides information to the general public about fire protection assistance; lectures to groups on fire safety; presents fire safety education programs; performs research and publishes educational articles; and performs related duties as required.

~~Inspects institutions, industries, mercantile establishments, hotels and apartment houses, service stations, schools, hospitals, nursing and convalescent units, and other establishments to secure compliance with codes and regulations pertaining to fire safety; makes recommendations concerning fire safety for licensing purposes; reviews plans and installations of fire protection systems, devices, and equipment; trains department personnel in the techniques and requirements of fire prevention inspections; prepares inspection records and technical letters pertaining to recommendations and violations; plans, coordinates, and conducts the City's weed abatement program; certified and serves in assigned Incident Command System (ICS) role for incidents; supports staffing, training and coordination of EOC and emergency operations plan (EOP) implementation; operates City vehicles; plans, coordinates, and conducts public education programs serving as the lead trainer for program personnel; collects, compiles, and maintains statistical data regarding program outcomes for state and federal grants; Federal Emergency Management Agency (FEMA) certified to assist in EOC activation and incident support coordination and develop ongoing activities to support EOC/EOP training and exercise; leads and coordinates the Clovis Emergency Response Team (CERT) program volunteers and develops ongoing activities to support the department and volunteer development/deployment; and performs related work as required.~~

## TYPICAL QUALIFICATIONS

### LICENSE REQUIRED

- Possession of a valid **and appropriate** California **Class C** Driver's License and a good driving record.

### Certifications Required:

- ~~California State Fire Marshal (CSFM) Fire Inspector 1 or Fire Prevention Officer;~~
- ~~California State Fire Marshal (CSFM) Fire Inspector 2 or Fire Prevention Specialist, within 24 months of appointment;~~

## EDUCATION AND EXPERIENCE

Any A combination of education training and experience that would likely provides the required knowledge, skills, and abilities is qualifying required. A typical way to obtain the knowledge and abilities would be:

Education:

- Possession of an Associate's Degree or greater from an accredited college or university;

Certifications:

- Possession of current California State Fire Marshal (CSFM) Fire Inspector I certification;
- The ability to complete the CSFM Fire Inspector II series of courses within one (1) year:
  - 2A: Fire Prevention Administration
  - 2B: Fire and Life Safety Requirements
  - 2C: Inspecting New and Existing Fire and Life Safety Systems and Equipment
  - 2D: Hazardous Materials, Operations and Processes

**or**

- Completion of the previous CSFM Fire Prevention Specialist series of courses: Fire Prevention 2A, 2B and 2C.
- ~~Typical education would include two (2) years of course work from an accredited college or university with major course work in Fire Science, Public Administration, Behavioral Science, or a closely related field.~~

Experience:

- Three (3) years of paid experience as a Fire Inspector with a paid Fire Department;

**or**

- Three (3) years of experience with enforcement of the building code, code enforcement, OSHA, or similar inspection duties involving enforcing applicable codes and standards.
- ~~Typical experience would include a minimum of four (4) years of increasingly responsible fire prevention and analytical experience within a fire department, this would normally include some or all of these activities: life safety fire prevention inspections, plan review, code enforcement, public education, and community risk reduction.~~

## QUALIFICATIONS

Knowledge of:

- Proper fire inspection and investigation methods and techniques;
- Principles of combustion as related to various types of building and construction material;
- Proper storage and handling of explosives and flammable materials and other hazardous materials;
- Building fire extinguishing and alarm systems;
- Principles of water hydraulics;

- ~~State and Federal laws, codes, and ordinances pertaining to fire prevention;~~
- Appropriate safety precautions and procedures;
- Safety codes related to fire prevention including but not limited to Uniform Fire Code, Uniform Building Code, State Administrative Code and National Fire Code;
- Standard fire protection and prevention theory, techniques and practices relative to various types of occupancies;
- Building materials and construction practices.
- ~~Community Risk Reduction program operations, services, principles, and practices;~~
- ~~Basic statistical analysis methodologies;~~
- ~~Basic public education program implementation, operations, procedures, techniques, and best practices;~~
- ~~Data collection, research, and analysis techniques.~~

Ability to:

- Operate a variety of machines, equipment and tools including a personal computer, scanner/radio, engineer/architect scale, Pitot tube and gauge, camera and calculator;
  - Operate both as a member of a team and independently;
  - Effectively communicate with individuals or groups utilizing a broad base of verbal skills to successfully educate the public about fire hazards and prevention;
  - Use independent judgment in regularly routine situations when issuing citations;
  - Perform complex tasks during life threatening emergencies
  - Use manual and power and tools in performance of duties;
  - Comprehend and correctly use a variety of reference books and manuals as well as informational documents, including utilizing and interpreting basic technical engineering, legal, electrical and hydraulics terminology;
  - Prepare fire flow charts, letters, articles for newspapers, lists of occupancies and weed abatement, and boiler plate form letters using prescribed format and conforming to all rules of punctuation, grammar, diction and style;
  - Add, subtract, multiply and divide;
  - Calculate decimals, rations, percentages, fractions and exponents.
- 
- ~~Conduct complex statistical and analytical studies, such as collect and analyze data, develop and test hypotheses, draw valid conclusions and present narrative and statistical data and recommendations regarding assigned program area outcomes;~~
  - ~~Operate computer and a variety of other software applications;~~
  - ~~Make clear and concise oral presentations;~~
  - ~~Prepare and present accurate, comprehensive, and concise reports and recommendations;~~
  - ~~Assist with the development of tactics, strategies, and planning in public education and volunteer management;~~
  - ~~Communicate effectively orally and in written form;~~
  - ~~Interpret and explain the California Fire Code;~~
  - ~~Interpret and explain City policies and municipal code;~~
  - ~~Establish and maintain effective working relationships with the general public, volunteers, school district personnel, City personnel, and other outside law fire prevention personnel;~~
  - ~~Detect and determine proper corrective action for fire hazards found at various buildings and installations;~~

- ~~Inspect and determine corrective action for deficiencies in a variety of fixed fire protection systems;~~
- ~~Work under pressure and within challenging deadlines;~~
- ~~Operate a vehicle observing legal and defensive driving practices.~~

## **SUPPLEMENTAL INFORMATION**

### **PHYSICAL DEMANDS AND WORKING CONDITIONS**

- Lifting, carrying and/or pushing 50 pounds with frequent lifting and/or carrying of objects weighing up to 25 pounds;
- Ability to climb ladders to access any portion of a building and be comfortable working on rooftop areas or other above ground locations;
- **Ability to work in extreme weather conditions;**
- Ability to attend periodic evening meetings and weekend events outside of regularly scheduled shift;
- Incumbents may be scheduled to work modified workweeks including evenings and weekends, subject to periodic rotation of schedule;

## **CITY OF CLOVIS FIRE AND LIFE SAFETY SPECIALIST**

\$7,049.00 - \$8,568.00 Monthly

### **DEFINITION**

Under general direction, plans, analyzes and reviews Fire Prevention Bureau activities including inspection, plan check and enforcement functions to ensure compliance with laws, regulations, codes and ordinances. Performs related duties as required.

### **CLASS CHARACTERISTICS**

Positions in this class perform the full range of skilled fire inspection and enforcement work, act as daily lead to journey-level Inspector I and II positions, having full authority to enforce the rules and codes of the City and State, and interpreting and enforcing the most complex levels of fire code enforcement requirements. Positions in this class assign, check, guide, correct and participate fully in the work of subordinates. Performs plan checks and site plan review of submitted plans for current and proposed projects to determine and verify compliance with City and State code requirements; acts as primary contact for complex assignments.

### **EXAMPLES OF DUTIES**

Leads, reviews and participates in the daily operations of Fire Prevention Bureau including planning, analyzing and performing inspections; assigns, trains and tracks data of the inspection process for Prevention Bureau and crews; inspects buildings and related structures, systems and installations for correct construction, modification and addition; reviews and approves commercial/residential building plans and conducts field inspections of residential, commercial and/or industrial plans to ensure code compliance and consults with architects and developers regarding deficiencies and required corrective action; conducts field checks to correct violations of City codes and ordinances in new construction and new businesses; examines existing structures for hazardous conditions and possible code violations and maintains accurate records and time schedules relative to the legal requirements for compliance; investigates complaints and advises and serves as an information source and liaison to contractors, architects, inspectors, developers and the general public; researches, analyzes and compiles information and prepares reports on a variety of code enforcement and development matters; interprets, seeks compliance and/or enforces provisions of laws relative to fire, health and safety, and other related codes and environmental considerations; develops, modifies and makes recommendations for needed changes and revisions to Fire Department Standards and municipal ordinances; inspects state licensed facilities; performs periodic and follow-up inspections of new and existing buildings, structures and installations; contacts the responsible parties in person and in writing and performs follow-up investigations to see that remedial action has been taken as directed; witnesses water flow, sprinkler and fire alarm system tests to determine compliance with code requirements; serves on committees and represents the department on teams such as Special Events Committee and Site Plan Review; functions as Deputy Fire Marshal in the absence of the Fire Marshal; and performs related duties as required.

**TYPICAL QUALIFICATIONS****LICENSE REQUIRED**

- Possession of a valid and appropriate California Class C Driver's License and a good driving record.

**EDUCATION AND EXPERIENCE**

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

## Education:

- Possession of Bachelor's Degree or greater from an accredited college or university;

## Certifications:

- Completion of the current CSFM Fire Inspector II series of courses
  - 2A: Fire Prevention Administration
  - 2B: Fire and Life Safety Requirements
  - 2C: Inspecting New and Existing Fire and Life Safety Systems and Equipment
  - 2D: Hazardous Materials, Operations and Processes
- Completion of the current CSFM Plan Examiner series of courses
  - Plan Examiner 1A
  - Plan Examiner 1B
  - Plan Examiner 1C

**or**

- The ability to complete all required courses to obtain certification within one (1) year of appointment;
- Completion of the previous CSFM Fire Prevention Specialist and Plan Examiner series of courses.

## Experience:

- Four (4) years of paid experience as a Fire Inspector II or equivalent with a paid Fire Department.

**QUALIFICATIONS**

## Knowledge of:

- Principles, practices and techniques of fire prevention;
- Principles and techniques of building inspection work;
- State and local ordinances related to specific types of commercial and industrial structures;
- Planning and plan checking concepts;
- Procedures, techniques and equipment used in Fire Prevention such as automatic fire extinguishers and suppression systems;
- Construction methods, materials, tools and safety standards and practices;
- Report preparation and presentation;
- Basic mathematical principles for use in reviewing construction plans and calculations;
- Principles of supervision, training and performance evaluation;

- Principles and practices of fire administration, organization and program management;
- Federal, state and local laws, regulations and ordinances pertaining to Fire Code, emergency service, fire/life safety, occupancy loads, and fire chemistry and practical hydraulics;
- Modern office methods of recordkeeping and procedures including use of computers and various programs such as word processing and spreadsheets;
- Short and long range planning.

Ability to:

- Research, analyze and compile technical information;
- Interpret and enforce federal, state and local codes and ordinances such as building codes, health and safety codes and state housing laws;
- Identify fire and safety hazards and nuisances to recommend the appropriate corrective action;
- Read, analyze and interpret fire codes, procedures and building plans;
- Direct, schedule, prioritize and supervise recurring inspections of various occupancy types, including state-mandated;
- Communicate effectively in written and oral form to individuals and groups;
- Operate both as a member of a team and independently;
- Effectively communicate with individuals or groups utilizing a broad base of verbal skills to successfully educate the public about fire hazards and prevention;
- Prepare fire flow charts, letters, articles for newspapers, lists of occupancies and weed abatement and boiler plate form letters using prescribed format and conforming to all rules of punctuation, grammar, diction and style.

## **SUPPLEMENTAL INFORMATION**

### **PHYSICAL DEMANDS AND WORKING CONDITIONS**

- Lifting, carrying and/or pushing 50 pounds with frequent lifting and/or carrying of objects weighing up to 25 pounds;
- Ability to climb ladders to access any portion of a building and be comfortable working on roof top areas or other above ground locations;
- Ability to work in extreme weather conditions;
- Ability to attend periodic evening meetings and weekend events outside of regularly scheduled shift;
- Incumbents may be scheduled to work modified workweeks including evenings and weekends, subject to periodic rotation of schedule;
- Incumbents may be required to travel within and out of the City to attend meetings, training, or other job-related requirements.

**RESOLUTION 20-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO THE FY20-21 POSITION ALLOCATION PLAN**

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

**WHEREAS**, the FY20-21 Position Allocation Plan in the Fire Department was approved as part of the FY20-21 City budget adoption process; and

**WHEREAS**, a review of the staffing needs of the City indicates that it is necessary to add one (1) Fire and Life Safety Specialist and delete one (1) Fire Code Compliance Officer position, and add one (1) Fire Inspector I and delete one (1) Fire Prevention Officer position; and

**WHEREAS**, amending the City’s adopted FY20-21 Position Allocation Plan requires City Council authorization.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis that the City’s FY20-21 Position Allocation Plan shall be amended as noted in Attachment A of Attachment 2 attached.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY20-21**

**DEPARTMENT NUMBER OF POSITIONS**

Fire

Add: Fire Inspector I	1.0
Delete: Fire Prevention Officer	1.0
Add: Fire and Life Safety Specialist	1.0
Delete Fire Code Compliance Officer	1.0



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services - Approval - Res. 20-\_\_\_\_, Final Map Tract 6263, located at the southeast corner of Shepherd and N Preuss Avenues (Lennar Homes of California, Inc.).

ATTACHMENTS: 1. Res. 20-\_\_\_\_  
2. Vicinity Map  
3. Copy of Final Map

### CONFLICT OF INTEREST

None

### RECOMMENDATION

For the City Council to approve a resolution which will:

1. Accept the offer of dedication of parcels and public utility easement within Tract 6263, and;
2. Authorize recording of the final map.

### EXECUTIVE SUMMARY

The subdivider, Lennar Homes of California, Inc., has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains and landscaping. The subject tract is located on the southeast corner of Shepherd and N Preuss Avenues. It contains approximately 21 acres and consists of 137 planned residential units and 1 outlot, zoned R-1.

### FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains and landscaping, which will be perpetually maintained by the City of Clovis.

**REASON FOR RECOMMENDATION**

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

**ACTIONS FOLLOWING APPROVAL**

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Jose Sandoval, Engineer II

Reviewed by: City Manager JS

**RESOLUTION 20-\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6263**

**WHEREAS**, a final map has been presented to the City Council of the City of Clovis for Tract 6263, by The City of Clovis, a Municipal Corporation, and

**WHEREAS**, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The final map of Tract 6263, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.
3. The preliminary Engineer's Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$3,780,000.00.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$3,780,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,890,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$378,000.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

**ATTACHMENT 1**

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

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

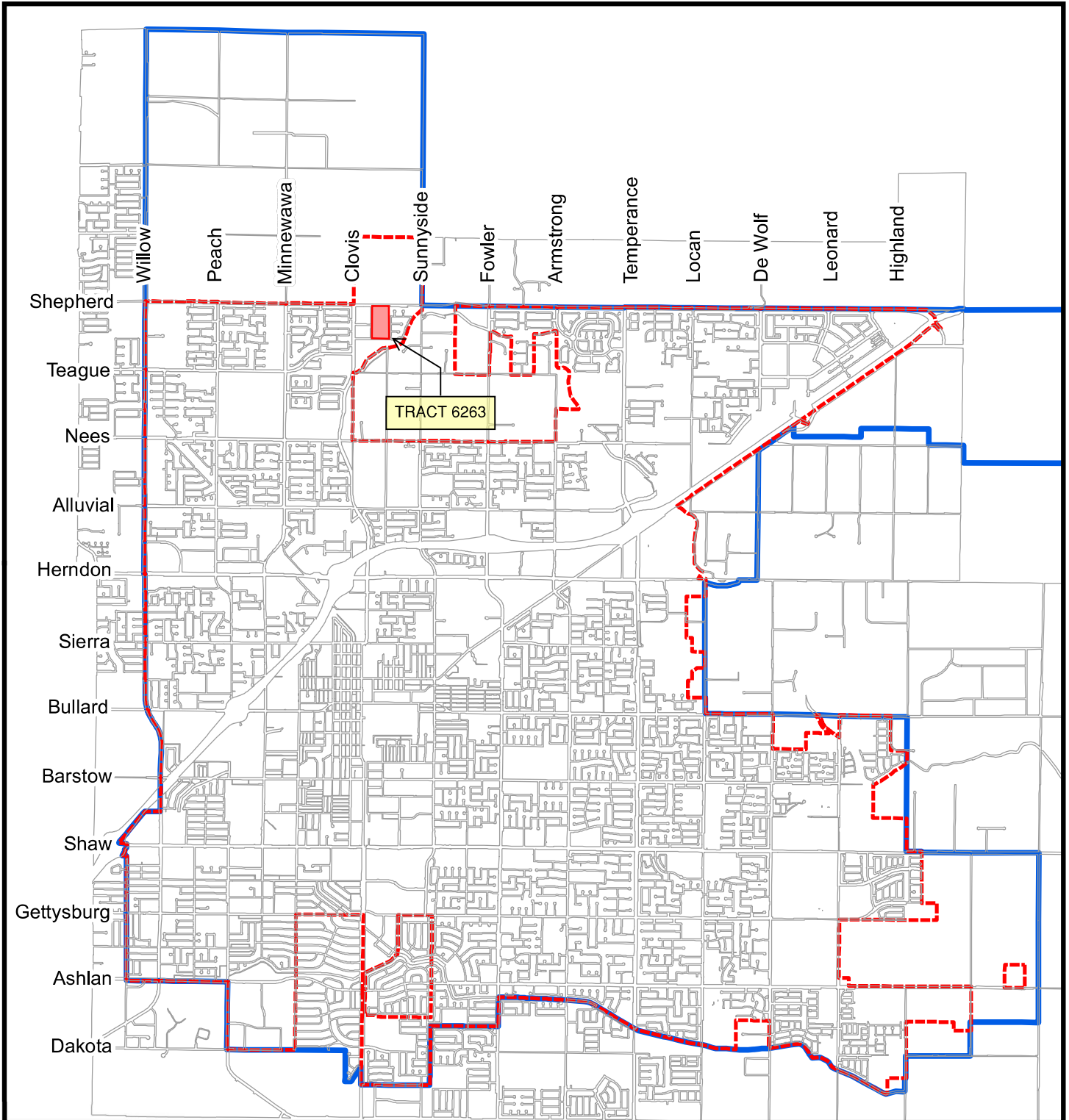
DATED: December 7, 2020

\_\_\_\_\_  
Mayor

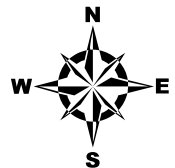
\_\_\_\_\_  
City Clerk

# VICINITY MAP

Tract 6263 - Lennar Homes of California, Inc.



## ATTACHMENT 2



FINAL MAP OF  
**TRACT NO. 6263**  
BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN APRIL 2019 BY YAMABE & HORN ENGINEERING, INC. CONSISTING OF 3 SHEETS, SHEET 1 OF 3

**OWNERS STATEMENT:**

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

LENNAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION

BY: *[Signature]*  
MIKE MILLER, VICE PRESIDENT

**LEGAL DESCRIPTION:**

REAL PROPERTY IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A

THAT PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 7422, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE N 00° 00' 16" W, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 325.08 FEET; THENCE N 45° 04' 43" E, A DISTANCE OF 42.36 FEET TO THE NORTH LINE OF SAID PARCEL 1; THENCE S 89° 50' 17" E, ALONG THE NORTH LINE OF SAID PARCELS 1 AND 2, A DISTANCE OF 339.30 FEET TO A POINT ON A LINE PARALLEL WITH AND 122.68 FEET EAST OF THE WEST LINE OF SAID PARCEL 2; THENCE S 00° 00' 16" E, ALONG SAID PARALLEL LINE, A DISTANCE OF 355.08 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 2; THENCE N 89° 50' 17" W, ALONG THE SOUTH LINE OF SAID PARCELS 1 AND 2, A DISTANCE OF 369.30 FEET TO THE POINT OF BEGINNING.

EXCEPTING AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND, AS HERETOFORE RESERVED OF RECORD.

PARCEL B

THAT PORTION OF PARCELS 2 AND 3 OF PARCEL MAP NO. 7422, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE S 89° 50' 17" E, ALONG THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 122.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 89° 50' 17" E, CONTINUING ALONG THE NORTH LINE OF SAID PARCELS 2 AND 3, A DISTANCE OF 368.03 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 3; THENCE S 00° 00' 16" E, ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 355.08 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 3; THENCE N 89° 50' 17" W, ALONG THE SOUTH LINE OF SAID PARCELS 2 AND 3, A DISTANCE OF 368.03 FEET TO A POINT ON A LINE PARALLEL WITH AND 122.68 FEET EAST OF THE WEST LINE OF SAID PARCEL 2; THENCE N 00° 00' 16" W, ALONG SAID PARALLEL LINE, A DISTANCE OF 355.08 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND, AS HERETOFORE RESERVED OF RECORD.

PARCEL C

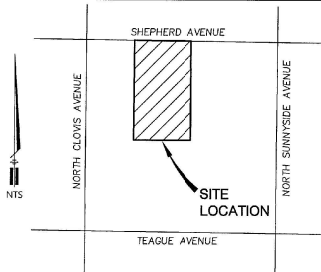
PARCEL 4 OF PARCEL MAP 7422, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 56, PAGE 75 OF PARCEL MAPS, FRESNO COUNTY RECORDS

EXCEPTING AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND, AS HERETOFORE RESERVED OF RECORD.

**THIS LAND IS SUBJECT TO THE FOLLOWING:**

- 1. THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES", RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128, OFFICIAL RECORDS FRESNO COUNTY.
- 2. THE LAND LIES WITHIN THE BOUNDARIES OF PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), AS DISCLOSED BY A MAP FILED JUNE 29, 2004 IN INSTRUMENT NO. 2004-014346 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS.
- 3. AN EASEMENT FOR COLONIAL HELM DITCH AND INCIDENTAL PURPOSES, RECORDED DECEMBER 20, 1902 IN BOOK 367 AT PAGE 405, OFFICIAL RECORDS FRESNO COUNTY. (NOT PLOTTABLE).
- 4. AN EASEMENT TO CONSTRUCT, INSTALL, OPERATE, MAINTAIN, REPAIR, AND RECONSTRUCT A PIPELINE, AND TO FLOW AND CONDUCT WATER THROUGH SAID PIPELINE AND INCIDENTAL PURPOSES, RECORDED JANUARY 12, 1967 AS INSTRUMENT NO. 2321 IN BOOK 5396 AT PAGE 448, OFFICIAL RECORDS FRESNO COUNTY. THE EXACT LOCATION IS UNKNOWN. (NOT PLOTTABLE).
- 5. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENTS RECORDED FEBRUARY 29, 1980 AS INSTRUMENT NO. 14749 IN BOOK 6540 AT PAGE 21 AND RECORDED OCTOBER 16, 1980 AS DOCUMENT NO. 100550 IN BOOK 7695 AT PAGE 184, OFFICIAL RECORDS FRESNO COUNTY.
- 6. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "A COVENANT AND AGREEMENT" RECORDED AUGUST 5, 1986, AS INSTRUMENT NO. 86088859, OFFICIAL RECORDS FRESNO COUNTY.
- 7. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "A COVENANT AND AGREEMENT" RECORDED OCTOBER 19, 1995, AS INSTRUMENT NO. 95134251, OFFICIAL RECORDS FRESNO COUNTY.
- 8. ANY AND ALL OFFERS OF DEDICATIONS, CONDITIONS, RESTRICTIONS, EASEMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY PARCEL MAP 7422 RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, FRESNO COUNTY RECORDS.
- 9. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM PARCELS A AND B, HAVE BEEN DEDICATED OR RELINQUISHED ON PARCEL MAP 7422 RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, FRESNO COUNTY RECORDS.
- 10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "OWNER'S STATEMENT" RECORDED OCTOBER 19, 1995 AS INSTRUMENT NO. 95134259, OFFICIAL RECORDS FRESNO COUNTY.
- 11. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "PRELUS-SHEPHERD SOUTHEAST REORGANIZATION" RECORDED AUGUST 10, 2004 AS INSTRUMENT NO. 2004-0175434, OFFICIAL RECORDS FRESNO COUNTY.
- 12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SIERRA AND NAVALONCIA RESOURCE CONVERSATION DISTRICT CONSOLIDATION" RECORDED FEBRUARY 18, 2009 AS INSTRUMENT NO. 2009-0023421, OFFICIAL RECORDS FRESNO COUNTY.

VICINITY MAP: NOT TO SCALE



**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOHN M. SOBANE ON APRIL 1, 2019. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.



*[Signature]*  
DAVID C. HORN, PLS 8204

10-15-2020  
DATE

**CITY ENGINEER'S STATEMENT**

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.



MICHAEL J. HARRISON, P.L.S. 8088  
CITY ENGINEER

DATE

**CITY CLERK'S STATEMENT**

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED \_\_\_\_\_, 2020 APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP.

JOHN HOLT, CITY CLERK

DATE

**RECORDERS CERTIFICATE**

DOCUMENT NO. \_\_\_\_\_ FEE PAID \$ \_\_\_\_\_  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT \_\_\_\_\_ M.  
IN VOLUME \_\_\_\_\_ OF PLATS, AT PAGES \_\_\_\_\_ THROUGH \_\_\_\_\_, FRESNO COUNTY RECORDS,  
AT THE REQUEST OF CAL ATLANTIC TITLE COMPANY  
PAUL DICTOS, C.P.A., FRESNO COUNTY ASSESSOR-RECORDER  
BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

**ATTACHMENT 3**

**Yamabe & Horn Engineering, Inc.**  
CIVIL ENGINEERS • LAND SURVEYORS  
2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727  
TEL 559) 244-3123 WEBSITE YANDHENG.COM

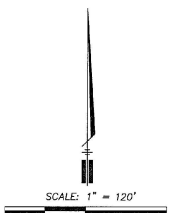
# FINAL MAP OF TRACT NO. 6263

BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN APRIL 2019 BY YAMABE & HORN ENGINEERING, INC. CONSISTING OF 3 SHEETS, SHEET 2 OF 3

### BOUNDARY ANALYSIS

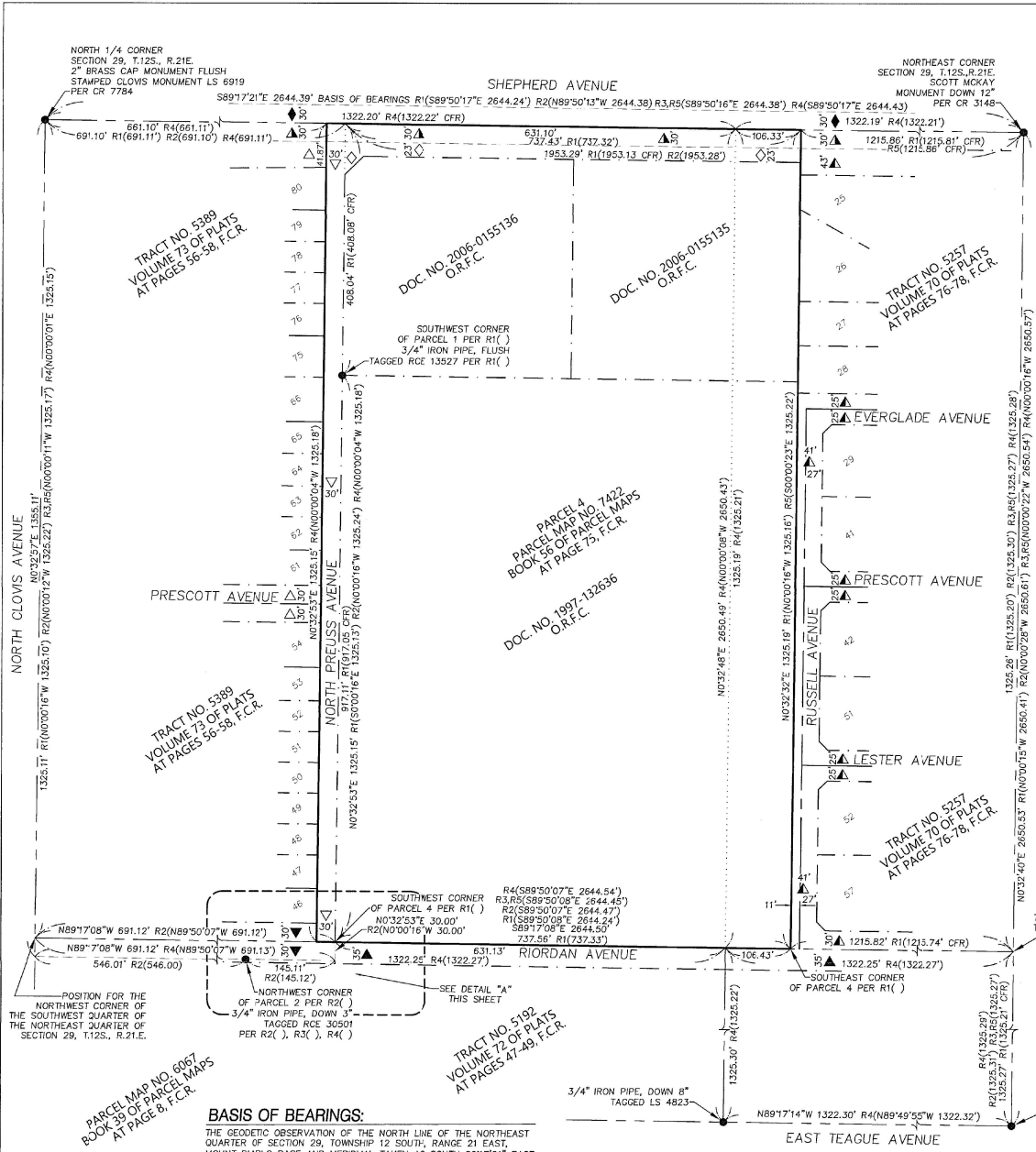
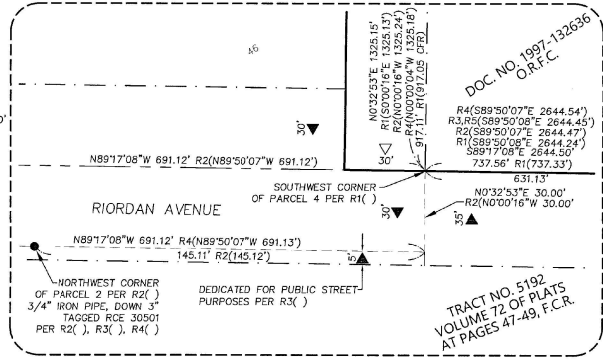
#### LEGEND:

- FOUND AND ACCEPTED MONUMENT AS NOTED
- RI ( ) RECORD DATA PER PARCEL MAP 7422 RECORDED IN BOOK 36 OF PARCEL MAPS AT PAGE 75, F.C.R.
- R2 ( ) RECORD DATA PER PARCEL MAP NO. 6067 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 8, F.C.R.
- R3 ( ) RECORD DATA PER TRACT NO. 5192 RECORDED IN VOLUME 72 OF PLATS AT PAGES 47-49, F.C.R.
- R4 ( ) RECORD DATA PER TRACT NO. 5389 RECORDED IN VOLUME 73 OF PLATS AT PAGES 56-58, F.C.R.
- RS ( ) RECORD DATA PER TRACT NO. 5257 RECORDED IN VOLUME 70 OF PLATS AT PAGES 76-78, F.C.R.
- ▲ DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES PER MAP OF TRACT NO. 5192 RECORDED IN VOLUME 72 OF PLATS AT PAGES 47-49, F.C.R.
- ▼ PREVIOUSLY DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES
- ▲ DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES PER MAP OF TRACT NO. 5257 RECORDED IN VOLUME 70 OF PLATS AT PAGES 76-78, F.C.R.
- ▲ DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES PER MAP OF TRACT NO. 5389 RECORDED IN VOLUME 73 OF PLATS AT PAGES 56-58, F.C.R.
- ▲ EASEMENT GRANTED FOR PUBLIC ROAD PURPOSES PER DEED RECORDED IN BOOK 31 OF DEEDS AT PAGE 312, F.C.R.
- ◆ EASEMENT GRANTED FOR PUBLIC ROAD PURPOSES PER DEED RECORDED IN BOOK 31 OF DEEDS AT PAGE 330, F.C.R.
- ◇ DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES PER PARCEL MAP 7422 RECORDED IN BOOK 36 OF PARCEL MAPS AT PAGE 75, F.C.R.
- CR CORNER RECORD ON FILE WITH THE FRESNO COUNTY SURVEYOR
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- F.C.R. FRESNO COUNTY RECORDS
- CFR CALCULATED FROM RECORD DATA



PURSUANT TO SECTION 86499.20.2 OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP CONSTITUTES THE ABANDONMENT OF THE FOLLOWING EASEMENTS LYING WITHIN THE LIMITS OF THIS SUBDIVISION:

- ▼ PREVIOUSLY GRANTED EASEMENT FOR PUBLIC STREET PURPOSES PER THE DEED RECORDED MAY 5, 1950 IN BOOK 2858 AT PAGE 184, O.R.F.C.



**BASIS OF BEARINGS:**  
THE GEODETIC OBSERVATION OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS SOUTH 89°17'21" EAST.

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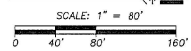
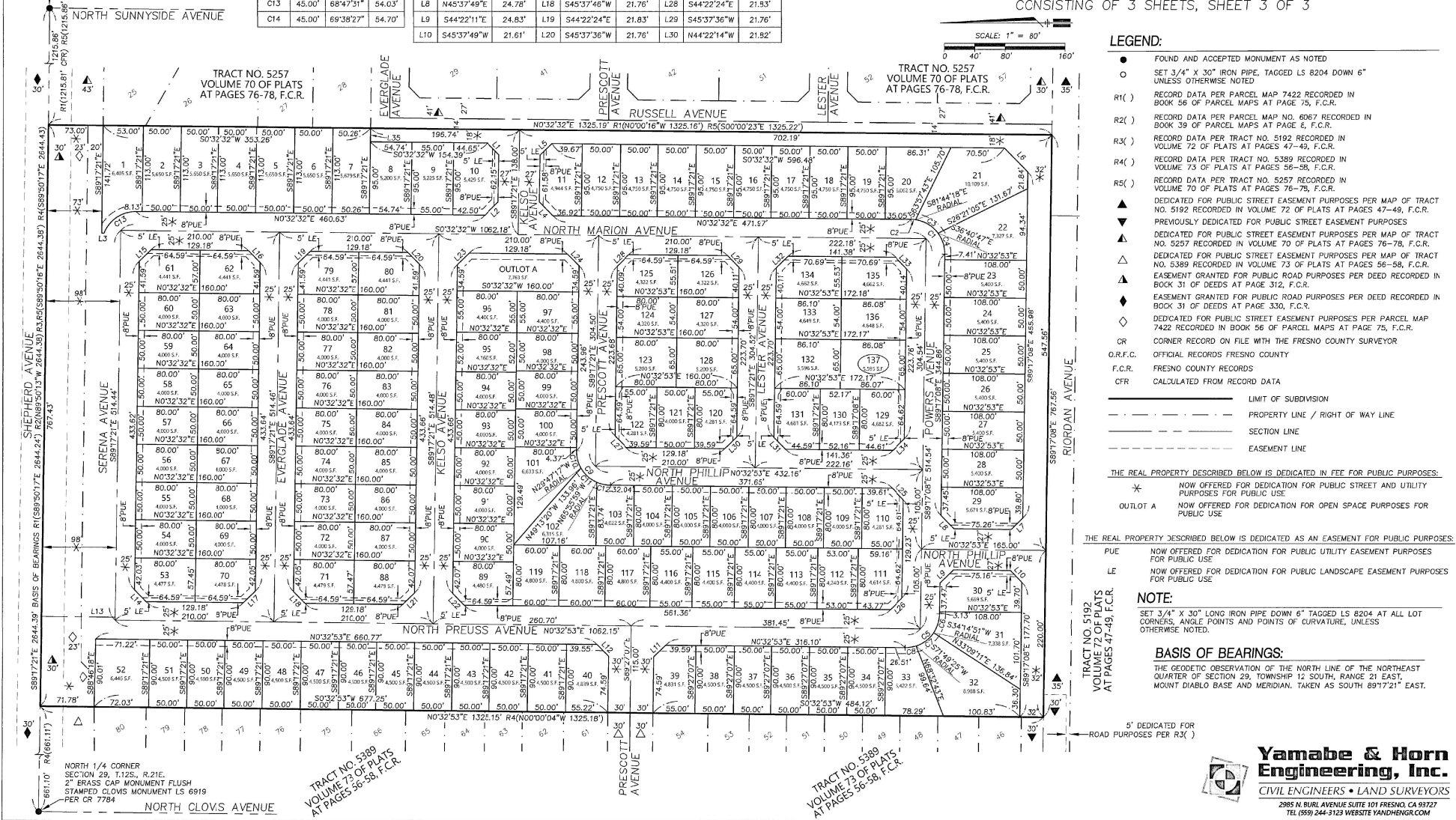


# FINAL MAP OF TRACT NO. 6263

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CURVE TABLE				CURVE TABLE (CONT.)				LINE TABLE				LINE TABLE (CONT.)				LINE TABLE (CONT.)				LINE TABLE (CONT.)																	
CURVE	RADIUS	DELTA	LENGTH	CURVE	RADIUS	DELTA	LENGTH	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE									
C1	45.00'	90°10'20"	70.82'	C6	45.00'	33°31'59"	26.34'	L1	S45°37'36"W	21.68'	L11	N44°27°07"W	21.79'	L21	N44°22'14"W	21.82'	L31	N45°37'46"E	21.76'	L1	S45°37'36"W	21.68'	L11	N44°27°07"W	21.79'	L21	N44°22'14"W	21.82'	L31	N45°37'46"E	21.76'	L1	S45°37'36"W	21.68'	L11	N44°27°07"W	21.79'
C2	45.00'	74°31'00"	6.06'	C7	45.00'	37°34'35"	29.51'	L2	N44°22'24"W	24.79'	L12	N45°32'53"E	21.79'	L22	S45°37'46"W	21.76'	L32	S44°22'24"E	21.83'	L2	N44°22'24"W	24.79'	L12	N45°32'53"E	21.79'	L22	S45°37'46"W	21.76'	L32	S44°22'24"E	21.83'	L2	N44°22'24"W	24.79'	L12	N45°32'53"E	21.79'
C3	45.00'	45°03'31"	35.39'	C8	45.00'	18°43'27"	14.71'	L3	N0°32'32"E	3.00'	L13	N0°32'32"E	3.00'	L23	S44°22'24"E	21.83'	L33	S45°37'39"W	21.74'	L3	N0°32'32"E	3.00'	L13	N0°32'32"E	3.00'	L23	S44°22'24"E	21.83'	L33	S45°37'39"W	21.74'	L3	N0°32'32"E	3.00'	L13	N0°32'32"E	3.00'
C4	45.00'	37°23'39"	29.37'	C9	45.00'	90°09'47"	70.81'	L4	S45°37'36"W	25.53'	L14	N45°37'46"E	21.76'	L24	S45°37'36"W	21.76'	L34	N44°22'11"W	21.80'	L4	S45°37'36"W	25.53'	L14	N45°37'46"E	21.76'	L24	S45°37'36"W	21.76'	L34	N44°22'11"W	21.80'	L4	S45°37'36"W	25.53'	L14	N45°37'46"E	21.76'
C5	45.00'	89°50'01"	70.56'	C10	45.00'	30°29'57"	23.95'	L5	S44°22'24"E	21.72'	L15	S44°22'24"E	21.83'	L25	S45°37'49"W	21.73'	L35	N89°17'21"W	18.00'	L5	S44°22'24"E	21.72'	L15	S44°22'24"E	21.83'	L25	S45°37'49"W	21.73'	L35	N89°17'21"W	18.00'	L5	S44°22'24"E	21.72'	L15	S44°22'24"E	21.83'
				C11	45.00'	36°08'41"	28.39'	L6	S45°38'23"W	44.31'	L16	S45°37'36"W	21.76'	L26	N44°22'11"W	21.79'																					
				C12	45.00'	23°31'09"	18.47'	L7	N44°22'11"W	21.51'	L17	N44°22'14"W	21.82'	L27	N45°37'46"E	21.76'																					
				C13	45.00'	68°47'31"	54.03'	L8	N45°37'49"E	24.78'	L18	N45°37'46"W	21.76'	L28	S44°22'24"E	21.83'																					
				C14	45.00'	69°38'27"	54.70'	L9	S44°22'11"E	24.83'	L19	S44°22'24"E	21.83'	L29	S45°37'36"W	21.76'																					
								L10	S45°37'49"W	21.61'	L20	S45°37'36"W	21.76'	L30	N44°22'14"W	21.82'																					

NORTHEAST CORNER SECTION 29, T.12S., R.21E., SOUTHWEST CORNER MONUMENT DOWN 12" PER CR 3148



- LEGEND:**
- FOUND AND ACCEPTED MONUMENT AS NOTED
  - SET 3/4" X 30" IRON PIPE, TAGGED LS 8204 DOWN 6" UNLESS OTHERWISE NOTED
  - R( ) RECORD DATA PER PARCEL MAP 7422 RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, F.C.R.
  - R2( ) RECORD DATA PER PARCEL MAP NO. 6067 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 6, F.C.R.
  - R3( ) RECORD DATA PER PARCEL MAP NO. 5192 RECORDED IN VOLUME 72 OF PLATS AT PAGES 47-49, F.C.R.
  - R4( ) RECORD DATA PER TRACT NO. 5389 RECORDED IN VOLUME 73 OF PLATS AT PAGES 56-58, F.C.R.
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  - ▲ EASEMENT GRANTED FOR PUBLIC ROAD PURPOSES PER DEED RECORDED IN BOOK 31 OF DEEDS AT PAGE 312, F.C.R.
  - ▲ EASEMENT GRANTED FOR PUBLIC ROAD PURPOSES PER DEED RECORDED IN BOOK 31 OF DEEDS AT PAGE 330, F.C.R.
  - ◆ DEDICATED FOR PUBLIC STREET EASEMENT PURPOSES PER PARCEL MAP 7422 RECORDED IN BOOK 56 OF PARCEL MAPS AT PAGE 75, F.C.R.
  - OR CORNER RECORDED ON FILE WITH THE FRESNO COUNTY SURVEYOR
  - O.F.C.C. OFFICIAL RECORDS FRESNO COUNTY
  - F.C.R. FRESNO COUNTY RECORDS
  - CFR CALCULATED FROM RECORD DATA
  - LIMIT OF SUBDIVISION
  - - - - - PROPERTY LINE / RIGHT OF WAY LINE
  - SECTION LINE
  - - - - - EASEMENT LINE
- THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:**
- \* NOW OFFERED FOR DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES FOR PUBLIC USE
  - OUTLET A NOW OFFERED FOR DEDICATION FOR OPEN SPACE PURPOSES FOR PUBLIC USE
- THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:**
- PUE NOW OFFERED FOR DEDICATION FOR PUBLIC UTILITY EASEMENT PURPOSES FOR PUBLIC USE
  - LE NOW OFFERED FOR DEDICATION FOR PUBLIC LANDSCAPE EASEMENT PURPOSES FOR PUBLIC USE
- NOTE:**
- SET 3/4" X 30" LONG IRON PIPE DOWN 6" TAGGED LS 8204 AT ALL LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE, UNLESS OTHERWISE NOTED.

**BASIS OF BEARINGS:**

THE GEODETIC OBSERVATION OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS SOUTH 89°17'21" EAST.

**Yamabe & Horn Engineering, Inc.**  
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F:\2019\19-242(dwg)\Maps\Final Map\19-242\_03-FM.dwg



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services - Approval - Res. 20- \_\_\_\_,  
Annexation of Proposed Tract 6263, located at the southeast corner  
of Shepherd and N Preuss Avenues to the Landscape Maintenance  
District No. 1 of the City of Clovis (Lennar Homes of California, Inc.).

ATTACHMENTS: 1. Res. 20-\_\_\_\_

### **CONFLICT OF INTEREST**

None

### **RECOMMENDATION**

For the City Council to approve Res. 20-\_\_\_\_, that will annex proposed Tract 6263, located at the southeast corner of Shepherd and N. Preuss Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis.

### **EXECUTIVE SUMMARY**

The owner, Lennar Homes of California, Inc., has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tract Map 6263.

### **BACKGROUND**

Lennar Homes of California, Inc., the developer of Tract 6263, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

**FISCAL IMPACT**

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6239</u>	<u>Year to Date</u>
LMD Landscaping added:	0.84 acres	4.39 acres
Resource needs added:	0.084 persons	0.44 persons

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

**REASON FOR RECOMMENDATION**

The property owners for the subject tract and parcel map have requested annexation into the City of Clovis LMD No. 1.

**ACTIONS FOLLOWING APPROVAL**

Tract 6263 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Jose Sandoval, Engineer II

Reviewed by: City Manager JS

**RESOLUTION 20-\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA,  
APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1  
OF THE CITY OF CLOVIS**

**WHEREAS**, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

**WHEREAS**, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6263, as described in **Attachment A** attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

**NOW, THEREFORE, IT IS RESOLVED AND ORDERED**, as follows:

1. That the public interest and convenience require that certain property described in **Attachment A** attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.
2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in **Attachment A** which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ATTACHMENT 1**

## ATTACHMENT A

### Legal Description

Lots 1 through 137, inclusive, of Tract Map 6263 recorded in Volume \_\_\_\_\_ of Plats at Pages \_\_\_\_\_ through \_\_\_\_\_, Fresno County Records.



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services – Approval – Res. 20-\_\_\_\_, Final Map Tract 6050 located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).

ATTACHMENTS: 1. Res. 20-\_\_\_\_  
2. Vicinity Map  
3. Copy of Final Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to approve Res. 20-\_\_\_\_, which will:

1. Accept the offer of dedication of parcels and public utility easement within Tract 6050; and
2. Authorize recording of the final map.

This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

### EXECUTIVE SUMMARY

The owner, 6050 Enterprises, LP, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is located on the northwest corner of Shepherd and Clovis Avenues. It contains approximately 21.09 acres and consists of 87 planned residential units and four outlots, zoned R-1-PRD. The subject tract is gated and will consist of private streets onsite.

**FISCAL IMPACT**

The subdivider will be installing curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The curb, gutter, sidewalk, street paving on and along Dewitt Avenue, fire hydrants, sanitary sewer and water mains will be perpetually maintained by the City of Clovis. The onsite streets will be privately maintained by the Home Owners Association (HOA).

**REASON FOR RECOMMENDATION**

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

**ACTIONS FOLLOWING APPROVAL**

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Christian Esquivias, Engineer II

Reviewed by: City Manager JE

**RESOLUTION 20-\_\_\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6050**

**WHEREAS**, a final map has been presented to the City Council of the City of Clovis for Tract 6050, by the City of Clovis, a Municipal Corporation; and

**WHEREAS**, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The final map of Tract 6050, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.
3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$3,712,759.50.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$3,675,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,838,000.00 for payment of labor and materials furnished by contractors, subcontractors, laborers and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$371,300.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective

**ATTACHMENT 1**



materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

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

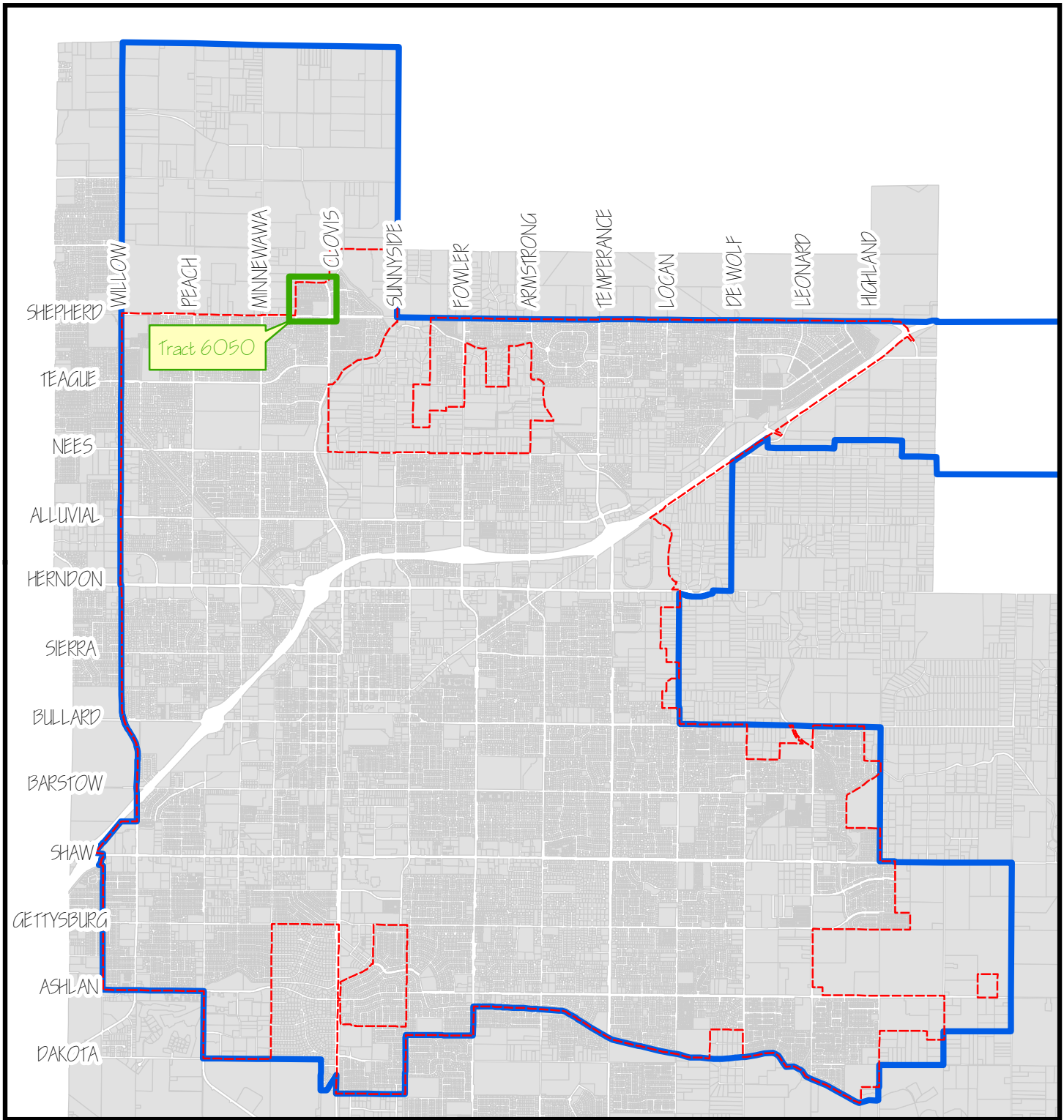
DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# VICINITY MAP

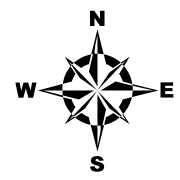
Tract 6050



December 7, 2020

## ATTACHMENT 2

CITY LIMITS
  SPHERE OF INFLUENCE



Christian Esquivia

SUBDIVISION MAP OF

TRACT NO. 6050

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN MAY, 2020 BY HARBOUR & ASSOCIATES CONSISTING OF 3 SHEETS SHEET 1 OF 3

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDECTION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

6050 ENTERPRISES, LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: WILDEV, INC., A CALIFORNIA CORPORATION, ITS GENERAL PARTNER

BY: TODD A. WILSON VICE-PRESIDENT

U.S. BANK NATIONAL ASSOCIATION d/b/a/ HOUSING CAPITAL COMPANY AS BENEFICIARY

BY: JENNY D. SAUBERT VICE-PRESIDENT

NOTARY ACKNOWLEDGEMENTS

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA ) COUNTY OF )

ON 2020, BEFORE ME, TODD A. WILSON, NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA ) COUNTY OF )

ON 2020, BEFORE ME, JENNY D. SAUBERT, NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH-WEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°59'07" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1093.59 FEET TO A POINT ON THE WESTERLY LINE OF THAT AREA PREVIOUSLY GRANTED TO THE CITY OF CLOVIS AS DESCRIBED IN GRANT DEED RECORDED DECEMBER 26, 2019 AS DOCUMENT NO. 2019-0156442, OFFICIAL RECORDS OF FRESNO COUNTY, SAID POINT BEING THE BEGINNING OF A 1208.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, A RADIAL TO SAID BEGINNING BEARS NORTH 57°25'21" EAST; THENCE SOUTHEASTERLY, ALONG THE WESTERLY LINE OF SAID AREA, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°26'06", AN ARC DISTANCE OF 683.84 FEET; THENCE SOUTH 00°40'48" WEST, CONTINUING ALONG THE WESTERLY LINE OF SAID AREA, A DISTANCE OF 74.58 FEET TO A POINT BEING 602.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, THENCE NORTH 89°50'35" WEST, PARALLEL WITH AND 602.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1205.80 FEET; THENCE SOUTH 44°39'01" WEST, A DISTANCE OF 27.01 FEET TO A POINT BEING 55.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°13'22" EAST, PARALLEL WITH AND 55.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 306.29 FEET TO THE BEGINNING OF A 370.00 FOOT RADIUS TANGENT CURVE CONCAVE EASTERLY; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°04'07", AN ARC DISTANCE OF 58.56 FEET TO THE BEGINNING OF A 430.00 FOOT RADIUS REVERSE CURVE CONCAVE WESTERLY, A RADIAL TO SAID BEGINNING BEARS NORTH 80°42'30" EAST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°04'07", AN ARC DISTANCE OF 68.06 FEET TO A POINT BEING 65.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°13'22" EAST, PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 120.11 FEET TO A POINT ON THE NORTHERLY LINE OF THAT AREA PREVIOUSLY GRANTED TO THE CITY OF CLOVIS AS DESCRIBED IN GRANT DEED RECORDED MARCH 3, 2006 AS DOCUMENT NO. 2006-0045937, OFFICIAL RECORDS OF FRESNO COUNTY; THENCE ALONG THE NORTHERLY LINE OF LAST SAID AREA, THE FOLLOWING THREE (3) COURSES: (1) SOUTH 89°15'57" WEST, A DISTANCE OF 24.34 FEET; THENCE (2) NORTH 45°44'02" WEST, A DISTANCE OF 22.63 FEET; THENCE (3) SOUTH 89°15'57" WEST, A DISTANCE OF 24.52 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°13'22" WEST, A DISTANCE OF 1278.34 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE SOUTH 30.00 FEET OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER LYING WESTERLY OF SAID AREA PREVIOUSLY GRANTED TO THE CITY OF CLOVIS PER DOCUMENT NO. 2019-0156442, OFFICIAL RECORDS OF FRESNO COUNTY.

THIS LAND IS SUBJECT TO THE FOLLOWING:

- 1. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT ENTITLED "RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT", RECORDED JULY 31, 1995 AS SERIES NUMBER 95092128, O.R.F.C. 2. THE TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED RIGHT OF ENTRY AGREEMENT EXECUTED BY THE CITY OF CLOVIS AND 6050 ENTERPRISES, L.P. RECORDED AUGUST 23, 2019 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2019-0094955.



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 6050 ENTERPRISES, LP, ON MAY 1, 2020. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

AARON D. SPRAY, PLS 9484 DATE

CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088 DATE CITY ENGINEER

CITY CLERK'S STATEMENT

I, JOHN HOLT, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATED JOHN HOLT, CITY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. FEE PAD \$ FILED THIS DAY OF 20, AT M. IN VOLUME OF PLATS, AT PAGE(S), FRESNO COUNTY RECORDS, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

PAUL A. DICTOS, CPA FRESNO COUNTY ASSESSOR-RECORDER

BY: DEPUTY



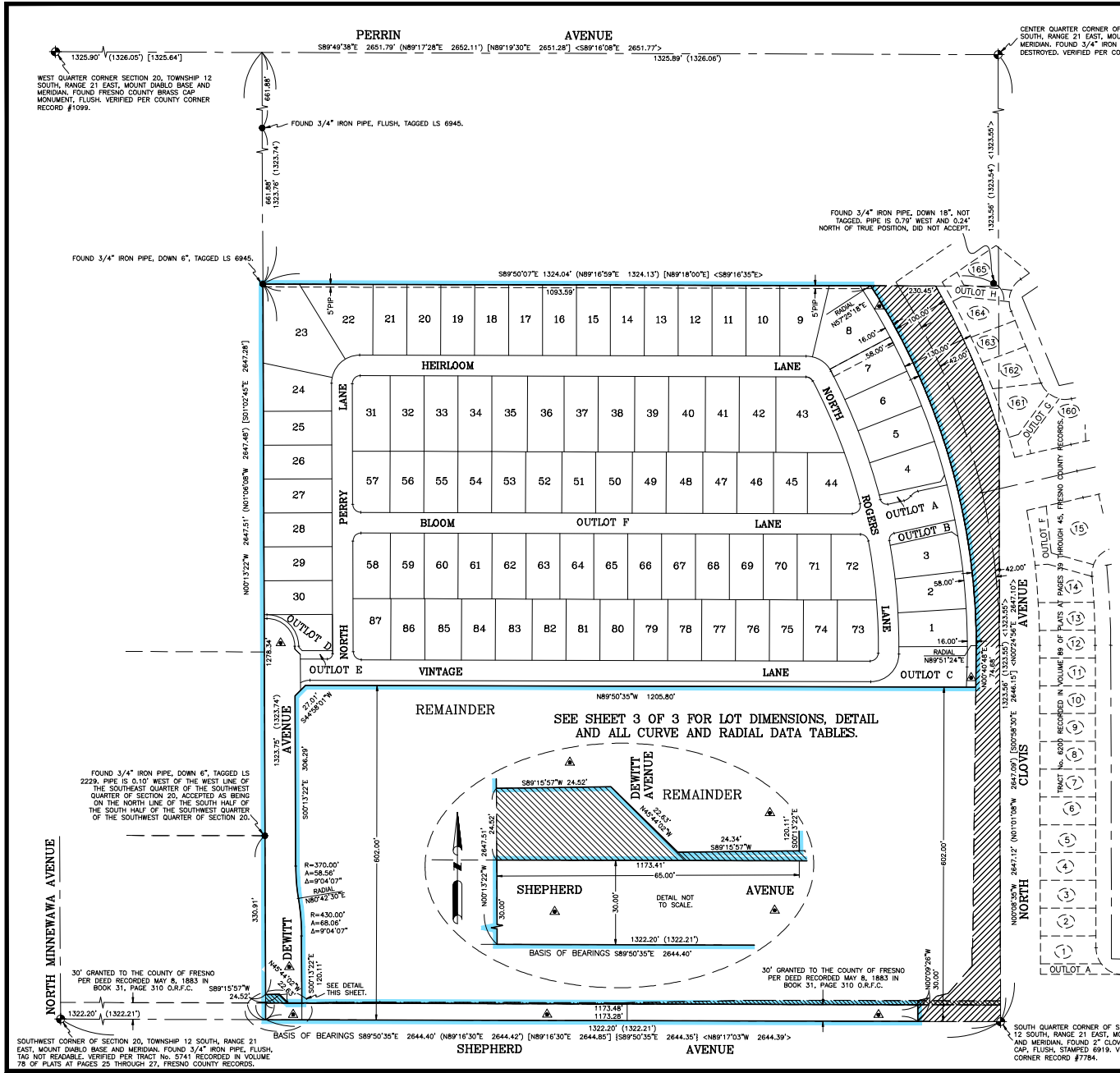
Harbour & Associates Civil Engineers 389 Clovis Avenue, Suite 300 • Clovis, California 93612 (559) 325-7676 • Fax (559) 325-7699

W.O. #13-038

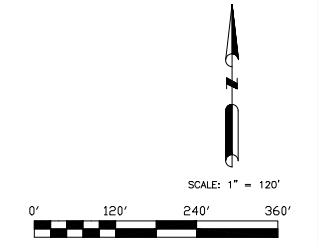
ATTACHMENT 3

# TRACT NO. 6050

IN THE CITY OF CLOVIS, COUNTY OF FRESNO,  
STATE OF CALIFORNIA, SURVEYED AND PLATTED IN  
MAY, 2020 BY HARBOUR AND ASSOCIATES  
CONSISTING OF 3 SHEETS  
SHEET 2 OF 3



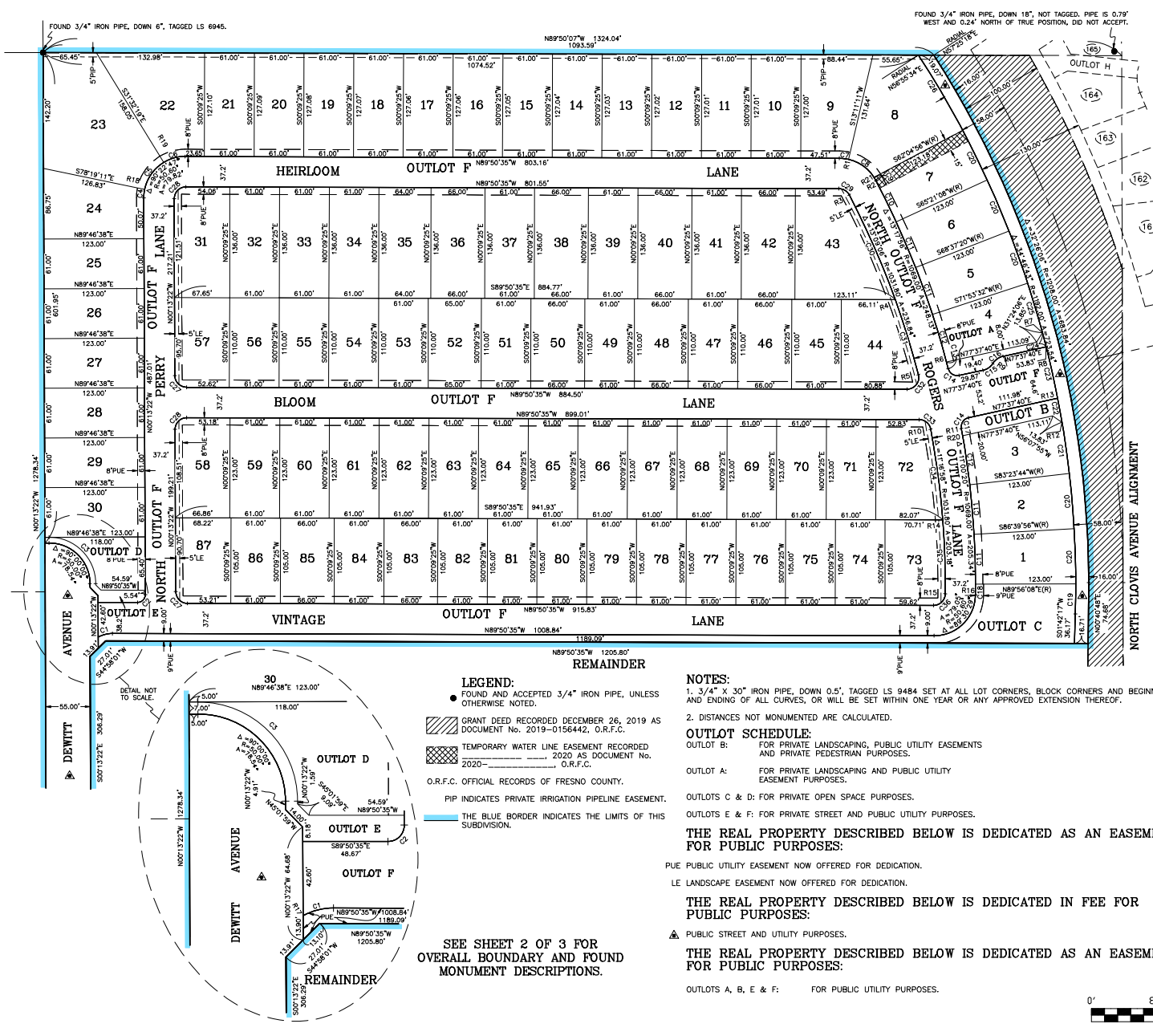
- LEGEND:**
- FOUND AND ACCEPTED SECTION QUARTER CORNER AS NOTED.
  - ◆ FOUND AND ACCEPTED 3/4" IRON PIPE, UNLESS OTHERWISE NOTED.
  - ( ) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 53 OF RECORD OF SURVEYS AT PAGE 68, F.C.R.
  - [ ] RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 23 OF RECORD OF SURVEYS AT PAGE 39, F.C.R.
  - { } RECORD DATA PER TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, F.C.R.
  - < > RECORD DATA PER TRACT No. 6200 RECORDED IN VOLUME 89 OF PLATS AT PAGES 39 THROUGH 45, F.C.R.
  - ▨ GRANT DEED RECORDED DECEMBER 26, 2019 AS DOCUMENT No. 2019-0156442, O.R.F.C.
  - ▩ GRANT DEED RECORDED MARCH 3, 2006 AS DOCUMENT No. 2006-0045937, O.R.F.C.
  - O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY
  - PIP INDICATES PRIVATE IRRIGATION PIPELINE EASEMENT.
  - THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.
- BASIS OF BEARINGS:**  
 THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN WAS TAKEN TO BE SOUTH S89°50'35"E EAST, AS SHOWN ON TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, FRESNO COUNTY RECORDS.
- NOTES:**
- 3/4" x 33" IRON PIPE, DOWN 0.5', TAGGED LS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.
  - DISTANCES NOT MONUMENTED ARE CALCULATED.
- OUTLOT SCHEDULE:**
- OUTLOT B: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS AND PRIVATE PEDESTRIAN PURPOSES.
- OUTLOT A: FOR PRIVATE LANDSCAPING AND PUBLIC UTILITY EASEMENT PURPOSES.
- OUTLOTS C & D: FOR PRIVATE OPEN SPACE PURPOSES.
- OUTLOTS E & F: FOR PRIVATE STREET AND PUBLIC UTILITY PURPOSES.
- THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:**
- PUBLIC STREET AND UTILITY PURPOSES.
- THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:**
- OUTLOTS A, B, E & F: FOR PUBLIC UTILITY PURPOSES.



**Harbour & Associates**  
 Civil Engineers  
 388 CLOVIS AVENUE # 300 • Clovis, California 93612  
 (559) 325-7270 • Fax: (559) 325-7288 • [info@h-a.com](mailto:info@h-a.com)

# TRACT NO. 6050

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN MAY, 2020 BY HARBOUR AND ASSOCIATES CONSISTING OF 3 SHEETS SHEET 3 OF 3



**CURVE DATA:**

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C1	28°27'29"	36.40'	18.08'	17.89'
C2	90°22'47"	9.40'	14.83'	13.34'
C3	90°00'00"	57.00'	59.54'	60.61'
C4	119°53'57"	50.50'	10.60'	10.58'
C5	47°04'56"	50.60'	41.58'	40.30'
C6	311°17'54"	50.60'	27.64'	27.30'
C7	175°04'56"	50.60'	11.44'	11.32'
C8	44°25'39"	50.60'	39.24'	38.26'
C9	4°53'07"	50.60'	4.31'	4.31'
C10	37°02'00"	1069.00'	56.70'	56.69'
C11	316°12'00"	1069.00'	61.01'	61.00'
C12	316°10'00"	1069.00'	61.00'	60.99'
C13	272°00'00"	1069.00'	8.41'	8.41'
C14	87°59'04"	11.40'	17.51'	15.84'
C15	44°21'21"	19.40'	15.02'	14.65'
C16	44°21'21"	20.60'	15.95'	15.55'
C17	0°28'58"	1069.00'	9.01'	9.01'
C18	0°42'48"	1069.00'	13.31'	13.31'
C19	174°08'00"	1192.00'	35.81'	35.80'
C20	316°12'00"	1192.00'	68.03'	68.02'
C21	37°02'48"	1192.00'	63.38'	63.38'
C22	126°33'54"	1192.00'	30.01'	30.01'
C23	37°02'48"	1192.00'	64.61'	64.60'
C24	0°51'57"	1192.00'	18.02'	18.02'
C25	37°02'48"	1192.00'	63.30'	63.30'
C26	37°02'48"	1192.00'	107.27'	107.23'
C27	89°37'15"	14.40'	22.52'	20.30'
C28	90°22'47"	14.40'	22.71'	20.43'
C29	62°11'26"	14.40'	15.63'	14.87'
C30	748°01'	1031.80'	140.47'	140.36'
C31	521°04'	1031.80'	96.36'	96.33'
C32	104°33'50"	14.40'	22.30'	22.80'
C33	79°09'12"	14.40'	19.89'	18.35'
C34	614°27'	1031.80'	112.39'	112.33'
C35	570°31'	1031.80'	90.80'	90.77'
C36	89°33'50"	14.40'	22.51'	20.29'

**RADIAL DATA:**

RADIAL NUMBER	RADIAL BEARING	RADIUS
R1	N17°00'01"E	50.60'
R2	N62°18'48"E	1069.00'
R3	N62°20'50"E	1031.80'
R4	N70°08'51"E	1031.80'
R5	N75°29'55"E	1031.80'
R6	N75°09'42"E	1069.00'
R7	N74°58'08"E	1192.00'
R8	N75°48'03"E	1192.00'
R9	N56°43'41"W	20.60'
R10	N79°18'37"E	1031.80'
R11	N79°18'36"E	1069.00'
R12	N80°20'56"E	1192.00'
R13	N78°54'23"E	1192.00'
R14	N85°13'04"E	1031.80'
R15	S89°24'25"E	1031.80'
R16	S89°21'04"E	1069.00'
R17	N281°8'04"W	36.40'
R18	N78°13'25"W	50.60'
R19	N31°08'29"W	50.60'
R20	N80°07'44"E	1069.00'
R21	N57°25'41"E	50.60'

**LEGEND:**  
 ● FOUND AND ACCEPTED 3/4" IRON PIPE, UNLESS OTHERWISE NOTED.  
 GRANT DEED RECORDED DECEMBER 26, 2019 AS DOCUMENT No. 2019-0156442, O.R.F.C.  
 TEMPORARY WATER LINE EASEMENT RECORDED 2020 AS DOCUMENT No. O.R.F.C.  
 O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY.  
 PIP INDICATES PRIVATE IRRIGATION PIPELINE EASEMENT.  
 THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

SEE SHEET 2 OF 3 FOR OVERALL BOUNDARY AND FOUND MONUMENT DESCRIPTIONS.

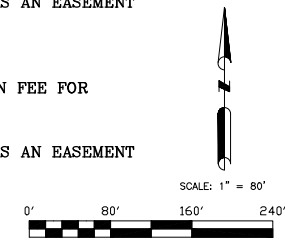
**NOTES:**  
 1. 3/4" X 30" IRON PIPE, DOWN 0.5', TAGGED LS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.  
 2. DISTANCES NOT MONUMENTED ARE CALCULATED.

**OUTLOT SCHEDULE:**  
 OUTLOT B: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS AND PRIVATE PEDESTRIAN PURPOSES.  
 OUTLOT A: FOR PRIVATE LANDSCAPING AND PUBLIC UTILITY EASEMENT PURPOSES.  
 OUTLOTS C & D: FOR PRIVATE OPEN SPACE PURPOSES.  
 OUTLOTS E & F: FOR PRIVATE STREET AND PUBLIC UTILITY PURPOSES.

**THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:**  
 PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION.  
 LE LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION.

**THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:**  
 ▲ PUBLIC STREET AND UTILITY PURPOSES.

**THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:**  
 OUTLOTS A, B, E & F: FOR PUBLIC UTILITY PURPOSES.



TRACT NO. 6020 RECORDED IN VOLUME 89 OF PLATS AT PAGES 39 THROUGH 45, FRESNO COUNTY RECORDS.

**Harbour & Associates**  
 Civil Engineers  
 388 CLOVIS AVENUE # 300 • Clovis, California 93612  
 (559) 325-7070 • Fax: (559) 325-7088 • info@hac-engineers.com



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6050, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP (Wilson Homes)).

ATTACHMENTS: 1. Res. 20- \_\_\_\_

### **CONFLICT OF INTEREST**

None.

### **RECOMMENDATION**

For the City Council to approve Res. 20-\_\_\_\_, that will annex proposed Tract 6050, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis. This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

### **EXECUTIVE SUMMARY**

The owner, 6050 Enterprises, LP, acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Vesting Tentative Tract Map 6050.

### **BACKGROUND**

6050 Enterprises, LP, the developer of Tract 6050, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

**FISCAL IMPACT**

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6050</u>	<u>Year to Date</u>
LMD Landscaping added:	0.890 acres	5.284 acres

Due to the homeowners association performing the maintenance of the additional landscape area through a separate maintenance agreement, no additional human resource needs will be required.

Resource needs added:	0.00 persons	0.439 persons
-----------------------	--------------	---------------

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

**REASON FOR RECOMMENDATION**

The property owners for the subject tract and parcel map have requested annexation into the City of Clovis LMD No. 1. This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

**ACTIONS FOLLOWING APPROVAL**

Tract 6050 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Christian Esquivias, Engineer II

Reviewed by: City Manager *JA*

**RESOLUTION 20-\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA,  
APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1  
OF THE CITY OF CLOVIS**

**WHEREAS**, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

**WHEREAS**, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6050, as described in **Attachment A** attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

**NOW, THEREFORE, IT IS RESOLVED AND ORDERED**, as follows:

1. That the public interest and convenience require that certain property described in Attachment A attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.
2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Attachment A which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ATTACHMENT 1**



## ATTACHMENT A

### Legal Description

Lots 1 through 87, inclusive, of Tract Map 6050 recorded in Volume \_\_\_\_\_ of Plats at Pages \_\_\_\_\_ through \_\_\_\_\_, Fresno County Records.



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services – Approval - Res. 20-\_\_\_\_, Final Map Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).

ATTACHMENTS: 1. Res. 20-\_\_\_\_  
2. Vicinity Map  
3. Copy of Final Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to approve Res. 20-\_\_\_\_, which will:

1. Accept the offer of dedication of parcels and public utility easement within Tract 6328; and
2. Authorize recording of the final map.

This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

### EXECUTIVE SUMMARY

The owner, 6050 Enterprises, LP, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is located on the northwest corner of Shepherd and Clovis Avenues. It contains approximately 8.30 acres and consists of 73 planned residential units, zoned R-1-PRD. The subject tract is gated and will consist of private streets onsite.

**FISCAL IMPACT**

The subdivider will be installing curb, gutter, sidewalk, street lights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The fire hydrants, sanitary sewer and water mains will be perpetually maintained by the City of Clovis. The onsite streets will be privately maintained by the Home Owners Association (HOA).

**REASON FOR RECOMMENDATION**

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

**ACTIONS FOLLOWING APPROVAL**

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: David Gonzalez, Civil Engineer

Reviewed by: City Manager *DH*

**RESOLUTION 20-\_\_\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6328**

**WHEREAS**, a final map has been presented to the City Council of the City of Clovis for Tract 6328, by the City of Clovis, a Municipal Corporation; and

**WHEREAS**, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

1. The final map of Tract 6328, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.
3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$2,767,000.00.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$2,751,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,376,000.00 for payment of labor and materials furnished by contractors, subcontractors, laborers and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$276,700.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective

materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

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

DATED: December 7, 2020

\_\_\_\_\_

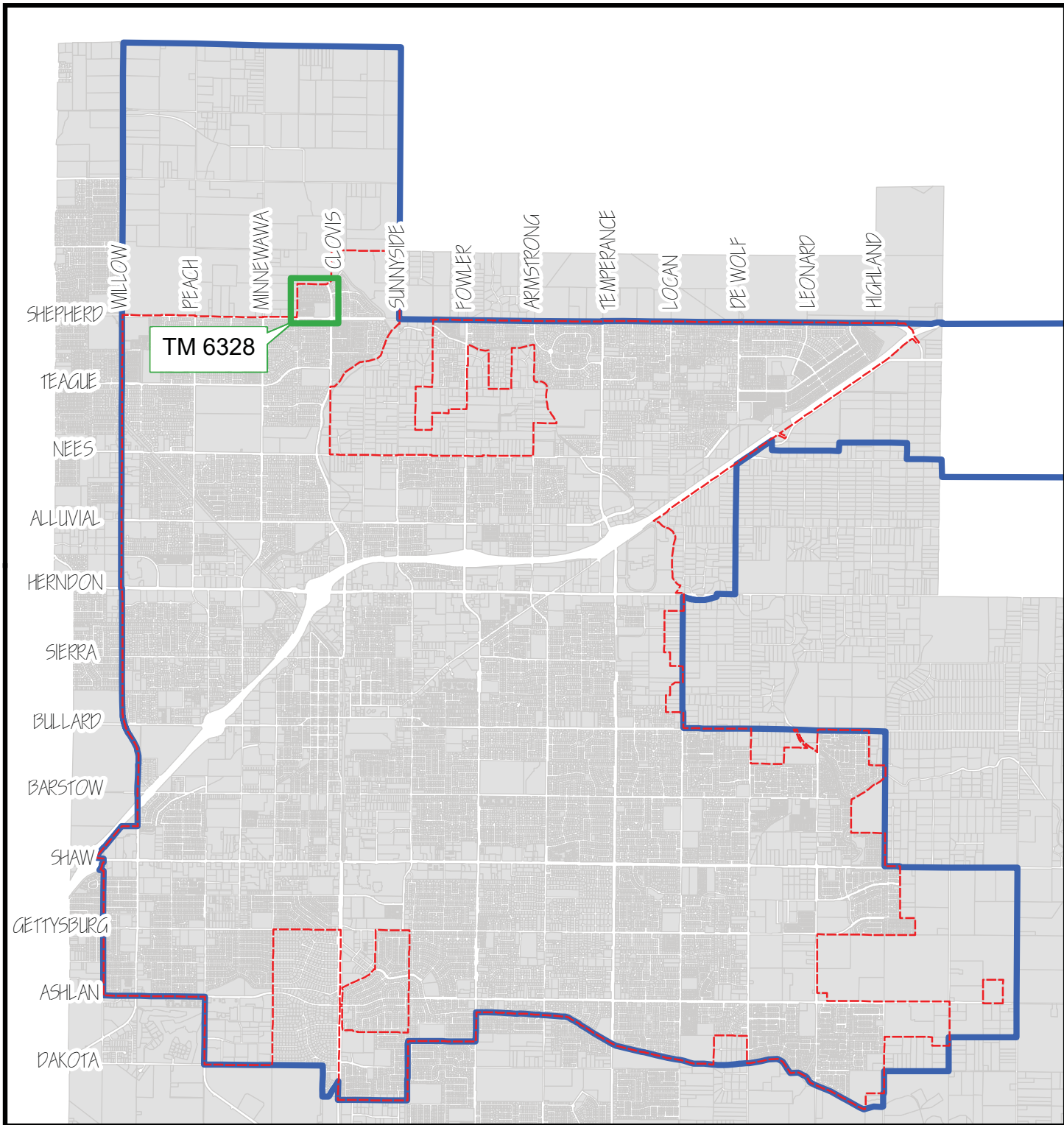
Mayor

\_\_\_\_\_

City Clerk

# VICINITY MAP

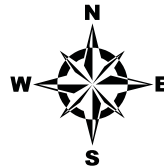
## TRACT 6328 (PHASE II OF TENTATIVE MAP 6050)



December 7, 2020

### ATTACHMENT 2

CITY LIMITS
  SPHERE OF INFLUENCE



David Gonza

SUBDIVISION MAP OF

TRACT NO. 6328

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN JUNE, 2020 BY HARBOUR & ASSOCIATES CONSISTING OF 3 SHEETS SHEET 1 OF 3

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

6050 ENTERPRISES, LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: WILDEV, INC., A CALIFORNIA CORPORATION, ITS GENERAL PARTNER

BY: TODD A. WILSON VICE-PRESIDENT

U.S. BANK NATIONAL ASSOCIATION d/b/a/ HOUSING CAPITAL COMPANY AS BENEFICIARY

BY: JENNY D. SAUBERT VICE-PRESIDENT

NOTARY ACKNOWLEDGEMENTS

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA ) COUNTY OF )

ON 2020, BEFORE ME TODD A. WILSON, NOTARY PUBLIC, PERSONALLY APPEARED TODD A. WILSON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA ) COUNTY OF )

ON 2020, BEFORE ME JENNY D. SAUBERT, NOTARY PUBLIC, PERSONALLY APPEARED JENNY D. SAUBERT, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE MY COMMISSION EXPIRES COUNTY OF COMMISSION NUMBER

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°50'35" EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 65.00 FEET; THENCE NORTH 00°13'22" WEST, PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 30.42 FEET TO A POINT ON THE NORTHERLY LINE OF THAT AREA PREVIOUSLY GRANTED TO THE CITY OF CLOVIS AS DESCRIBED IN GRANT DEED RECORDED MARCH 3, 2006 AS DOCUMENT NO. 2006-0045937, OFFICIAL RECORDS OF FRESNO COUNTY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00°13'22" WEST, CONTINUING PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 120.11 FEET TO THE BEGINNING OF A 430 FOOT RADIUS TANGENT CURVE CONCAVE WESTERLY; THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°04'07", AN ARC DISTANCE OF 68.08 FEET TO THE BEGINNING OF A 370.00 FOOT RADIUS REVERSE CURVE CONCAVE EASTERLY, A RADIAL TO SAID BEGINNING BEARS SOUTH 89°42'39" WEST; THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°04'07", AN ARC DISTANCE OF 58.56 FEET TO A POINT BEING 55.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°13'22" WEST, PARALLEL WITH AND 55.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 306.29 FEET; THENCE NORTH 44°58'01" EAST, A DISTANCE OF 27.01 FEET TO A POINT BEING 602.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°50'35" EAST, PARALLEL WITH AND 602.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 580.16 FEET; THENCE SOUTH 00°09'25" WEST, A DISTANCE OF 144.00 FEET; THENCE SOUTH 89°50'21" EAST, A DISTANCE OF 9.60 FEET; THENCE SOUTH 00°09'25" EAST, A DISTANCE OF 238.50 FEET; THENCE NORTH 89°50'35" WEST, A DISTANCE OF 9.60 FEET; THENCE SOUTH 00°09'25" WEST, A DISTANCE OF 187.20 FEET TO A POINT ON THE NORTHERLY LINE OF SAID AREA DESCRIBED IN DOCUMENT NO. 2006-0045937; THENCE ALONG THE NORTHERLY LINE SAID AREA DESCRIBED IN DOCUMENT NO. 2006-0045937, THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 88°53'57" WEST, A DISTANCE OF 13.67 FEET TO A POINT BEING 32.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE (2) NORTH 89°50'35" WEST, PARALLEL WITH AND 32.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 431.13 FEET TO THE BEGINNING OF A 3032.00 FOOT RADIUS TANGENT CURVE CONCAVE SOUTHERLY; THENCE (3) WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 0°53'28", AN ARC DISTANCE OF 78.26 FEET; THENCE (4) SOUTH 89°15'57" WEST, A DISTANCE OF 62.48 FEET TO THE TRUE POINT OF BEGINNING.

THIS LAND IS SUBJECT TO THE FOLLOWING:

- 1. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT ENTITLED "RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT", RECORDED JULY 31, 1995 AS SERIES NUMBER 95092128, O.R.F.C.



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 6050 ENTERPRISES, LP, ON JUNE 1, 2020. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

AARON D. SPRAY, PLS 9484 DATE

CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088 DATE CITY ENGINEER

CITY CLERK'S STATEMENT

I, JOHN HOLT, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATED JOHN HOLT, CITY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. FEE PLAD \$ FILED THIS DAY OF 20, AT M. IN VOLUME OF PLATS, AT PAGE(S), FRESNO COUNTY RECORDS, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

PAUL A. DICTOS, CPA FRESNO COUNTY ASSESSOR-RECORDER

BY: DEPUTY



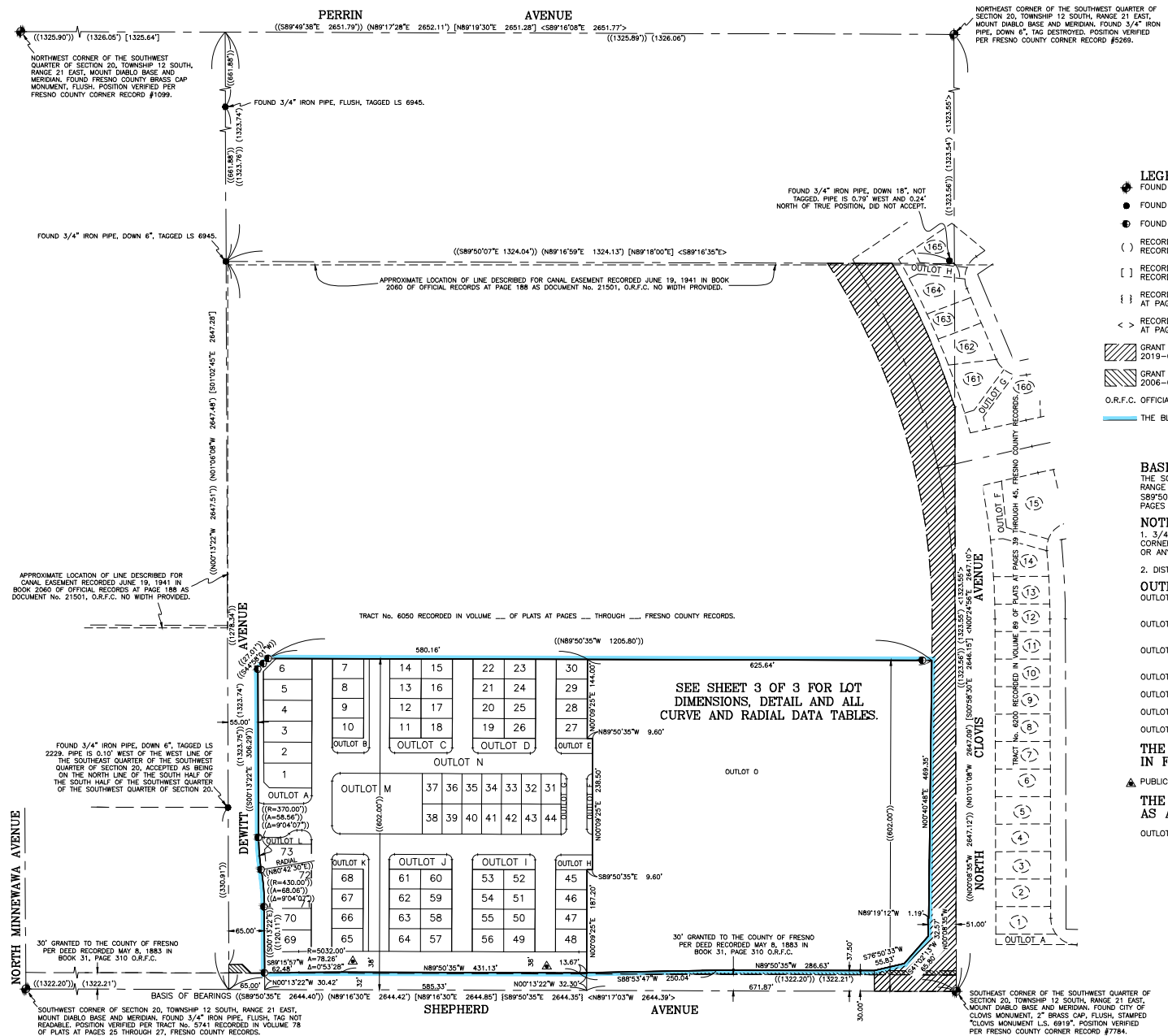
Harbour & Associates Civil Engineers 389 Clovis Avenue, Suite 300 • Clovis, California 93612 (559) 325-7676 • Fax (559) 325-7699

n.o. #20-019

ATTACHMENT 3

# TRACT NO. 6328

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, SURVEYED AND PLATTED IN JUNE, 2020 BY HARBOUR AND ASSOCIATES CONSISTING OF 3 SHEETS SHEET 2 OF 3



### LEGEND:

- FOUND AND ACCEPTED SECTION QUARTER CORNER AS NOTED.
- FOUND AND ACCEPTED 3/4" IRON PIPE, UNLESS OTHERWISE NOTED.
- FOUND AND ACCEPTED 3/4" IRON PIPE, DOWN 6" TAGGED LS 9484.
- ( ) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 53 OF RECORD OF SURVEYS AT PAGE 66, F.C.R.
- [ ] RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 23 OF RECORD OF SURVEYS AT PAGE 39, F.C.R.
- { } RECORD DATA PER TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, F.C.R.
- < > RECORD DATA PER TRACT No. 6200 RECORDED IN VOLUME 89 OF PLATS AT PAGES 39 THROUGH 45, F.C.R.
- ▨ GRANT DEED RECORDED DECEMBER 26, 2019 AS DOCUMENT No. 2019-0156442, O.R.F.C.
- ▨ GRANT DEED RECORDED MARCH 3, 2006 AS DOCUMENT No. 2006-0045937, O.R.F.C.
- O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY
- THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

### BASIS OF BEARINGS:

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN WAS TAKEN TO BE SOUTH 89°50'35"E EAST, AS SHOWN ON TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, FRESNO COUNTY RECORDS.

### NOTES:

1. 3/4" X 30" IRON PIPE, DOWN 0.5', TAGGED LS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.
2. DISTANCES NOT MONUMENTED ARE CALCULATED.

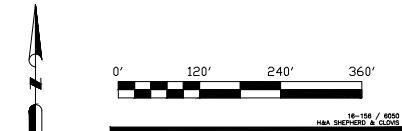
### OUTLOT SCHEDULE:

- OUTLOT A: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS AND PRIVATE PEDESTRIAN PURPOSES.
- OUTLOTS C,E,H&J: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS, PRIVATE PEDESTRIAN AND PRIVATE PARKING PURPOSES.
- OUTLOTS B,D,I,&K: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS, PRIVATE PEDESTRIAN PRIVATE PARKING AND PRIVATE TRASH PURPOSES.
- OUTLOTS F,G&L: FOR PRIVATE LANDSCAPING AND PUBLIC UTILITY EASEMENT PURPOSES.
- OUTLOT M: FOR PRIVATE POOL AND RECREATION AREA AND PRIVATE PARKING.
- OUTLOT N: FOR PRIVATE STREET AND PUBLIC UTILITY EASEMENT PURPOSES.
- OUTLOT O: FOR FUTURE DEVELOPMENT.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES

OUTLOTS A THROUGH M, N & O: FOR PUBLIC UTILITY EASEMENT PURPOSES.



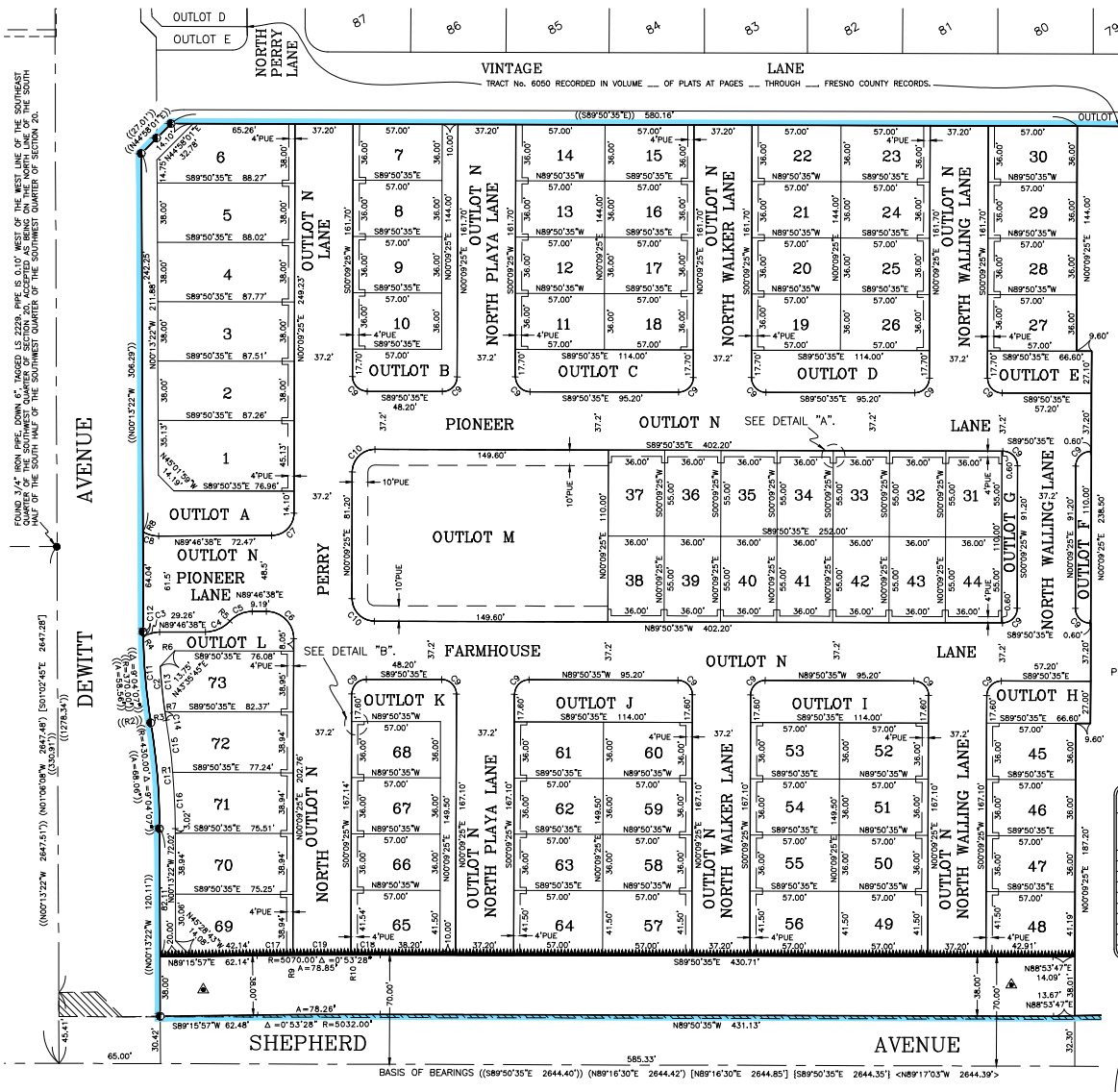
SEE SHEET 3 OF 3 FOR LOT DIMENSIONS, DETAIL AND ALL CURVE AND RADIAL DATA TABLES.

OUTLOT B		OUTLOT C		OUTLOT D		OUTLOT E					
6	7	14	15	22	23	30					
5	8	13	16	21	24	29					
4	9	12	17	20	25	28					
3	10	11	18	19	26	27					
OUTLOT N											
1	OUTLOT M				37	36	35	34	33	32	31
OUTLOT O											
OUTLOT K											
68	61	60	53	52	45						
67	62	59	54	51	46						
70	66	63	58	55	50	47					
69	65	64	57	56	49	48					



# TRACT NO. 6328

IN THE CITY OF CLOVIS, COUNTY OF FRESNO,  
STATE OF CALIFORNIA, SURVEYED AND PLATTED IN  
JUNE, 2020 BY HARBOUR AND ASSOCIATES  
CONSISTING OF 3 SHEETS  
SHEET 3 OF 3



**LEGEND:**

- FOUND AND ACCEPTED SECTION QUARTER CORNER AS NOTED.
- FOUND AND ACCEPTED 3/4" IRON PIPE, UNLESS OTHERWISE NOTED.
- FOUND AND ACCEPTED 3/4" IRON PIPE, DOWN 6" TAGGED LS 9484.
- ( ) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 53 OF RECORD OF SURVEYS AT PAGE 68, F.C.R.
- [ ] RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 23 OF RECORD OF SURVEYS AT PAGE 39, F.C.R.
- || RECORD DATA PER TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, F.C.R.
- < > RECORD DATA PER TRACT No. 6200 RECORDED IN VOLUME 89 OF PLATS AT PAGES 39 THROUGH 45, F.C.R.
- (( )) MEASURED AND RECORD DATA PER TRACT No. 6050 RECORDED IN VOLUME \_\_\_ OF PLATS AT PAGES \_\_\_ THROUGH \_\_\_, FRESNO COUNTY RECORDS.
- ▨ GRANT DEED RECORDED MARCH 3, 2006 AS DOCUMENT No. 2006-0045937, O.R.F.C.
- O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY
- THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

**BASIS OF BEARINGS:**  
THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN WAS TAKEN TO BE SOUTH S89°50'35"E EAST, AS SHOWN ON TRACT No. 5146 RECORDED IN VOLUME 72 OF PLATS AT PAGES 7 THROUGH 10, FRESNO COUNTY RECORDS.

**NOTES:**  
1. 3/4" X 30" IRON PIPE, DOWN 0.5", TAGGED LS 9484 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.  
2. DISTANCES NOT MONUMENTED ARE CALCULATED.

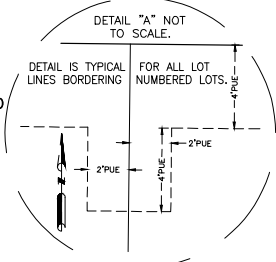
**OUTLOT SCHEDULE:**  
OUTLOT A: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS AND PRIVATE PEDESTRIAN PURPOSES.  
OUTLOTS C,E,H,&I: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS, PRIVATE PEDESTRIAN AND PRIVATE PARKING PURPOSES.  
OUTLOTS B,D,I,&K: FOR PRIVATE LANDSCAPING, PUBLIC UTILITY EASEMENTS, PRIVATE PEDESTRIAN, PRIVATE PARKING AND PRIVATE TRASH PURPOSES.  
OUTLOTS F,G,&L: FOR PRIVATE LANDSCAPING AND PUBLIC UTILITY EASEMENT PURPOSES.  
OUTLOT M: FOR PRIVATE POOL AND RECREATION AREA AND PRIVATE PARKING.  
OUTLOT N: FOR PRIVATE STREET AND PUBLIC UTILITY EASEMENT PURPOSES.  
OUTLOT O: FOR FUTURE DEVELOPMENT.

**THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:**

● PUBLIC STREET AND UTILITY PURPOSES.  
OUTLOTS A THROUGH M, N & O: FOR PUBLIC UTILITY EASEMENT PURPOSES.

**THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES:**

● PUBLIC STREET AND UTILITY PURPOSES.

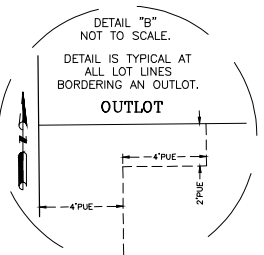


**RADIAL DATA:**

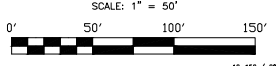
RADIAL NUMBER	RADIAL BEARING	RADIUS
R1	N89°05'36"E	440.00'
R2	S80°42'30"W	430.00'
R3	N80°42'30"E	440.00'
R4	N33°03'47"W	19.40'
R5	S47°09'00"E	21.60'
R6	S86°14'20"W	360.00'
R7	S81°36'05"W	360.00'
R8	S80°00'00"W	19.40'
R9	N00°28'53"W	5070.00'
R10	N00°03'20"W	5070.00'

**CURVE DATA:**

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C1	9°04'07"	440.00'	69.64'	69.57'
C2	5°31'53"	360.00'	34.76'	34.74'
C3	32°50'24"	19.40'	11.12'	10.97'
C4	46°55'58"	21.60'	17.69'	17.70'
C5	46°55'58"	19.40'	15.89'	15.45'
C6	90°22'43"	17.40'	27.48'	24.60'
C7	89°37'13"	14.40'	22.52'	20.30'
C8	31°01'43"	19.40'	10.51'	10.38'
C9	90°00'00"	3.40'	14.77'	13.20'
C10	90°00'00"	14.40'	22.52'	20.36'
C11	8°33'11"	370.00'	55.23'	55.18'
C12	0°30'58"	370.00'	29.33'	3.33'
C13	4°38'18"	360.00'	28.14'	28.14'
C14	0°53'35"	360.00'	5.61'	5.61'
C15	2°23'06"	440.00'	33.67'	33.67'
C16	4°41'01"	440.00'	35.97'	35.96'
C17	0°15'30"	5070.00'	22.85'	22.85'
C18	0°12'45"	5070.00'	18.80'	18.80'
C19	0°25'13"	5070.00'	37.20'	37.20'



SEE SHEET 2 OF 3 FOR OVERALL BOUNDARY AND FOUND MONUMENT DESCRIPTIONS.



**Harbour & Associates**  
Civil Engineers  
388 CLOVIS AVENUE # 300 Clovis, California 93612  
(559) 325-7070 Fax: (559) 325-7088 - info@hacog.com



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Planning and Development Services – Approval - Res. 20-\_\_\_\_, Annexation of Proposed Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (6050 Enterprises, LP Wilson Homes).

ATTACHMENTS: 1. Res. 20-\_\_\_\_

### **CONFLICT OF INTEREST**

None.

### **RECOMMENDATION**

For the City Council to approve Res. 20-\_\_\_\_, that will annex proposed Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis. This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

### **EXECUTIVE SUMMARY**

The owner, 6050 Enterprises, LP, acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Vesting Tentative Tract Map 6050 which Tract 6328 is a part of.

### **BACKGROUND**

6050 Enterprises, LP, the developer of Tract 6328, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

**FISCAL IMPACT**

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6328</u>	<u>Year to Date</u>
LMD Landscaping added:	0.29 acres	5.574 acres

Due to the homeowners association performing the maintenance of the additional landscape area through a separate maintenance agreement, no additional human resource needs will be required.

Resource needs added:	0.00 persons	0.439 persons
-----------------------	--------------	---------------

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

**REASON FOR RECOMMENDATION**

The property owners for the subject tract and parcel map have requested annexation into the City of Clovis LMD No. 1. This action is contingent upon the approval of Annexation #65 to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services), which is considered later in the same meeting.

**ACTIONS FOLLOWING APPROVAL**

Tract 6328 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: David Gonzalez, Civil Engineer

Reviewed by: City Manager *DH*

RESOLUTION 20-\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA, APPROVING ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6328, as described in Attachment A attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

- 1. That the public interest and convenience require that certain property described in Attachment A attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.
2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Attachment A which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ATTACHMENT 1

## **ATTACHMENT A**

### **Legal Description**

Lots 1 through 73, inclusive, of Tract Map 6328 recorded in Volume \_\_\_\_\_ of Plats at Pages \_\_\_\_\_ through \_\_\_\_\_, Fresno County Records.



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: December 7, 2020

SUBJECT: Public Utilities – Approval – Final Acceptance for CIP 20-02 Electric Vehicle Bus Chargers

ATTACHMENTS: 1. Vicinity Map

**CONFLICT OF INTEREST**

None

**RECOMMENDATION**

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

**EXECUTIVE SUMMARY**

This project is an electrification pilot project for the Transit Department installed at the City of Clovis Corporation Yard. The work consisted of the installation of two (2) electric vehicle chargers, concrete pads, footings, bollards, and all of the electrical and site work improvements.

**BACKGROUND**

Bids were received on April 14, 2020 and the project was awarded by City Council to the low bidder, Clean Fuel Connection, Inc., on May 4, 2020. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

**FISCAL IMPACT**

- |    |   |               |
|----|---|---------------|
| 1. | Award   | \$ 157,899.00 |
| 2. | Contract Change Orders<br>CCO No. 1<br>This change order modified the number of working days. | \$ 0.00       |

3. Liquidated Damages Assessed

\$ 0.00

**Final Contract Cost**

**\$157,899.00**

**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 it has been deemed acceptable. The contractor, Clean Fuel Connection, Inc., has requested final acceptance from City Council.

**ACTIONS FOLLOWING APPROVAL**

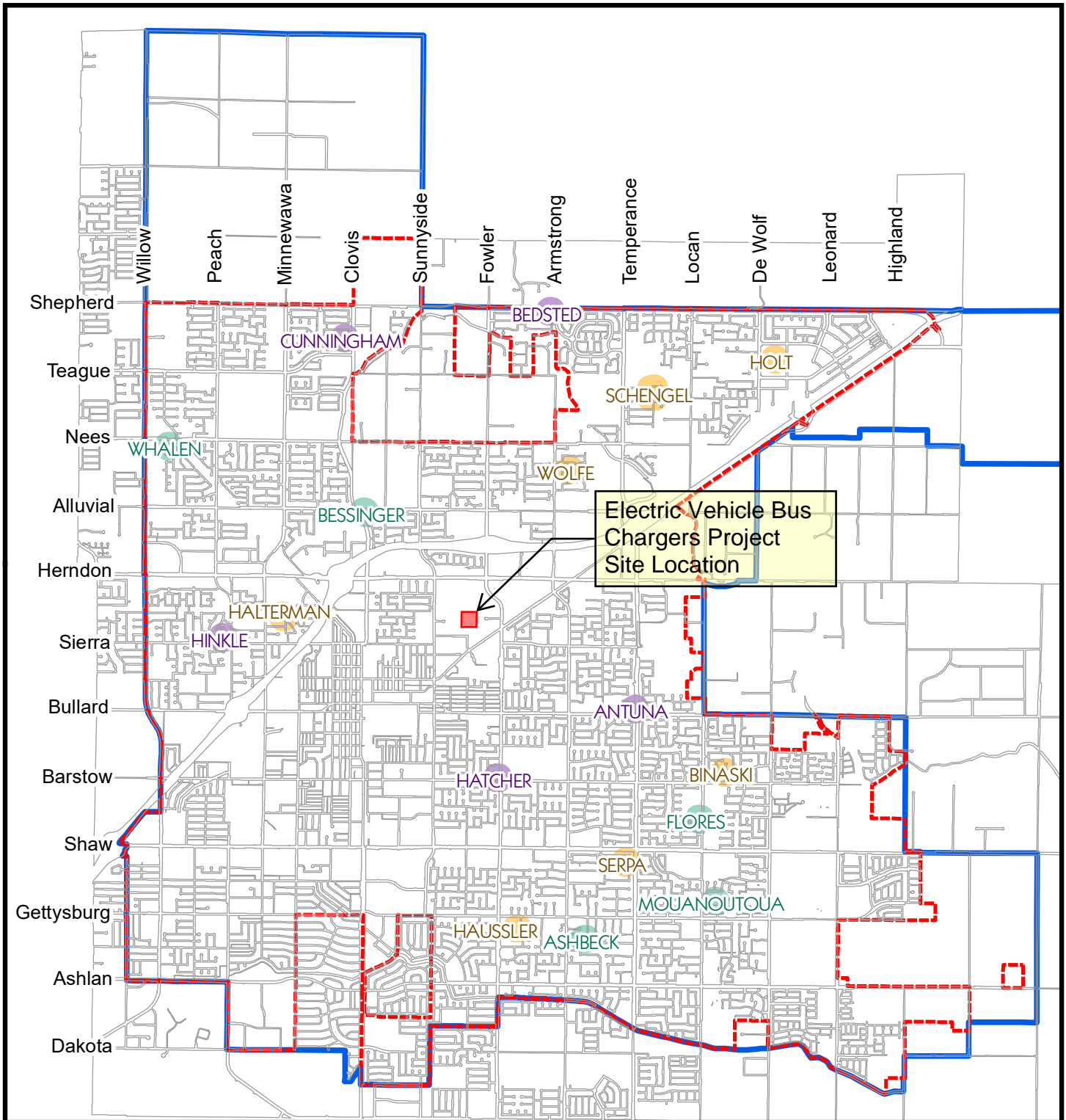
1. The notice of completion will be recorded; and
2. All remaining retention funds will be released 35 calendar days following recordation of the notice of acceptance, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have 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: Sarai Yanovsky, Civil Engineer

Reviewed by: City Manager *[Signature]*

# VICINITY MAP

## CIP 20-02 Electric Vehicle Bus Chargers



# ATTACHMENT 1







# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #64, T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 20-\_\_\_, A Resolution annexing territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #64) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 20-\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

ATTACHMENTS:

1. Resolution of Annexation
2. Resolution Declaring Results
3. Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #64) to Community Facilities District No. 2004-1.

- Consider Approval – Res. 20-\_\_\_\_, A Resolution of annexation of territory (Annexation #64) to the Community Facilities District (City of Clovis Community Facilities District No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.
- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 20-\_\_\_\_, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

### **EXECUTIVE SUMMARY**

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #64 (ROI) to annex territory to the CFD on October 19, 2020. The ROI set a public hearing for December 7, 2020. The action today finalizes the annexation to the CFD.

### **BACKGROUND**

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #64 (ROI) to annex territory to the CFD. The ROI set a public hearing for December 7, 2020. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

The conditions as provided in the Rate and Method of Apportionment will apply to territory annexed to the Community Facilities Districts to provide funding for public safety operations in new growth areas. The major conditions include:

1. The maximum annual tax will be \$260.08 for single family residential and \$224.55 for multi-family residential.
2. The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.

3. There will be a review not later than five years of inception of the CFD.
4. The annual tax will not apply to commercially zoned property.
5. The tax will apply only to that property for which a building permit is issued after January 1, 2004.
6. The costs of salary and benefit increases funded by the CFD will be limited to the Escalator Factor.

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any interested person within the proposed boundaries. If no property owner protests are received, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds (2/3) of the property within the proposed boundaries vote in favor of the CFD, then the Council can take action to direct the recording of Notice of Special Tax Lien. A unanimous vote is required to have the election the same night as approval of the resolution of annexation. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

After the annexation is complete and the Notice of Tax Lien has been recorded, any final maps within the CFD may be recorded and construction permits for homes can be issued. One of the conditions of the CFD is that the tax will only be collected on those properties where a building permit for a residence has been issued.

#### **FISCAL IMPACT**

If approved, residential units built within the boundaries of the CFD will be assessed annually according to the conditions of the CFD formation and those assessments will be utilized to fund police and fire services.

#### **REASON FOR RECOMMENDATION**

All requirements for the annexation of territory to the CFD have been completed and the Council may take action to annex territory to the CFD.

#### **ACTIONS FOLLOWING APPROVAL**

After approval of the resolution directing the recordation of the Notice of Tax Lien, the lien will be recorded.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *JH*

**RESOLUTION NO. 20-****A RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SUBMITTING LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS****CITY OF CLOVIS  
Community Services District No. 2004-1  
(Police and Fire Services)  
Annexation No. 64**

**RESOLVED** by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

**WHEREAS**, this Council, on October 19, 2020, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

**WHEREAS**, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District and stating the services to be provided and the rate and method of apportionment of the special tax to be levied within the District to pay for the services for the District, is on file with the Clerk of the Council and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

**WHEREAS**, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

**WHEREAS**, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the District by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing District, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to the District, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to the District; and

**WHEREAS**, Annexation Map No. 64 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

**ATTACHMENT 1**

**NOW, THEREFORE, IT IS HEREBY ORDERED,**

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 64 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 20-143 adopted by this Council for the District on October 19, 2020 each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant to the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on December 7, 2020, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5<sup>th</sup> Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on December 7, 2020, whether received by mail or by personal delivery.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk

**RESOLUTION NO. 20-****A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION,  
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING  
RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN****CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 64**

**RESOLVED** by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

**WHEREAS**, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"); and

**WHEREAS**, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election, a copy of which is attached hereto as Attachment A of Attachment 2; and

**WHEREAS**, this Council has reviewed the Canvass and hereby approves it.

**NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 20-, a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted December 7, 2020.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Fresno, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 64**

**CANVASS AND STATEMENT OF RESULT OF ELECTION**

I hereby certify that on this date, I canvassed the returns of the election held on this date, in the territory annexed to Community Facilities District No. 2004-1 (Police and Fire Services) of the City of Clovis which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory to be annexed and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

<b>Qualified Landowner Votes</b>	<b>Votes Cast</b>	<b>YES</b>	<b>NO</b>
--	-----------------------	------------	-----------

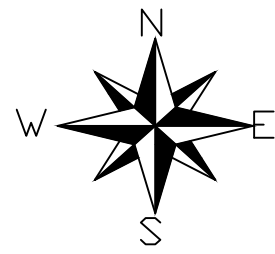
**City of Clovis  
Community Facilities District No. 2004-1  
(Police and Fire Services), Annexation No. 64  
Special Tax Annexation Election,  
December 7, 2020.**

**BALLOT MEASURE:** Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 20-\_\_\_ of the City of Clovis, adopted by its Council on December 7, 2020?

**IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** this \_\_\_\_ day of \_\_\_\_\_ 2020.

CITY OF CLOVIS

By: \_\_\_\_\_  
City Clerk



- LEGEND**
- PARCEL
  - ▬ ANNEXATION BOUNDARY
  - Ⓐ APN 554-052-11

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 64 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY ITS RESOLUTION NO. 20-\_\_\_\_\_

\_\_\_\_\_  
 JOHN HOLT  
 CITY CLERK  
 CITY OF CLOVIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

\_\_\_\_\_  
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER  
 COUNTY ASSESSOR-RECORDER  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA

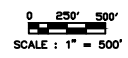
REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 64

COMMUNITY FACILITIES DISTRICT NO. 2004-1  
 (POLICE AND FIRE SERVICES)



CITY OF CLOVIS  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 7, 2020

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #65, T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 20-\_\_\_\_, A Resolution annexing territory (Annexation #65) (T6050-Northwest Corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #65) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 20-\_\_\_\_, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

**Staff:** Jay Schengel, Finance Director

**Recommendation:** Approve

ATTACHMENTS:

1. Resolution of Annexation
2. Resolution Declaring Results
3. Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #65) to Community Facilities District No. 2004-1.
- Consider Approval – Res. 20-\_\_\_\_, A Resolution of annexation of territory (Annexation #65) to the Community Facilities District (City of Clovis Community Facilities District

No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.

- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 20-\_\_\_\_, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

### **EXECUTIVE SUMMARY**

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #65 (ROI) to annex territory to the CFD on November 2, 2020. The ROI set a public hearing for December 7, 2020. The action today finalizes the annexation to the CFD.

### **BACKGROUND**

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #65 (ROI) to annex territory to the CFD. The ROI set a public hearing for December 7, 2020. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

The conditions as provided in the Rate and Method of Apportionment will apply to territory annexed to the Community Facilities Districts to provide funding for public safety operations in new growth areas. The major conditions include:

1. The maximum annual tax will be \$260.08 for single family residential and \$224.55 for multi-family residential.
2. The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.
3. There will be a review not later than five years of inception of the CFD.
4. The annual tax will not apply to commercially zoned property.

5. The tax will apply only to that property for which a building permit is issued after January 1, 2004.
6. The costs of salary and benefit increases funded by the CFD will be limited to the Escalator Factor.

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any interested person within the proposed boundaries. If no property owner protests are received, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds (2/3) of the property within the proposed boundaries vote in favor of the CFD, then the Council can take action to direct the recording of Notice of Special Tax Lien. A unanimous vote is required to have the election the same night as approval of the resolution of annexation. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

After the annexation is complete and the Notice of Tax Lien has been recorded, any final maps within the CFD may be recorded and construction permits for homes can be issued. One of the conditions of the CFD is that the tax will only be collected on those properties where a building permit for a residence has been issued.

#### **FISCAL IMPACT**

If approved, residential units built within the boundaries of the CFD will be assessed annually according to the conditions of the CFD formation and those assessments will be utilized to fund police and fire services.

#### **REASON FOR RECOMMENDATION**

All requirements for the annexation of territory to the CFD have been completed and the Council may take action to annex territory to the CFD.

#### **ACTIONS FOLLOWING APPROVAL**

After approval of the resolution directing the recordation of the Notice of Tax Lien, the lien will be recorded.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager LS

**RESOLUTION NO. 20-****A RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SUBMITTING LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS****CITY OF CLOVIS  
Community Services District No. 2004-1  
(Police and Fire Services)  
Annexation No. 65**

**RESOLVED** by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

**WHEREAS**, this Council, on November 2, 2020, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

**WHEREAS**, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District and stating the services to be provided and the rate and method of apportionment of the special tax to be levied within the District to pay for the services for the District, is on file with the Clerk of the Council and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

**WHEREAS**, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

**WHEREAS**, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the District by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing District, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to the District, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to the District; and

**WHEREAS**, Annexation Map No. 65 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

**ATTACHMENT 1**

**NOW, THEREFORE, IT IS HEREBY ORDERED,**

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 65 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 20-153 adopted by this Council for the District on November 2, 2020 each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant to the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on December 7, 2020, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5<sup>th</sup> Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on December 7, 2020, whether received by mail or by personal delivery.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**RESOLUTION NO. 20-****A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION,  
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING  
RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN****CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 65**

**RESOLVED** by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

**WHEREAS**, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"); and

**WHEREAS**, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election, a copy of which is attached hereto as Attachment A of Attachment 2; and

**WHEREAS**, this Council has reviewed the Canvass and hereby approves it.

**NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 20-, a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted December 7, 2020.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Fresno, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: December 7, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY OF CLOVIS  
Community Facilities District No. 2004-1  
(Police and Fire Services)  
Annexation No. 65**

**CANVASS AND STATEMENT OF RESULT OF ELECTION**

I hereby certify that on this date, I canvassed the returns of the election held on this date, in the territory annexed to Community Facilities District No. 2004-1 (Police and Fire Services) of the City of Clovis which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory to be annexed and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

<b>Qualified Landowner Votes</b>	<b>Votes Cast</b>	<b>YES</b>	<b>NO</b>
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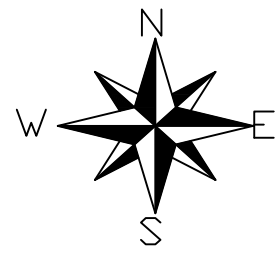
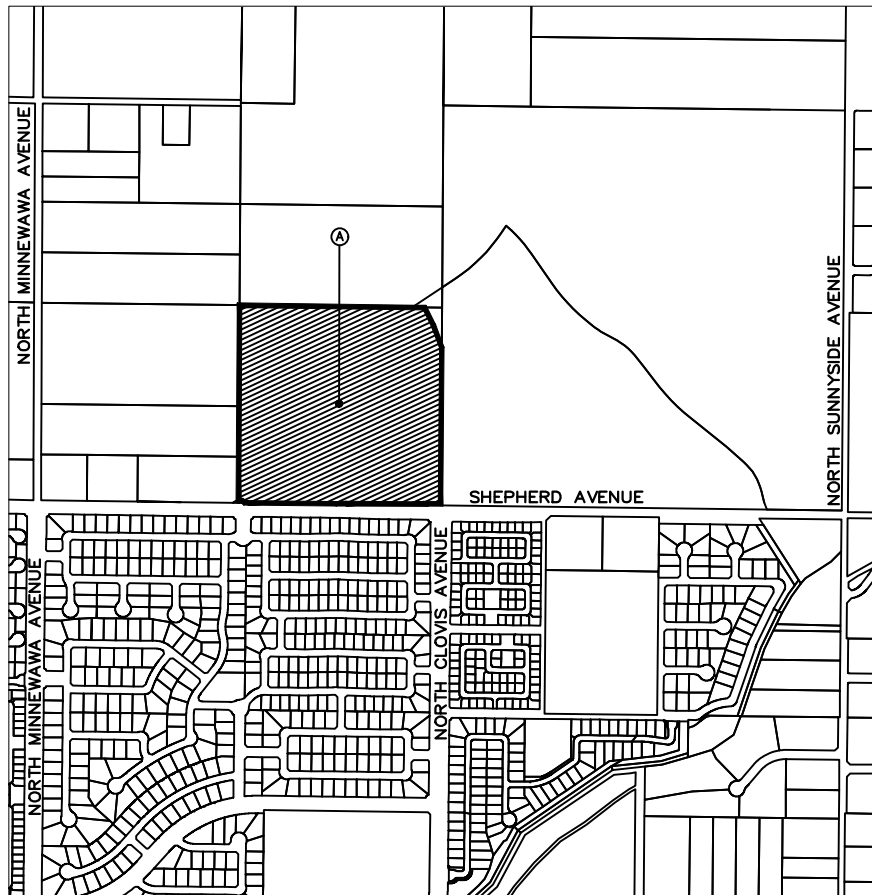
**City of Clovis  
Community Facilities District No. 2004-1  
(Police and Fire Services), Annexation No. 65  
Special Tax Annexation Election,  
December 7, 2020.**

**BALLOT MEASURE:** Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 20-\_\_\_ of the City of Clovis, adopted by its Council on December 7, 2020?

**IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** this \_\_\_\_ day of \_\_\_\_\_ 2020.

CITY OF CLOVIS

By: \_\_\_\_\_  
City Clerk



LEGEND  
 \_\_\_\_\_ PARCEL  
 \_\_\_\_\_ ANNEXATION BOUNDARY  
 (A) APN 556-050-38

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 65 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY ITS RESOLUTION NO. 20-\_\_\_\_\_

\_\_\_\_\_  
 JOHN HOLT  
 CITY CLERK  
 CITY OF CLOVIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

\_\_\_\_\_  
 PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER  
 COUNTY ASSESSOR-RECORDER  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 65

COMMUNITY FACILITIES DISTRICT NO. 2004-1  
 (POLICE AND FIRE SERVICES)

0 250' 500'  
 SCALE : 1" = 500'

CITY OF CLOVIS  
 COUNTY OF FRESNO  
 STATE OF CALIFORNIA



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 7, 2020

SUBJECT: Consider Adoption – Ord. 20-\_\_\_\_, OA2019-004 (Extension), A request to adopt an Urgency Ordinance, the purpose of which is to extend an earlier Urgency Ordinance (No. 19-21 adopted on December 16, 2019 and extended on January 21, 2020) which amends various sections of Title 9 of the Clovis Municipal Code (“Development Code”) to bring the Development Code into compliance with recently enacted State laws.

**Staff:** Dave Merchen, City Planner  
**Recommendation:** Adopt

ATTACHMENTS: 1. Draft Ordinance 20-\_\_\_\_

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the City Council adopt an urgency ordinance to extend Ord. 19-21, which was adopted by the Council on December 16, 2019 and extended on January 21, 2020, to address State legislation related to Housing Development Project Standards and Procedures, Density Bonus, Accessory Dwelling Units, and Review Procedures. As an urgency ordinance, the extension ordinance requires a four-fifths (4/5) vote.

Staff further recommends that the Council accept this staff report as the written report describing the measures the City has taken to alleviate the conditions which led to the adoption of Urgency Ordinance 19-21.

### EXECUTIVE SUMMARY

On December 16, 2019, the City Council of the City of Clovis (“City”) adopted Ord. 19-21 as an urgency ordinance (“Urgency Ordinance”). The Council then extended the Urgency Ordinance for 10 months and 15 days (until December 15, 2020). The Urgency Ordinance was adopted in order to ensure that the City is in compliance with new State Housing Laws (“2019 Housing Laws”). The Urgency Ordinance amended certain provisions of Title 9 of the

Clovis Municipal Code (“Development Code”) affected by the 2019 Housing Laws. 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. The Urgency Ordinance was needed to implement new housing development procedures and to allow the City to accept housing development applications under the new procedures by January 1, 2020.

A summary of the Urgency Ordinance was published in the Business Journal on November 20, 2020. A notice of public hearing was also published on November 20, 2020 notifying the public that the City proposes to extend the interim ordinance for up to 12 months until a permanent ordinance amending the Development Code is adopted.

## **BACKGROUND**

### Adoption of Urgency Ordinance

On December 16, 2019, the City Council adopted Ord. 19-21, related to various housing concerns. The interim ordinance does the following:

- Chapter 9.26 of Title 9: Adds a new category of housing developments eligible for a density bonus, along with the corresponding density bonus and the number of incentives or concessions for which such housing developments are eligible.
- Section 9.40.020 of Title 9: Replaces Section 9.40.020 in its entirety to reflect the standards, procedures, and permitted Accessory Dwelling Unit (“ADU”) and Junior Accessory Dwelling Unit (“JADU”) structures required by Government Code sections 65852.2 and 65852.22.
- Section 9.40.200 of Title 9: Adds Low Barrier Navigation Center developments as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if State law requirements are satisfied.
- Chapter 9.50 of Title 9: Adds a procedure for filing a preliminary application for housing developments and the effect thereof; adds procedures and timelines for review, acceptance, and approval of preliminary and final applications for housing developments; adds special requirements for housing developments in urbanized areas; revises and expands procedures and timelines for streamlined ministerial review of certain housing development projects, including moderate-income multifamily housing.
- Chapter 9.77 of Title 9: Adds a chapter that establishes and incorporates objective standards for housing developments and a ministerial review process for qualifying housing developments.

A complete copy of the Urgency Ordinance and staff report was included in the December 16, 2019 Council agenda package. A complete copy of the first Urgency Ordinance extension and staff report was included in the January 21, 2020 Council agenda package.

### Extension of Urgency Ordinance

The interim regulations adopted pursuant to Urgency Ordinance 19-21 will expire on December 15, 2020, unless extended by the Council following a noticed public hearing pursuant to Government Code section 65858. A public hearing was noticed for the December 7, 2020 Council meeting. State law allows the Council to extend Urgency Ordinance 19-21 for up to 12 months (until December 14, 2021).

To adopt the extension ordinance, the Council must find that there is a current and immediate threat to the public health, safety, or welfare, and that the construction and placement of development projects and housing, including ADUs, in the City without adhering to appropriate regulatory requirements would result in that threat to public health, safety or welfare. These findings, and the basis for the findings, are set forth in the body of Urgency Ordinance 19-21, the first extension approved on January 21, 2020, and in the new extension ordinance which is currently under consideration.

The COVID-19 State of Emergency declared by the Federal Government, State of California, County of Fresno, and City of Clovis has impacted and continues to impact City operations, requiring staff time and resources to be allocated towards the City's COVID-19 response, and away from projects planned before the State of Emergency. Furthermore, additional State housing legislation enacted during the 2020 legislative session ("2020 Housing Laws") cover many of the same housing-related matters that were addressed in the 2019 Housing Laws and Urgency Ordinance No. 19-21. The 2020 Housing Laws need to be incorporated into the final regulations to ensure that the Development Code is in compliance with more recent State law amendments. Urgency Ordinance No. 19-21 will expire before staff has had an opportunity to finalize permanent regulations to address the 2019 Housing Laws and 2020 Housing Laws, and propose comprehensive amendments to the Development Code.

It is a more efficient use of staff resources to prepare comprehensive amendments to the Development Code to address the many and often overlapping areas of housing development application, review, and approval affected by the 2019 Housing Laws, rather than to conduct multiple "stand alone" ordinance amendments. It also allows for the ordinance amendments to be placed in a logical manner within the Development Code. There are other amendments that will be incorporated in the same manner for other development standards. Preparing comprehensive Development Code amendments enables public participation in the discussion of housing issues. The extension of the Urgency Ordinance allows staff to proceed in the manner directed by the City Council.

Formal public hearings before the Planning Commission and City Council regarding housing development standards and procedures will occur in connection with adoption of permanent amendments to the City's Development Code, as set forth in the December 16, 2019 staff report and as intended by the Council when it adopted Urgency Ordinance 19-21.

### Written Report: Steps to Address Urgency Conditions

It is necessary for the Council to issue a written report describing the measures the City has taken to alleviate the conditions which led to the adoption of Urgency Ordinance 19-21. As noted in the December 16, 2019 and January 21, 2020 staff reports, staff is currently in the process of preparing amendments to the affected Ordinances to bring them into compliance with the 2019 Housing Laws. Staff is diligently working with the City Attorney's office on preparation of a comprehensive update to the City's Development Code to address the 2019 Housing Laws. It is anticipated that this effort will take up to 12 additional months.

Planning Department staff has regularly met with the City Attorney's office and representatives of other departments to consider the 2019 Housing Laws and the effects thereof on the Development Code and City procedures for housing development applications. Meetings have continued since adoption of the Urgency Ordinance. Staff is taking into consideration feedback and recommendations from the various departments to develop procedures and standards that are both compliant with the new 2019 Housing Laws and meet the needs of the departments to effectively deliver services to the City.

To implement the Urgency Ordinance and the 2019 Housing Laws, staff has revised the master development application to include preliminary application and multifamily ministerial review. Staff has also developed a checklist for the preliminary application that specifies content for a complete preliminary application, pursuant to Government Code section 65941.1. Staff is in the process of evaluating other development application forms and the processes for accepting, reviewing, and approving development applications consistent with the Urgency Ordinance and the 2019 Housing Laws.

Staff will continue to evaluate the forms and process as applications are received pursuant to the new preliminary application process, as well as other processes affected by the Urgency Ordinance and the 2019 Housing Laws.

#### **FISCAL IMPACT**

No fiscal impacts have been identified with respect to the proposed Ordinance Amendment.

#### **REASON FOR RECOMMENDATION**

This Urgency Ordinance is being recommended to extend Ord. 19-21, for up to 12 months to prepare permanent amendments to the Development Code, and to conform City forms and procedures as required by the Urgency Ordinance and 2019 Housing Laws.

#### **ACTIONS FOLLOWING APPROVAL**

If the Council approves the extension ordinance, the interim regulations will be in effect until the City adopts permanent amendments to the Development Code, or December 14, 2021, whichever occurs first.

Prepared by: Dave Merchen, City Planner

Reviewed by: City Manager 



**ORDINANCE NO. 20- \_\_****(Urgency Ordinance)  
(Extending Urgency Ordinance No. 19-21)****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS EXTENDING URGENCY ORDINANCE NO. 19-21 WHICH AMENDS PROVISIONS OF TITLE 9 TO THE CLOVIS MUNICIPAL CODE RELATING TO HOUSING DEVELOPMENT PROJECT STANDARDS AND PROCEDURES, DENSITY BONUS, ACCESSORY DWELLING UNITS, AND REVIEW PROCEDURES**

THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. By adopting Urgency Ordinance No. 19-21 (December 16, 2019), the City Council adopted interim regulations for development projects and housing, including accessory dwelling units (“ADU”), consistent with the newly enacted State Housing Laws (“2019 Housing Laws”) pending the approval of permanent amendments to Title 9 of the Clovis Municipal Code (“Development Code”) addressing the 2019 Housing Laws.
2. The City Council in adopting Urgency Ordinance No. 19-21 found that there is a current and immediate threat to the public health, safety, or welfare, and that the construction and placement of development projects and housing, including ADUs, in the City without adhering to appropriate regulatory requirements would result in that threat to public health, safety, or welfare until the Council has had an opportunity to review, consider, and approve permanent housing ordinance amendments to the Development Code.
3. The Findings set forth in Ordinance No. 19-21 are incorporated by reference as though fully set forth herein.
4. Staff presented the 2019 Housing Laws urgency ordinance to the City Council on December 16, 2019. The 2019 Housing Laws cover a number of different and overlapping areas related to housing development application, review, and approval. Developing permanent regulations to address the 2019 Housing Laws is a large and complicated task. Staff is diligently working on amendments to the Development Code which will address the 2019 Housing Laws. The City Council extended Urgency Ordinance No. 19-21 on January 21, 2020 to allow staff time to prepare permanent regulations to address the 2019 Housing Laws.

**ATTACHMENT 1**

5. The COVID-19 State of Emergency declared by the Federal Government, State of California, County of Fresno, and City of Clovis has impacted and continues to impact City operations, requiring staff time and resources to be allocated towards the City's COVID-19 response, and away from projects planned before the State of Emergency.
6. Additional State housing legislation enacted during the 2020 legislative session ("2020 Housing Laws") cover many of the same housing-related matters that were addressed in the 2019 Housing Laws and Urgency Ordinance No. 19-21. The 2020 Housing Laws need to be incorporated into the final regulations to ensure that the Development Code is in compliance with more recent State law amendments.
7. Urgency Ordinance No. 19-21 will expire before staff has had an opportunity to finalize permanent regulations to address the 2019 Housing Laws and 2020 Housing Laws and propose comprehensive amendments to the Development Code.
8. In accordance with Government Code section 65090, the City published a notice of a public hearing in the Business Journal on November 20, 2020 to consider extending Urgency Ordinance No. 19-21.

## SECTION 2. EXTENSION OF URGENCY ORDINANCE NO. 19-21

1. Urgency Ordinance No. 19-21 is extended until permanent regulations governing development projects and housing, including ADUs, consistent with the 2019 Housing Laws are adopted, but in no event beyond the maximum time authorized by law of 12 months.
2. In extending Urgency Ordinance No. 19-21, the Council finds that there is a current and immediate threat to the public health, safety, or welfare, and that the construction and placement of development projects and housing, including ADUs, in the City without adhering to appropriate regulatory requirements would result in that threat to public health, safety, or welfare until the Council has had an opportunity to review, consider, and approve a permanent and comprehensive amendment to the Development Code.
3. These findings are based upon the documents and evidence presented to the City Council in connection with adoption of Urgency Ordinance No. 19-21, and any documents and evidence presented to the Council in connection with the adoption of this extension ordinance.

SECTION 3. INTERIM URGENCY ORDINANCE.

Pending the adoption of a permanent ordinance addressing the construction and placement of development projects and housing, including ADUs, in the City, the regulations set forth in **Attachment “A”** shall apply. Attachment “A” shall be deemed an interim ordinance and remain in effect for 12 months from the expiration of Urgency Ordinance No. 20-02 on December 15, 2020 (no later than December 14, 2021.)

SECTION 4. EFFECTIVE DATE.

The extension of Urgency Ordinance No. 19-21 by adoption of this ordinance shall go into effect immediately upon expiration of Urgency Ordinance No. 19-21 and be in full force and operation until a permanent ordinance addressing the construction and placement of development projects and housing, including ADUs, in the City becomes effective, but in no event beyond 12 months from the expiration of Urgency Ordinance No. 19-21 on December 15, 2020 (no later than December 14, 2021).

The foregoing Urgency Ordinance was introduced, read, and adopted at a regular meeting of the City Council of the City of Clovis held on December 7, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved this 7<sup>th</sup> day of December 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 19-21**  
**(URGENCY ORDINANCE)**

**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**

**THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:**

**SECTION 1. FINDINGS.**

- A. The California Legislature declared a statewide housing emergency. The 2019 California Legislative Session produced numerous laws related to housing (“2019 Housing Laws”), including the Housing Crisis Act of 2019 (S.B. 330). The intent of the Legislature in enacting the Housing Crisis Act of 2019 is to “suspend certain restrictions on the development of new housing” and to “expedite the permitting of housing.”
- B. The 2019 Housing Laws in general are intended to promote housing development throughout 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. Certain provisions of the 2019 Housing Laws are already in effect and other provisions go into effect on January 1, 2020.
- C. The City of Clovis (“City”) previously adopted ordinances (“Ordinances”) to comply with then-existing state law that now require amendments to comply with the 2019 Housing Laws. Certain provisions of the 2019 Housing Laws specifically require local ordinances to comply with the standards expressed in the respective statutes and make null and void those local ordinances that are inconsistent with the 2019 Housing Laws.
- D. The City is currently in the process of preparing amendments to the affected Ordinances to bring them into compliance with the 2019 Housing Laws. In the process of updating the Ordinances, staff will be developing procedures and standards to specifically address the amendments arising from the 2019 Housing Laws. Pending approval of permanent Ordinance amendments implementing the procedures and standards required by the 2019 Housing Laws, development projects and housing, including ADUs, could be constructed and placed in a manner inconsistent with City regulations proposed to be adopted for the health, safety, and welfare of the community.
- E. It is in the best interest of the City to adopt interim ordinances in order for the City to accept, review, and act on housing development applications in compliance with the 2019 Housing Laws. Further, in order to protect the public health, safety, and welfare, it is in the best interest of the City that, to the extent possible, the procedures and standards outlined in the existing Ordinances continue in force and effect while City staff develops revised procedures and standards for permanent amendments to the Ordinances addressing these

changes. Without the adoption of interim regulations addressing the 2019 Housing Laws, the construction and placement of development projects and housing, including ADUs, would frustrate and contradict the ultimate goals of the existing and updated Ordinances.

- F. Based upon the foregoing findings, the City Council of the City of Clovis finds that there is a current and immediate risk of processing and evaluating applications for housing development projects in a way that conflicts with the requirements of the 2019 Housing Laws. The City Council of the City of Clovis further finds that there is a current and immediate threat to the public health, safety, or welfare if the Ordinances are deemed null and void due to non-compliance with the 2019 Housing Laws. The construction and placement of development projects and housing, including ADUs, in the City without adhering to appropriate regulatory requirements would result in a threat to public health, safety, or welfare for the period of time until the Council has had an opportunity to review, consider, and approve regulations for development projects and housing, including ADUs, and incorporate those regulations into the Clovis Municipal Code.
- G. The City Council desires to approve interim Ordinance amendments pending completion of City staff's consideration of permanent Ordinance amendments for development projects and housing, including ADUs, consistent with the 2019 Housing Laws and incorporation of those amendments into the Clovis Municipal Code.

## **SECTION 2. INTERIM REGULATION: DENSITY BONUS.**

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing may be constructed in accordance with the density bonus standards and regulations set forth in the interim ordinance attached hereto as **Attachment "A."** Attachment "A" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - 19 on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

## **SECTION 3. INTERIM REGULATION: ACCESSORY DWELLING UNITS.**

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, ADUs may be constructed and located only in accordance with the standards and regulations set forth in the interim ordinance attached hereto as **Attachment "B."** Attachment "B" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - 19 on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

## **SECTION 4. INTERIM REGULATION: HOUSING DEVELOPMENT PROCEDURES.**

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing shall be reviewed and approved in accordance with the procedures and standards set forth in the interim ordinance attached hereto as **Attachment "C."** Attachment "C" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - 19 on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

**SECTION 5. INTERIM REGULATION: OBJECTIVE STANDARDS AND INISTERIAL REVIEW.**

Pending the approval of permanent Ordinance amendments addressing the 2019 Housing Laws, development projects and housing shall be reviewed and approved in accordance with the standards and regulations for residential design, project review, and appeals set forth in the interim ordinance attached hereto as **Attachment "D."** Attachment "D" shall be deemed an interim ordinance and shall remain in effect for forty-five (45) days from the adoption of this Urgency Ordinance No. 19 - 19 on December 16, 2019 (until January 30, 2020), unless this urgency ordinance is extended as authorized by California Government Code section 65858.

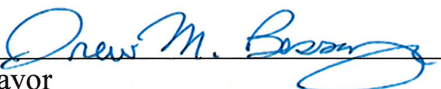
**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall go into effect immediately and shall be in full force and operation for forty-five (45) days from its adoption, unless extended by the Council.

The foregoing Urgency Ordinance was introduced, read, and adopted at a regular meeting of the City Council of the City of Clovis held on December 16, 2019, by the following vote:

APPROVED:

Dated: December 16, 2019

  
\_\_\_\_\_  
Mayor

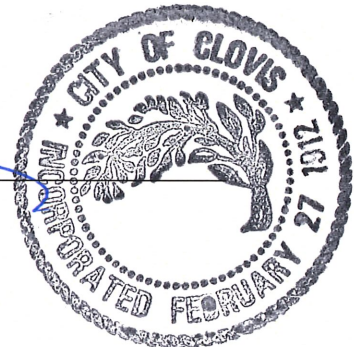
  
\_\_\_\_\_  
City Clerk

The foregoing Urgency Ordinance was introduced, read, and adopted at a regular meeting of the City Council held on December 16, 2019, by the following vote, to wit:

- AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger
- NOES: None
- ABSENT: None
- ABSTAIN: None

Dated: December 16, 2019

  
\_\_\_\_\_  
City Clerk



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## Attachment “A”

### CHAPTER 9.26, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO DENSITY BONUS IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

#### CHAPTER 9.26 AFFORDABLE HOUSING INCENTIVES: DENSITY BONUS

##### Sections:

- 9.26.010 Purpose of chapter.
- 9.26.020 Eligibility for bonus, incentives, or concessions.
- 9.26.030 Allowed density bonuses.
- 9.26.040 Allowed incentives or concessions.
- 9.26.050 Parking requirements in density bonus projects.
- 9.26.060 Bonus and incentives for developments with child care facilities.
- 9.26.070 Continued availability.
- 9.26.080 Location and type of designated units.
- 9.26.090 Processing of bonus requests.
- 9.26.100 Density bonus agreement.
- 9.26.110 Control of resale.
- 9.26.120 Judicial relief, waiver of standards.

##### **9.26.010 Purpose of chapter.**

As required by Government Code Section 65915, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.26.020 (Eligibility for bonus, incentives, or concessions). This chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan. [As used in this Chapter and when otherwise required by Government Code section 65915 et seq., “housing development” means a development project for five or more residential units, including mixed-use developments, that meets the requirements of Government Code section 65915\(i\).](#)

##### **9.26.020 Eligibility for bonus, incentives, or concessions.**

In order to be eligible for a density bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Development Code, except as provided by Section 9.26.040 (Allowed incentives or concessions).

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. Ten percent (10%) of the total number of proposed units are for lower-income households, as defined in Health and Safety Code Section 50079.5;

2. Five percent (5%) of the total number of proposed units are for very low-income households, as defined in Health and Safety Code Section 50105;

3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 and 799.5;

4. Ten percent (10%) of the total dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase;

5. Ten percent (10%) of the total number of proposed units of housing for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act; or

6. Twenty percent (20%) of the total number of proposed units for lower income students in a student housing development that meets the requirements, as defined by Government Code Section 65915.

7. One hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Health and Safety Code Section 50053.

B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 9.26.030 (Allowed density bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of subsection (A)(1), (2), (3), ~~(4)~~, (5), (6), or (7) of this section. A preliminary application submitted pursuant to Section 9.50.055 shall include the number of bonus units requested pursuant to this section.

C. Bonus units shall not qualify as a project. A density bonus granted in compliance with Section 9.26.030 (Allowed density bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by subsection A of this section.

D. Minimum project size to qualify for density bonus. The density bonus provided by this chapter shall be available only to a housing development of five (5) or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

### **9.26.030 Allowed density bonuses.**



The Director shall determine the amount of a density bonus allowed in a housing development in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district as of the date of preliminary or final application by the applicant to the City.

A. Density bonus. A housing development that complies with the eligibility requirements in Section 9.26.020(A)(1), (2), (3), ~~or (4)~~, (5), (6), or (7) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant:

1. Bonus for units for lower-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(1) (ten percent (10%) of units for lower-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-5  
BONUS FOR LOWER-INCOME  
HOUSEHOLDS

*[Insert Table 3-5]*

2. Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(2) (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-6  
BONUS FOR VERY LOW-INCOME  
HOUSEHOLDS

*[Insert Table 3-6]*

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(3) (senior citizen development or mobile home park) shall be entitled to a density bonus of twenty percent (20%).

4. Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

TABLE 3-7  
BONUS FOR MODERATE-INCOME  
HOUSEHOLDS

*[Insert Table 3-7]*

5. Bonus for transitional foster youth, disabled veterans, or homeless persons

development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a density bonus of twenty percent (20%).

6. Bonus for lower income students in a student housing development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(6) (lower income students in student housing) shall be entitled to a density bonus of thirty-five percent (35%).

7. Bonus for units for lower-income and moderate-income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9.26.020(A)(7) (lower-income and moderate-income households) shall be entitled to a density bonus of eighty percent (80%) of the number of units of lower income households. If the housing development is located within one-half mile of a major transit stop, there shall be no maximum controls on density.

a. A housing development that receives a waiver from maximum controls on density shall not be eligible for, and shall not receive, a waiver or reduction of any other development standards, other than a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

b. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

87. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

a. Basic bonus. The applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district for the entire development, and an additional increase as follows:

TABLE 3-8  
BASIC BONUSES

*[Insert Table 3-8]*

b. Increased bonus. The increase identified in the table above shall be in addition to any increase in density required by subsections (A)(1) through (47) of this section up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required in compliance with this subsection (A)(78), as well as the bonuses provided by subsections (A)(1) through (47) of this section.

c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this subsection if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least forty (40) units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

(4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City before the time of transfer.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.26.070 (Continued availability), which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development.

B. Greater or lesser bonuses. The City may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of this section, or grant a proportionately lower density bonus than required by this section for a development that does not fully comply with the requirements of this section.

C. Density bonus calculations. The calculation of a density bonus in compliance with this section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

E. Location of bonus units. The developer may locate density bonus units in the housing project in other than the areas where the units for the lower-income households are located.

#### **9.26.040 Allowed incentives or concessions.**

A. Applicant request and City approval.

1. An applicant for a density bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions listed in subsection ~~C-D~~ of this section (Type of incentives) that the applicant requests in compliance with this section, and may request a meeting with the Director. The applicant may file a request either before filing ~~an~~ a final application for City approval of a proposed project or concurrently with ~~an~~ a final application for project approval. A preliminary application submitted pursuant to Section 9.50.060 shall include any incentives, concessions, waivers, or parking reductions requested pursuant to this section.

2. The Director shall grant an incentive or concession request that complies with this section unless the Director makes either of the following findings in writing, based upon substantial evidence:

a. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 9.26.070(B) (Unit cost requirements); or

b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

**BC.** Number of incentives. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession. One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions. Two (2) incentives or concessions for a project that includes at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions. Three (3) incentives or concessions for a project that includes at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions. Four (4) incentives or concessions for projects where one hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Health and Safety Code Section 50053. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three (3) additional stories, or 33 feet.

a. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

**CD.** Type of incentives. For the purposes of this chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 9.26.050 (Parking requirements in density bonus projects)), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

2. Approval of mixed use land uses not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project

and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

DE. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

F. Exceptions. Notwithstanding the provisions of this Chapter, nothing in this section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

### **9.26.050 Parking requirements in density bonus projects.**

A. Applicability. This section applies to a development that meets the requirements of Section 9.26.020 (Eligibility for bonus, incentives, or concessions) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section in compliance with Section 9.26.040 (Allowed incentives or concessions).

B. Number of parking spaces required.

1. At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 9.26.020 (Eligibility for bonus, incentives, or concessions), inclusive of handicapped and guest parking:

- a. Zero (0) to one bedroom: One on-site parking space.
- b. Two (2) to three (3) bedrooms: Two (2) on-site parking spaces.
- c. Four (4) and more bedrooms: Two and one-half (2-1/2) on-site parking spaces.

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. Adjustments to parking requirements.

1. If the development includes the maximum percentage of low-income or very low-income units and is located within one-half mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the parking ratio, inclusive of handicapped and guest parking, shall not exceed one-half (1/2) spaces per bedroom.

2. At the request of the applicant, if the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, the following shall apply:

a. If the development is located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed one-half (1/2) spaces per unit.

b. If the development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed one-half (1/2) spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

c. If the [development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Health and Safety Code Section 50052.5, and the](#) development is [either a special needs housing development, as defined in Health and Safety Code Section 51312, or a supportive housing development, as defined in Health and Safety Code Section 50675.14, then, upon the request of the developer, there shall be no minimum vehicular parking requirement, except that a special needs housing development the ratio shall not exceed three-tenths \(3/10\) spaces per unit. The development](#) shall have either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

D. Location of parking. For purposes of this section, a development may provide on-site parking through uncovered parking, but not through on-street parking.

**9.26.060 Bonus and incentives for developments with child care facilities.**

A. Housing developments. A housing development that complies with the resident and project size requirements of Sections 9.26.020(A) and (B), and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus,

incentives, and requirements.

1. Additional bonus and incentives. The City shall grant a housing development that includes a child care facility in compliance with this section either of the following:

a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. Requirements to qualify for additional bonus and incentives.

a. The City shall require, as a condition of approving the housing development, that:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 9.26.070 (Continued availability); and

(2) Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income in compliance with Section 9.26.020(A) (Resident requirements).

b. The City shall not be required to provide a density bonus for a child care facility in compliance with this section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

B. Commercial and industrial developments. A developer of a commercial or industrial development project, containing at least fifty thousand (50,000) square feet of floor area, may be granted a density bonus when that developer agrees to set aside at least two thousand (2,000) square feet of interior floor area and three thousand (3,000) outdoor square footage to be used for a child care facility, other than a large or small family day care home, in compliance with Government Code Section 65917.5 (Commercial density bonus).

1. Allowable density bonuses. The allowable density bonus may be one of the following:

a. A maximum of five (5) square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or

b. A maximum of ten (10) square feet of floor area for each one square foot of



floor area contained in the child care facility located in a new child care facility.

2. Requirements to qualify for the additional density bonus shall include all of the following.

a. For purposes of calculating the allowable density bonus under this subsection, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.

b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least forty (40) children.

c. This facility may be located either on the project site or may be located off site as agreed upon by the developer and the City.

d. If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this section.

e. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

#### **9.26.070 Continued availability.**

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 9.26.110 (Control of resale).

A. Duration of affordability. The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows:

1. Low- and very low-income units. The continued affordability of all low- and very low-income qualifying units shall be maintained for ~~thirty (30)~~fifty-five (55) years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.

2. Moderate-income units in common interest development. The continued availability of moderate-income units in a common interest development shall be maintained for a minimum of ten (10) years, or a longer time if required by City policy or ordinance.

B. Unit cost requirements. The rents and owner-occupied costs charged for the housing units

in the development that qualify the project for a density bonus and other incentives and concessions shall not exceed the following amounts during the period of continued availability required by this section:

1. Lower-income units. Rents for the lower-income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053~~;~~ ~~and~~

a. For housing developments specified in Section 9.26.020(A)(7), rents for all units in the development, including both base density and density bonus units, shall be as follows:

i. The rent for at least twenty percent (20%) of the units in the development shall be set at an affordable rent, as defined in Health and Safety Code Section 50053.

ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

2. Owner-occupied units. Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. Occupancy and resale of moderate-income common interest development units. An applicant shall agree to, and the City shall ensure that, the initial occupants of moderate-income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351 are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three (3) years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this section:

a. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

### **9.26.080 Location and type of designated units.**

A. Location/dispersal of units. As required by the Director in compliance with Section 9.26.090 (Processing of bonus requests), designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the nondesignated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finish quality.

B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the nondensity bonus units, or phased in another sequence acceptable to the City.

### **9.26.090 Processing of bonus requests.**

A. Permit requirement. A request for a density bonus and other incentives and concessions shall be evaluated and decided through the density bonus request processing procedures. In addition to the requirements of the density bonus request processing procedures, the following procedures shall also apply for the processing of applications requesting a density bonus to determine eligibility:

1. Density bonus eligibility. Once ~~an~~ a final application has been deemed complete, the applicant shall be informed in writing of the amount of density bonus allowed as calculated by Section 9.26.030;

2. Density bonus parking ratio. If a modified parking ratio is requested by the applicant pursuant to Government Code Section 65915 as part of the density bonus, the applicant shall be notified of the applicable parking ratio(s) as required by Section 9.26.050; and

3. Incentives, concessions, or waivers eligibility. If incentives, concessions, and/or waivers are requested by the applicant pursuant to Government Code Section 65915, and outlined in Section 9.26.040, the applicant shall be notified of whether the application contains the adequate information necessary for the Department to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

B. Findings for approval. In addition to the density bonus request processing procedures, the approval of a density bonus and other incentives and concessions shall require that the review authority first make all of the following additional findings:

1. The residential development will be consistent with the General Plan and any applicable specific plan, except as provided by this chapter for density bonuses, and other incentives and concessions;

2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;

3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this chapter; and

4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

### **9.26.100 Density bonus agreement.**

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

a. The total number of units approved for the housing development, including the number of designated dwelling units;

b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD guidelines;

c. The marketing plan for the affordable units;

d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 9.26.070 (Continued availability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the City;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

3. For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

(1) Restricts the sale of the unit in compliance with this chapter, or other applicable City policy or ordinance, during the applicable use restriction period;

(2) Contains provisions as the City may require to ensure continued compliance with this chapter and State law; and

(3) Shall be recorded against the parcel containing the designated dwelling unit.

4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this chapter;

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

d. The applicable use restriction period shall comply with the time limits for continued availability in Section 9.26.070 (Continued availability).

C. Execution of agreement.

1. Following Council approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.

2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the designated dwelling units.

3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

**9.26.110 Control of resale.**

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply.

A. Limits on resale price. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.

B. Units to be offered to the City. Home ownership affordable units constructed, offered for

sale, or sold under the requirements of this section shall be offered to the City or its assignee for a period of at least ninety (90) days from the date the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households determined to be eligible for affordable units by the City in compliance with this section. The seller shall not levy or charge any additional fees nor shall any “finder’s fee” or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this section.

D. City to monitor resale of units. The City shall monitor the resale of ownership affordable units. The City or its designee shall have a ninety (90) day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

#### **9.26.120 Judicial relief, waiver of standards.**

A. Judicial relief. As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

~~B. Waiver of standards preventing the use of bonuses, incentives, or concessions.~~

~~1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Section 9.26.020(A) (Resident requirements), at the densities or with the concessions or incentives allowed by this chapter.~~

~~2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.~~

~~3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.~~

~~C. City exemption. Notwithstanding the provisions of subsections A and B of this section, nothing in this section shall be interpreted to require the City to:~~

~~1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse~~

~~impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or~~

~~2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~



**Attachment “B”**

**SECTION 9.40.020, OF CHAPTER 9.40, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:**

**CHAPTER 9.40  
STANDARDS FOR SPECIFIC LAND USES**

**9.40.020 Accessory Residential Dwelling Units.**

A. Purpose and intent. This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

1. This section is intended to comply with Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22.

2. An ADU or JADU that complies with this section is considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.

3. An ADU or JADU that complies with this section is considered a residential use that is consistent with the existing general plan and zoning designations for the lot.

4. An ADU or JADU that complies with this section will not be considered in the application of any other local ordinance, policy, or program to limit residential growth.

5. ADUs and JADUs will be counted for purposes of identifying adequate sites for housing in the City’s Housing Element.

6. This section is not intended to regulate multi-generational dwelling units.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, including Section 9.120.020, the definitions set forth in this Section shall control.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit or a manufactured home, as defined.

2. “Accessory structure” means a structure permitted pursuant to Section 9.40.030

that is accessory and incidental to a dwelling located on the same lot.

3. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.

b. The unit has a separate closet.

c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.

d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub or shower.

4. “Floor area” or “Total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.

5. “Impact fee” has the same meaning as the term “fee” is defined in Government Code section 66000(b), except that it also includes fees specified in Government Code section 66477. “Impact fee” does not include any connection fee or capacity charge.

6. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residence, or other approved structure as specified in Government Code section 65852.2(e). A JADU must include the following features:

a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.

b. An efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

7. “Kitchen” has the same meaning as in Section 9.120.020.

8. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

9. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of a proposed or existing single-family residence where access is not restricted between areas of the residence.

10. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards, but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.

11. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

12. “Permanent provisions for cooking” has the same meaning as “kitchen.”

13. “Permanent provisions for sanitation” and “sanitation facilities” means a separate bathroom containing a water closet, lavatory, and bathtub or shower.

14. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

15. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

16. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Designated Areas. ADUs and JADUs are allowed in all residential zoning districts, including mixed-use zones where residential uses are permitted, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Development Standards. ADUs and JADUs may be permitted on any single-family lot and any multi-family lot. The requirements and standards of the Development Code that apply to the primary dwelling on the lot shall apply to any ADU and/or JADU, including lot coverage, height, floor area ratio, open space, landscape, and architectural review, as well as the requirements and standards that apply to detached dwellings and accessory structures generally. (See Section 9.40.030(D).) If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirement or standard does not conflict with the requirements and standards provided in this Section and Government Code sections 65852.2 and 65852.22.

1. Number of Units. Not more than three (3) dwelling units shall be permitted on a

single-family lot, which shall include not more than one (1) proposed or existing primary residence, and may include not more than one (1) ADU and not more than one (1) JADU.

2. Relation to Primary Dwelling. The ADU must be either: (1) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses within the primary dwelling structure, or a permitted accessory structure; or (2) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. Except as provided in Government Code section 65852.2(e), a JADU must be contained entirely within the walls of a proposed or existing single-family residence.

3. Setbacks.

a. No setback is required for an ADU constructed or installed within (1) an existing living area or permitted accessory structure, or (2) a structure constructed in the same location and to the same dimensions as an existing permitted accessory structure that is converted to an ADU or to a portion of an ADU.

b. A minimum setback of four (4) feet from the side and rear lot lines is required for an ADU that is not (1) converted from an existing permitted accessory structure, or (2) a new structure constructed in the same location and to the same dimensions as an existing permitted accessory structure.

4. Unit Size.

a. ADU Size.

i. If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.

ii. The total floor area for a detached ADU may not exceed 1,200 square feet.

iii. An attached or detached one-bedroom ADU may not be more than 850 square feet of living area.

iv. An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.

v. An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.

b. JADU Size. A JADU may not be more than 500 square feet in size.

c. Exceptions.

i. Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, or minimum lot size, an attached or detached ADU will be permitted if the ADU is:

1. Not more than 800 square feet of total floor area;
2. Not more than 16 feet in height;
3. Has at least four-foot side and rear yard setbacks; and
4. Is constructed in compliance with all Fire and Building Code requirements and standards of the Development Code.

5. ADU Building Standards.

a. The ADU shall not exceed a single story, unless constructed above an attached or detached garage, or the height limit of the applicable zoning district, whichever is more restrictive.

b. The floor area of the ADU together with the floor area of the primary dwelling unit shall not cause the parcel coverage for the subject site to exceed the maximum allowable lot coverage for the applicable zoning district.

c. The development of the ADU shall be subject to the property development standards for the subject zoning district in which the ADU is located.

d. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the ADU shall conform to all applicable standards of the building, health, and other codes adopted by the City. (Refer to Table 2-3 in Division 2 of this title for residential lot coverage requirements.)

e. Attached ADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).

f. Detached ADUs shall comply with building and fire code separation standards, and be compatible with the materials and colors of the primary dwelling.

g. No passageway is required in conjunction with the construction of an ADU.

h. Approval by the County Health Officer and City Public Utilities Director is required where a private water well and/or private sewage disposal system is being used.

i. Fire sprinklers are required for ADUs if fire sprinklers are required for the primary residence.

j. A new or separate utility connection directly between the ADU and the utility is not required unless the ADU is constructed with a new single-family home or a new detached structure.

6. JADU Building Standards. JADUs shall comply with the following:

a. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:

a. Prohibit the sale of the JADU separate from the sale of the single-family residence, and include a statement that the deed restriction may be enforced against future purchasers.

b. Restrict the size and attributes of the JADU that conform with this section.

7. Multifamily ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multifamily dwelling:

a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

G. Connection, Impact, and other Fees. Except as provided below, ADUs and JADUs are subject to all fees and assessments require by the Clovis Municipal Code for new residential construction.

1. ADUs and JADUs are not considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU or JADU is constructed with a new single-family home or a new detached structure.

2. No impact fee is required for the development of an ADU or JADU of less than 750 square feet. Any impact fees charged for an ADU or JADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

3. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

4. The separate utility connection for an ADU constructed with a new single-family home or a new detached structure is subject to a connection fee or capacity charge proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values upon the water or sewer system, that reflects the reasonable cost of providing this service.

H. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.

2. An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

3. Owner-occupancy is not required for ADUs. Owner-occupancy is required in the single-family residence in which a JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not be required if the owner is a governmental agency, land trust, or housing organization.

I. Parking Standards.

1. One (1) parking space per ADU is required, except as specifically excepted. These spaces may be provided in setback areas or as tandem parking on a driveway.

2. When a permitted garage, carport, or covered parking structure is demolished in

conjunction with the construction of an ADU or converted to an ADU, offstreet parking spaces do not need to be replaced.

3. No parking standards shall be imposed for an ADU in any of the following instances:
  - a. The ADU is located within one-half mile walking distance of public transit.
  - b. The ADU is located within an architecturally and historically significant historic district.
  - c. The ADU is part of the proposed or existing primary residence or a permitted accessory structure.
  - d. When on-street parking permits are required but not offered to the occupant of the ADU.
  - e. When there is a car share vehicle located within one block of the ADU.
4. Additional parking is not required for JADUs as a condition to grant a permit.

J. Special Provisions for the Central Clovis Specific Plan Area. Notwithstanding the provisions of this section, duplex dwelling units shall be allowed as replacement housing, in compliance with this section and the Central Clovis Specific Plan.

1. The special duplex provisions of this subsection shall only apply to areas within the Central Clovis Specific Plan boundaries which are west of Clovis Avenue (that is, the area bounded by Sierra, Clovis, Barstow, and Minnewawa Avenues) and designated for Medium Density Single-Family Residential use.
2. The allowable number of new duplex dwelling units created under the provisions of this subsection shall not exceed the overall density limitations for Medium Density Single-Family Residential uses, which is one dwelling unit for each six thousand (6,000) square feet of parcel area on a block-by-block basis.
3. A minimum parcel area of seven thousand five hundred (7,500) square feet (e.g., a typical fifty-foot (50') by one-hundred-fifty-foot (150') downtown parcel) shall be required to qualify for the specific duplex provisions of this subsection.
4. Parcel coverage, setbacks, and other site design and building standards for the R-1 Single-Family Residential Districts shall apply to ensure that new duplex dwelling units are visually compatible with the established character of the adjoining residential neighborhood.
5. Off-street parking, second-story limitations, and structure design shall be considered as part of the special permit review process to maintain the visual character of the



area. Normally two (2) covered parking spaces shall be required for each unit.

6. A site plan review shall be required for duplex dwelling units, in compliance with Chapter 50 of this title (Application Filing, Processing, and Fees), and a public hearing shall be held in compliance with Chapter 88 of this title (Public Hearings).

K. Cottage Home Program Standards. This section provides locational and general standards for the cottage home program which is allowed in the applicable residential areas, subject to the following criteria and standards. This subsection does not supplant the remainder of this section for ADU and JADU construction.

1. Cottage Home. A cottage home is a type of ADU made available by the City and constructed in compliance with this subsection. A cottage home shall count towards the limit on the number of ADUs permitted on a single lot.

2. Zone districts. A cottage home is allowed in single-family residential zoning district areas in which an alley is located. A cottage home unit shall not be allowed in nonresidential zoning districts where residential uses are not allowed. Development standards for the cottage home shall be compliant with the standards stated in Planning Area 7 (PA7) of the Central Clovis Specific Plan.

3. Application procedures. Applications for the cottage home program shall be filed with the Department. The cottage home program has designated plans that are available to parcels that have access to an alley within the Clovis city limits.

4. Developmental standards. A cottage home shall be constructed in compliance with the following developmental standards:

- a. The cottage home unit shall have access through an alley way.
- b. Only one (1) cottage home unit shall be created on a single-family parcel.
- c. The cottage home shall be built using plans provided by the city.
- d. One (1) off-street (covered or uncovered) parking space shall be provided for the cottage home unit with the dimensions of ten by twenty feet (10' x 20'), except where exempted by State law.
- e. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the cottage home unit as determined by the City Engineer. The cottage home can have either shared or separate services for electric, gas, sewer, and water.
- f. Single-family lots with an alley-facing detached unit shall receive the same address as the main house with a letter "B" as the address unit portion of the unique address designator.

L. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. The ADU or JADU must conform to the standards required by the Development Code and the California Building Code.

1. A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall act on the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

2. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subsection.

3. As part of the application for a permit to create an ADU or JADU approved pursuant to this subsection that is connected to an onsite water treatment system, a percolation test completed within the last five years will be required. If the percolation test has been recertified, a percolation test must be completed within the last 10 years.

4. A fee will be charged by the City to reimburse it for costs of administering this section.

5. The correction of a legal nonconforming zoning conditions is not required as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU pursuant to this subsection.

6. A permit for an ADU(s) and/or a JADU(s) that meets the requirements of Government Code section 65852.2(e) shall be approved.

M. ADUs and Regional Housing Needs Assessment. Subdivisions and multifamily housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

N. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes an ADU or JADU.

**Attachment “C”****Attachment C-1****CHAPTER 9.50, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:****CHAPTER 9.50  
APPLICATION FILING, PROCESSING, AND FEES**

## Sections:

- 9.50.010 Purpose of chapter.
- 9.50.020 Multiple permit applications.
- 9.50.030 Pre-application conference.
- 9.50.040 Authority for land use and zoning decisions.
- 9.50.050 Application filing.
- 9.50.060 Preliminary Application Process for Housing Development Projects.
- 9.50.070 Application fees.
- 9.50.080 Initial application review.
- 9.50.090 Determination for Housing Development Projects.
- 9.50.100 Environmental assessment.
- 9.50.110 Staff report and recommendations.
- 9.50.120 Streamlined ministerial review.
- 9.50.130 Time Extensions.

**9.50.010 Purpose of chapter.**

The purpose of this chapter is to identify the procedures for the filing and processing of the different land use permit or approval applications contained within this division.

**9.50.020 Multiple permit applications.**

A. Concurrent filing. An applicant for a development project, which requires the filing of more than one application, may file all related applications concurrently and submit appropriate processing deposits/fees in compliance with Section ~~9.50.060~~9.50.070 (Application fees).

B. Concurrent processing.

1. Permit processing and environmental/site plan review may be concurrent and the final decision on the project shall be made by the designated review authority, in compliance with Table 5-1 (Threshold of Review).

**9.50.030 Pre-application conference.**

A. Pre-application conference strongly encouraged.

1. A prospective applicant is strongly encouraged to request a pre-application conference with Department staff before submittal of land use permit or approval applications, including preliminary applications.

2. The City’s Development Review Committee (DRC) is also be available for pre-application conferences.

**B. Proper timing of conference.**

1. This conference should take place before any substantial investment (e.g., land acquisition, site plans, engineering plans and construction plans, etc.) in the preparation of the proposed development project application.

2. During the conference, the Department representative(s) shall, to the best of their ability, inform the applicant of applicable General Plan and specific plan goals, policies, actions, and requirements as they apply to the proposed development project, review the appropriate procedures identified in this Development Code, and examine possible alternatives or modifications relating to the proposed project.

3. Preliminary evaluation of environmental issues shall be addressed and potential technical studies relating to future environmental review should be identified.

C. Conference not approval/disapproval. Neither pre-application review nor the provision of available information and/or pertinent policies shall be construed as a complete analysis of a land use proposal or as a recommendation for approval/disapproval by the Department representative(s) or the DRC.

D. Senior Review Committee. Large or complex projects or projects raising substantial policy questions may require significant discussion between an applicant and City senior policy level staff. This category of projects typically requires multiple meetings with City staff and may require analysis or work by City staff or consultants to address issues prior to filing of a formal application with the City. Senior staff review is available as determined by the Director. The review fee/deposit shall be in compliance with Section ~~9.50.0609~~9.50.070 (Application fees).

**9.50.040 Authority for land use and zoning decisions.**

Table 5-1 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Development Code.

TABLE 5-1  
THRESHOLD OF REVIEW

[Insert Table 5-1]

**9.50.050 Application filing.**

A. Filing with Department. Applications for amendments, permits, approvals, and other matters pertaining to this Development Code shall be filed with the Department in the following manner:

1. The application shall be made on forms prescribed by the ~~Commission and furnished by the~~ Department.;
2. All necessary fees and/or deposits shall be paid in compliance with the City's Fee Schedule.;
3. The application shall be accompanied by the information identified in the Department handout for the particular application, and may include address labels, exhibits, maps, materials, plans, reports, and other information required by the Department, to describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.;
4. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.;
5. Acceptance of the application does not constitute an indication of approval by the City.

B. Eligible applicants.

1. Applications may only be made by the owners or lessees of property, or their agents, with the expressed written consent of the owner; or
2. Persons who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits and approvals in compliance with this Development Code, with the expressed written consent of the owner.

C. Director's determination. If the Director determines that established law (e.g., local, State, or Federal) does not allow the granting of the application (e.g., a request for a Zone Map amendment or tentative map that could not be granted in absence of a required General Plan amendment application, or a request for a conditional use permit allowing a use that is not allowable in the subject zoning district, etc.), the City shall not accept the application.

D. Not within Director's scope. In cases where the Director considers the information identified in the application not to be within the scope of the Director's review and approval procedure, the applicant shall be so informed before filing, and if the application is filed, and the fees are accepted, the application shall be signed by the applicant acknowledging prior receipt of this information.

E. Housing Development Projects. As used in this Chapter and when otherwise required by applicable law, a "housing development project" means a development project consisting of any

of the following: (1) residential units only, (2) mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) Transitional housing or supportive housing, as specified in Government Code section 65589.5(h)(2). When this chapter does not specify a “housing development project,” the requirements generally applicable to a development project that are not in conflict with the requirements particular to a housing development project shall apply to a housing development project.

1. Preliminary Application. A “preliminary application” is a specific type of application for a housing development project that includes all of the information about the proposed housing development project required by Government Code section 65941.1 and by Section 9.50.060. When this chapter does not specify a “preliminary application,” the requirements generally applicable to an application for a development project that are not in conflict with the requirements particular to a preliminary application shall apply to a preliminary application.

2. Final Application. A “final application” is a specific type of application for a housing development project that includes all of the information needed to evaluate the application pursuant to Government Code section 65943 and Section 9.50.080. When this chapter does not specify a “final application,” the requirements generally applicable to an application for a development project that are not in conflict with the requirements particular to a final application shall apply to a final application.

F. Filing date. The filing date of an application shall be the date on which the Department receives the last submittal, map, plan, or other material required as a part of a complete application, as required by subsection A of this section (Filing with Department), in compliance with Section ~~9.50.070~~9.50.080 (Initial application review).

### **9.50.060 Preliminary Application Process for Housing Development Projects.**

A. Preliminary Application. An applicant for a housing development project may submit a preliminary application that includes all of the information about the proposed housing development project required by Government Code section 65941.1 and by the City form(s) and checklist(s) developed pursuant to that Section.

B. Filing Date. The filing date of a preliminary application shall be the date on which the Department receives the last submittal required as a part of a complete preliminary application and a permit processing fee is paid. If a completed preliminary application is submitted according to this section, the housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect on the preliminary application filing date, except as follows:

1. In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

2. A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect on the filing date is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

3. Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect on the filing date is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

4. The housing development project has not commenced construction within two and one-half years following the date that the project received final approval, as defined in Government Code section 65589.5(o)(2)(D).

5. The housing development project is revised following submittal of a preliminary application such that the number of residential units or square footage of construction, as defined by the California Building Standards Code, changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. Any additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted will be subject to ordinances, policies, and standards adopted and in effect when the final application is submitted, unless a supplemental preliminary application is submitted.

6. Mitigation measures are required to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

C. With respect to completed residential units for which the housing development project approval process is complete and a certificate of occupancy has been issued, nothing in this subsection shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

D. For purposes of this subsection, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of the City, as defined in Government Code section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

E. Completeness of Preliminary Application. Sufficient information and supporting documentation shall be required for each item submitted as part of the preliminary application process. As used here, “sufficient information and supporting documentation” means the application contains detailed information adequate for the Director or appropriate official to make a determination on the merits as to the item for which the information is submitted.

D. Relation to Final Application. A final application for a housing development project must be submitted within 180 calendar days after submitting a complete preliminary application. If the Director determines that the final application for the housing development project is not complete pursuant to Section 9.50.080(A), the housing development proponent shall submit the specific information needed to complete the final application within 90 days of receiving the Director's written identification of the necessary information. If the housing development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

**9.50.0609.50.070 Application fees.**

**A. Filing fees required.**

1. The Council shall, by resolution, establish a schedule of fees for amendments, permits and approvals, and other matters pertaining to this Development Code, referred to in this Development Code as the City's Fee Schedule, to cover the City's costs for processing an application.

2. The schedule of fees may be changed only by resolution of the Council.

3. The City's processing fees are cumulative. For example, if an application for a parcel map also requires a minor deviation, both fees shall be charged.

4. Processing shall not commence on an application until all required fees/deposits have been paid.

5. The application shall not be considered filed ~~W~~without the application fee, ~~the application shall not be deemed complete.~~

6. The City is not required to continue processing any application unless all fees are paid in full.

7. The applicant shall be subject to any City policy regarding the payment of project processing costs.

**B. Refunds and withdrawals.**

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds for disapproved projects are allowed.

2. In the case of a withdrawal, the Director may authorize a complete or partial refund based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.



**9.50.0709.50.080 Initial application review.**

All applications filed with the Department shall be initially processed as follows:

A. Director's review of completeness. The Director shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. The applicant shall be informed in writing within ~~ten-thirty~~ (4030) days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided.

2. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination, in compliance with Chapter 90 of this title (Appeals).

3. W~~E~~xcept as provided below, when an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(4) of this section.

a. Preliminary Applications. Where the Director has determined that a preliminary application is incomplete, the applicant may submit supplemental or additional information to complete the preliminary application. The Director shall determine in writing whether the preliminary application as supplemented or amended includes the information required to complete the preliminary application. This determination shall be made within thirty (30) calendar days.

b. Final Applications. If a final application is determined to be incomplete, the written determination shall specify those parts of the final application which are incomplete and shall indicate the manner in which they can be made complete, including an exhaustive list of items that were not complete and thorough description of the specific information needed to complete the final application. That list shall be limited to those items actually required on the Department's submittal requirement checklist. In any subsequent review of the final application that was determined to be incomplete, the Director shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete.

c. Supplemented Final Applications. If the applicant submits supplemental or additional materials to the Director in response to the written determination described in subsection (A)(3)(b), the Director shall determine in writing whether the final application as supplemented or amended includes the information required by the list needed to complete the final application, as required by subsection (A)(3)(b). This determination shall be made within thirty (30) calendar days.

4. Expiration of applications.

a. If a pending application, other than a preliminary application, is not able to be deemed complete within ninety (90) days after the first filing with the Department, the application shall expire and be deemed withdrawn. Preparation of additional material such as an EIR requiring time beyond ninety (90) days shall not negate a pending application.

b. A new application, including exhibits, fees, plans, and other materials which shall be required to commence processing of a project application on the same property, may then be filed in compliance with this Development Code.

c. If a pending final application is not able to be deemed complete within ninety (90) calendar days after receiving notice from the Director that the final application is incomplete, the pending final application shall expire and be deemed withdrawn, and the preliminary application shall expire and have no further force or effect. Preparation of additional material such as an EIR requiring time beyond ninety (90) calendar days shall not negate a pending final application.

d. A new final application, including exhibits, fees, plans, and other materials which shall be required to commence processing of a development project application on the same property, may then be filed in compliance with this Development Code. The applicant may also submit a new preliminary application as provided in Section 9.50.060.

5. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section ~~9.50.080~~9.50.100 (Environmental assessment).

6. An application shall not be deemed complete, and/or shall not be processed or approved, in the event that a condition(s) exists on the subject property in violation of this Development Code or any permit or approval granted in compliance with this Development Code, other than an application for the permit or approval, if any, needed to correct the violation(s), unless approval of a housing development application without corrections is specifically required by State law.

B. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code, or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed land use activity. Such referral does not change the ministerial approval process when applicable.

C. Limit on Hearings for Housing Development Projects. A proposed housing development project that complies with the applicable, objective general plan and zoning standards in effect at the time the final application is deemed complete, shall not require more than five public hearings in connection with the approval of that housing development project.

**9.50.090 Determination for Housing Development Projects.**

A. Timeline for Approval. A housing development project shall be approved or disapproved within whichever of the following periods is applicable:

1. One hundred eighty (180) days from the date of certification of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for the housing development project.

2. Ninety (90) days from the date of certification of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for a housing development project that consists of (1) residential units only, (2) mixed-use residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) transitional housing or supportive housing.

3. Sixty (60) days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Public Resources Code Section 21100 or 21151 for a housing development project that consists of (1) residential units only, (2) mixed-use residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) transitional housing or supportive housing, and all of the following conditions are met:

a. At least 49 percent of the units in the housing development project are affordable to very low or low-income households, as defined by Health and Safety Code Sections 50105 and 50079.5, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Health and Safety Code Section 50053, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Health and Safety Code Section 50052.5.

b. Prior to the final application being deemed complete for the housing development project, written notice is provided by the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the housing development project by the City is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable.

c. There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

4. Sixty (60) days from the date of adoption of the negative declaration, if a negative declaration is completed and adopted for the housing development project.

5. Sixty (60) days from the determination that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

B. Historic Site Determination. The City will determine whether the site of a proposed housing development project is a historic site at the time the final application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

C. Urbanized Area Designation. If the City is determined to be an urbanized area or urban cluster pursuant to Government Code section 66300(e), the City will not:

1. Impose or enforce design standards established on or after January 1, 2020, that are not objective design standards.

2. Approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

3. Approve a housing development project that will require the demolition of occupied or vacant protected units, unless the conditions required by Government Code section 66300(d)(2) are satisfied.

**9.50.0809.50.100 Environmental assessment.**

A. CEQA review. ~~After-Unless specifically exempted by State law, after~~ acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA).

B. Compliance with CEQA. These determinations and, where required, the preparation of EIRs, shall be in compliance with CEQA.

C. Special studies required. A special study may be required to supplement the City's CEQA compliance review.

D. Traffic Study. All projects shall be subject to the City Traffic Impact Study Guidelines.

E. Submittal of additional information. Accepting an application as complete shall not limit the authority of the City to require the submittal of additional information needed for environmental evaluation of the project and the additional information shall not affect the status of the application.

**9.50.0909.50.110 Staff report, findings, and recommendations.**

A. When an application requires a public hearing by either the Commission or Council, a written staff report shall be prepared, which shall include detailed recommendations for changes to the text and/or diagrams of an application, as necessary to make it acceptable for adoption. Otherwise, an approval or denial letter prepared by the Director, with or without conditions, if applicable, shall be prepared and transmitted to the applicant.

B. In the case of an application for a housing development project identified in Government Code section 65589.5(d) and (j)(1), if the disapproval of a housing development project or conditional approval would render the housing development project infeasible, or require development at a lower density, the Director, Commission, or Council must make written findings based on sufficient facts necessary to satisfy Government Code section 65589.5(d)(1), (2), (3), (4), or (5), or (j)(1)(A) and (B), as the case may be. The staff report(s) and/or letter(s) described in subsection A, above, shall detail the written findings required by Government Code section 65589.5(d) and (j) and facts to support the determination. The definitions of Government Code section 65589.5(h) shall apply to this section.

C. In the case of an application for a housing development project identified in Government Code section 65589.5(j)(2) found to be inconsistent, not in compliance, or not in conformity with the Development Code, the Director shall provide the applicant written documentation identifying the provision(s) with which the housing development project does not comply, and an explanation of the reason(s) the housing development project does not comply or conform with such standards. The staff report(s) and/or letter(s) described in subsection A, above, shall detail the provision(s) and reason(s) required by this subsection, to the extent possible. The Director, Commission, or Council may make other or additional findings as required by this section. Such findings and decisions shall be made within 30 days if the housing development contains 150 or fewer units, or within 60 days if the housing development contains more than 150 units.

#### **9.50.1009.50.120 Streamlined ministerial review.**

Housing development projects and similar projects expressly authorized by State law to be eligible for streamlined ministerial approval and for which the City is required to approve or deny through a streamlined ministerial approval process shall follow the procedures set forth in this section, unless different standards for eligibility, review, approval and denial, or otherwise are expressed in the authorizing State law(s).

In order to be eligible for a streamlined ministerial review provided by this section and pursuant to Government Code Section 65913.4, a proposed housing development shall satisfy all of the following planning standards:

A. Eligible Multifamily Housing Development Projects. In order to be eligible for a streamlined ministerial approval provided by this section and pursuant to Government Code Section 65913.4, a proposed multifamily housing development shall satisfy all of the following planning standards:

1. ~~The~~ development is a multifamily housing development that contains two (2) or more residential units;

2. The development is located on a site that satisfies all of the following:

a. A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

b. A site in which at least seventy-five percent (75%) of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

c. A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds (2/3) of the square footage of the development designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Government Code section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

~~Development is located in an urban area that has already been seventy-five percent (75%) developed for urban uses, and is zoned for residential use or residential mixed use, with at least two-thirds (2/3) of the square footage of the development designated for residential use;~~

3. Applicant commits to record a land use restriction providing that lower or moderate income units shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for a period not less than forty-five (45) years for ~~rental and~~ owned units; and not less than fifty-five (55) years for rental units.

4. The development must satisfy both of the following:

a. The development occurs in a locality that the California Department of Housing and Community Development (HCD) has determined has not met its share of regional housing needs, by income category, for that reporting period; and

b. The development is subject to mandating a minimum percentage of below market rate housing based on:

(1) Locality failing to submit its latest production report to HCD, or the production report reflects that fewer than the number of required above moderate-income housing permits has been issued, and the project dedicates at least ten percent (10%) of its housing units to be affordable to households making at or below eighty percent (80%) of the area median income for projects of more than ten (10) units; or

(2) The City's production report reflects that fewer than the number of

required of very low- or low-income housing permits has been issued, and the project dedicates fifty percent (50%) of its total number of units to housing affordable to households making at or below eighty percent (80%) of the area median income;

5. ~~The~~ The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, must be consistent with objective zoning standards, objective subdivision standards, and objective design review standards (i.e., not subjective standards) in effect at the time that the housing development project is submitted pursuant to Section 9.50.060 if a Preliminary Application is submitted or pursuant to Section 9.50.080 if only a Final Application is submitted;

6. Cannot be located on property within any of the following areas: a coastal zone, prime farmland, wetlands, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, floodplain, floodway, community conservation plan area, habitat for protected species, under a conservation easement, or located on a qualifying mobile home site;

7. Development cannot be located: (a) on land that requires the demolition of affordable housing, (b) a site that was previously used for housing that was demolished within ten (10) years, (c) a site that would require the demolition of a historic structure;

8. Developer must: (a) certify that the development is either a public work, or if not entirely a public work, that prevailing wages are paid to construction workers employed; or (b) for developments meeting specific numbers of units for applications approved of within certain time periods, a certified skilled and trained workforce shall be used to complete the development;

9. The development does not involve a parcel that is subject to the California Subdivision Map Act, unless: (a) the development has or will receive financing or funding by means of a low-income housing tax credit and subject to prevailing wage requirements, or (b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used;

10. The development is not upon an existing parcel of land that is governed under the Mobile Home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.

B. Notice of Non-Compliance. If a housing development project subject to this section is in conflict with any of the objective planning standards specified in subsection A, written documentation of which standard or standards the housing development project conflicts with, and an explanation for the reason or reasons the housing development project conflicts with that standard or standards, shall be provided to the applicant, as follows:

1. Within 60 days of submittal of the final application if the housing development project contains 150 or fewer housing units.

2. Within 90 days of submittal of the final application if the housing development project contains more than 150 housing units.

C. Design Review. The Director shall conduct design review or public oversight of the development project. Design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by the City before submission of a housing development project application. Design review or public oversight shall be completed as follows:

1. Within 90 days of submittal of the final application if the housing development project contains 150 or fewer housing units.

2. Within 180 days of submittal of the final application if the housing development project contains more than 150 housing units.

D. CEQA Exemption. If the housing development project either (a) has or will receive financing or funding by means of a low-income housing tax credit and subject to prevailing wage requirements, or (b) is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce is used, and the housing development project is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth subsection C.

E. Parking. Developments approved pursuant to this section shall have not less than one (1) parking space per unit, or as otherwise allowed in Government Code section 65913.4(d).

#### **9.50.130 Time Extensions.**

The City and the housing development applicant may mutually agree to an extension of any of the time limits applicable to housing development project applications.



Attachment C-2

**SECTION 9.40.200, OF CHAPTER 9.40, OF TITLE 9, OF THE CLOVIS MUNICIPAL  
CODE IS ADDED AS FOLLOWS:**

**CHAPTER 9.40  
STANDARDS FOR SPECIFIC LAND USES**

**9.40.200 Low Barrier Navigation Center, Use By Right.**

A. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of Government Code section 65662. “Low Barrier Navigation Center” and “use by right” have the definitions expressed in Government Code section 65660.

B. The application for a Low Barrier Navigation Center shall be reviewed for completeness pursuant to Section 9.50.070 and the applicant shall be notified within thirty (30) days of receipt of the application whether the application is complete. The procedures set forth in Section 9.50.070 for incomplete applications shall apply to applications for Low Barrier Navigation Centers.

**C. The City shall act to approve or deny an application for a Low Barrier Navigation Center within sixty (60) days of receipt of a completed application. Applicants may appeal the denial of a Low Barrier Navigation Center pursuant to Chapter 9.90.**

**Attachment “D”**

**Attachment D-1**

**CHAPTER 9.77, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS ADDED AS FOLLOWS:**

**CHAPTER 9.77**

**RESIDENTIAL DESIGN STANDARDS**

- 9.77.010 Purpose of chapter.
- 9.77.020 Single family development standards.
- 9.77.030 Multiple family development standards.
- 9.77.040 Mixed use residential development standards.
- 9.77.050 Variances and deviations.
- 9.77.060 Review Procedures

**9.77.010 Purpose of chapter.**

The purpose of this chapter is to set forth the City’s move toward objective development standards for multiple family and single family residential projects. Residential development standards shall be approved by the Council, upon recommendation of the Director, for single family, multiple family, and mixed use residential projects. Once adopted, the review procedures set forth in this Chapter shall apply in lieu of site plan review for single family projects, multiple family projects, or the residential component of mixed use residential projects.

**9.77.020 Single family standards.**

Notwithstanding anything to the contrary in this title, single family projects shall be subject to the Single Family Residential Development Standards approved by the City Council.

**9.77.030 Multiple family standards.**

Notwithstanding anything to the contrary in this title, multiple family projects shall be subject to the Multiple Family Residential Development Standards approved by the City Council.

**9.77.040 Mixed use residential standards.**

Notwithstanding anything to the contrary in this title, the residential component of mixed-use residential projects shall be subject to the Mixed Use Residential Development Standards approved by the City Council.

**9.77.050 Variances and deviations.**

A property owner may request a variance or deviation from objective design standards in accordance with the procedures set forth in Chapter 9.68 of this title.

### **9.77.060 Residential Development Review.**

Multifamily Housing Development Projects and the residential component of Mixed-Use Housing Development Projects shall be reviewed and approved or denied as provided for in this section. Single-Family Housing Development Projects shall be reviewed and approved according to the review and approval requirements for subdivisions set forth in Chapter 9.110.

A. Application review. Each application for a Multifamily Housing Development Project or the residential component of a Mixed-Use Housing Development Project shall be reviewed to ensure that the application is consistent with: the purpose of this chapter; all applicable development standards and regulations of this Development Code; and any adopted objective development standards and policies that may apply.

1. Residential Development Review is initiated when the Department receives a complete application package pursuant to Chapter 9.50 that includes all required materials specified in the Department handout and any additional information required by the Director in order to conduct a thorough review of the proposed project. The final application for Housing Development Projects shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the Department handout for residential development review.

2. Upon receipt of a complete final application the Director shall conduct a review of the location, design, site plan configuration, and effect of the proposed development by comparing the project plans with applicable City codes, regulations, development standards, design standards, and policies.

3. The following criteria shall be considered during the Residential Development Review:

- a. Compliance with this chapter and all other applicable City ordinances;
- b. Consistency with the General Plan and any applicable specific plan; and
- c. Consistency with any adopted objective design standards.

B. No public hearing required. A public hearing shall not be required for the Director's decision on a residential design review.

### **9.77.070 Director decision.**

A. Meets requirements of this chapter. Upon the receipt of the completed final application, the Director shall determine whether or not the final application meets the requirements of this chapter.

B. Timing for Director's action. The Director shall approve the residential design review, or return with corrections and findings, pursuant to Chapter 9.50.

C. Required findings. The Director shall approve a Residential Housing Development application only if all of the following findings are made. The Director's decision to approve a Housing Development Project is considered ministerial. The Director's decision shall be supported by the record. The proposed development must:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable objective design standards established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code;
4. Be consistent with all objective policies and standards identified in the General Plan and any applicable specific plan.

D. Appeal. The Director's decision shall be final except as follows:

1. The applicant may appeal the denial of a Housing Development Project to the Commission in accordance with Chapter 9.90.
2. Appeals shall be limited to mistakes of fact.

#### **9.77.080 Environmental review.**

Housing Development Project applications approved by the Director are considered ministerial and are exempt from environmental review under the California Environmental Quality Act (CEQA). The appeal of a Director decision to the Commission for a mistake of fact does not change the ministerial nature of the project.

#### **9.77.090 Post decision procedures.**

Except as otherwise specified in this chapter, the procedures set forth in Chapter 9.50 and Division 6 of this title (Development Code Administration) shall apply following the decision on a Housing Development Project.

**Attachment D-2**

**SECTION 9.10.020, OF CHAPTER 9.10, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:**

**9.10.020 Residential district land uses and permit requirements.**

A. Allowed land uses. Table 2-2 identifies the uses of land allowed by this Development Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Division 5 of this title (Land Use/Development Review Procedures).

B. Prohibited land uses. Any table cell left blank shall mean that the listed land use is prohibited in that specific zoning district.

C. Site plan review required. Except as otherwise provided in this title, aAny change of use and all construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) shall be subject to site plan review approval as set forth in Chapter 56 of this title (Site Plan Review).

D. Applicable sections. Where the last column in the tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

E. Special review required. A conditional use permit (Chapter 64 of this title, Conditional Use Permits) shall be required for all R-1-PD applications.

F. Annexation agreement. The uses in Table 2-2 can be modified as set forth in Section 2.1.35 using an annexation agreement approved by the City Council.

G. Residential Development Review. Notwithstanding anything to the contrary in this title, including subsection C of this section, single-family, multiple family, and the residential component of mixed-use residential housing development projects shall be subject to the applicable Residential Development Standards approved by the City Council and the review process provided in Chapter 9.77, as specified.

**Attachment D-3**

**SECTIONS 9.90.020 AND 9.90.40, OF CHAPTER 9.90, OF TITLE 9, OF THE CLOVIS MUNICIPAL CODE ARE AMENDED AS FOLLOWS:**

**CHAPTER 9.90**

**APPEALS**

**9.90.020 Appeal of decisions.**

Determinations and decisions that may be appealed, and the authority to act on an appeal, shall be as follows, unless otherwise specified in the governing chapter or section:

A. Director. Any determination or decision rendered by the Director may be appealed to the Commission.

B. Commission appeals.

1. Any decision rendered by the Commission may be appealed to the Council.

2. The Commission may appeal any determination or decision rendered by the Director, by an affirmative vote of a majority of its members.

3. Once the vote to appeal is passed by a majority, the matter shall be set for hearing by the Director.

C. Council considerations.

1. The Council may appeal any decision rendered by the Director or the Commission.

2. An affirmative vote of a majority of its members is required to appeal the Director's decision or the Commission's decision.

3. Once the vote to appeal is passed by a majority, the matter shall be set for hearing by the City Clerk.

4. The decision of the Council shall be final and shall become effective upon adoption of the resolution by the Council.

**9.90.040 Appeals to the Commission or Council.**

A. Notice of appeal.

1. Public notice of an appeal to the Commission or Council shall be given in the same manner in which the original notice was given, or as otherwise specified in the governing chapter or section.

2. The appeal hearing date shall be set by the Director (for a Commission hearing) or by the City Clerk (for a Council hearing) and shall be held not less than ten (10) days or more than forty (40) days after the expiration date for the filing of the appeal.

B. Delay of proceedings. The filing of an appeal shall suspend all proceedings associated with the matter subject to the appeal (e.g., issuance of a building or grading permit, etc.), pending the City's final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the fifteen (15) day appeal period in compliance with Section 9.90.030 (Filing and processing of appeals) shall be considered appellants of the matter under appeal.

2. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Section 9.90.030 (Filing and processing of appeals).

3. A person(s) shall not be allowed to join an appeal after expiration of the fifteen (15) day appeal period.

D. Appeal to be treated as a new hearing. The appeal hearing shall be considered a new hearing and the review authority may consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.

1. When reviewing an appeal, the review authority may:

a. By resolution, affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal;

b. Adopt additional conditions of approval deemed reasonable and necessary, and may even address issues or concerns that go beyond the subject of the appeal; or

c. Disapprove the permit or approval granted by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. If new or different evidence is presented on appeal, the Commission or Council may, but shall not be required to, refer the matter to the Director or Commission, as applicable, for further consideration.

E. Adoption of findings.

1. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal.

2. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permits, Chapter 64 of this title; and Variances/Minor Deviations, Chapter 68 of this title, etc.).

F. Mailing of decision. The Director or City Clerk, as applicable to the level of review authority, shall mail a copy of the decision to the appellant and the applicant (if not the appellant), within fifteen (15) days after the date the decision is rendered.





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 7, 2020

SUBJECT: Consider Approval - Confirmation of City Manager's Appointment of Planning and Development Services Director.

**Staff:** Luke Serpa, City Manager  
**Recommendation:** Approve

ATTACHMENTS: None.

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Consider confirmation of the City Manager's appointment of Renee Mathis as Planning and Development Services Director effective December 1, 2020.

### EXECUTIVE SUMMARY

The City Manager has appointed Renee Mathis as Planning and Development Services Director effective December 1, 2020 subject to confirmation by the City Council.

### BACKGROUND

Renee Mathis has more than 20 years of experience working in Planning and Development Services, has been the Assistant Planning and Development Director since August of 2018, and has been the Interim Director since Dwight Kroll retired in July of 2020. The City contracted with a consulting firm to conduct a nationwide recruitment to fill the Director position, which resulted in 24 applicants. Ms. Mathis was the highest rated candidate after an extensive vetting process that involved internal and external stakeholders. The City Manager has determined that Ms. Mathis is well qualified and prepared for this leadership position, and has made the appointment as Planning and Development Services Director, subject to City Council confirmation, effective December 1, 2020.

**FISCAL IMPACT**

The City has budgeted sufficient funds for this position.

**REASON FOR RECOMMENDATION**

Pursuant to Clovis Municipal Code, Chapter 2.2.103, the City Council must confirm Department Director appointments made by the City Manager.

**ACTIONS FOLLOWING APPROVAL**

The City Manager will follow up with any appropriate action as directed by the City Council.

Prepared by:       Jacquie Pronovost, Executive Assistant

Reviewed by:       City Manager *JH*



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
FROM: Administration  
DATE: December 7, 2020  
SUBJECT: Consider – Consideration of Design of City of Clovis Flag.

**Staff:** Mayor Bessinger  
**Recommendation:** Consider

Mayor Bessinger will give a verbal presentation on this item.

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