



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

December 14, 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 Mouanoutoua

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation Recognizing and Thanking Deputy City Planner Orlando Ramirez for 30 years of service to the City of Clovis.

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 the December 7, 2020 Council Meeting.
3. Administration - Approval – Waive normal purchasing process and authorize City Manager to enter into the CALNET agreement with Verizon Wireless for Cellular Phone and Wireless Data services.
4. Administration - Approval – First Amendment to Land Tenure Agreement with Fresno Wildlife Rehabilitation Service.
5. Administration – Approval – Authorize the City Manager to Execute an Agreement to Reassign Construction Loan to Affordable Housing Loans at 1403 Fourth Street, 1421 Fourth Street, and 1481 Bullard Avenue with Habitat for Humanity of Fresno County
6. Planning and Development Services – Approval – Final Acceptance for CIP 20-01, Rubberized Cape Seal 2020.
7. Planning and Development Services - Approval – Final Acceptance for CIP 10-06, Sierra Gateway Regional Trail.

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.

8. Consider various items associated with Clovis Landmark Square, located on the north side of Third Street at Veterans Memorial Parkway.
 - a. Consider Approval – Bid Award for CIP 15-03, Landmark Square, and Authorize the City Manager to execute the contract on behalf of the City.
 - b. Consider Approval – Award of a Construction Management Services Contract for CIP 15-03, and Authorize the City Manager to Execute the Contract on Behalf of the City.
 - c. Receive and File – Update of Fresno County Library Project.
 - d. Receive and File – Update on Project Fund Raising Efforts.

Staff: Thad Avery, Supervising Civil Engineer / Dave Merchen, City Planner
Recommendation: Approve and Receive and File

9. Consider Introduction - Ord. 20-____, OA2020-002, A request to amend the Clovis Development Code as a semi-annual cleanup to address changes, deletions, typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant.

Staff: David Merchen, City Planner
Recommendation: Approve

10. Consider Approval – Res. 20-____ Adoption of a Resolution amending the 2019-2020 Community Development Block Grant Annual Action Plan. (To be continued)

Staff: Andrew Haussler, Community and Economic Development Director
Recommendation: Continue

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

11. Consider Approval – Supplement to the Land Tenure Agreement with the Clovis Botanical Garden Committee to allow special events on the premises located at the northeast corner of Alluvial and Clovis Avenues inclusive of live entertainment, alcohol sales, and food trucks subject to an approved Administrative Use Permit.

Staff: Orlando Ramirez, Deputy City Planner
Recommendation: Approve

12. Consider Approval - Res 20-____, Final Amendments to the 2019-20 Budget in conformance with the Budget Ordinance, and Receive and File - Year-end report for all funds as of June 30, 2020.

Staff: Jay Schengel, Finance Director
Recommendation: Approve

13. Consider Approval - 2019-20 Comprehensive Annual Financial Report.

Staff: Jay Schengel, Finance Director
Recommendation: Approve

14. Receive and File – Financial Status Report First Quarter 2020-2021.

Staff: Jay Schengel, Finance Director
Recommendation: Receive and File

COUNCIL ITEMS

15. Consider Approval - A Request to Approve an Amendment to the Agreement for Professional Legal Services as City Attorney, and Appointing Scott Cross as City Attorney effective January 1, 2021.

Staff: Luke Serpa, City Manager
Recommendation: Approve

16. Consider Approval – Fourth Amendment to City Manager Employment Agreement.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

17. Consider – Possible Appointments to the North Kings Groundwater Sustainability Agency.

Staff: Scott Redelfs, Public Utilities Director

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.

18. Consider Approval – Res. 20-___, A Resolution of the City Council of the City of Clovis confirming an Addendum to the Director of Emergency Services' Order.

Staff: Luke Serpa, City Manager

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

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

Jan. 4, 2021 (Mon.)

Jan. 11, 2021 (Mon.)

Jan. 19, 2021 (Tue.)

February 1, 2021 (Mon.)

February 8, 2021 (Mon.)

February 16, 2021 (Tue.)

CLOVIS CITY COUNCIL MEETING

December 7, 2020

6:00 P.M.

Council Chamber

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

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

PRESENTATIONS – 6:02 p.m.

ITEM 1 - VIRTUAL HOLIDAY TREE LIGHTING CEREMONY.

PUBLIC COMMENTS – 6:17

Don Watnik, commented on Center Stage Community Theater and their “Hope for the Holidays” program. He also commented on the Clovis Exchange Club being disbanded.

Josh Hufler, resident, complained about the tree lighting being virtual this year versus live.

CONSENT CALENDAR – 6:31

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

2. Administration - Approved - Minutes from November 9, 2020 and November 16, 2020 Council Meetings.
3. Finance – Received and Filed – Status Report of Community Facilities District Revenues and Expenditures.
4. Finance - Approved - **Res. 20-161**, 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 - Approved – **Res. 20-162**, Approving the submittal of the 2020-2021 Local Transportation Funding (LTF) Claim to the Council of Fresno County Governments.
6. Finance – Received and Filed – Investment Report for the Month of September 2020.
7. Finance – Received and Filed – Treasurer’s Report for the Month of September 2020.
8. General Services – Approved – **Res. 20-163**, 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 Approved – **Res. 20-164**, Amending the Position Allocation Plan in the City Clerk Department.
9. General Services – Approved – **Res. 20-165**, 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 Approved – **Res. 20-166**, 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 - Approved - **Res. 20-167**, 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 - Approved - **Res. 20-168**, 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 – Approved – **Res. 20-169**, Final Map Tract 6050 located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
 13. Planning and Development Services – Approved - **Res. 20-170**, 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 – Approved - **Res. 20-171**, Final Map Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP Wilson Homes).
 15. Planning and Development Services – Approved - **Res. 20-172**, 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 – Approved – Final Acceptance for CIP 20-02 Electric Vehicle Bus Chargers

PUBLIC HEARINGS

- 17A – 6:32 - APPROVED - **RES. 20-173**, 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); AND ITEM 17B - APPROVED - **RES. 20-174**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of Territory (Annexation #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). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #64. 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 **Resolution 20-173**, for the Council to approve a resolution annexing territory (Annexation #64) (T6123 and T6182-northwest corner of Shaw and Highland) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #64) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 39 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-174**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

- 18A – 6:37 - APPROVED - **RES. 20-175**, 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); AND ITEM 18B - APPROVED - **RES. 20-176**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of Territory (Annexation #65) (T6050-northwest corner of Clovis and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #65. 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 **Resolution 20-175**, for the Council to approve a resolution annexing territory (Annexation #65) (T6050-northwest corner of Clovis and Shepherd) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #65) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 39 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve **Resolution 20-176**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

19 – 6:42 - ADOPTED – **ORD. 20-17**, OA2019-004 (EXTENSION), ADOPTING 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

City Planner Dave Merchen presented a report on a request to 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. 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. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to adopt urgency Ordinance 20-17 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. Motion carried by unanimous vote.

COUNCIL ITEMS

20 – 6:47 - APPROVED - CONFIRMATION OF CITY MANAGER’S APPOINTMENT OF PLANNING AND DEVELOPMENT SERVICES DIRECTOR.

City Manager Luke Serpa presented a report on a request to confirm his appointment of the Planning and Development Services Director. City Manager Luke Serpa has appointed Renee Mathis as Planning and Development Services Director effective December 1, 2020 subject to confirmation by the City Council. 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. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to confirm the appointment of Renee Mathis as the Planning and Development Services Director effective December 1, 2020. Motion carried by unanimous vote.

21 – 6:58 - CONSIDERED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS FLAG.

Mayor Bessinger presented an update on options for a city flag design selection. Of the numerous options selected, flag number 5 was selected from the options provided. Mike Cunningham, resident, spoke in support of the flag selection. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to select flag number 5 from the options provided. Motion carried by unanimous vote.

WORKSHOP – 7:10

City Manager Luke Serpa provided council an update on the numbers and how the city is being impacted from the pandemic. Police Chief Curt Fleming and Fire Chief John Binaski provided council an update on how the pandemic has impacted their respective departments.

COUNCIL COMMENTS – 8:03

Councilmember Whalen provide a photograph of some lights along the trail that some residents have placed for the enjoyment of the community.

Councilmember Ashbeck commented on future use of Parking Lot number 1 in Old Town and how that could be a plaza in the future and requested staff look into it.

Councilmember Mouanoutoua commented on the COVID-19 testing that took place last week and is planned for every Thursday this month and next and thanked staff for their support and work.

Councilmember Flores commented the Habitat for Humanity ground breaking scheduled for Thursday, December 10, 2020, at the Flores Homestead where he grew up. He also commented on a possible appointment to the North Kings Groundwater Sustainability Agency scheduled for a meeting on December 17, 2020, and requested an item be placed on the council agenda for December 14, 2020 for council to consider.

Mayor Bessinger commented on a recent promotional ceremony he attended virtually when U.S. Army Major General Laura Yeager, commander, California Army National Guard, promoted Brigadier General David L. Hall during Hall's promotion ceremony to his present rank December 3, 2020.

CLOSED SESSION – 8:15

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

Mayor Bessinger adjourned the meeting of the Council to December 14, 2020

Meeting adjourned: 8:35 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Administration - Approval – Waive normal purchasing process and authorize City Manager to enter into the CALNET agreement with Verizon Wireless for Cellular Phone and Wireless Data services.

ATTACHMENTS: None.

CONFLICT OF INTEREST

None

RECOMMENDATION

For the Council to waive the normal purchasing process and authorize the City Manager to enter into the CALNET agreement with Verizon Wireless for Cellular Phone and Wireless Data services.

EXECUTIVE SUMMARY

Staff was recently informed that the current contract with Verizon Wireless for cellular phones and wireless data devices is set to expire on December 31, 2020. They (Verizon Wireless) have two competitively bid contract options available for the city's cellular services – NASPO via the State of Utah and CALNET from the State of California. Staff's review of the two contract options found that all the services remain the same between the two contracts. The only significant difference was that the monthly cost would be approximately \$1.00 more per device on the NASPO agreement than on the CALNET plan.

Staff recommends moving the current services provided by Verizon Wireless to the new CALNET contract.

BACKGROUND

In 1999, the State of California Department of General Services and Telecommunications issued a request for proposals of the State's telecommunications services. This original RFP and ensuing contract was called CALNET I. The CALNET program offered local agencies a "piggy-back" provision for reduced rates on leased line circuits, internet connectivity and

other telecommunications services. The City has been using CALNET for local analog phone lines and business leased line circuits through our Local Exchange Carrier (LEC).

In the most recent iteration of the program, called CALNET III, the State opened it up to more providers and more technology-based services including cellular and wireless data services. Verizon Wireless was one of these providers who are now authorized under the CALNET program.

The City has been using Verizon Wireless services for over 15 years. This includes cellular phones for a number of staff and wireless data for mobile data computers in patrol vehicles, fire engines and other City vehicles.

Staff was informed recently that the current contract with Verizon Wireless is set to expire at the end of this year (Dec. 31, 2020). Moving forward, if/when a new line, phone or wireless data device is needed, staff would have to select one of two competitively bid contract options (CALNET or NASPO) or pay standard rates for these new services.

Staff is recommending the CALNET contract instead of the NASPO (formerly WSCA out of the State of Utah) contract. In the apples to apples comparison, staff found that the two contracts are very similar. The only significant difference between the two is that the NASPO option is about \$1.00 more per month per line/device than the CALNET version. It should be noted too that there is a slight increase in price over our current expiring plan (approx. \$2.00 per device per month with the CALNET contract). This is still significantly less than standard rates and has the full complement of services needed including prioritized access for Public Safety lines and devices. It also includes options for unlimited talk, text and data plans and additional discounts on phones and other devices for all City-issued staff phones.

FISCAL IMPACT

The cost of cellular and wireless data services is included in each department's annual budget. By moving to the CALNET agreement, the City would have a slight increase of approximately \$2.00 per device per month on new activations than what is currently paid; but it is still less than standard tariff rates on these services.

REASON FOR RECOMMENDATION

The CALNET agreement was competitively bid contract by the State of California Department of Technology Services (DTS). It includes a piggy-back provision for local public agencies to receive the discounted rates for cellular and wireless data services.

Finally, the City has partnered with Verizon Wireless for a number of years and has used Verizon cellular services throughout. By moving to the new CALNET contract, City-issued cell phones and other wireless devices would continue to operate without interruption.

ACTIONS FOLLOWING APPROVAL

The CALNET agreement will be signed by both Verizon Wireless and the City; and then forwarded to the State of California Department of Technology Services for final approval.

Prepared by: Jesse Velez, I.T. Manager

Reviewed by: City Manager *JH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Administration - Approval – First Amendment to Land Tenure Agreement with Fresno Wildlife Rehabilitation Service.

ATTACHMENTS: 1. First Amendment to Land Tenure Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve the First Amendment to the Land Tenure Agreement with Fresno Wildlife Rehabilitation Service extending the deadline for construction by one year, and authorize the City Manager to execute the Amendment.

EXECUTIVE SUMMARY

On August 5, 2019, Council approved a Land Tenure Agreement with Fresno Wildlife Rehabilitation Service (FWRS) to allow FWRS to construct The Nature Center at David McDonald Park. The agreement included a deadline of December 31, 2020 to achieve 50% construction of the facility or the term of the agreement would be greatly reduced. FWRS was on schedule to meet the schedule; however, bids for the project came in significantly higher than budgeted. To get the project back within budget, the major donor's design/build team will be developing new plans for the project and will build the project once the plans are approved. The redesign has delayed the project so staff is recommending amending the Land Tenure Agreement to set December 31, 2021 as the deadline to achieve 50% construction.

BACKGROUND

On November 13, 2007, Council approved Site Plan Review SPR2007-25 for the design and construction of a nature center at the property currently identified as David McDonald Park. The Nature Center was proposed in conjunction with Fresno Wildlife Rehabilitation, which is now known as FWRS. On May 2, 2011, the Site Plan Review was amended for the design and construction of the Miss Winkles Pet Adoption Center. At that time, The Nature Center was shown as a "future" development. In 2019, FWRS received a commitment from a large donor to fund the initial phase of The Nature Center, and on August

5, 2019, Council approved the Land Tenure Agreement to allow FWRS to proceed with the project. The Land Tenure Agreement only provides for what was previously identified as Phase 1 of The Nature Center. Future phases are conceptual only at this time.

The Land Tenure Agreement included a fairly aggressive deadline of December 31, 2020 for FWRS to secure funding for the project and to complete at least 50% of the construction. Failure to meet either of these deadlines triggered a reduction in the term of the Land Tenure Agreement to only five years. FWRS has received the funding for the project and was on schedule to complete at least 50% of construction by the deadline when they opened bids for the construction contract in the spring of this year. However, bids came in significantly higher than the budget so FWRS and their major donor decided to have the donor's design/build team revise the plans to reduce costs and build the project once the plans are approved. The redesign is in progress, but the delay means that construction has not yet started and will not be able to meet the deadline for completion of 50% of the project.

The deadline was included in the agreement to protect the City's interests by ensuring that the land did not remain encumbered for a long period of time if the project languished. Although the construction deadline was not met, the project is not languishing and FWRS and their major donor are proceeding in good faith. Furthermore, the higher-than-anticipated bids came at a time when construction costs were rising rapidly and many projects suffered similar results. The design/build team has already met with staff regarding the redesign and the work is in progress. Staff is comfortable with the ability of the design/build team to deliver the project, and feels that it is in the City's best interest to amend the Land Tenure Agreement to extend the construction deadline one year to December 31, 2021. A copy of the recommended First Amendment to the Land Tenure Agreement is attached to this report. The only changes to the original agreement are the extensions of the deadline; all other provisions remain the same.

FISCAL IMPACT

There is no fiscal impact associated with amending the Land Tenure Agreement.

REASON FOR RECOMMENDATION

Completion of The Nature Center has long been a goal of the City, and FWRS is in a position to complete the project. The intent of the deadline in the original Land Tenure Agreement was to protect the City's interests should the project languish. The project has suffered a reasonable delay, but it is still viable and progressing. Amending the Land Tenure Agreement to extend the construction deadline by one year is the most reasonable way to ensure that the project is completed in a timely manner and that the City's interests are protected.

ACTIONS FOLLOWING APPROVAL

The First Amendment to the Land Tenure Agreement will be executed and recorded. Staff will continue to work with FWRS and the design/build team to complete the project.

Prepared by: Luke Serpa, City Manager

Reviewed by: City Manager LS

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

(FOR RECORDER’S USE ONLY)

CITY OF CLOVIS
1033 Fifth Street
Clovis, CA 93612

No recording or filing fees pursuant to Government Code
Sections 6103 and 27383.

**FIRST AMENDMENT TO LAND TENURE AGREEMENT FOR THE NATURE CENTER
AND RELATED FACILITIES AT DAVID McDONALD PARK
CITY OF CLOVIS, FRESNO COUNTY, CALIFORNIA**

This First Amendment to Land Tenure Agreement for the Nature Center and Related Facilities at David McDonald Park (“First Amendment”) is entered into effective on December 14, 2020, by and between the City of Clovis, a California municipal corporation (“City”) and Fresno Wildlife Rehabilitation Service, a California Non-profit Corporation (“FWRS”) pursuant to the following recitals:

RECITALS:

WHEREAS, City and FWRS entered into that certain Land Tenure Agreement for the Nature Center and Related Facilities at David McDonald Park, dated August 5, 2019 (“Agreement”), the terms of which are incorporated herein by this reference; and

WHEREAS, the Agreement contains a December 31, 2020, deadline for FWRS to have completed certain improvements identified on the Site Plan for the Premises; and

WHEREAS, FWRS has been diligently pursuing the design and construction of the necessary improvements but unforeseen circumstances will prevent FWRS from meeting the current deadline in the Agreement, and the City and FWRS desire to amend the Agreement to extend the deadline for a year.

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

AGREEMENT:

1. Recitals. The Recitals stated above are true and correct and are a substantive part of this First Amendment.
2. Amendment to Agreement. Section 18, subsection c. of the Agreement, pertaining to Reduction in Term of Agreement, is amended in its entirety to read as follows:

c. Reduction in Term of Agreement. If FWRS fails to secure funding to complete the improvements identified on the Site Plan by December 31, 2021, the term of this Agreement shall be reduced to five (5) years. If FWRS fails to complete at least fifty percent (50%) of the improvements identified on the Site Plan by December 31, 2021, the term of this Agreement shall be reduced to five (5) years. FWRS shall demonstrate by satisfactory evidence to City that it meets the thresholds set forth in this subsection.

3. All Other Terms Remain in Effect. Except as expressly set forth herein, all other terms of the Agreement shall remain unchanged and in full force and effect, including all capitalized terms defined in the Agreement unless otherwise defined in this First Amendment, and the Agreement shall be interpreted so as to give full force and effect to this First Amendment.

4. Authority to Execute. The signatories to this Agreement represent that they have received authority from their respective governing body to execute this Agreement.

IN WITNESS WHEREOF, the City and FWRS have executed this First Amendment effective on the date set forth above.

FRESNO WILDLIFE
REHABILITATION SERVICE,
A CALIFORNIA NON-PROFIT
CORPORATION

CITY OF CLOVIS, A CALIFORNIA
MUNICIPAL CORPORATION

Signature

Luke Serpa, City Manager

Name

Title



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Administration – Approval – Authorize the City Manager to Execute an Agreement to Reassign Construction Loan to Affordable Housing Loans at 1403 Fourth Street, 1421 Fourth Street, and 1481 Bullard Avenue with Habitat for Humanity of Fresno County

ATTACHMENTS: 1. Agreement to Reassign Construction Loan to Affordable Housing Loans at 1403 Fourth Street, 1421 Fourth Street, & 1481 Bullard Avenue with Habitat for Humanity of Fresno County

CONFLICT OF INTEREST

None.

RECOMMENDATION

Authorize the City Manager to execute Agreement to Reassign Construction Loan to Affordable Housing Loans at 1403 Fourth Street, 1421 Fourth Street, & 1481 Bullard Avenue with Habitat for Humanity of Fresno County and make non-substantive amendments approved by City Attorney.

EXECUTIVE SUMMARY

On October 14, 2020, Clovis City Council approved the transfer of the subject properties to Habitat for Humanity for the purpose of building two single-family affordable homes. Clovis City Council also previously approved a \$300,000 construction loan to Habitat for Humanity towards the construction of the homes at 1408 and 1418 Fourth Street. Staff is recommending that the \$150,000 balance remaining on the loan be divided equally as a development subsidy for each of the homes being built at 1403 and 1421 Fourth Street, and also a single-family home purchased by Habitat for Humanity and being rehabilitated for sale at 1481 Bullard Avenue.

BACKGROUND

On October 14, 2020, Clovis City Council approved the transfer of the subject properties to Habitat for Humanity for the purpose of building two single-family affordable homes. Clovis

City Council also previously approved a \$300,000 construction loan to Habitat for Humanity towards the construction of the homes at 1408 and 1418 Fourth Street. Habitat for Humanity has repaid \$150,000 of the loan. Staff is recommending that the remaining \$150,000 be divided equally as a development subsidy for the homes being built at 1403 and 1421 Fourth Street, and also a single-family home purchased by Habitat for Humanity and being rehabilitated for sale at 1481 Bullard Avenue.

In exchange for the subsidy, the low-income homebuyers purchasing the homes will execute a deed of trust and promissory note to the City of Clovis for the amount of the subsidy, essentially becoming a first-time homebuyer loan. The amount of the subsidy provided to the buyer would be due and payable to the City either when the home is sold or at the end of the 30-year loan term, whichever comes first.

FISCAL IMPACT

Housing Successor Agency funds were used to fund the construction loan to Habitat for Humanity that would be redirected as a subsidy to the homebuyers. There would be no impact to the General Fund.

REASON FOR RECOMMENDATION

Transferring the balance of the construction loan to a subsidy going into the three homes will allow Habitat for Humanity to complete the homes more quickly, and will help to provide an affordable mortgage payment for the low-income homebuyers of each home.

ACTIONS FOLLOWING APPROVAL

Have the City Manager, along with the Habitat for Humanity CEO and Board Chair, execute the agreement, and proceed with development and sale of the homes.

Prepared by: Heidi Crabtree, Housing Program Coordinator

Reviewed by: City Manager *JA*

RECORDING REQUESTED BY, AND)
WHEN RECORDED, MAIL TO:)
)
City of Clovis)
1033 Fifth Street)
Clovis, California 93612)
ATTN: City Manager)

(Space above provided for Recorder)

No recording or filing fee required; This document exempt from fee pursuant to California Government Code sections 6103 and 27383.

**AGREEMENT TO REASSIGN
CONSTRUCTION LOAN
TO
AFFORDABLE HOUSING LOANS AT:**

**1403 Fourth Street, APN No. 491-191-18
1421 Fourth Street, APN No. 491-191-17
1481 Bullard Avenue, APN No. 491-172-41**

**CITY OF CLOVIS
and**

HABITAT FOR HUMANITY

THIS AGREEMENT TO REASSIGN CONSTRUCTION LOAN (“Agreement”) is entered into between the City of Clovis acting as the Housing Successor to the former Clovis Community Development Agency (“City”) and Habitat for Humanity Fresno, Inc., a California nonprofit corporation, DBA Habitat for Humanity Fresno County (“Developer”) with respect to the following recitals, which are a substantive part of this Agreement. The effective date of this Agreement shall be the date the Agreement is executed by City, which shall be after execution by Developer (“Effective Date”).

RECITALS

A. On July 17, 2017, City and Developer entered into a Disposition and Development Agreement (“DDA”) for a City-owned parcel of property located at 1408 4th Street, Clovis, CA, Assessor’s Parcel No. 491-171-31T (“1408 4th Street Property”). Under the terms of the DDA, City transferred the 1408 4th Street Property to Developer for the purposes of constructing a single family affordable house consistent with the intent of the City of Clovis Redevelopment Plans.

B. On August 24, 2018, City and Developer entered into a First Amendment to the DDA, providing Developer with a \$150,000 loan for construction of the single family home (“Construction Loan”). The Construction Loan required that Developer payback the \$150,000 loan upon sale of the 1408 4th Street Property to a subsequent purchaser.

C. In December of 2019, Developer sold the 1408 4th Street Property to a subsequent purchaser. In lieu of repayment, Developer is requesting that the Construction Loan be applied towards affordable housing loans (“City Loan”) on three (3) properties owned by Developer as follows (“Project Properties”):

- a. \$50,000 to 1403 4th Street, Clovis, CA, transferred to Developer by City pursuant to a DDA executed on November 4, 2020.
- b. \$50,000 to 1421 4th Street, Clovis, CA, transferred to Developer by City pursuant to a DDA executed on November 4, 2020.
- c. \$50,000 to 1481 Bullard Avenue, Clovis, CA, owned by developer for affordable housing purposes.

The Project Properties are legally described in **Exhibit 1**.

D. The City is willing to allow redirection of the Construction Loan to the Project Properties pursuant to the terms of this Agreement, which among other things requires that a subsequent purchaser execute an Affordable Housing Agreement with the City governing the terms of repayment of the City’s loan.

NOW, THEREFORE, the Parties agree as follows:

1. Reassignment and Release of Construction Loan. City agrees to release the 1408 4th Street Property from the Construction Loan and allow Developer to reassign the Construction Loan as a \$50,000 City Loan for affordable housing on the Project Properties. Developer shall require that each subsequent purchaser (the first owner occupant) of the Project Properties enter into an Affordable Housing Agreement with City memorializing the terms of the loan, as further specified in this Agreement.

The purchase price of the Project Properties shall reflect a reduced primary loan amount of at least \$50,000 below the purchase price for each of the Project Properties.

Developer shall have until December 31, 2021 to complete construction of a single family home (not less than 3 bedrooms/2 baths) and sale of the Project Properties to a subsequent purchaser. If this deadline is not met, Developer shall repay the Construction loan in full within thirty (30) days, reduced by \$50,000 for each completed sale of a Project Property.

2. Form of Affordable Housing Agreement. The Affordable Housing Agreement shall be in substantially the form attached hereto as **Exhibit 2**, consisting of the City’s Affordable Housing Agreement, Form of City’s Promissory Note, Form of City’s Deed of Trust, and City’s Affordability Restrictions.

3. Recording of Agreement. This Agreement shall be recorded with the Fresno County Recorder’s Office on the Project Properties within five (5) days after the Effective Date, providing record notice of the obligations under this Agreement.

4. Voluntary Agreement. The parties represent that they have read this Agreement in full and understand and voluntarily agree to all of the provisions herein. The parties further declare that prior to signing this agreement they apprized themselves of relevant information, through sources of their own selection, including consultation with legal counsel of their choosing if so desired, in deciding whether to execute this Agreement. The parties further represent that they have, as of the date of execution of this Agreement, the legal capacity to understand, agree to, and sign this Agreement.

5. Assignment. Developer may not assign their obligations under this Agreement without the prior written consent of City.

6. Governing Law. This Agreement is made under and shall be governed by and construed in accordance with the laws of the State of California.

7. Entire Agreement. This Agreement contains the entire agreement of the Parties relating to the subject matter hereof, and the Parties hereto have made no agreements, representations or warranties relating to the subject matter of this Agreement which are not set forth herein.

8. Amendments; Waiver. No amendment or modification of this Agreement shall be deemed effective unless made in writing signed by the Parties hereto. No waiver of any provision hereof shall be construed as a further or continuing waiver of such provision or any other provision hereof.

9. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same instrument.

10. Attorney's Fees, Costs and Expenses. In the event of a controversy, claim or dispute between the Parties hereto arising out of or relating to this Agreement, or breach thereof, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and expenses.

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SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, City and Developer have signed this Agreement as set forth below.

CITY OF CLOVIS, acting as the Housing
Successor to the former Clovis Community
Development Agency

Dated: _____

By: _____
Luke Serpa, City Manager

“CITY”

HABITAT FOR HUMANITY
A California nonprofit corporation

Dated: _____

By: _____
Its: Chief Executive Officer

Dated: _____

By: _____
Its: Board Chairman

“DEVELOPER”

ATTEST:

By: _____
John Holt, City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
David J. Wolfe
City Attorney

Dated: _____

EXHIBIT 1

**LEGAL DESCRIPTION OF THE
PROJECT PROPERTIES**

EXHIBIT 2

**FORM OF CITY AFFORDABLE HOUSING
AGREEMENT**

AFFORDABLE HOUSING AGREEMENT

This Affordable Housing Agreement (“Agreement”) is entered into effective _____, 2021 between the CITY OF CLOVIS, a California municipal corporation (“City”), and [NAME], _____ (“Participant”) with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

A. Habitat for Humanity Fresno, Inc., a California nonprofit corporation, DBA Habitat for Humanity Fresno County (“Developer”) owns property at [PROPERTY], in the city of Clovis, as legally described in **Attachment A** (“Property”). The Property consists of a single-family, [DESCRIPTION] home.

B. Developer desires to sell the Property as affordable housing to persons and families whose household income does not exceed one hundred twenty percent (120%) of Fresno County Area Median Income, adjusted for family size, as determined by City pursuant to the appropriate State (Department of Housing and Community Development) and Federal (U. S. Department of Housing and Urban Development) publication (“Qualified Buyer”).

C. Participant represents that Participant is a Qualified Buyer.

D. At the request of Developer, City agreed to loan Participant \$50,000 towards purchase of the Property (“City Loan”), as reflected in an Agreement entered into between Developer and City effective _____ 2021. Further funding will come from Participant’s primary lender. The City Loan is reflected as an existing lien on the Property.

E. The City Loan is subject to the terms and conditions of this Agreement, some of which require that the Property be maintained as affordable housing through covenants restricting the re-sale price of the Property, restricting the amount that may be refinanced, and allowing City to designate subsequent purchasers of the Property.

NOW THEREFORE, City and Participant agree as follows:

1. Purchase Price: City Loan. The purchase price for the Property has been established at \$ _____ (“Purchase Price”), which includes an existing \$50,000 preassigned loan from City. The actual sales price for which a primary loan may be based upon shall be reduced by not less than \$50,000. The reduction in sales price is a reflection of loan proceeds already made available to Developer for use by Participant, and reflected as an existing lien on the Property. City agrees that the City Loan, in the amount of \$50,000, may become a second lien on the Property behind the primary Mortgage in the amount of \$ _____, through a first trust deed from _____.

2. Restrictive Covenants. Conveyance of the Property to the first qualified purchaser, shall be by grant deed, and shall be subject to the Covenants, Conditions, and Restrictions (“Restrictive Covenants”) substantially in the form attached as **Attachment B** and

made a part hereof. The following covenants, conditions, and restrictions are contained in the Restrictive Covenants:

- For a period of 30 years, a requirement that Participant occupy the Property as Participant's principal place of residence.
- For a period of 30 years, a requirement that the Property be maintained.
- A prohibition against discrimination.
- For a period of 30 years, a requirement that the City be notified of any proposed transfer of the property or refinancing
- A requirement that all subsequent purchasers be bound to the covenants.

4. City Loan. City agrees to loan Participant the sum of Fifty Thousand Dollars (\$50,000.00) towards purchase of the Property as set forth in the **Recitals** and **Section 1**, and other Participant obligations. Participant shall execute a City Promissory Note in that amount in favor of City in the form attached as **Attachment C** and made a part hereof. The City Promissory Note shall be due and payable in full in thirty (30) years or upon the earlier occurrence of any one of the following Payment Events: (a) a transfer of the Property as defined in the Restrictive Covenants, except a transfer which under federal law would not, by itself, permit the City to exercise a due on sale or due on encumbrance clause; (b) such time if or when Participant no longer occupies the Site as Participant's principal residence; (c) upon a payment event set forth in the City Promissory Note; or (d) upon a default of any other obligation under this Agreement or the Restrictive Covenants.

Interest on the City Promissory Note shall accrue as follows and shall be payable on the entire loan amount:

If due and payable in years 1-5, three percent (3%) simple interest per annum
 If due and payable in years 6-10, two percent (2%) simple interest per annum
 If due and payable in years 11-15, one percent (1%) simple interest per annum
 If due and payable in years 16-30, zero percent (0%) simple interest per annum

The per annum interest is not compounded but is cumulative.

An additional default interest may be imposed as set forth in the City Promissory Note.

5. Security for City Loan: Deed of Trust. The City Loan shall be secured by a City Deed of Trust in the form attached as **Attachment D** and made a part hereof.

6. City Right to Rents. If Participant rents or leases the Property in violation of this Agreement and/or the Restrictive Covenants, in addition to any other remedies City may have, the rents collected shall be automatically assigned to City and Participant shall deliver all rents collected to City until such time as Participant satisfies its obligations under this Agreement.

City may also direct the tenant to remit the rents directly to City until such time as Participant satisfies its obligations under this Agreement. These rights shall exist regardless of whether City initiates a foreclosure action under the City Deed of Trust and irrespective of the assignment of rents clause in the Deed of Trust. If City elects to require the tenant to remit the rents directly to City, City shall notify the tenant in writing of the tenant's obligation to remit the rents to City. Tenant's obligation to remit the rents directly to City shall thereafter commence within five (5) days after service of the notice of this obligation if the notice is sent by first class mail or within two (2) days after service if the notice is personally served. City shall provide Participant with a copy of any notice to the tenant. The election by City to require the tenant to pay rents to City shall in no way place City in the position of landlord and City shall not incur obligations of any kind to the tenant. Participant shall be solely responsible for all landlord obligations.

7. Timely Payment of Loans, Taxes, and Assessments. Participant shall timely pay, and prior to default, all monetary obligations secured by the Property, including without limitation the First Lien loan obligations, property taxes and assessments.

8. Escrow.

a. Opening. Within ten (10) days after the Property is ready for sale to the first subsequent purchaser, Developer and City shall open Escrow with Chicago Title Company, 7330 N. Palm Ave., Ste. 101, Fresno, California 93711, or with another mutually agreeable escrow company ("Title Company" or "Escrow Agent"). Escrow shall include a copy of this Agreement. City and Participant shall execute all escrow instructions required by Escrow Agent or otherwise necessary to carry out the terms of this Agreement.

b. Closing. Escrow shall close as is customary, and no later than sixty (60) days of opening unless City and Participant agree to an extension of time in writing. No single extension shall exceed thirty (30) days.

Escrow closing is conditioned on (1) Participant's acknowledgment of the Covenants, Conditions, and Restrictions; (2) verification by City that Participant is a Qualified Buyer and is capable of complying with the terms of this Agreement; and (3) deposit and execution by Participant of the City Promissory Note (**Attachment C**), Deed of Trust (**Attachment D**), and Truth in Lending Disclosure Statement.

9. City as Beneficiary of Terms of Agreement and CC&R's. City is deemed the beneficiary of the terms of this Agreement and of the covenants, conditions, and restrictions running with the land, for and in its own rights and for the purposes of protecting the interests of the community and other parties, public or private, in whose favor and for whose benefit this Agreement and the covenants running with the land have been provided. This Agreement and the covenants, conditions, and restrictions shall run in favor of the City, without regard to whether the City has been, remains or is an owner of any land or interest therein in the Property. City shall have the right, if the Agreement or covenants, conditions, and restrictions are breached, to exercise all rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches to which it or any other beneficiaries of this Agreement and covenants may be entitled.

10. General Provisions.

a. Participant Representations. The Participant represents and warrants to the City as follows:

(1) To the best of Participant’s knowledge, Participant is a Qualified Buyer as of the execution of this Agreement;

(2) Participant has fully and accurately disclosed its income to City, and acknowledges that the City has relied upon such representations in entering into this Agreement;

(3) Participant intends to reside in the Unit as Participant’s principal residence immediately upon acquisition of the Property;

(4) There are no known pending or threatened, legal proceedings to which Participant is or may be made a party or to which any of its property is or may become subject, which has not been fully disclosed to City which could materially adversely affect the ability of the Participant to carry out its obligations hereunder; and

(5) There are no known pending or threatened dissolution or liquidation proceedings that could affect the validity and enforceability of the terms of this Agreement, or materially and adversely affect the ability of the Participant to carry out its obligations hereunder.

Each of the foregoing items 1 to 5, inclusive, shall be deemed an ongoing representation and warranty. Participant shall advise City in writing if there is any change pertaining to any matters set forth in the foregoing items 1 to 5, inclusive.

b. Notices. Written notices, demands and communications between City and Participant shall be delivered by hand or by registered or certified mail, postage prepaid, return receipt requested, to the principal offices of City and Participant at the addresses set forth below or such other address either party may from time to time designate by mail as provided for herein.

Any written notice, demand or communication shall be deemed received immediately if delivered by hand and shall be deemed received on the fifth (5th) day from the date it is postmarked if delivered by registered or certified mail.

City

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

Participant

[NAME]
[NAME]
[ADDRESS]
[ADDRESS]

c. Non-liability of City Officials and Employees. No member, official or employee of City or the City of Clovis shall be personally liable to Participant, or any successor in interest, in the event of any default or breach by City (or the City) or for any amount that may become due to Participant or its successors, or on any obligations under the terms of this Agreement.

d. Entire Agreement: Waivers. This Agreement and its attachments constitutes the entire understanding and agreement of the parties and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof. Any waiver or amendment of the provisions of this Agreement must be in writing by the appropriate authorities of the City and the Participant.

IN WITNESS WHEREOF, City and Participant have signed this Affordable Housing and Real Property Disposition Agreement on the respective dates set forth below.

CITY OF CLOVIS

[NAME], an individual

By: _____
Luke Serpa
City Manager

By: _____
[NAME]

Dated: _____, 2020.

Dated: _____, 2020.

ATTEST:

By: _____
John Holt
City Clerk

Dated: _____, 2021.

APPROVED AS TO FORM:

By: _____
Scott Cross
City Attorney

Dated: _____, 2021.

EXHIBIT 2

**CITY AFFORDABLE HOUSING
AGREEMENT**

ATTACHMENT A

Legal Description

EXHIBIT 2

**CITY AFFORDABLE HOUSING
AGREEMENT**

ATTACHMENT B

City's Covenants, Conditions, and Restrictions

Form of City’s CC&Rs

RECORDING REQUESTED BY AND)
 WHEN RECORDED, RETURN TO AND)
 MAIL TAX STATEMENTS TO:)
)
 _____)
 _____)
 _____)

CITY OF CLOVIS COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING USE AND RESALE OF THE PROPERTY

[INSERT ADDRESS]

The real property described in **Attachment A** (“Property”) attached hereto and incorporated herein, subject to the existing easements, restrictions and covenants of record.

The Property is conveyed in accordance with and subject to the applicable Redevelopment Plan and pursuant to the Affordable Housing Agreement entered into between City and Participant dated _____, 2021 (“Agreement”), a copy of which is on file with City at its offices as a public record and which is incorporated herein by reference.

NOW, THEREFORE, the following Covenants, Conditions, and Restrictions (“Restrictive Covenants”) shall run with the land:

I. RESTRICTIVE COVENANTS.

1. Affordable Housing Agreement. The Property is conveyed in accordance with the Agreement.

2. Definition of Purchaser: Acknowledgment and Certification. All subsequent purchasers or successors (“Purchaser”) shall certify his/her acknowledgment of these Restrictive Covenants by executing a form substantially the same as **Attachment B**. The term Purchaser as hereinafter used in these Restrictive Covenants shall mean Participant and all subsequent Purchasers.

3. Single Family Residence: Residency. Purchaser hereby covenants and agrees for itself, its successors, its assigns, and every successor in interest to the Property, or any part thereof, that after construction of the single family home and sale to the first owner occupant as set forth in the Agreement, Purchaser, such successors and such assigns, shall maintain and use the Property only as a single-family residence and that Purchaser will occupy the Property as

his/her principal place of residence. Purchaser shall be considered as occupying the Property as a principal place of residence if Purchaser is living on the Property for at least ten (10) months out of each calendar year. The Property may not be subleased or rented.

4. Restrictions on Transfer. Any transfer of the Property after sale to the first owner occupant shall be subject to the provisions of these Restrictive Covenants. Transfer shall mean any voluntary or involuntary sale, assignment or transfer of ownership of the Property or of any interest in the Property, including, but not limited to, a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest, or an interest evidenced by a land contract by which possession of the Property is transferred but title is retained by the transferor; except that Transfer shall not mean any of the following:

(a) As to any Purchaser who at the time of the purchase took title to the Property by him/herself but subsequently marries or files a Declaration of Domestic Partnership:

(1) a transfer of the Property without consideration from the Purchaser to the Purchaser and the Purchaser's spouse/domestic partner whereby title to the Property is then held by the Purchaser and Purchaser's spouse/domestic partner; or

(2) a devise or inheritance of the Property to the Purchaser's spouse/domestic partner, whether as a surviving joint tenant or otherwise; or

(3) as part of dissolution of marriage/termination of domestic partnership proceedings, the transfer of the Property from the Purchaser to the Purchaser's spouse/domestic partner provided, however, that the spouse/domestic partner qualifies, at the time of the transfer, as subsequent purchaser under these Restrictive Covenants.

(b) As to any Purchaser(s) who at the time of the purchase took title jointly (whether as joint tenants, tenants in common, as community property, or otherwise):

(1) a devise or inheritance of the Property to the surviving Purchaser; or

(2) as part of dissolution of marriage or other legal proceedings (such as a termination of domestic partnership), the transfer of the Property from one Purchaser to the other Purchaser.

5. Maintenance of Property. Purchaser shall maintain the Property and improvements thereon, including landscaping and yard areas, in good condition and repair, free from the accumulation of debris and waste materials, consistent with community standards and in compliance with all applicable codes, including City of Clovis ordinances. If not so maintained, the City of Clovis may notify Purchaser of such conditions and of a reasonable time to correct the conditions. For landscaping and yard maintenance, a reasonable time shall be considered five (5) days. If the conditions are not corrected within the time provided the City of Clovis may perform the necessary maintenance at the expense of the Purchaser which expense will become a debt due and owing the City of Clovis. If the debt is not paid within ten (10) days of notice, the debt may be placed as a lien on the Property.

5A. Timely Payment of Loans, Taxes, and Assessments. Purchaser shall timely pay, and prior to default, all monetary obligations secured by the Property, including without limitation all loan obligations, property taxes and assessments.

6. Additions and Improvements to Property. After sale to the first owner occupant, Purchaser shall not undertake substantial remodeling or additions to the Property without the advance written approval of City. Capital Improvements in excess of Five Thousand Dollars (\$5,000.00) shall be considered a substantial remodeling or addition. See Section 12 below for a further definition of Capital Improvements.

7. Inspection of Property. Upon City's receipt of a notice of intent to transfer as detailed in Section 9 below, City shall be given the right to enter and to inspect the Property to determine whether any violations of building, plumbing, electric, fire, housing, neighborhood preservation, or other applicable codes exist and whether the Property has been maintained in good condition. City shall notify Purchaser with regard to any noted code violations and maintenance deficiencies (collectively, the "Deficiencies"), and Purchaser shall cure the Deficiencies in a reasonable manner acceptable to the City within sixty (60) days of being notified in writing of the result of the inspections. Should Purchaser fail to cure all the Deficiencies prior to the scheduled date for the close of escrow, at the option of City or an Eligible Purchaser as defined in **Section 10** below, escrow may be closed, title passed and money paid to the Purchaser subject to the condition that such funds as are necessary to pay for curing the Deficiencies, based upon written estimates obtained by City, shall be withheld from the money due Purchaser and held by the escrow holder for the purpose of curing the Deficiencies. City and/or the Eligible Purchaser shall cause the Deficiencies to be cured and, upon certification of completion of work by City, the escrow holder shall utilize such funds to pay for said work. Any remaining funds shall be paid to Purchaser.

8. Nondiscrimination. Purchaser agrees for itself and any successor in interest not to discriminate upon the basis of race, color, creed, religion, sex, sexual orientation, marital status, age, disability, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property or any part thereof. Purchaser covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, age, disability, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property or any part thereof, nor shall Purchaser itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sub-tenants, sublessees, or vendees in the Property.

9. Notice of Transfer or Refinancing. If after sale to the first owner occupant, Purchaser intends to transfer or to refinance the Property, Purchaser shall promptly notify City in writing of such intent. For purposes of these Restrictive Covenants, refinance includes a home equity loan or similar line of credit by which the Property secures the promissory note for the loan/line of credit. Prior to executing any documents affecting a transfer or refinancing,

Purchaser shall send the notice (hereinafter referred to as the “Notice of Intent to Transfer or Refinance”) by certified mail return receipt requested, to the City Manager, City of Clovis, 1033 Fifth Street, Clovis, California 93612. Purchaser has the right to withdraw the Notice of Intent to Transfer or Refinance prior to the opening of an escrow to purchase the Property or prior to the recording of any financing documents.

10. City’s Option to Designate an Eligible Purchaser. Upon receipt of the Notice of the Intent to Transfer, City shall have the option to designate an Eligible Purchaser, as defined in Section 11 below, to purchase the Property in the manner set forth hereunder. Within thirty (30) days of receipt by City of the Notice of Intent to Transfer, City shall: (1) notify Purchaser of the Maximum Sales Price, as defined in Section 12 herein, to be paid for the Property; (2) inspect the Property as described in Section 7, above; and (3) notify Purchaser regarding whether or not City intends to exercise its option to designate an Eligible Purchaser. The notification to Purchaser regarding the option to designate an eligible Purchaser shall be sent by certified mail return receipt requested. If City exercises this option, it shall cause an escrow to purchase the Property to be opened within thirty (30) days following such notification to Purchaser, and it shall cause the Property to be purchased by its designated Eligible Purchaser within one hundred twenty (120) days following receipt by City of Purchaser’s Notice of Intent to Transfer.

11. Transfer to Eligible Purchaser and City’s Option to Purchase Property. In the event City does not exercise its option to designate an Eligible Purchaser, transfer of the Property by Purchaser must be to an Eligible Purchaser. An Eligible Purchaser shall be defined as:

- (a) The City of Clovis;
- (b) A household with an annual income that does not exceed eighty percent (80%) of the Fresno County Area Median Income based on the applicable household size, as determined by City pursuant to the appropriate State (Department of Housing and Community Development) and Federal (U. S. Department of Housing and Urban Development) publication.

12. Determination of Maximum Sales Price. After sale to the first owner occupant, the amount of money Purchaser may receive for any transfer of the Property shall be called the “Maximum Sales Price.” The Maximum Sales Price shall be calculated as follows:

- (a) The Purchase Price of the Property when the first owner occupant acquired the Property.
- (b) The Purchase Price shall be adjusted by the percentage increase or decrease of the median income of a four-person household for the Fresno County Area as published by the California Department of Housing and Community Development, or its successor, from the purchase date to the date of the Notice of Intent to Transfer.
- (c) Added to the Purchase Price shall be the cost of City approved Capital Improvements in Excess of Five Thousand Dollars (\$5,000.00) (“Qualified Capital

Improvements”) if within sixty (60) days upon completion of such Qualified Capital Improvements, Purchaser submitted the following to City: (1) an itemized list of the Qualified Capital Improvements; (2) reliable proof of completion of the Qualified Capital Improvements (as evidenced e.g., by final building permits or certificate of completion); (3) reliable evidence of the cost of the Qualified Capital Improvements (as evidenced e.g., by an itemized invoice or receipt).

(d) Added to the Purchase Price shall also be the reasonable closing costs and marketing expenses as determined periodically by City.

13. Determination of Maximum Refinancing Amount. After sale to the first owner occupant, the maximum amount of any refinancing, shall be ninety percent (90%) of the Maximum Sales Price, whether refinancing is a new first deed of trust, a second (or other) deed of trust, a home equity loan, or similar line of credit by which the Property secures the promissory note for the deed of first/loan/line of credit.

14. Defaults and Remedies. Upon a violation of any of the provisions of these Restrictive Covenants, City shall give written notice to Purchaser by certified mail return receipt requested, specifying the nature of the violation. If the violation is not corrected to the satisfaction of City within a reasonable period of time, not longer than thirty (30) days after the date the notice is mailed, or within such further time as City determines is necessary to correct the violation, City may declare a default under these Restrictive Covenants. Upon declaration of a default, City may apply to a court of competent jurisdiction for specific performance of the obligations of these Restrictive Covenants, for an injunction prohibiting a proposed transfer in violation of these Restrictive Covenants, for a declaration that a transfer in violation of the provisions of these Restrictive Covenants is void, or for any such other relief at law or in equity as may be appropriate. In the event of default by Purchaser, and/or by Purchaser's transferee in those circumstances where a transfer has occurred in violation of these Restrictive Covenants, Purchaser and/or the Purchaser's transferee shall hold the City and the Owner and their respective employees or other agents harmless and reimburse the expenses, legal fees and costs for any action the City takes in enforcing the provisions of these Restrictive Covenants.

15. City's Option to Purchase Upon Default. In addition to the remedies provided City in Section 14 above, City has the option to purchase the Property effective upon the declaration of a default. City option to purchase may be exercised upon a default under these Restrictive Covenants. City shall have sixty (60) days after a default is declared to notify Purchaser of its decision to exercise its option to purchase.

16. Non-liability of City. In no event shall City become in any way liable or obligated to Purchaser or to any successor-in-interest of the Purchaser by reason of its option to purchase under either Section 11 or Section 15 herein nor shall City be in any way obligated or liable to the Purchaser or any successor-in-interest of the Purchaser for City's failure to exercise such option to purchase.

17. Invalid Provisions. If any one or more of the provisions contained in these Restrictive Covenants shall for any reason be held to be invalid, illegal or unenforceable in any

respect then such provision or provisions shall be deemed severable from the remaining provisions contained in these Restrictive Covenants, and these Restrictive Covenants shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

18. Controlling Law. The terms of these Restrictive Covenants shall be interpreted under the laws of the State of California.

19. Notices. All notices required herein shall be sent to the City by certified mail return receipt requested, as follows:

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

or such other address that the City may subsequently request in writing. Notices to the Purchaser shall be sent by certified mail return receipt requested to the Property address.

20. Interpretation of Restriction Covenants. The terms of these Restrictive Covenants shall be interpreted to encourage to the extent possible that the purchase price of and mortgage payments for the Property remain affordable to moderate, low, very low, extremely low income households.

21. Consent of City to Change terms. No changes may be made to these Restrictive Covenants without the written consent of City. City shall be considered a third party beneficiary to these restrictive Covenants.

IN WITNESS WHEREOF, the Grantor/City and Grantee/Purchaser have caused this instrument to be executed on their behalf by their respective officers hereunto duly authorized, this ____ day of _____, 2021.

CITY OF CLOVIS, acting as the Housing Successor to the former Clovis Community Development Agency:

By: _____
Luke Serpa, City Manager

ATTEST:

By: _____
John Holt, City Clerk

APPROVED AS TO FORM:

LOZANO SMITH

By: _____

Scott Cross
City Attorney

THE GRANTEE/PURCHASER AGREES TO BE BOUND BY
THE COVENANTS SET FORTH ABOVE.

Dated: _____, 20__.

By: _____

Dated: _____, 20__.

By: _____

ATTACHMENT A

LEGAL DESCRIPTION OF PROPERTY

ATTACHMENT B

**ACKNOWLEDGMENT AND
CERTIFICATION OF RESTRICTIVE
COVENANTS**

EXHIBIT 3

City Affordable Housing Agreement

ATTACHMENT C

City Promissory Note

Form of City Promissory Note [Eligible Purchaser]

PROMISSORY NOTE SECURED BY DEED OF TRUST CITY PROMISSORY NOTE

MAKER: _____

NOTICE TO MAKER: THIS NOTE CONTAINS A PROVISION FOR A BALLOON PAYMENT AT MATURITY OR UPON THE OCCURRENCE OF CERTAIN EVENTS.

\$50,000.00

Clovis, California

_____, 20__

Property Address: _____

FOR VALUE RECEIVED, the undersigned _____ (“Maker” or “Participant”) promises to pay to the City of Clovis (“Holder”), at 1033 Fifth Street, Clovis, California 93612, or at such other address as Holder may direct from time to time in writing, Fifty-Thousand Dollars (\$50,000.00) (the “Note Amount”), together with interest thereon as hereafter set forth. All sums hereunder shall be payable in lawful money of the United States of America.

1. Loan Agreement.

This Promissory Note is made and delivered pursuant to and in implementation of the Affordable Housing Agreement entered between the Holder and the Maker dated _____ (the “Agreement”), a copy of which is on file with Holder and is incorporated herein by reference. Maker acknowledges that but for the execution of this Promissory Note, Holder would not enter into the Agreement or make the loan contemplated therein. Unless definitions of terms have been expressly set out at length herein, each term shall have the same definition as set forth in the Agreement.

2. Interest Rate.

The Note Amount shall not accrue interest but is provided in consideration of certain Restrictive Covenants running with the land, including a restriction on the re-sale price of the Property. In addition, all amounts not paid when due shall accrue interest at the lesser of (a) twelve percent (12%) per annum, or (b) the highest rate of interest that may lawfully be charged by a redevelopment agency.

3. Time of Payment.

The whole of the Note Amount and all other payments due hereunder and under the Agreement shall become due and be immediately payable to the Holder by the Maker on _____, 20__ (30 years from the date hereof) or upon the earlier occurrence of any one of the following Payment Events:

- a. Maker transfers the Property as set forth in Section 4 of the Grant Deed and in the Restrictive Covenants, including, without limitation, lease, exchange or other disposition of the Property or any interest therein, whether voluntary or involuntary, unless such due on sale is prohibited by law; or
- b. Maker fails to occupy the Property as Maker's principal residence; or
- c. Upon default of any other obligation under the Agreement or the Restrictive Covenants.

4. Sale to Qualified Buyer.

Notwithstanding the provisions of Section 3, with the written consent of City, a Qualified Buyer may assume the City Note as set forth in Section 11 of the Grant Deed.

5. Security for Note.

This Promissory Note shall be secured by a second deed of trust of even date herewith encumbering the Property (the "Deed of Trust"), executed by Maker as Trustor in favor of Holder as Beneficiary.

6. Prepayment of Note.

Maker may prepay this Note to Holder, provided that any prepayment must be in full and not in part.

7. Holder May Assign.

Holder may, at its option, assign its rights to receive payment under this Promissory Note without necessity of obtaining the consent of the Maker.

8. Maker Assignment Prohibited.

In no event shall Maker assign or transfer any portion of this Promissory Note, the Note Amount and/or the Agreement without the prior express written consent of the Holder, which consent may be given or withheld in the Holder's sole discretion. This Section shall not affect or diminish the Holder's right to assign all or any portion of its rights to the loan proceeds hereunder.

9. Joint and Several.

The undersigned, if more than one, shall be jointly and severally liable hereunder.

10. Attorneys' Fees and Costs.

In the event that any action is instituted to enforce payment under this Promissory Note, the parties agree the non-prevailing party shall be responsible for and shall pay to the prevailing party all court costs and all attorneys' fees incurred in enforcing this Note.

11. Amendments.

This Note may not be modified or amended except by an instrument in writing expressing such intention executed by the parties sought to be bound thereby, which writing must be so firmly attached to this Note so as to become a permanent part thereof.

12. Maker's Waivers.

Maker waives any rights to require the Holder to: (a) demand payment of amounts due (known as "presentment"); (b) give notice that amounts due have not been paid (known as "notice of dishonor"); and (c) obtain an official certification of nonpayment (known as "protest").

13. Notice.

Any notice that must be given to Maker under this Note shall be given by personal delivery or by mailing it by certified mail addressed to Maker at the Site address above or such other address as Maker shall direct from time to time in writing. Failure or delay in giving any notice required hereunder shall not constitute a waiver of any default or late payment, nor shall it change the time for any default of payment. Any notice to Holder shall be given by certified mail at the address stated above.

14. Successors Bound.

This Promissory Note shall be binding upon the parties hereto and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Maker has executed this Promissory Note.

"MAKER"

Dated: _____

By: _____

Dated: _____

By: _____

EXHIBIT 3

City Affordable Housing Agreement

ATTACHMENT D

City Deed of Trust

Form of City Deed of Trust [Eligible Purchaser]

City Deed of Trust

RECORDING REQUESTED BY, AND)
 WHEN RECORDED, MAIL TO:)
)
 City of Clovis)
 1033 Fifth Street)
 Clovis, California 93612)
 ATTN: City Manager)

(Space above provided for Recorder)

No recording or filing fee required; This document exempt from fee pursuant to California Government Code sections 6103 and 27383.

DEED OF TRUST AND ASSIGNMENT OF RENTS (Fresno County)

THIS DEED OF TRUST AND ASSIGNMENT OF RENTS is made this ____ day of _____, 2021, among _____ (“Trustor”) whose address is _____, _____, (herein “Trustee”) whose address is _____ and the City of Clovis, acting as the Housing Successor to the former Clovis Community Development Agency, whose address is 1033 Fifth Street, Clovis, California 93612 (the “Beneficiary”).

TRUSTOR, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described Property located in the County of Fresno, State of California:

SEE ATTACHMENT 1

which has the address of _____ (herein “Property Address”);

TOGETHER with all the improvements now or hereafter erected on the Property, and all easements, rights, appurtenances and rents (subject however to the rights and authorities given herein to Beneficiary to collect and apply such rents), all of which shall be deemed to be and remain a part of the Property covered by this Deed of Trust; and all of the foregoing, together with said Property are hereinafter referred to as the “Property”;

TO SECURE to Beneficiary the repayment of the indebtedness evidenced by Trustor’s note dated _____, 20____, and extensions and renewals thereof (herein “Note”), in the principal sum of U.S. \$50,000, with interest thereon, with the balance of the indebtedness, if not sooner paid, due and payable on _____, 20____; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Trustor herein contained.

Trustor covenants that Trustor is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property, and that the Property is unencumbered except for encumbrances of record. Trustor covenants that Trustor warrants and will defend generally the title to the Property against all claims and demands, subject to encumbrances of record.

UNIFORM COVENANTS. Trustor and Beneficiary covenant and agree as follows:

1. Payment of Principal and Interest. Trustor shall promptly pay when due the principal and interest indebtedness evidenced by the Note and late charges as provided in the Note.

2. Funds for Taxes and Insurance. Subject to applicable law or a written waiver by Beneficiary, Trustor shall pay to Beneficiary monthly payments of a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments (including condominium and planned unit development assessments, if any) which may attain priority over this Deed of Trust, and ground rents on the Property, if any, plus one-twelfth of yearly premium installments for hazard insurance, plus one-twelfth of yearly premium installments for mortgage insurance, if any, all as reasonably estimated initially and from time to time by Beneficiary on the basis of assessments and bills and reasonable estimates thereof. Trustor shall not be obligated to make such payments of Funds to Beneficiary to the extent that Trustor makes such payments to the holder of a prior mortgage or deed of trust if such holder is an institutional lender.

If Trustor pays Funds to Beneficiary, the Funds shall be held in an institution the deposits or accounts of which are insured or guaranteed by a Federal or state agency (including Beneficiary if Beneficiary is such an institution). Beneficiary shall apply the Funds to pay said taxes, assessments, insurance premiums and ground rents. Beneficiary may not charge for so holding and applying the Funds, analyzing said account or verifying and compiling said assessments and bills, unless Beneficiary pays Trustor interest on the Funds and applicable law permits Beneficiary to make such a charge. Trustor and Beneficiary may agree in writing at the time of execution of this Deed of Trust that interest on the Funds shall be paid to Trustor, and unless such agreement is made or applicable law requires such interest to be paid, Beneficiary shall not be required to pay Trustor any interest or earnings on the Funds. Beneficiary shall give to Trustor, without charge, an annual accounting of the Funds showing credits and debits to the Funds and the purpose of which each debit to the Funds was made. The Funds are pledged as additional security for the sums secured by this Deed of Trust.

If the amount of the Funds held by Beneficiary, together with the future monthly installments of Funds payable prior to the due dates of taxes, assessments, insurance premiums and ground rents, shall exceed the amount required to pay said taxes, assessments, insurance premiums and ground rents as they fall due, such excess shall be, at Trustor's option, either promptly repaid to Trustor or credited to Trustor on monthly installments of Funds. If the amount of the Funds held by Beneficiary shall not be sufficient to pay taxes, assessments, insurance premiums and ground rents as they fall due, Trustor shall pay to Beneficiary any amount necessary to make up the deficiency in one or more payments as Beneficiary may require.

Upon payment in full of all sums secured by this Deed of Trust, Beneficiary shall promptly refund to Trustor any Funds held by Beneficiary. If under paragraph 16 hereof the Property is sold or the Property is otherwise acquired by Beneficiary, Beneficiary shall apply, no later than immediately prior to the sale of the Property or its acquisition by Beneficiary, any Funds held by Beneficiary at the time of application as a credit against the sums secured by this Deed of Trust.

3. Application of Payments. Unless applicable law provides otherwise, all payments received by Beneficiary under the Note and paragraphs 1 and 2 hereof shall be applied by Beneficiary first in payment of amounts payable to Beneficiary by Trustor under paragraph 2 hereof, then to interest payable on the Note, and then to the principal of the Note.

4. Prior Mortgages and Deeds of Trust; Charges; Liens. Trustor shall perform all of Trustor's obligations under any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust, including Trustor's covenants to make payments when due. Trustor shall pay or cause to be paid all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Deed of Trust, and leasehold payments or ground rents, if any.

5. Hazard Insurance. Trustor shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and such other hazards as Beneficiary may require and in such amounts and for such periods as Beneficiary may require.

The insurance carrier providing the insurance shall be chosen by Trustor subject to approval by Beneficiary; provided, that such approval shall not be unreasonably withheld. All insurance policies and renewals thereof shall be in a form acceptable to Beneficiary and shall include a standard mortgage clause in favor of and in a form acceptable to Beneficiary. Beneficiary shall have the right to hold the policies and renewals thereof, subject to the terms of any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust.

In the event of loss, Trustor shall give prompt notice to the insurance carrier and Beneficiary. Beneficiary may make proof of loss if not made promptly by Trustor.

If the Property is abandoned by Trustor, or if Trustor fails to respond to Beneficiary within 30 days as from the date notice is mailed by Beneficiary to Trustor that the insurance carrier offers to settle a claim for insurance benefits, Beneficiary is authorized to collect and apply the insurance proceeds at Beneficiary's option either to restoration or repair of the Property or to the sums secured by this Deed of Trust.

6. Preservation and Maintenance of Property; Leaseholds; Condominiums; Planned Unit Developments. Trustor shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property and shall comply with the provisions of any lease if this Deed of Trust is on a leasehold. If this Deed of Trust is on a unit in a

condominium or a planned unit development, Trustor shall perform all of Trustor's obligations under the declaration or covenants creating or governing the condominium or planned unit development, the by-laws and regulations of the condominium or planned unit development, and constituent documents.

7. Protection of Beneficiary's Security. If Trustor fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceedings is commenced which materially affects Beneficiary's interest in the Property, then Beneficiary, at Beneficiary's option, upon notice to Trustor, may make such appearances, disburse such sums, including reasonable attorneys' fees, and take such action as is necessary to protect Beneficiary's interest. If Beneficiary required mortgage insurance as a condition of making the loan secured by this Deed of Trust, Trustor shall pay the premiums required to maintain such insurance in effect until such time as the requirement for such insurance terminates in accordance with Trustor's and Beneficiary's written agreement or applicable law.

Any amounts disbursed by Beneficiary pursuant to this paragraph 7, with interest thereon from the date of disbursement at the rate of twelve percent (12%) per annum, compounded annually, shall become additional indebtedness of Trustor secured by this Deed of Trust. Unless Trustor and Beneficiary agree to other terms of payment, such amounts shall be payable upon notice from Beneficiary to Trustor requesting payment thereof. Nothing contained in this paragraph 7 shall require Beneficiary to incur any expense or take any action hereunder.

8. Inspection. Beneficiary may make or cause to be made reasonable entries upon and inspections of the Property, provided that Beneficiary shall give Trustor notice prior to any such inspection specifying reasonable cause therefore related to Beneficiary's interest in the Property.

9. Condemnation. The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation, are hereby assigned and shall be paid to Beneficiary, subject to the terms of any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust.

10. Trustor Not Released; Forbearance By Beneficiary Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Deed of Trust granted by Beneficiary to any successor in interest of Trustor shall not operate to release, in any manner, the liability of the original Trustor and Trustor's successors in interest. Beneficiary shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Deed of Trust by reason of any demand made by the original Trustor and Trustor's successors in interest. Any forbearance by Beneficiary in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy.

11. Successors and Assigns Bound; Joint and Several Liability. The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective

successors and assigns of Beneficiary and Trustor, subject to the provisions of paragraph 16 hereof. All covenants and agreements of Trustor shall be joint and several.

12. Notice. Except for any notice required under applicable law to be given in another manner, (a) any notice to Trustor provided for in this Deed of Trust shall be given by delivering it or by mailing such notice by certified mail addressed to Trustor at the Property Address or at such other address as Trustor may designate by notice to Beneficiary as provided herein, and (b) any notice to Beneficiary shall be given by certified mail to Beneficiary's address stated herein or to such other address as Beneficiary may designate by notice to Trustor as provided herein. Any notice provided for in this Deed of Trust shall be deemed to have been given to Trustor or Beneficiary when given in the manner designated herein.

13. Governing Law; Severability. The state and local laws applicable to this Deed of Trust shall be the laws of the jurisdiction in which the Property is located. The foregoing sentence shall not limit the applicability of Federal law to this Deed of Trust. In the event that any provision or clause of this Deed of Trust or the Note conflicts with applicable law, which conflict shall not affect other provisions of this Deed of Trust or the Note which can be given effect without the conflicting provision, and to this end the provisions of this Deed of Trust and the Note are declared to be severable. As used herein, "costs," "expenses" and "attorney's fees" include all sums to the extent not prohibited by applicable law or limited herein.

14. Trustor's Copy. Trustor shall be furnished a conformed copy of the Note and of this Deed of Trust at the time of execution or after recordation hereof.

15. Transfer of the Property or a Beneficial Interest in Trustor. If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Trustor is sold or transferred and Trustor is not a natural person), Beneficiary may, at its option, require immediate payment in full of all sums secured by this Deed of Trust. However, this option shall not be exercised by Beneficiary if exercise is prohibited by federal law as of the date of this Deed of Trust, or if Beneficiary has executed a separate written waiver of this option.

If Beneficiary exercises this option, Beneficiary shall give Trustor notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Trustor must pay all sums secured by this Deed of Trust. If Trustor fails to pay these sums prior to the expiration of this period, Beneficiary may invoke any remedies permitted by this Deed of Trust without further notice or demand on Trustor.

Upon such a sale or transfer, Trustor may also be required to pay Contingent Deferred Interest as described in the Deed of Trust Rider, and the Note.

NON-UNIFORM COVENANTS. Trustor and Beneficiary further covenant and agree as follows:

16. Acceleration; Remedies. Except as provided in paragraph 15 hereof, upon Trustor's breach of any covenant or agreement of Trustor in this Deed of Trust, including the covenants to pay when due any sums secured by this Deed of Trust, Beneficiary prior to

acceleration shall give notice to Trustor as provided in paragraph 12 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 10 days from the date the notice is mailed to Trustor, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Deed of Trust and sale of the Property. The notice shall further inform Trustor of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or other defense of Trustor to acceleration and sale. If the breach is not cured on or before the date specified in the notice, Beneficiary, at Beneficiary's option, may declare all of the sums secured by this Deed of Trust to be immediately due and payable without further demand and may invoke the power of sale and any other remedies permitted by applicable law. Beneficiary shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph 16, including, but not limited to, reasonable attorneys' fees.

If Beneficiary invokes the power of sale, Beneficiary shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Beneficiary's election to cause the Property to be sold and shall cause such notice to be recorded in each county in which the Property or some part thereof is located. Beneficiary or Trustee shall mail copies of such notice in the manner prescribed by applicable law. Trustee shall give public notice of sale to the persons and in the manner prescribed by applicable law. After the lapse of such time as may be required by applicable law, Trustee, without demand on Trustor, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designed in the notice of sale in one or more parcels and in such order as Trustee may determine. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Beneficiary or Beneficiary's designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the trust of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all reasonable costs and expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees and costs of title evidence; (b) to all sums secured by the Deed of Trust; and (c) the excess, if any, to the person or persons legally entitled thereto.

17. Trustor's Right to Reinstate. Notwithstanding Beneficiary's acceleration of the sums secured by this Deed of Trust due to Trustor's breach, Trustor shall have the right to have any proceedings begun by Beneficiary to enforce this Deed of Trust discontinued at any time prior to five days before sale of the Property pursuant to the power of sale contained in this Deed of Trust or at any time prior to entry of a judgment enforcing this Deed of Trust if: (a) Trustor pays Beneficiary all sums which would be then due under this Deed of Trust and the Note had no acceleration occurred; (b) Trustor cures all breaches of any other covenants or agreements of Trustor contained in this Deed of Trust; (c) Trustor pays all reasonable expenses incurred by Beneficiary and Trustee in enforcing the covenants and agreements of Trustor contained in this Deed of Trust, and in enforcing Beneficiary's and Trustee's remedies as provided in paragraph 16 hereof, including, but not limited to, reasonable attorneys' fees; and (d) Trustor takes such

action as Beneficiary may reasonably require to assure that the lien of this Deed of Trust, Beneficiary's interest in the Property and Trustor's obligations to pay the sums secured by this Deed of Trust shall continue unimpaired. Upon such payment and cure by Trustor, this Deed of Trust and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

18. Assignment of Rents; Appointment of Receiver; Beneficiary in Possession. As additional security hereunder, Trustor hereby assigns to Beneficiary the rents of the Property, provided that Trustor shall, prior to acceleration under paragraph 16 hereof or abandonment of the Property, have the right to collect and retain such rents as they become due and payable.

Upon acceleration under paragraph 16 hereof or abandonment of the Property, Beneficiary, in person, by agent or by judicially appointed receiver shall be entitled to enter upon, take possession of and manage the Property and to collect the rents of the Property including those past due. All rents collected by Beneficiary or the receiver shall be applied first to premiums on receiver's bonds and reasonable attorneys' fees, and then to the sums secured by this Deed of Trust. Beneficiary and the receiver shall be liable to account only for those rents actually received.

19. Reconveyance. Upon payment of all sums secured by this Deed of Trust, Beneficiary shall request Trustee to reconvey the Property and shall surrender this Deed of Trust and all notes evidencing indebtedness secured by this Deed of Trust to Trustee. Trustee shall reconvey the Property without warranty and without charge to the person or persons legally entitled thereto. Such person or persons shall pay all costs of recordation, if any.

20. Substitute Trustee. Beneficiary, at Beneficiary's option, may from time to time appoint a successor trustee to any Trustee appointed hereunder by an instrument executed and acknowledged by Beneficiary and recorded in the office of the Recorder of the county where the Property is located. The instrument shall contain the name of the original Beneficiary, Trustee and Trustor, the book and page where this Instrument is recorded and the name and address of the successor trustee. The successor trustee shall, without conveyance of the Property, succeed to all the title, powers and duties conferred upon the Trustee herein and by applicable law. This procedure for substitution of trustee shall govern to the exclusion of all other provisions for substitution.

21. Request of Notices. Trustor requests that copies of the notice of default and notice of sale be sent to Trustor's address which is the Property Address. Beneficiary requests that copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust be sent to Beneficiary's address, as set forth on page one of this Deed of Trust, as provided by section 2924(b) of the Civil Code of California.

22. Statement of Obligation. Beneficiary may collect a fee not to exceed \$60 for furnishing the statement of obligation as provided by section 2943 of the Civil Code of California.

23. Deed of Trust Rider. The Deed of Trust Rider executed by Trustor is attached hereto and made a part of this Deed of Trust.

IN WITNESS WHEREOF, Trustor has executed this Deed of Trust.

By: _____

By: _____

Rider to Deed of Trust and Assignment of Rents

This Deed of Trust Rider is attached to and made a part of the Deed of Trust and Assignment of Rents dated _____, 2021, made payable to the City of Clovis, acting as the Housing Successor to the former Clovis Community Development Agency as “Beneficiary” and executed by Trustor. The City Deed of Trust and this Rider are entered into to secure repayment of the indebtedness evidenced by Trustor’s Promissory Note; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Trustor herein contained and those set forth in that certain Affordable Housing Agreement between Trustor and Beneficiary dated _____, 2021 (the “Agreement”) pursuant to which Beneficiary has agreed to loan Trustor the sum of _____ Dollars (\$50,000.00) (the “City Loan”) according to the terms of a promissory note of even date herewith made by the Trustor and payable to Beneficiary (the “Promissory Note”) and in that certain Covenants, Conditions, and Restrictions (“Restrictive Covenants”), which documents are on file with the Secretary of the Beneficiary and incorporated herein by reference.) Trustor agrees to the provisions of this Deed of Trust Rider in addition to those of the Deed of Trust. All terms in this Rider if not separately defined herein, shall have the meanings as defined in the Agreement.

1. Restrictive Covenants. The Property is being sold pursuant to certain Restrictive Covenants as set forth in the Agreement which restrict the use and resale of the Property, including a limitation on the Maximum Sales Price upon a subsequent sale, a restriction on the Maximum Refinancing Amount, the right of the City to designate a subsequent purchaser, and the option for the City to acquire the Property.
2. Sale to Qualified Buyer. Notwithstanding the Restrictive Covenants, with the written consent of City, Trustor may sell the Property to a Qualified Buyer as set forth in the Agreement and the Restrictive Covenants.
3. Lease of Property. If Trustor rents or leases the Property in violation of the Agreement or the Restrictive Covenants, in addition to any other remedies Beneficiary may have, the rents collected shall be automatically assigned to the Beneficiary and the Trustor shall deliver all rents collected to the Beneficiary until such time as Trustor satisfies its obligations under this Rider and the Agreement. The Beneficiary may also direct the tenant to remit the rents directly to the Beneficiary until such time as Trustor satisfies its obligations under this Rider and the Agreement. These rights shall exist regardless of whether Beneficiary initiates a foreclosure action under this Deed of Trust and irrespective of the assignment of rents clause. If the Beneficiary elects to require the tenant to remit the rents directly to the Beneficiary, the Beneficiary shall notify the tenant in writing of the tenant’s obligation to remit the rents to the Beneficiary. Tenant’s obligation to remit the rents directly to the Beneficiary shall thereafter commence within five (5) days after service of the notice of this obligation if the notice is sent by first class mail or within two (2) days after service if the notice is personally served. The Beneficiary shall provide the Trustor with a copy of any notice to the tenant. The election by the

Beneficiary to require the tenant to pay rents to the Beneficiary shall in no way place Beneficiary in the position of landlord and the Beneficiary shall not incur obligations of any kind to the tenant. The Trustor shall be solely responsible for all landlord obligations

4. Subordination. The provisions of this Deed of Trust and Assignment of Rents shall be subordinate to any first lien on the Property (“First Lien”) held by an institutional lender or investor and shall not impair the rights such lender, or investor or such lender’s or investor’s assignee or successor in interest, to exercise its remedies under the First Lien in the event of default under the First Lien by borrower. Such remedies under the First Lien may include the right of foreclosure or acceptance of a deed or assignment in lieu of foreclosure. If the holder of the First Lien acquires title to the Property pursuant to a deed or assignment in lieu of foreclosure the City Deed of Trust shall automatically terminate upon such acquisition of title, provided that (1) the Beneficiary has been given not less than sixty (60) days written notice of a default and opportunity to cure under the First Lien, and (2) the Beneficiary shall not have cured the default under such First Lien within the period provided in such notice sent to the Beneficiary. The provisions of the Agreement and CC&R’s shall remain in effect.

Dated: _____, 20____. By: _____

Dated: _____, 20____. By: _____



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 14, 2020

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 20-01, Rubberized Cape Seal 2020.

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 involved installation of approximately 134,515 square yards of rubberized cape seal in various local streets. The rubberized cape seal involved an application of rubberized asphalt chip seal and an application of Type II slurry seal at each location. The chip seal binder contained 100% recycled California waste tires at a minimum of 15% (minimum 300 lbs. per ton) by weight in the asphalt binder. This project also involved crack sealing and installation of approximately 218,274 square yards of Type II slurry seal to additional street within the City boundary.

BACKGROUND

Bids were received on April 7, 2020 and City Council authorized the City Manager to award the project to the lowest responsible bidder, American Pavement Systems, 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	\$ 1,367,000.00
2. Cost increases/decrease resulting from differences between estimated quantities used for award and actual quantities installed.	(\$ 4,851.50)
3. Contract Change Orders	\$ 24,049.85
CCO 1 – Removal of Traffic Signs and Sign Posts \$4,049.85; and	
CCO 2 – Additional Traffic Loop Detectors \$20,000.00	
4. Liquidated Damages Assessed	\$ 0.00
	\$ 1,386,198.35

This budget was approved in the 2019-2020 Community Investment Program. The project is supported by Measure “C” pass through funds in the City Community Investment Program.

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the Construction Manager, the Engineering Inspector and the Project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, American Pavement Systems, Inc., has requested final acceptance from City Council.

ACTIONS FOLLOWING APPROVAL

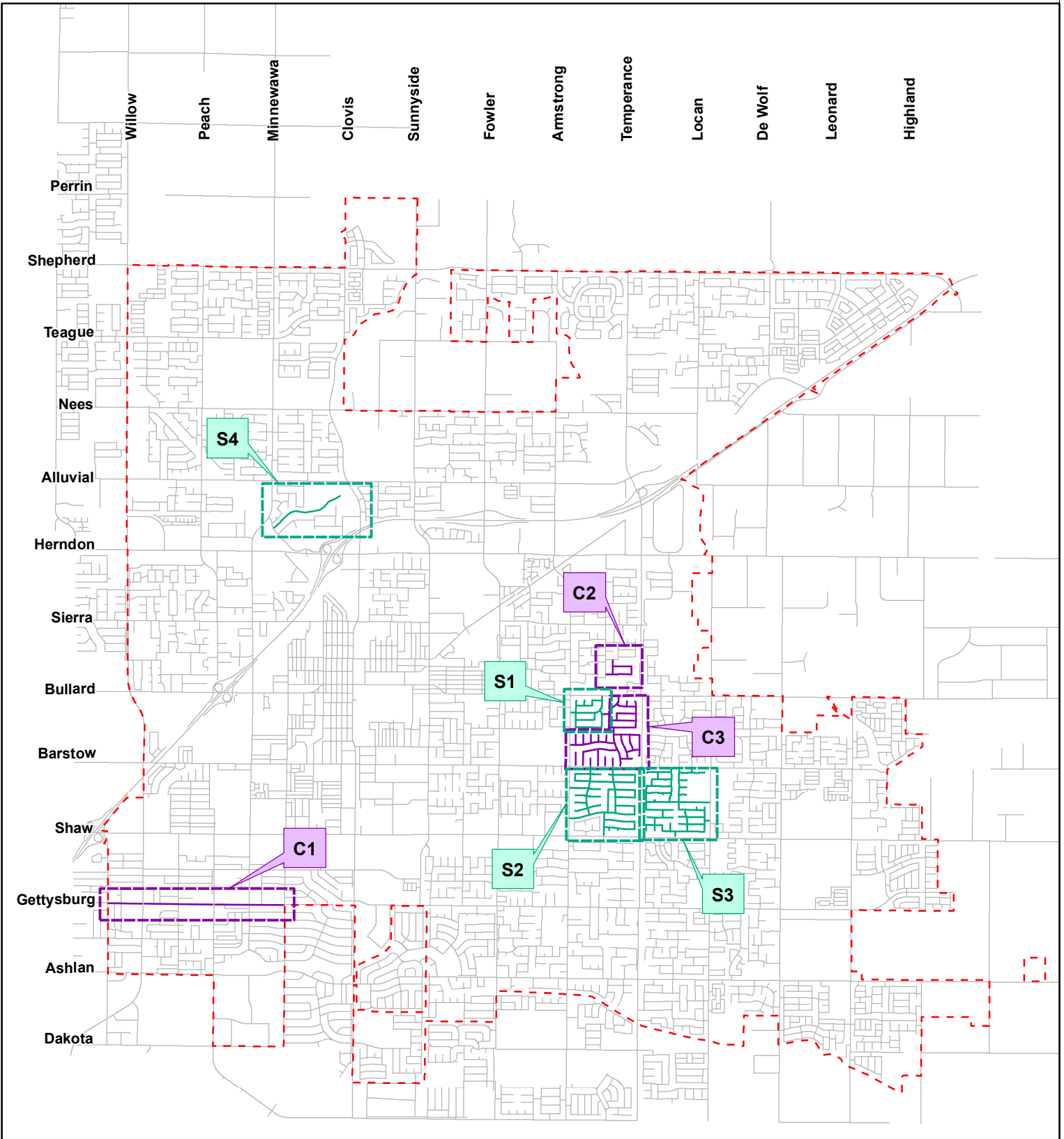
1. The notice of completion will be recorded; and
2. All remaining retention funds will be released 35 calendar days following recordation of the notice of acceptance, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided no liens have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

Reviewed by: City Manager *TH*

VICINITY MAP

CIP 20-01 RUBBERIZED CAPE SEAL 2020



Attachment 1

CITY OF CLOVIS PROJECT LOCATIONS

 CLOVIS CITY LIMITS





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: December 14, 2020

SUBJECT: Planning and Development Services - Approval – Final Acceptance for CIP 10-06, Sierra Gateway Regional Trail.

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

The construction involved 1.6 miles of trail improvements on the north side of State Highway 168 and along the south side of Harlan Ranch Subdivision from N. DeWolf Avenue to Shepherd Avenue. The work involved excavation, saw cutting, clearing, grubbing, earthwork, grading, trenching, backfilling, compaction, improvement resurfacing, storm water pollution prevention controls, construction of 12-ft asphalt-concrete paved trail, storm drain piping, manholes, inlets, outlets, cleanouts, sleeves, and all related facilities, water meters, potable and non-potable water services, concrete walks and slabs, concrete mow curbs, irrigation system, landscaping, signage, and PG&E Rule 16 service. Future improvements of the trail including electrical lighting system, electrical trail lights, light bollards, drinking fountains, trail monuments, park benches, and trash receptacles will be completed when sufficient funding is available.

BACKGROUND

Bids were received on November 27, 2018 and City Council pre-authorized the City Manager on November 13, 2018 to award the project to the lowest responsible bidder, which was determined to be Emmett's Excavation, Inc. 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	\$ 1,831,917.00
2. Cost increases/decrease resulting from differences between estimated quantities used for award and actual quantities installed.	(\$ 14,961.33)
3. Contract Change Orders CCO 1 – Two Potable Water Service Connections \$66,500.74; and CCO 2 – Changing Tree Size Credit to City (\$10,500.00)	\$ 56,000.74
4. Liquidated Damages Assessed	\$ 0.00
	\$ 1,872,956.41

Final Contract Cost

\$ 1,872,956.41

This project was budgeted in the 2018-2019 Community Investment Program and is funded by the Active Transportation Program.

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the Construction Manager, the Engineering Inspector and the Project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Emmett’s Excavation, Inc., has requested final acceptance from City Council.

ACTIONS FOLLOWING APPROVAL

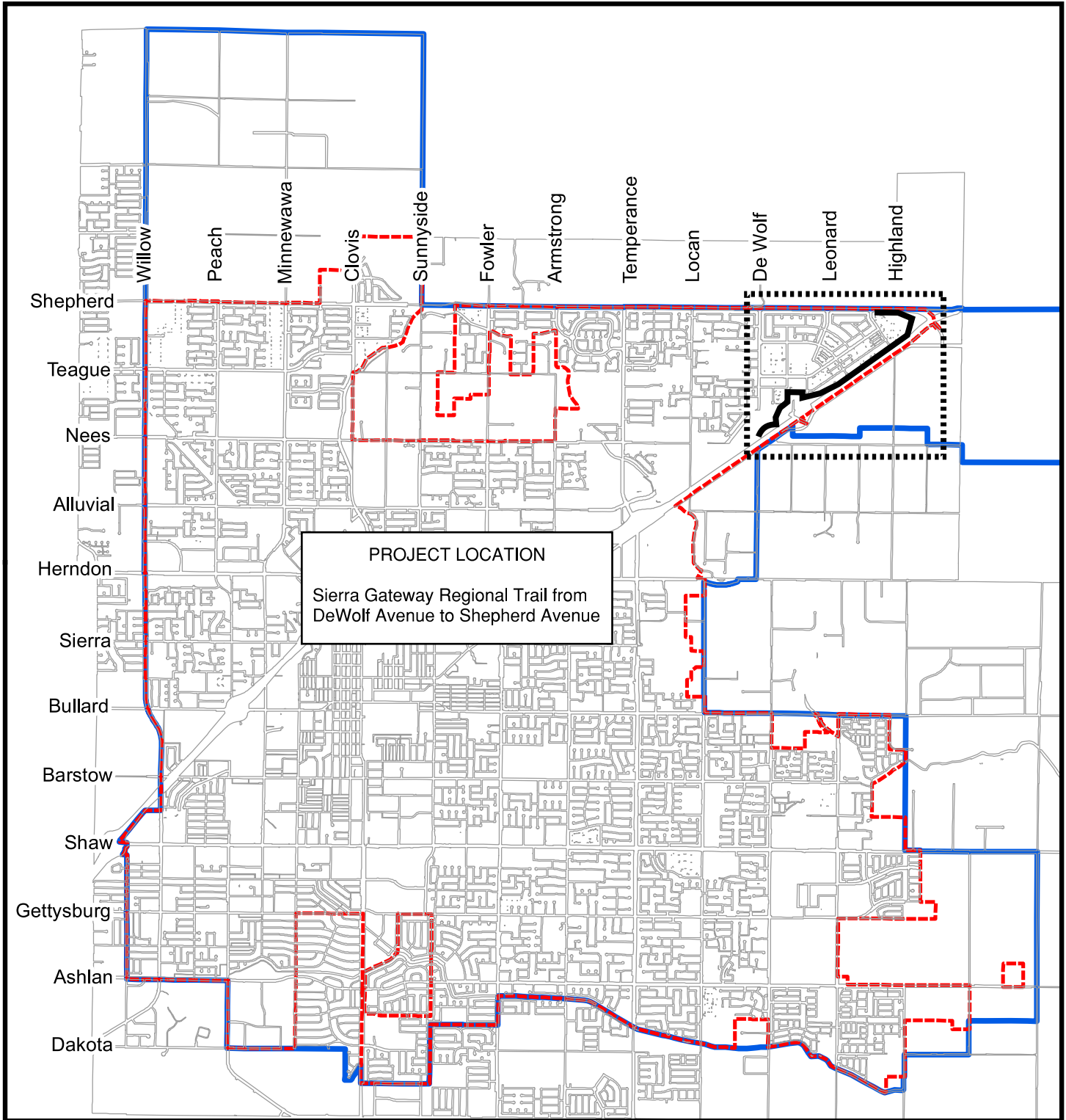
1. The notice of completion will be recorded; and
2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

Prepared by: Thomas K. Cheng, Project Engineer

Reviewed by: City Manager *JH*

VICINITY MAP

CIP 10-06 Sierra Gateway Regional Trail



ATTACHMENT 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: December 14, 2020

SUBJECT: Consider various items associated with Clovis Landmark Square, located on the north side of Third Street at Veterans Memorial Parkway.

a. Consider Approval – Bid Award for CIP 15-03, Landmark Square, and Authorize the City Manager to execute the contract on behalf of the City.

b. Consider Approval – Award of a Construction Management Services Contract for CIP 15-03, and Authorize the City Manager to Execute the Contract on Behalf of the City.

c. Receive and File – Update of Fresno County Library Project.

d. Receive and File – Update on Project Fund Raising Efforts.

Staff: Thad Avery, Supervising Civil Engineer / Dave Merchen, City Planner

Recommendation: Approve and Receive and File

ATTACHMENTS:

1. Vicinity Map
2. Overall Project Budget Detail
3. Letter to AMG & Associates

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. For the City Council to award a contract for CIP 15-03 Landmark Square to AMG & Associates in the amount \$16,650,300; and
2. For the City Council to award a construction management services contract for CIP 15-03 Landmark Square to Kitchell CEM, Inc. in the amount not to exceed \$400,000; and
3. For the City Council to authorize the City Manager to execute the contracts on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the construction contract to AMG & Associates who was the lowest responsible bidder from a bid opening that took place on November 13, 2020.

Staff is also recommending that City Council authorize the City Manager to award and execute a construction management services contract to Kitchell CEM, Inc., who was selected through a competitive Request for Proposals process.

This project includes the construction of a senior activity center building, transit station building, and all utilities and surface improvements onsite and offsite related to the Landmark Square project located at 735 & 785 Third Street in Clovis. The site work completed with this project will accommodate the future development of a new Clovis Branch of the Fresno County Library.

BACKGROUND

The following is a summary of the bid results of November 13, 2020:

<u>BIDDERS</u>	<u>BASE BIDS</u>
AMG & Associates	\$16,650,300
Sletten Construction Co	\$17,467,203
Katch Environmental Inc.(non-responsive)	\$18,393,634
Seals Construction Co.	\$18,770,000
ENGINEER'S ESTIMATE	\$18,770,000

All bids were examined and the bid from Katch Environmental Inc. was found to be non-responsive. There were some conflicts on the bid amounts submitted by AMG & Associates, Inc., so clarification of their bid amounts were made based on the language stated in the instructions of the bid documents. Additionally, City staff received a bid protest from the fourth lowest bidder, Seals Construction, regarding subcontractors not listed for three portions of work by the two lowest bidders. Staff contacted the two low bidders to clarify the contractor's intent and both their intents are to subcontract the work. However, because the work is under ½ of 1 percent of the bid amount, they do not need to be listed. A letter in response to AMG & Associates' clarification is included as Attachment 3. After clarification, the remainder of the bidder's submittals were found to be in order. AMG & Associates is the lowest bidder. Staff has validated the lowest bidder contractor's license status.

Construction Management Services

As part of the construction contract, City staff has decided to contract with a professional construction manager to oversee construction of the project. To that end, staff published a Request for Proposals on July 20, 2020 to hire a construction management firm. Through the proposal and review process, Kitchell CEM, Inc. was selected to provide the services based on their vast experience, knowledge and references. Kitchell staff will work alongside and in partnership with City staff in the administration of the contract work for the project. The scope

of work is comprehensive and includes tasks such as on-site quality inspection, contract administration, attending meetings, project coordination, task scheduling, reporting, and cost control among other work. Staff expects Kitchell CEM to provide full-time services of 40 hours per week, as directed by the City Engineer. The contract with Kitchell CEM is for a maximum not-to-exceed amount of \$400,000, and will last the entirety of the construction contract and through project close out. Approval of this contract will allow Kitchell CEM to immediately start assisting City staff with pre-construction project administration.

Update on the County Library

The Landmark Square Project includes the construction of a new branch of the Fresno County Library to replace the existing Library located within the Clovis Civic Center. The County is currently in the preliminary design phase for the library and anticipates that it will take a few months to proceed through the design development and construction drawing phases. Fresno County staff recently observed that in order to avoid conflicts with multiple contractors working simultaneously on a single site, the County will likely proceed with construction of the Library after the City completes the construction of the senior center and transit facility. City staff provided a draft of a cooperative agreement addressing conveyance of the Library property to the County on October 20, 2020. County staff expects to provide a response with redlines and modifications around mid-December. After City and County staff are mutually satisfied regarding a recommended final draft, the agreement will be brought forward to the City Council and Board of Supervisors for their respective consideration.

In December of 2016, the City and DeBenedetto Properties entered into a Property Exchange Agreement (“Agreement”) to square off the boundaries of the Landmark Square property and the DeBenedetto property which is located immediately to the north. The Agreement allows DeBenedetto to continue to use the property exchanged to the City until the City relocates an existing fence and gates to the new property line. A 60 day notice to DeBenedetto is required prior to fence and gate relocation to allow the material being stored in this area to be removed. In addition to the fence and gate relocation, the Agreement calls for the City to provide utility stubs, reciprocal access, a replacement trash enclosure, and various other improvements and assurances.

A notice to DeBenedetto Properties was sent on August 21, 2020 requesting removal of the stored materials by November 1, 2020. The same notice provided information addressing how the City would provide the other improvements and assurances specified in the Agreement. The notice was acknowledged and further coordination occurred between City and DeBenedetto representatives. Material removal from the exchange property commenced, but work was not, and still has not, been completed. City representatives were recently informed that Tony DeBenedetto, the principal contact with DeBenedetto Properties, passed away in mid-November. Staff and the City Attorney have been in contact with representatives of DeBenedetto Properties and have been informed that their intent is to proceed with timely removal of the existing materials to allow fence and gate relocation prior to the City’s contractor starting work on the project.

Update on Project Fund Raising Efforts

The City has received a generous commitment from the Smittcamp Family Foundation to donate a total of \$1,000,000 for the senior center, including \$100,000 for each of the next 10 years. This donation will be applied directly against debt service for the senior center to pay for construction costs.

FISCAL IMPACT

This project was budgeted in the 2020-2021 Community Investment Program. The senior center and on-site portions of the project are supported by the General Fund. The transit portion is fully funded by a combination of a Public Transit Modernization, Improvement, and Service Enhancement (PTMISEA) Grant, Prop 1B Transit Safety and Security Grants, and a Measure C Transit Oriented Development Grant (TOD). Sufficient funding has been established for the project.

In December of 2019, in conjunction with the City Council's approval of the final site plan review application for the project, an overall project budget was provided with a total cost estimate of \$21.9 million. Annual debt service from the general fund was projected at approximately \$541,000. Based on the bid results and with a 5% construction contingency, total project costs are projected at \$19.7 million, with general fund debt service at approximately \$475,000 (20 year bond). A detailed breakdown of project expenses and revenues is included as Attachment 2.

The Smittcamp Family Foundation donation totaling \$1,000,000 for the senior center, including \$100,000 for each of the next 10 years will be applied directly against debt service for the senior center to pay for construction costs.

REASON FOR RECOMMENDATION

AMG & Associates is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

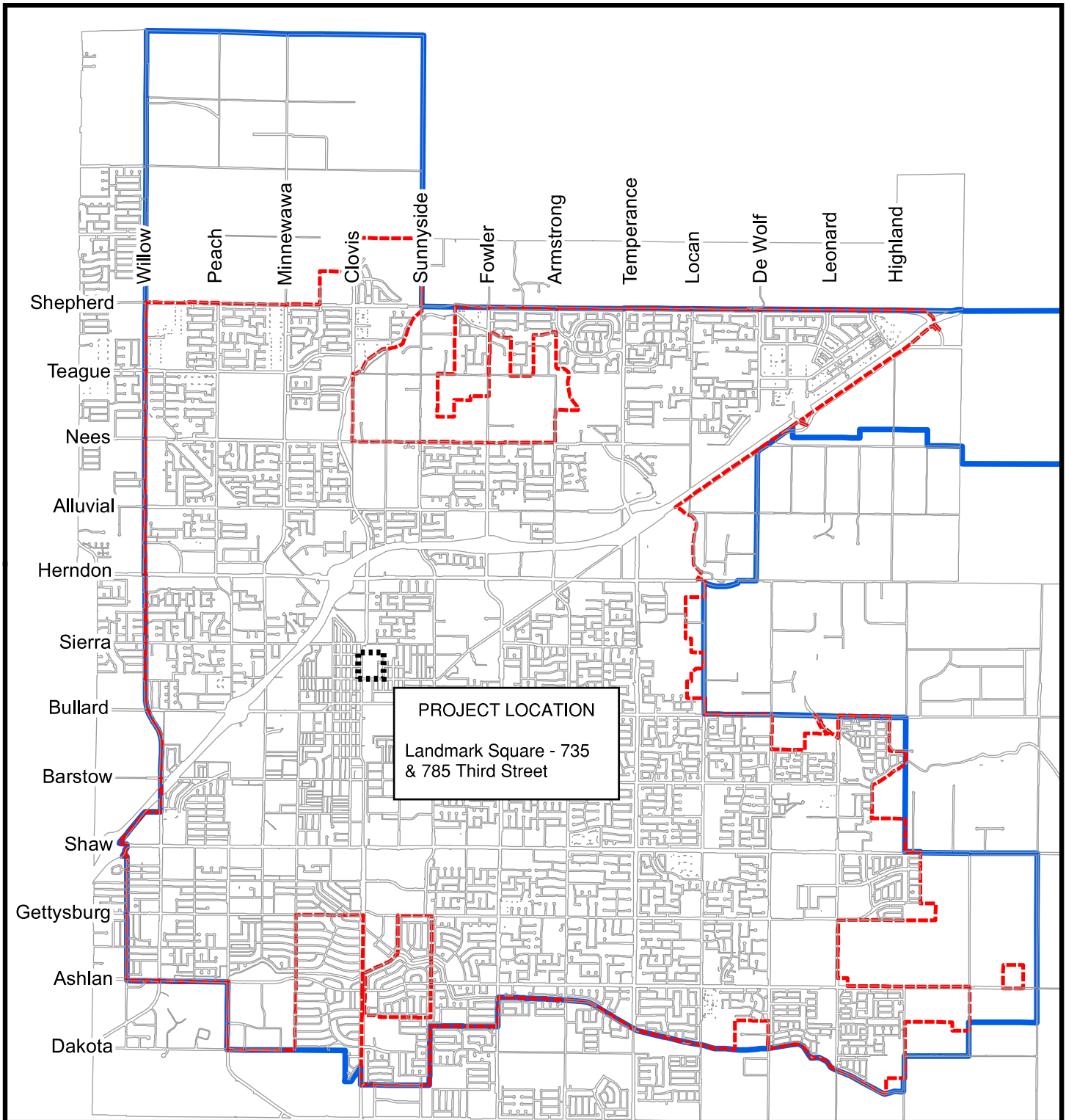
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City; and
2. Construction will begin approximately two (2) weeks after contract execution and shall be completed in three hundred sixty-five (365) calendar days thereafter; and
3. The Finance Director will initiate the process to obtain long-term financing for the project, the details of which will be subject to City Council approval.

Prepared by: Thad Avery, Supervising Civil Engineer
Dave Merchen, City Planner

Reviewed by: City Manager 

VICINITY MAP

CIP 15-03 Landmark Square



PROJECT LOCATION
 Landmark Square - 735
 & 785 Third Street



ATTACHMENT 1



AMG COSTS

Table 1 – Project Costs					
Cost Category		Senior Center	Transit	Library	Total
1	Architecture	578,796	260,580	66,494	905,870
2	Building Cost	11,000,300	3,100,000		14,100,300
3	Transit Shelter	0.00	50,000	0	50,000
4	FF&E	377,700	109,200		486,900
5	On & Off Site Improvements	682,233	410,907	1,406,860	2,500,000
6	Construction Mgmt - Total	313,674	188,925	47,401	550,000
7	Construction Testing	27,289	16,436	56,274	100,000
8	Permits-Total	59,768	22,432	2,696	84,896
9	City Impact Fees - Total	85,914	21,168	29,363	136,445
10	5% Const. Conting (Items 2&5)	584,127	175,545	70,343	830,015
11	TOTAL COST	13,709,801	4,355,194	1,679,432	19,744,426

Table 2 – Project Revenues & Debt Service					
Revenue Category		Senior Center	Transit	Library	Total
Initial Revenues Applied Against Development Cost					
12	Library Impact Fees	0	0	1,679,432	1,679,432
13	Gov't Facility Funds	3,858,000	0	0	3,858,000
14	TOD Grants	250,000	50,000	0	300,000
15	Transit Grant	0	1,854,259	0	1,854,259
16	State Transit Assistance	0	2,450,935	0	2,450,935
17	Relinq. Funds (168)	100,000	0	0	100,000
18	Gap - Borrowing	9,501,801	0	0	9,501,800
19	Total Revenues	13,709,801	4,355,194	1,679,432	19,744,426
20	Annual Debt Service	665,126	0	0	665,126
Annual Revenues					
21	Saint Agnes	100,000	0	0	100,000
22	San Joaquin Law	90,000	0	0	90,000
23	Transit Fund	0	0	0	0
24	Library Impact Fee	0	0	0	0
25	Total Annual Revenue	190,000	0	0	190,000
26	General Fund Debt Service			20 Yr. Bond	475,126
				30 Year Bond	288,837



CITY of CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

December 8, 2020

Sent via U.S. Mail and email (tony@amgassociatesinc.com)

Anthony R. Traverso, Vice President
AMG & Associates, Inc.
26535 Summit Circle
Santa Clarita, CA 91350

Re: Landmark Square Senior Activity Center and Transit Center; Response to Bid Protest and Information about Subcontractor Scopes of Work

Dear Mr. Traverso:

As you know, the City received a protest letter on December 4, 2020. The protest letter from Seals Construction Inc. is attached for your review. The City requested a response from AMG regarding the points in the letter. While the protest was untimely pursuant to the Bid Protest Procedures set forth in the Instructions for Bidders, the City requested a response from AMG to insure adequate understanding and compliance with the Subletting and Subcontracting Fair Practices Act (Public Contract Code Sections 4100-4114).

Thank you for your response to the City's inquiry about AMG's bid not listing subcontractors for the Ceramic Tile scope of work and the Signage scope of work, and confirmation that AMG's listed subcontractor PAC Shield will be performing the sheet metal and metal roofing work. After reviewing the points raised in the protest and your response, including the proposals AMG received from Visalia Ceramic Tile and San Diego Sign Design, the City is satisfied that AMG's bid is responsive notwithstanding the lack of subcontractors listed for the Ceramic Tile scope of work and Signage scope of work.

Your email response on December 7th, and the proposals AMG received from Visalia Ceramic Tile and San Diego Sign Design confirm that their respective contract values did not meet the one-half of one percent threshold of AMG's bid total required to be listed as subcontractors in AMG's bid. Additionally, your email confirmed that AMG's listed subcontractor, PAC Shield Roof Services, includes the sheet metal and metal roofing portions of work.

ATTACHMENT 3

Anthony R. Traverso, Vice President
AMG & Associates, Inc.
December 3, 2020
PAGE: 2 OF 2


AGENDA ITEM NO. 8.

It should be noted that the proposal AMG received from Visalia Ceramic Tile includes a notation under "Exclusions" for Prevailing Wages. However, as you know, this is a public works project as stated in the Notice to Bidders, and prevailing wages must be paid. The failure to pay prevailing wages could subject Visalia Ceramic Tile and/or AMG to penalties in accordance with applicable provisions of the Labor Code.

Finally, please also note that the City takes violations of the Subletting and Subcontracting Fair Practices Act seriously, and any such violations will be subject to the penalties in Public Contract Code Sections 4110 and 4111.

As a reminder, the award of this project contract is scheduled for the City Council meeting next Monday, December 14, 2020, beginning at 6:00 p.m. City staff is recommending award of the contract to AMG for \$16,650,300.

Please contact me with any questions regarding this letter or the recommended award.

Sincerely,


Mike Harrison
City Engineer

cc: Seals Construction Inc.

Jose Sandoval - Engineer II
City of Clovis - Engineering Division
1033 Fifth Street
Clovis, CA 93612

December 4, 2020

Re: Bid Protest – Landmark Square Senior Activity Center & Transit Center

Dear Mr. Sandoval,

Seals Construction, Inc. (“Seals”) hereby respectfully submits this Bid Protest challenging an award of the contract for the above referenced construction project (the “Project”) by the City of Clovis to the apparent low bidder, AMG & Associates, Inc. (“AMG”) or the apparent second low bidder, Sletten Construction Company (“Sletten”).

Seals submitted a bid to the City of Clovis for the Project prior to 2pm on Friday, November 13, 2020. We received an email from you at 4:32pm on Friday November 13, 2020 requesting we provide, “**complete** *SUBCONTRACTOR DESIGNATION forms to include phone number, DIR Registration #, Address, City, State, Zip, etc.*” to be submitted no later than 2pm Monday November 16, 2020. We responded with our complete subcontractor listing with percentage of work complete at 1:18pm Monday November 16, 2020 at which time we notified you that AMG failed to list subcontractors for Sheet Metal Flashing & Trim, Ceramic Tile and Signage / Dimensional Letters. In the same email we requested subcontractor listings for Sletten and Katch Environmental, Inc. The subcontractor listings for Sletten and Katch Environmental, Inc were received at 3:51pm on Friday November 20, 2020 and we later learned Katch Environmental, Inc was deemed non-responsive. However, no response has been received regarding our inquiry of AMG’s failure to list subcontractors for Sheet Metal Flashing & Trim, Ceramic Tile and Signage / Dimensional Letters. Furthermore, to our knowledge, no notification of intent to award to AMG has been published.

Based on our review of the List of Subcontractors for the apparent low bidder, AMG, and second apparent lower bidder, Sletten, it appears they are both deficient.

Specifically, the apparent low bidder, AMG, failed to identify in their bid subcontractors for Sheet Metal Flashing & Trim (Specification Section 076200), Ceramic Tile (Specification Section 093000) and Signage / Dimensional Letters (Specification Sections 101400 & 101419), all of which have a value greater than one-half of one percent of their total bid. For reference, Seals listed Four C’s for Sheet Metal Flashing & Trim (Proposal Exhibit A) with a value of \$105,000, Visalia Ceramic Tile for Tile (Proposal Exhibit B) with a value of \$93,597 and Signs of Success for Signage / Dimensional Letters (Proposal Exhibit C) with a value of \$108,191.80. The Roofing subcontractor listed by AMG did not include Building Sheet Metal in their proposal as noted in the attached proposal from Pac Shield Roof Services (Proposal Exhibit D). The failure for AMG to list a subcontractor who’s bid equals \$81,518 or greater is in violation of Public Contract Code 4106 and therefore renders AMG’s bid non-responsive.

Additionally, the second low bidder, Sletten also failed to identify in their bid subcontractors for Sheet Metal Flashing & Trim (Specification Section 076200), Ceramic Tile (Specification Section 093000)

and Signage / Dimensional Letters (Specification Sections 101400 & 101419), all of which have a value greater than one-half of one percent of their total bid. For reference, Seals listed Four C's for Sheet Metal Flashing & Trim (Proposal Exhibit A) with a value of \$105,000, Visalia Ceramic Tile for Tile (Proposal Exhibit B) with a value of \$93,597 and Signs of Success for Signage / Dimensional Letters (Proposal Exhibit C) with a value of \$108,191.80. The Roofing subcontractor listed by Sletten did not include Building Sheet Metal in their proposal as noted in the attached proposal from Pruden Roofing (Proposal Exhibit E). The failure for Sletten to list a subcontractor who's bid equals \$87,336 or greater is in violation of Public Contract Code 4106 and therefore renders Sletten's bid non-responsive.

This morning at 8:32am we received email correspondence that AMG informed Visalia Ceramic Tile that AMG would be subcontracting with them for Ceramic Tile. This is a violation of Public Contract Code 4106. Please see attached email correspondence from Visalia Ceramic Tile dated December 4, 2020 (Email Exhibit F).

For the foregoing reason, Seals respectfully requests the City of Clovis not award a contract to the apparent low bidder, AMG, or the apparent second lower bid, Sletten, or the non-responsive bidder Katch Environmental, Inc. but instead award the contract to Seals as the lowest responsive, responsible bidder.

Please do not hesitate to contact me with any questions or concerns you may have about this. We look forward to receiving an award from the City of Clovis for the Project.

Sincerely,



Mike Kottage
Seals Construction, Inc.

cc: Thad Avery
cc: John Holt

Enclosures:

- Exhibit A – Subcontractor Proposal – Four C's
- Exhibit B – Subcontractor proposal – Visalia Ceramic Tile
- Exhibit C – Subcontractor Proposal – Signs of Success
- Exhibit D – Subcontractor Proposal – Pac Shield Roof Services
- Exhibit E – Subcontractor Proposal – Pruden Roofing
- Exhibit F – Email Correspondence – Visalia Ceramic Tile
- Exhibit G – Subcontractor List – AMG
- Exhibit H – Subcontractor List – Sletten
- Exhibit I – Subcontractor List – Seals



Architectural/Commercial/Industrial Sheet Metal
Metal Roofing – Metal Wall Panels – Cladding
Design Build, Design Build Assist Custom Architectural
Facades & Certified Welding (Mig & Tig)

PROPOSAL #20-507

Four C's (

AGENDA ITEM NO. 8.

)
Main

Main Fax: 559-237-3999

Web Site: www.fourcsmetal.com

CA License #: 908294

Certified Small Business

DIR #1000002824 (exp. 06/30/22)

Prepared For:	Estimator	Prepared By:	Chris Santoyo / David Ochoa	Project Name:	Landmark Square Senior Activity – Clovis
Company:	GC	Date:	11/13/2020	Project Ref:	
Phone #:		Phone #:	559-351-4185	Plan Set Version:	Plan Check Submittal
Email:		Email:	Estimating@fourcsmetal.com	Plan Set Date:	6/19/2020

Supply all labor, materials, and equipment to complete the following scope of work. Scope of work is per specifications, plans & manufacture’s recommendations. All work shall meet industry standards and comply with all SMACNA standards. All workmanship is warranted for 1 year unless otherwise noted.

(3) Addendums noted (0) Bulletins noted. (0) RFI's noted.

WORK INCLUDES:

- 07 62 00 SHEET METAL FLASHING & TRIM
 - Senior Center & Transit Center
 - 24ga Galv. Reglet (2,3/A909) (1,3/A908) (19,24/A907)
 - 18ga Galv. Fascia Trim (5/A910)
 - 22ga Galv. Door Head Flashing (10/A901)
 - 22ga Galv. Window Head Flashing (5/A910) (17/A906) (11,25,30/A901)
 - 22ga Galv. Window Jamb Flashing (21/A906)
 - 22ga Galv. Window Sill Flashing (17/A906)
 - 20ga Galv. Internal Gutter (11/A907)
 - 22ga Galv. Mech Skirt Flashing (8/A907)
 - 22ga Galv. Roof Hatch Skirt Flashing
 - 22ga Galv. Base Flashing @ Wood Siding (16/A903)

TOTAL SUM OF SHEET METAL FLASHING SENIOR CENTER----- \$ 75,000.00

TOTAL SUM OF SHEET METAL FLASHING TRANSIT CENTER----- \$ 30,000.00

TOTAL SUM OF BID ----- \$ 105,000.00

CLARIFICATIONS:

- All Flashings to be 24ga Galvanized unless noted otherwise.
- All Metal Panels to be 24ga Pre- Finished Standard Color from Manufacturer.
- Bid for one (1) Standard Color
- Proposal good for thirty days.
- Any down payment or payment made with credit/debit card will have a 3% additional charge.
- D.I.R. Public Works Contractor Registration Number 1000002824 (exp. 06/30/22)

CONTINUE ON NEXT PAGE

EXCLUSIONS:

- Any special safety requirements (GC or Owner imposed) beyond OSHA standards (State or Federal) are excluded & may increase our proposal price depending on how they apply to our scope of work.
- Anything on M- Sheets (Mechanical Sheets)
- Wood Panel Siding and all associated trims, ¼" Galv. Trim (28/A901)
- Roof Penetration (2/A907)
- All shimming or other plumbing of all substrates receiving FCC supplied and installed materials, including roofing decks, metal pan decking, CMU walls, wood framed roof and walls, steel erected columns and members and metal stud framing, All Nailers under Coping & Ledger,
- All Shingled Roof, Tile Roof, Asphalt Roof of any kind,
- All Eave Flashings, Rake Flashings, Ridge Flashings, Hip & Valley Metal at Shingled/ Tile/ Asphalt
- Single Ply Roofing & All Clad Metal Flashings
- Mechanical Flashings, HVAC Flashings, Curb caps & Flashings, Equipment platform covers/caps
- Electrical, Plumbing, Condensate Drains, Roofing, Concrete
- Framing, Blocking, Backing, Saw Cutting, Coring, Flexible flashing
- Conduits, Wiring, Piping, Mechanical Flashings, Roofing Lead, Weep screeds,
- All Work at Trash enclosures,
- All Interior work, Primer & Paint
- Anything not listed, Permits, Bonds, Fees, Engineering
- Windows-glazing, Aluminum Break Metal, Aluminum Trim, Stainless work
- Access doors, louvers, attic/eave/soffit/wall vents, Bid Bond rate 2%
- Weekends & Holidays, Wood nailers, Demo, fluid applied
- Costs for Waiver(s) of Subrogation (\$100.00 per entity named), if required

VISALIA CERAMIC TILE, INC.

917 North American Street
Visalia, CA 93291

Phone: (559) 651-2925

Fax: (559) 651-2982

Contractor License # 481599 (C-54)

DIR Registration #1000000896

PROPOSAL / FACSIMILE

M/W/DBE - Certificate #27612 100% qu

SB-PW - Certificate #28197

AGENDA ITEM NO. 8.

Bonding Capacity over \$5,000,000.

VCT Estimator: Ron Mendes 559-804-7293

Date of Bid: November 13, 2020 Time:2:00pm

REVISED

Visalia Ceramic Tile, INC is responding to the "Request for Bids" on the:

Project: Landmark Square SAC & TC

Location: Clovis, California

Section number(s) #09300 & Per Plans - Ceramic Tile

hereby proposes to furnish all labor, materials, taxes and license, FOB jobsite.

This price is to cover all expenses incurred in performing the work in sections noted above and/or as follows:

Thin Set Method

Schluter

Waterproofing At Tile Walls

Wall Tile

Prevailing Wages

Exclusions are as follows:

Bonds, Insurance req beyond: GL \$1M occ/\$2M agg. & compl., Auto \$1M, W/C \$1M, Excess \$5M

Cement Board (hang, tape and LEVEL)

Lath, Scratch & Brown

Excess Prep Work to bring Substrate Flatness Tolerance to 1/8" in 10' and no more than 1/16" in 24" (ANSI A108.01)

Epoxy Grout / Anti Fracture Membrane

Floors

BASE BID: \$ 93,597.00

Add P&P bonds for: \$1,403.96

BREAKDOWN

SENIOR CENTER \$ 62,883.00

TRANSIT CENTER \$ 30,714.00

Description of Additive / Deductive / Options

DEDUCT OPTION #1 \$ (7,266.00)

Waterproofing @ Wall Tile (Senior Ctr)

DEDUCT OPTION #2 \$ (3,549.00)

Waterproofing @ Wall Tile (transit ctr)

Addenda's Noted in bid: 1, 2, 3, 4

This bid shall be good for 45 days after bid date above. Subcontract Agreement to 5% Retention

This bid excludes payment and performance bonds, bonds purchased for \$1,403.96

Visalia Ceramic Tile will not be liable for drains plugged caused by negligence of others.

Costs of websites for this project and hard copies of plans and specifications excluded.

ACCEPTANCE OF PROPOSAL & acknowledgment of Exhibit A attached -

Visalia Ceramic Tile, INC is authorized to do the work as specified and all the terms in "Exhibit A" attached.

Person below has full authority to sign on behalf of responsible party requesting work.



From: Signs of Success, Inc. - Lic. #781521
Attn: Estimator
Signage Sub-Bid for:
Landmark Square Senior Center & Transit Center
 Clovis, CA



AGENDA ITEM NO. 8.

Senior Center ADA Signs

Quantity	Size	Signage Type	Unit Price	Extended Price
1/4" Non-Glare Melamine or Acrylic with Tactile & Grade II CA Braille				
43	5"x5"	W-1 Room ID	\$38.75	\$1,666.25
7	5"x5"	W-2 Room ID w/Window	\$62.75	\$439.25
2	9"x2.5"	W-3 Room ID	\$34.90	\$69.80
8	6"x3"	WE-1 Exit	\$28.50	\$228.00
14	6"x4"	WE-2 Exit Route	\$37.20	\$520.80
2	6"x8"	WT-1 WT-2 Restroom Wall	\$74.40	\$148.80
7	8"x8"	WT-3 Restroom Wall	\$88.96	\$622.72
3	6"x6"	WA-1 ISA Symbol	\$55.80	\$167.40
1/4" Acrylic with Screened Graphics				
2	12"	Men/Women Restroom Door	\$105.00	\$210.00
7	12"	Unisex Restroom Door	\$155.00	\$1,085.00
6	14"x8"	ALS-Assistive Listening	\$155.00	\$930.00
2	10"x7"	NS-1 No Smoking	\$155.00	\$310.00
7	12"x8"	RC-1 Max Occupancy	\$155.00	\$1,085.00
110		Mounting Hardware	\$5.75	\$632.50
High Performance Vinyl Decal - Per Addenda 1 - locations not specified, assumed quantity				
6	24"	Logo on Suspended Partition	\$95.00	\$570.00

Subtotal Total: \$8,685.52

Tax: \$759.98

Submittals/Shipping/Setup: \$450.00

Furnish Total: \$9,895.50

Recommended

Non-Union Prevailing Wage Installation

\$2,261.25

Mobilization (including first required)

\$1,050.00

Furnish and Install Total: \$13,206.75

Installation Notes

Tamperproof Screws or
VHB Adhesive

Senior Center Required Add: Dimensional Letters - all of these items are NOT specified at all, and all are TBD post bid. Post Bid Re-Engineering will be required

Quantity	Size	Signage Type	Unit Price	Extended Price
Fabricated SS Halo Backlit Letters, Futura Font, Baked Enamel Finish				
18	20"x2"	CLOVIS SENIOR CENTER	\$456.20	\$8,211.60
18	12"x2"	CLOVIS SENIOR CENTER	\$293.70	\$5,286.60
Fabricated SS Letters, Futura Font - NON BACKLIT - impossible to backlight				
3	12"	735	\$238.00	\$714.00
11	20"	EVENT CENTER (1/2" Thick Plate Cut Aluminum, Bottom Mount, No Lighting)	\$551.20	\$6,063.20
1	48"x48"	Custom Logo - Non-illuminated	\$2,831.20	\$2,831.20
			Furnish Only add:	\$25,978.43
Furnish & Install Add (all electrical stubbed to site by others, see notes):				\$39,058.43

See Following Page for Transit Center & Site Pricing, Notes



From: Signs of Success, Inc. - Lic. #781521
Attn: Estimator
Signage Sub-Bid for:
Landmark Square Senior Center & Transit Center
 Clovis, CA



AGENDA ITEM NO. 8.

Transit Center ADA

Quantity	Size	Signage Type	Unit Price	Extended Price
1/4" Non-Glare Melamine or Acrylic with Tactile & Grade II CA Braille				
15	5"x5"	W-1 Room ID	\$38.75	\$581.25
5	5"x5"	W-2 Room ID w/Window	\$62.75	\$313.75
7	9"x2.5"	W-3 Room ID	\$34.90	\$244.30
6	6"x3"	WE-1 Exit	\$28.50	\$171.00
4	6"x4"	WE-2 Exit Route	\$37.20	\$148.80
2	6"x8"	WT-1 WT-2 Restroom Wall	\$74.40	\$148.80
1	8"x8"	WT-3 Restroom Wall	\$88.96	\$88.96
2	6"x6"	WA-1 ISA Symbol	\$55.80	\$111.60
1/4" Acrylic with Screened Graphics				
2	12"	Men/Women Restroom Door	\$105.00	\$210.00
1	12"	Unisex Restroom Door	\$155.00	\$155.00
3	14"x8"	ALS-Assistive Listening	\$155.00	\$465.00
2	10"x7"	NS-1 No Smoking	\$155.00	\$310.00
1	12"x8"	RC-1 Max Occupancy	\$155.00	\$155.00
51		Mounting Hardware	\$5.75	\$293.25

Subtotal Total: \$3,396.71

Tax: \$297.21

Submittals/Shipping/Setup: \$300.00

Furnish Total: \$3,993.92

Recommended

Non-Union Prevailing Wage Installation \$860.63

Mobilization (including first required) \$850.00

Furnish and Install Total: \$5,704.55

Installation Notes

Tamperproof Screws or
VHB Adhesive

Transit Center Required Add: Dimensional Letters - all of these items are NOT specified at all, and all are TBD post bid. Post Bid Re-Engineering will be required

Quantity	Size	Signage Type	Unit Price	Extended Price
Fabricated SS Halo Backlit Letters, Futura Font, Baked Enamel Finish				
19	12"x2"	CLOVIS TRANSIT CENTER	\$293.70	\$5,580.30
Fabricated SS Letters, Futura Font - NON BACKLIT - impossible to backlight				
3	12"	785	\$238.00	\$714.00
			Furnish Only add:	\$6,294.30
Furnish & Install Add (all electrical stubbed to site by others, see notes):				\$11,684.30

SITE Required Add: Dimensional Letters - all of these items are NOT specified at all, and all are TBD post bid. Post Bid Re-Engineering will be required

Quantity	Size	Signage Type	Unit Price	Extended Price
Fabricated SS Halo Backlit Letters, Futura Font, Baked Enamel Finish				
39	20"x2"	EVENT CENTER; LANDMARK SQUARE (x2 sets)	\$551.20	\$21,496.80
			Furnish Only add:	\$24,027.77
Furnish & Install Add (all electrical stubbed to site by others, see notes):				\$38,537.77

Notes Addenda 1-4

Signs produced per Signs of Success, Inc, as equal to plans and specs, using same materials and methods of manufacturer as specified manufacturer. Parking signage excluded, by others. Specifications for metal items are useless, are only for backlit letters, which cannot be used at most locations. Plans reference Landscape and electrical drawings for the monuments that don't exist. No attachment details or information provided. Will have to be re-engineered post bit. Excludes Banner brackets added in Add 1 - by misc. metals.

Bid Specifically Excludes unless noted: Cast Cement, Illuminated Signs, Electronic Monument, Permits, Parking Lot Sign posts, Frames, Sustainable Information Signs, Waiver of Subrogation, Installation unless noted, painted murals, any additional signs, materials or methods not noted.

This bid is valid for 90 days. Given the present energy crisis and recent unexpected increases in costs from our vendors for products and materials, we therefore must advise our clients that in the case that a delivery of products is delayed by client in excess of 90 days from the time of bid reception there will be an increase under the terms of a dollar for dollar cost pass through if our costs increase more than 5% at the time of fabrication.



Proposal for Roofing

*Landmark Square Senior Activity & Transit Center
735 Third Street
Clovis, CA 93612
November 13, 2020
Attn: Estimating Department / General Contractor*

Scope of Work

Base Bid: 07 41 13 Metal Roof Panels

Inclusions – Shade Structure, Transit Center, Senior Center approx. 32,000 square feet

- Mobilize crew(s). Load materials.
- Over structurally sloped deck, provide and install one layer of manufacturer's standard self-adhered high-temperature underlayment.
- Provide and install 1-1/2" rigid (flat) polyisocyanurate insulation over field of roof with 16 GA z-girts, at specified roof area of Senior Center only.
- Provide and install AEP Span SpanSeam 24 GA pre-finished metal panel, in a standard color, as per manufacturer's recommendations.
- Provide and install 24 GA pre-finished metal trim and accessories (i.e. clips, metal closures, cleats, screws, rivets, butyl tape, urethane sealant caulking).
- Bid includes shop drawings.
- Provide 20-YR manufacturer's weathertight warranty, and 2-YR contractor's workmanship warranty.

Base Bid: 07 54 19 Polyvinyl-Chloride (PVC) Single-Ply Roofing

Inclusions – Shade Structure, Transit Center, Senior Center approx. 16,600 square feet

- Mobilize crew(s). Load materials.
- Over structural deck, provide and install Sika PE 10 vapor retarder as per manufacturer's recommendations.
- Provide and install tapered polyisocyanurate insulation crickets only as per roof plan.
- Provide and install 1/2" primed gypsum cover board, mechanically fastened.
- Provide and install 60-Mil SikaPlan Adhered single-ply roof membrane, over field of roof, as per manufacturer's recommendations, fully adhered
- Provide and install 60-Mil SikaPlan Adhered single-ply roof membrane up and over raised edge/parapet wall and at base flashings, fully-adhered, as per manufacturer's recommendations.
- Provide and install PVC membrane accessories as per manufacturer's recommendations so as to provide a complete system (i.e. inside/outside corners, t-joint covers, termination bar, universal single-ply sealant, water cut-off mastic, membrane primer, membrane cleaner).
- Bid includes 35 EA PVC pre-fabricated boots for rooftop penetrations, conduit penetrations, vents (up to 8"), posts, etc.
- Bid includes manufacturer's standard walkway pad at rooftop access landing only to meet manufacturer's requirement for warranty.
- Provide 20-YR manufacturer's labor and material warranty, and 2-YR contractor's workmanship warranty.



Base Bid: Corrugated Metal Wall Panels

Inclusions – Transit Center & Senior Center approx. 5,500 square feet

- Mobilize crew(s). Load materials.
- Over substrate and weather resistive barrier (by others), provide and install 1x3" horizontal furring at 18" O.C.
- Install corrugated metal wall panel (provided by others) as per manufacturer's recommendations.
- Provide and install pre-finished metal wall panel trim and accessories (i.e. foam closures, metal closures, screws, rivets, butyl tape, urethane sealant caulking).
- Bid includes shop drawings.
- Provide 2-Yr contractor's workmanship warranty.

Pricing Breakdown

1. 07 41 13 Metal Roof Panels
 - a. Shade Structure - \$11,565.00
 - b. Transit Center - \$46,536.00
 - c. Senior Center - \$291,716.00

2. 07 54 19 Polyvinyl-Chloride (PVC) Single-Ply Roofing
 - a. Shade Structure - \$1,500.00
 - b. Transit Center - \$68,344.00
 - c. Senior Center - \$90,375.00

3. Corrugated Metal Wall Panels
 - a. Transit Center - \$15,918.00
 - b. Senior Center - \$47,474.00

4. **Deductive** alternate to provide 07 54 19 PVC single-ply roofing system, in lieu of 07 41 13 metal roof panels
 - a. Transit Center - \$15,831.00
 - b. Senior Center - \$91,556.00

5. **Deductive** alternate #6 to omit roof overhang at west side of multi-purpose building
 - a. Senior Center - \$9,870.00



Exclusions

- Any and all EFVM, leak detection systems, infrared thermography, nuclear hydrogen testing, high-voltage spark testing, plumbing, exterior finish, electrical, structural, HVAC/mechanical work, insulation in attic space, temporary weatherproofing, vertical sheathing, protection of the building's interior and exterior, PV panels and PV panels stanchion, weather resistive barrier, wood siding, procurement of corrugated metal wall panels, Reglet, gutters, downspouts.
- Any and all; carpentry (not mentioned above), plywood replacement, wood blocks, wood nailers, framing, in-fill framing.
- Bonds (2.5%), permits, OCIP.

Qualification Notes

- DIR # 1000435804.
- Certified Small Business #2019849.
- Addenda #1-4 are acknowledged.
- Pricing valid for 90 days.

We hereby propose to furnish the materials and perform the labor necessary for the completion of the stated above.

Sincerely,

Rafael Lapizco Jr.

Rafael Lapizco Jr.
Commercial Estimator
Cell: (209) 840-0271
rjlapizco@pacshield.com

Pruden Roofing

4688 Waterloo Road
Stockton, CA 95215
(209) 810-5401

Contractor License # 795752
BBB Accredited Business, A+ Rating

Cathy@prudenroofing.com
[925-577-5238](tel:925-577-5238)

NOV. 12, 2020.

RE: **REVISED #2LANDMARK SQUARE - ACTIVITY CENTER, CLOVIS, CA.
JOB #500.

AS PER PLANS AND SPECS.

SECTION 07-54-19.
POLYVINYL - CHLORIDE P.V.C. ROOFING.

1. 60-MIL. P.V.C.
2. R-30 INSULATION AND WOOD NAILERS.
3. VAPOR RETARDER.
4. TAPERED CRICKETS.
5. 20-YEAR N.D.L. ROOF WARRANTY.

TOTAL: \$149,000.00.

SECTION: 07-41-13 METAL ROOFING.

1. METAL ROOF AS PER PLANS.
2. ICE AND WATER SHIELD.
3. R-25 INSULATION AND WOOD NAILERS.
4. METAL CAP AND DOWNSPOUTS.
5. GUTTERS AND DOWNSPOUTS.
6. TAPERED CRICKETS.
7. ROOF SCUPPERS.

TOTAL: \$434,500.00.

OPTION:#1 ROOF HATCH. ADD OF: \$1,900.00.
OPTION:#2 RECLAIMED CORRUGATED METAL SIDING AND
AIR BARRIER. ADD OF: \$42,000.00.
OPTION:#3 MECHANICAL. ADD OF: \$5,040.00.

ALTERNATE #3. DEDUCT FOR ALL T.P.O..

1. TRANSIT BUILDING: \$39,900.00.
 2. SENIOR ACTIVITY BUILDING: \$170,900.00.
- TOTAL DEDUCT: \$210,800.00.
3. ALTERNATE #6 TOTAL DEDUCT: \$15,200.00.

Cathy
Cathy@prudenroofing.com
Commercial Division

Pruden Roofing

4688 Waterloo Road
 Stockton, CA 95215
 (209) 810-5401

Contractor License # 795752
 BBB Accredited Business, A+ Rating

Cathy@prudenroofing.com
 925-577-5238

NOV. 12, 2020.

RE: ****REVISED** #2. LANDMARK SQUARE - TRANSIT CENTER, CLOVIS, CA.**
JOB #500.

AS PER PLANS AND SPECS.

SECTION 07-54-19.
 POLYVINYL - CHLORIDE P.V.C. ROOFING.

1. 60-MIL. P.V.C.
2. R-30 INSULATION AND WOOD NAILERS.
3. VAPOR RETARDER.
4. TAPERED CRICKETS.
5. 20-YEAR N.D.L. ROOF WARRANTY.

TOTAL: \$75,400.00.

SECTION: 07-41-13 METAL ROOFING.

1. METAL ROOF AS PER PLANS.
2. ICE AND WATER SHIELD.
3. R-25 INSULATION AND WOOD NAILERS.
4. METAL CAP AND DOWNSPOUTS.
5. GUTTERS AND DOWNSPOUTS.
6. TAPERED CRICKETS.
7. ROOF SCUPPERS.

TOTAL: \$105,300.00.

OPTION:#1 ROOF HATCH. ADD OF: \$1,900.00.
 OPTION:#2 RECLAIMED CORRUGATED METAL SIDING AND
 AIR BARRIER. ADD OF: \$11,500.00.

OPTION:#3 MECHANICAL. ADD OF: \$8,300.00.
 ALTERNATE #3. DEDUCT FOR ALL T.P.O..

1. TRANSIT BUILDING: \$39,900.00.
 2. SENIOR ACTIVITY BUILDING: \$170,900.00.
- TOTAL DEDUCT: \$210,800.00.
 ALTERNATE #6 TOTAL DEDUCT: \$15, 200.00.

Cathy
Cathy@prudenroofing.com
 Commercial Division
 925-577-5238

Pruden Roofing

4688 Waterloo Road
Stockton, CA 95215
(209) 810-5401

Contractor License # 795752
BBB Accredited Business, A+ Rating

Cathy@prudenroofing.com
925-577-5238

NOV. 13, 2020.

LANDMARK SQUARE, CLOVIS, CA. JOB #300.

RE: SHADE CANOPY.

1. SECTION 07-41-13. METAL ROOFING.
2. SECTION 07-54-10 PVC.

TOTAL: \$17,200.00.

Cathy
Cathy@prudenroofing.com
Commercial Division
925-577-5238

From: Robert Martinho <RobertM@vctile.com>
Sent: Friday, December 4, 2020 8:32 AM
To: Nick Seals
Subject: RE: Landmark Square SAC & TC.xlsx

Hello Nick,
 We were told this morning that we are getting this job

Robert P. Martinho
Director of Commercial Operations
Visalia Ceramic Tile, Inc.
559-651-2925

Surpassing Tile Industry Standards



FIVE STAR CONTRACTOR

- > Recognized as 1 of 48 ELITE Tile Contractors in the United States
- > Actively Participates in Educational & Training Programs, Conventions, Tradeshow & Annual Meetings
- > Maintain work force employing a minimum of 10% of Certified Tile Installers. 90% of VCT Installers are Certified

NATIONAL TILE CONTRACTORS ASSOCIATION

- > Recognized as the largest & most respected tile contractors association in the world.
- > Industry Support & Collaboration
- > Dedication to Education and the Advancement of the Tile Trade
- > Member Since 1992

CERTIFIED TILE INSTALLERS

- > Rigorous Program that Tests Expertise, Proficiency & Skills of a Tile Installer
- > Keeping Up with New Developments in the Tile Industry
- > Uses Appropriate Methods, Materials and Products
- > Applies best practices in the tile installation
- > Employs 29 Certified Tile Installers, Largest Amount in the United States

From: Nick Seals <nick.seals@sealsconstruction.com>
Sent: Thursday, December 3, 2020 7:33 AM
To: Robert Martinho <RobertM@vctile.com>
Cc: Mike Martinho <MikeM@vctile.com>
Subject: RE: Landmark Square SAC & TC.xlsx

Robbie –

Have you heard anything on this project from AMG?
 They were apparent low, but didn't list anyone for Tile...

Please advise.

Thank you,

Nick Seals, LEED AP BD+C, CM-BIM



Seals Construction, Inc.

PO Box 6670, Visalia, CA 93290

9410 W. Placer Avenue, Visalia, CA 93291

P 559.651.4040 | F 559.651.4145

CA License 949738

www.sealsconstruction.com

nick.seals@sealsconstruction.com



[Click here to view available career opportunities with Seals Construction!](#)

From: Robert Martinho <RobertM@vctile.com>

Sent: Friday, November 13, 2020 7:51 AM

To: Nick Seals <nick.seals@sealsconstruction.com>

Subject: Landmark Square SAC & TC.xlsx

SUBCONTRACTOR DESIGNATION

Pursuant to the provisions of Sections 4100 to 4113, inclusive, of the Public Contract Code of the State of California, the Bidder hereby designates below, for the project, opposite various portions of work, the names and locations of the places of business of each subcontractor who will perform work or labor in an amount in excess of one-half of one percent (1/2 of 1%) of the amount of the total bid. All work not listed below shall be performed by the undersigned bidder. It is understood that the bidder, if awarded the contract, shall not substitute any subcontractor in place of the subcontractors herein designated subcontractor, or sublet or subcontract any of the work as to which a subcontractor is not herein designated without the consent of the City and approval of the Engineer. The bidder may submit a correct subcontractor license number within 24 hours after the bid opening if the corrected number corresponds to the submitted name and location of that subcontractor. If so corrected, an inadvertent error in listing the subcontractor's license number shall not be grounds for filing a bid protest or for considering the bid nonresponsive. The subletting or subcontracting of any work for which there was no subcontractor designated in the original bid may be permitted only in case of public emergency or necessity. The Contractor shall perform, with its own organization, no less than five (5) percent of the original total contract price, except for all federal-aid projects, which is thirty percent (30%) minimum, as defined in the Caltrans' [Local Assistance Procedures Manual](#) Chapter 16 Subsection 16.6 "Subcontractors".

NOTE: List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 1

<u>Earth Moving & Asphalt Paving</u>	<u>3%</u>		
Portion of Work (describe portion, and state percentage of total contract price)			
<u>Asphalt Design</u>	<u>(559) 276-0447</u>		
Company Name	Phone		
<u>821841</u>	<u>1000010136</u>		
California Contractor License Number	DIR Registration #		
<u>4061 W. Belmont</u>	<u>Fresno</u>	<u>CA</u>	<u>93722</u>
Address	City	State	Zip-code

SUBCONTRACTOR 2

Portion of Work (describe portion, and state percentage of total contract price)			
()			
Company Name		Phone	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

<u>Cast-In-Place Concrete</u>				<u>7%</u>
Portion of Work (describe portion, and state percentage of total contract price)				
<u>West Valley Concrete</u>	<u>(209) 236-7091</u>			
Company Name	Phone			
<u>915363</u>	<u>1000035459</u>			
California Contractor License Number	DIR Registration #			
<u>PO BOX 582007</u>	<u>Modesto</u>	<u>CA</u>	<u>95358</u>	
Address	City	State	Zip-code	

SUBCONTRACTOR 4

<u>Plantings</u>				<u>1%</u>
Portion of Work (describe portion, and state percentage of total contract price)				
<u>Rainscape</u>	<u>(559) 651-2333</u>			
Company Name	Phone			
<u>318642</u>	<u>1000002273</u>			
California Contractor License Number	DIR Registration #			
<u>1222 N. Roseburg Ct</u>	<u>Visalia</u>	<u>CA</u>	<u>93291</u>	
Address	City	State	Zip-code	

SUBCONTRACTOR 5

<u>Concrete Unit Masonry</u>				<u>2%</u>
Portion of Work (describe portion, and state percentage of total contract price)				
<u>D W Langdon Masonry</u>	<u>(559) 907-0924</u>			
Company Name	Phone			
<u>970631</u>	<u>1000002670</u>			
California Contractor License Number	DIR Registration #			
<u>5514 E. Liberty Ave</u>	<u>Fresno</u>	<u>CA</u>	<u>93727</u>	
Address	City	State	Zip-code	

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

Rough Carpentry 11%
 Portion of Work (describe portion, and state percentage of total contract price)

A M F Construction & Associates (818) 425-8635
 Company Name Phone

674228 1000693069
 California Contractor License Number DIR Registration #

22110 Clarendon St # 202 Woodland Hills CA 91367
 Address City State Zip-code

SUBCONTRACTOR 4

Plastic Laminate Casework 7%
 Portion of Work (describe portion, and state percentage of total contract price)

Heshco Industries (805) 340-4389
 Company Name Phone

510170 1000013573
 California Contractor License Number DIR Registration #

5260 Elmhurst St Ventura CA 93003
 Address City State Zip-code

SUBCONTRACTOR 5

Thermal Insulation 1%
 Portion of Work (describe portion, and state percentage of total contract price)

Coast Building Products (386) 763-8787
 Company Name Phone

465440 1000650447
 California Contractor License Number DIR Registration #

475 N. Williamson Blvd Daytona Beach FL 32114
 Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

Roofing 3%

Portion of Work (describe portion, and state percentage of total contract price)

Pac Shield Roof Services (800) 689-4716

Company Name Phone

1031725 1000692652

California Contractor License Number DIR Registration #

5151 Pentecost Dr. Ste A-1 Modesto CA 95356

Address City State Zip-code

SUBCONTRACTOR 4

Structural Steel 3%

Portion of Work (describe portion, and state percentage of total contract price)

Afakori Inc. (951) 245-1707

Company Name Phone

858004 1000001585

California Contractor License Number DIR Registration #

29390 Hunco Way Lake Elsinore CA 92530

Address City State Zip-code

SUBCONTRACTOR 5

Hollow Metal Doors & Frames 1%

Portion of Work (describe portion, and state percentage of total contract price)

Precision Doors & Millwork Co (909) 548-2700

Company Name Phone

759197 1000007541

California Contractor License Number DIR Registration #

15088 La Palma Dr Chino CA 91710

Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

Aluminum Framed Entrances & Storefronts 4%
 Portion of Work (describe portion, and state percentage of total contract price)

San Joaquin Glass Company (559) 268-7646
 Company Name Phone

248167
 California Contractor License Number DIR Registration #

2150 E. Mc Kinley Fresno CA 93703
 Address City State Zip-code

SUBCONTRACTOR 4

Gypsum Board 2%
 Portion of Work (describe portion, and state percentage of total contract price)

Patterson Drywall (559) 264-4070
 Company Name Phone

815761 1000003441
 California Contractor License Number DIR Registration #

2050 H. Street Fresno CA 93721
 Address City State Zip-code

SUBCONTRACTOR 5

Acoustical Panel Ceilings 1%
 Portion of Work (describe portion, and state percentage of total contract price)

Genesis Acoustics Inc (559) 412-2901
 Company Name Phone

627889 1000026226
 California Contractor License Number DIR Registration #

2589 N. Air Fresno Sr Ste 106 Fresno CA 93727
 Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

Resilient Sheet Flooring 1%
 Portion of Work (describe portion, and state percentage of total contract price)

Better Flooring Inc (559) 233-2225
 Company Name Phone

820202 1000000130
 California Contractor License Number DIR Registration #

PO BOX 6139 Fresno CA 93703
 Address City State Zip-code

SUBCONTRACTOR 4

Painting .5%
 Portion of Work (describe portion, and state percentage of total contract price)

WM B Saleh Co (559) 255-2046
 Company Name Phone

268108 1000003170
 California Contractor License Number DIR Registration #

1364 N. Jackson Ave Fresno CA 93703
 Address City State Zip-code

SUBCONTRACTOR 5

Fire Sprinkler System 2%
 Portion of Work (describe portion, and state percentage of total contract price)

Jerico Fire Protection Company (559) 255-6446
 Company Name Phone

548570 1000000984
 California Contractor License Number DIR Registration #

1380 North Hulbert Ave Fresno CA 93728
 Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3Plumbing & Site Utilities8%

Portion of Work (describe portion, and state percentage of total contract price)

J Noble Binns Plumbing Company(661) 615-6101

Company Name

Phone

4815441000002916

California Contractor License Number

DIR Registration #

3529 Peagusus DrBakersfieldCA93308

Address

City

State

Zip-code

SUBCONTRACTOR 4HVAC8%

Portion of Work (describe portion, and state percentage of total contract price)

American Incorporated(559) 651-1776

Company Name

Phone

2925291000000369

California Contractor License Number

DIR Registration #

1345 N. American StVisaliaCA93291

Address

City

State

Zip-code

SUBCONTRACTOR 5Electrical13%

Portion of Work (describe portion, and state percentage of total contract price)

Lindsay Electric(559) 281-6308

Company Name

Phone

9328501000002503

California Contractor License Number

DIR Registration #

6321 North Montana AveClovisCA93619

Address

City

State

Zip-code

SUBCONTRACTOR DESIGNATION

Pursuant to the provisions of Sections 4100 to 4113, inclusive, of the Public Contract Code of the State of California, the Bidder hereby designates below, for the project, opposite various portions of work, the names and locations of the places of business of each subcontractor who will perform work or labor in an amount in excess of one-half of one percent (1/2 of 1%) of the amount of the total bid. All work not listed below shall be performed by the undersigned bidder. It is understood that the bidder, if awarded the contract, shall not substitute any subcontractor in place of the subcontractors herein designated subcontractor, or sublet or subcontract any of the work as to which a subcontractor is not herein designated without the consent of the City and approval of the Engineer. The bidder may submit a correct subcontractor license number within 24 hours after the bid opening if the corrected number corresponds to the submitted name and location of that subcontractor. If so corrected, an inadvertent error in listing the subcontractor's license number shall not be grounds for filing a bid protest or for considering the bid nonresponsive. The subletting or subcontracting of any work for which there was no subcontractor designated in the original bid may be permitted only in case of public emergency or necessity. The Contractor shall perform, with its own organization, no less than five (5) percent of the original total contract price, except for all federal-aid projects, which is thirty percent (30%) minimum, as defined in the Caltrans' [Local Assistance Procedures Manual](#) Chapter 16 Subsection 16.6 "Subcontractors".

NOTE: List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 1

Building Concrete / Site Concrete, 8.5%

Portion of Work (describe portion, and state percentage of total contract price)

Concrete North	(209) 745-7400		
Company Name	Phone		
429445	1000000641		
California Contractor License Number	DIR Registration #		
10274 IRON ROCK WAY	ELK GROVE	CA	95624
Address	City	State	Zip-code

SUBCONTRACTOR 2

Masonry, 2.0%

Portion of Work (describe portion, and state percentage of total contract price)

McCurley and Day	((559)) 348-9890		
Company Name	Phone		
620562	1000012425		
California Contractor License Number	DIR Registration #		
5740 E. SHIELDS AVE. #104	FRESNO	CA	93727
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

Structural Steel, 4.0%

Portion of Work (describe portion, and state percentage of total contract price)

Fresno Fab-Tech	(559) 875-9800		
Company Name	Phone		
534626	1000004279		
California Contractor License Number	DIR Registration #		
1035 K Street	Sanger	CA	93657
Address	City	State	Zip-code

SUBCONTRACTOR 4

Structural Wood Framing

Portion of Work (describe portion, and state percentage of total contract price)

Meyers Construction	(559) 473-0014		
Company Name	Phone		
1004811	1000034927		
California Contractor License Number	DIR Registration #		
7281 N. Palms Bluff Ave	Fresno	CA	93650
Address	City	State	Zip-code

SUBCONTRACTOR 5

Roofing, 5.0%

Portion of Work (describe portion, and state percentage of total contract price)

Pruden Roofing	(209) 810-5401		
Company Name	Phone		
795752	1000398371		
California Contractor License Number	DIR Registration #		
4688 Waterloo Road	Stockton	CA	95215
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 6

HM Doors & Frames, 1.0%

Portion of Work (describe portion, and state percentage of total contract price)

Ardent General	(559) 492-3969		
Company Name	Phone		
968340	1000004856		
California Contractor License Number	DIR Registration #		
2960 N. Burl Ave	Fresno	CA	93727
Address	City	State	Zip-code

SUBCONTRACTOR 7

Aluminum Entrances & Storefront/ Glazing, 4.0%

Portion of Work (describe portion, and state percentage of total contract price)

Ardent General	(559) 492-3969		
Company Name	Phone		
968340	1000004856		
California Contractor License Number	DIR Registration #		
2960 N. Burl Ave	Fresno	CA	93727
Address	City	State	Zip-code

SUBCONTRACTOR 8

Acoustical Ceilings / Wood Ceilings, 3.0%

Portion of Work (describe portion, and state percentage of total contract price)

Western Building Materials	(559) 454-8500		
Company Name	Phone		
248608	1000003005		
California Contractor License Number	DIR Registration #		
4620 E. Olive Ave	Fresno	CA	93702
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 9

Flooring, 1.0%

Portion of Work (describe portion, and state percentage of total contract price)

Better Flooring	(559) 233-2225		
Company Name	Phone		
820202	1000000130		
California Contractor License Number	DIR Registration #		
PO Box 6139	Fresno	CA	93703
Address	City	State	Zip-code

SUBCONTRACTOR 10

Casework & Countertops, 2.0%

Portion of Work (describe portion, and state percentage of total contract price)

Austin Millwork & Cabinetry / Austin General Contracting	(702) 263-4041		
Company Name	Phone		
1067760	1000675238		
California Contractor License Number	DIR Registration #		
6440 S. Polaris Ave	Las Vegas	NV	89118
Address	City	State	Zip-code

SUBCONTRACTOR 11

Metal Framing & Drywall, 2.5%

Portion of Work (describe portion, and state percentage of total contract price)

Patterson Construction	(559) 351-4189		
Company Name	Phone		
815761	1000003441		
California Contractor License Number	DIR Registration #		
2374 E. Date Ave Bldg A	Fresno	CA	93706
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 12

Painting, 1.5%

 Portion of Work (describe portion, and state percentage of total contract price)

 Spray Tech (661) 296-9000

 Company Name Phone

 694114 1000020321

 California Contractor License Number DIR Registration #

 27901 Smyth Drive Valencia CA 91355
 Address City State Zip-code
SUBCONTRACTOR 13

Fire Protection, 1.0%

 Portion of Work (describe portion, and state percentage of total contract price)

 Pacific Valley (916) 851-1863

 Company Name Phone

 493314 1000053181

 California Contractor License Number DIR Registration #

 11346 SUNCO DRIVE #108 RANCHO CORDOVA CA 95742
 Address City State Zip-code
SUBCONTRACTOR 14

Plumbing, 4.0%

 Portion of Work (describe portion, and state percentage of total contract price)

 Fresno Plumbing (559) 294-0200

 Company Name Phone

 424352 1000000516

 California Contractor License Number DIR Registration #

 2585 N. Larkin Ave Fresno CA 93727
 Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 15

HVAC, 9.0%

 Portion of Work (describe portion, and state percentage of total contract price)

Modern Air	(209)	722-0076	
Company Name	Phone		
569680		1000002692	
California Contractor License Number	DIR Registration #		
2200 Cooper Ave	Merced	CA	95348
Address	City	State	Zip-code

SUBCONTRACTOR 16

Electrical / Communications / Secure Electronics / FA, 12.0%

 Portion of Work (describe portion, and state percentage of total contract price)

QTS	(559)	804-4522	
Company Name	Phone		
4615037		1000459617	
California Contractor License Number	DIR Registration #		
788 S. Peach Ave.	Reedley	CA	93654
Address	City	State	Zip-code

SUBCONTRACTOR 17

Earthwork & Paving, 4.0%

 Portion of Work (describe portion, and state percentage of total contract price)

Asphalt Design	(559)	2760-447	
Company Name	Phone		
821841		1000010136	
California Contractor License Number	DIR Registration #		
4061 W. Belmont Avenue	Fresno	CA	93722
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 18

Landscape & Irrigation, 1.0%

Portion of Work (describe portion, and state percentage of total contract price)

Elite Landscape	(559) 292-2900		
Company Name	Phone		
967955	1000008210		
California Contractor License Number	DIR Registration #		
2972 Larkin Avenue	Clovis	CA	93612
Address	City	State	Zip-code

SUBCONTRACTOR 19

Utilities, 4.0%

Portion of Work (describe portion, and state percentage of total contract price)

Bill Nelson	(559) 439-1756		
Company Name	Phone		
692068	1000003438		
California Contractor License Number	DIR Registration #		
1099 E. Champlain Dr. Suite A, PMB 269	Fresno	CA	93720
Address	City	State	Zip-code

SUBCONTRACTOR 20

Insulation, 0.6%

Portion of Work (describe portion, and state percentage of total contract price)

Coast Building Products	(916) 440-8761		
Company Name	Phone		
465440	1000650447		
California Contractor License Number	DIR Registration #		
731 N. Market Blvd Ste R	Sacramento	CA	95834
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION

Pursuant to the provisions of Sections 4100 to 4113, inclusive, of the Public Contract Code of the State of California, the Bidder hereby designates below, for the project, opposite various portions of work, the names and locations of the places of business of each subcontractor who will perform work or labor in an amount in excess of one-half of one percent (1/2 of 1%) of the amount of the total bid. All work not listed below shall be performed by the undersigned bidder. It is understood that the bidder, if awarded the contract, shall not substitute any subcontractor in place of the subcontractors herein designated subcontractor, or sublet or subcontract any of the work as to which a subcontractor is not herein designated without the consent of the City and approval of the Engineer. The bidder may submit a correct subcontractor license number within 24 hours after the bid opening if the corrected number corresponds to the submitted name and location of that subcontractor. If so corrected, an inadvertent error in listing the subcontractor's license number shall not be grounds for filing a bid protest or for considering the bid nonresponsive. The subletting or subcontracting of any work for which there was no subcontractor designated in the original bid may be permitted only in case of public emergency or necessity. The Contractor shall perform, with its own organization, no less than five (5) percent of the original total contract price, except for all federal-aid projects, which is thirty percent (30%) minimum, as defined in the Caltrans' [Local Assistance Procedures Manual](#) Chapter 16 Subsection 16.6 "Subcontractors".

NOTE: List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 1

~~Rebar~~

Portion of Work (describe portion, and state percentage of total contract price)

		()	
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR 2

Concrete / Rebar **7.81%**

Portion of Work (describe portion, and state percentage of total contract price)

Concrete North		(209) 745-7400	
Company Name	Phone		
429445	100000641		
California Contractor License Number	DIR Registration #		
10274 Iron Rock Way	Elk Grove	CA	95624
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 3

CMU 1.61%

Portion of Work (describe portion, and state percentage of total contract price)

DW Langdon	(559) 907-0924
Company Name	Phone
970631	1000002670
California Contractor License Number	DIR Registration #
5514 East Liberty Ave	Fresno CA 93727
Address	City State Zip-code

SUBCONTRACTOR 4

Structural Steel 2.84%

Portion of Work (describe portion, and state percentage of total contract price)

Golden State Steel	(559) 834-6209
Company Name	Phone
383036	1000007962
California Contractor License Number	DIR Registration #
PO Box 250	Fowler CA 93625
Address	City State Zip-code

SUBCONTRACTOR 5

~~**Steel Deck**~~

Portion of Work (describe portion, and state percentage of total contract price)

()	
Company Name	Phone
California Contractor License Number	DIR Registration #
Address	City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 6

~~Rough Carpentry~~

Portion of Work (describe portion, and state percentage of total contract price)

_____		()	
Company Name		Phone	
_____		_____	
California Contractor License Number		DIR Registration #	
_____		_____	_____
Address	City	State	Zip-code

SUBCONTRACTOR 7

~~Finish Carpentry~~

Portion of Work (describe portion, and state percentage of total contract price)

_____		()	
Company Name		Phone	
_____		_____	
California Contractor License Number		DIR Registration #	
_____		_____	_____
Address	City	State	Zip-code

SUBCONTRACTOR 8

Casework

6.43%

Portion of Work (describe portion, and state percentage of total contract price)

Architectural Wood Design		(559) 292-9104	
Company Name		Phone	
780334		1000019022	
California Contractor License Number		DIR Registration #	
5672 E Dayton Ave		Fresno	CA
Address	City	State	Zip-code
			93727

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 9

~~Air Barrier~~

Portion of Work (describe portion, and state percentage of total contract price)

Company Name		Phone	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR 10

Insulation 0.54%

Portion of Work (describe portion, and state percentage of total contract price)

Coast Building Products		(916) 440-8761	
Company Name		Phone	
465440		1000650447	
California Contractor License Number		DIR Registration #	
731 N Market Blvd, Ste. R	Sacramento	CA	95834
Address	City	State	Zip-code

SUBCONTRACTOR 11

Metal Roof / PVC Roofing 3.06%

Portion of Work (describe portion, and state percentage of total contract price)

PAC Shield Roof Services		(800) 689-4716	
Company Name		Phone	
1031725		1000692652	
California Contractor License Number		DIR Registration #	
5151 Pentecost Dr	Modesto	CA	95356
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 12

~~PVC Roofing~~

Portion of Work (describe portion, and state percentage of total contract price)

Company Name		Phone ()	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR 13

Sheet Metal

0.86%

Portion of Work (describe portion, and state percentage of total contract price)

Company Name		Phone (559) 237-3990	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR 14

~~Doors & Hardware~~

Portion of Work (describe portion, and state percentage of total contract price)

Company Name		Phone ()	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 15

Coiling Doors

0.32%

Portion of Work (describe portion, and state percentage of total contract price)

Brown's Dock & Door

(559) 237-4691

Company Name

Phone

765418

100001887

California Contractor License Number

DIR Registration #

3725 W Gettysburg Ave

Fresno

CA

93722

Address

City

State

Zip-code

SUBCONTRACTOR 16

Storefronts

3.15%

Portion of Work (describe portion, and state percentage of total contract price)

San Joaquin Glass

(559) 268-7646

Company Name

Phone

248167

1000010471

California Contractor License Number

DIR Registration #

PO Box 6063

Fresno

CA

93703

Address

City

State

Zip-code

SUBCONTRACTOR 17

~~**Sliding Auto Entrances**~~

Portion of Work (describe portion, and state percentage of total contract price)

~~()~~

Company Name

Phone

California Contractor License Number

DIR Registration #

Address

City

State

Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 18

~~Metal Framing~~

Portion of Work (describe portion, and state percentage of total contract price)

Company Name _____ Phone () _____

California Contractor License Number _____ DIR Registration # _____

Address _____ City _____ State _____ Zip-code _____

SUBCONTRACTOR 19

Gypsum Board 2.14%

Portion of Work (describe portion, and state percentage of total contract price)

Patterson Construction (**559**) **264-4070**

Company Name _____ Phone _____

815761 **1000003441**

California Contractor License Number _____ DIR Registration # _____

2374 E Date Ave., Bldg A **Fresno** **CA** **93706**

Address _____ City _____ State _____ Zip-code _____

SUBCONTRACTOR 20

Tile 0.50%

Portion of Work (describe portion, and state percentage of total contract price)

Visalia Ceramic Tile (**559**) **651-2925**

Company Name _____ Phone _____

481599 **1000000896**

California Contractor License Number _____ DIR Registration # _____

917 N American St **Visalia** **CA** **93291**

Address _____ City _____ State _____ Zip-code _____

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 21

Acoustical Ceilings

2.47%

Portion of Work (describe portion, and state percentage of total contract price)

Western Building Materials	(559) 454-8500		
Company Name	Phone		
248608	1000003005		
California Contractor License Number	DIR Registration #		
4620 E Olive Ave	Fresno	CA	93702
Address	City	State	Zip-code

SUBCONTRACTOR 22

~~**Sound Absorbing Wall Units**~~

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR 23

~~**Operable Panel Partition**~~

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 24

Flooring **1.13%**

Portion of Work (describe portion, and state percentage of total contract price)

DFS Flooring	(818) 374-5200
Company Name	Phone
999046	1000006695
California Contractor License Number	DIR Registration #
15651 Saticoy St	Van Nuys CA 91406
Address	City State Zip-code

SUBCONTRACTOR 25

~~Polished Concrete~~

Portion of Work (describe portion, and state percentage of total contract price)

	()
Company Name	Phone
California Contractor License Number	DIR Registration #
Address	City State Zip-code

SUBCONTRACTOR 26

~~Resinous Flooring~~

Portion of Work (describe portion, and state percentage of total contract price)

	()
Company Name	Phone
California Contractor License Number	DIR Registration #
Address	City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 27

Painting **0.92%**

Portion of Work (describe portion, and state percentage of total contract price)

Wm B Saleh	(559) 255-2046		
Company Name	Phone		
268108	1000003170		
California Contractor License Number	DIR Registration #		
1364 N Jackson	Fresno	CA	93703
Address	City	State	Zip-code

SUBCONTRACTOR 28

Signage **0.58%**

Portion of Work (describe portion, and state percentage of total contract price)

Signs of Success	(805) 925-7545		
Company Name	Phone		
781521	1000002635		
California Contractor License Number	DIR Registration #		
2350 Skyway Drive, Unit 10	Santa Maria	CA	93455
Address	City	State	Zip-code

SUBCONTRACTOR 29

~~**Toilet Partitions / Bath Accessories**~~

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All subcontractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 30~~Food Storage Equipment~~

Portion of Work (describe portion, and state percentage of total contract price)

_____ Company Name		_____ () Phone	
_____ California Contractor License Number		_____ DIR Registration #	
_____ Address	_____ City	_____ State	_____ Zip-code

SUBCONTRACTOR 31~~Stage Curtains~~

Portion of Work (describe portion, and state percentage of total contract price)

_____ Company Name		_____ () Phone	
_____ California Contractor License Number		_____ DIR Registration #	
_____ Address	_____ City	_____ State	_____ Zip-code

SUBCONTRACTOR 32~~Roller Shades~~

Portion of Work (describe portion, and state percentage of total contract price)

_____ Company Name		_____ () Phone	
_____ California Contractor License Number		_____ DIR Registration #	
_____ Address	_____ City	_____ State	_____ Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 33

Fire Sprinklers 1.44%

Portion of Work (describe portion, and state percentage of total contract price)

Jerico Fire Protection Co	(559) 255-6446		
Company Name	Phone		
548570	100000984		
California Contractor License Number	DIR Registration #		
1380 N Hulbert Ave	Fresno	CA	93728
Address	City	State	Zip-code

SUBCONTRACTOR 34

Plumbing / Site Utilities 7.09%

Portion of Work (describe portion, and state percentage of total contract price)

Todd Companies	(559) 651-5820		
Company Name	Phone		
788798	1000002649		
California Contractor License Number	DIR Registration #		
PO Box 6820	Visalia	CA	93290
Address	City	State	Zip-code

SUBCONTRACTOR 35

~~Site Utilities~~

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 36

HVAC **7.19%**

Portion of Work (describe portion, and state percentage of total contract price)

J Boone Mechanical	(559) 207-3470		
Company Name	Phone		
1032006	1000061195		
California Contractor License Number	DIR Registration #		
34 W Palo Alt Ave, Ste 101	Clovis	CA	93612
Address	City	State	Zip-code

SUBCONTRACTOR 37

Electrical **9.40%**

Portion of Work (describe portion, and state percentage of total contract price)

Lindsay Electric	(559) 281-6308		
Company Name	Phone		
932850	1000002503		
California Contractor License Number	DIR Registration #		
6321 N Montana Ave	Clovis	CA	93619
Address	City	State	Zip-code

SUBCONTRACTOR 38

~~Low Voltage~~

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 39

~~Demolition~~

Portion of Work (describe portion, and state percentage of total contract price)

Company Name		Phone	
California Contractor License Number		DIR Registration #	
Address	City	State	Zip-code

SUBCONTRACTOR 40

Earthwork / Paving **3.05%**
 Portion of Work (describe portion, and state percentage of total contract price)

Eldorado Excavation		(559) 908-2340	
Company Name		Phone	
1046481		1000062319	
California Contractor License Number		DIR Registration #	
PO Box 3290	Clovis	CA	93613
Address	City	State	Zip-code

SUBCONTRACTOR 41

Fencing **0.42%**
 Portion of Work (describe portion, and state percentage of total contract price)

Valley Fence		(559) 294-0451	
Company Name		Phone	
237348		1000000118	
California Contractor License Number		DIR Registration #	
3505 Lind Ave	Clovis	CA	93612
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 42

Irrigation / Landscaping

0.90%

Portion of Work (describe portion, and state percentage of total contract price)

Rainscape	(559) 651-2333		
Company Name	Phone		
318642	100002273		
California Contractor License Number	DIR Registration #		
1222 N Roseburg Ct	Visalia	CA	93291
Address	City	State	Zip-code

SUBCONTRACTOR 43

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR 44

Portion of Work (describe portion, and state percentage of total contract price)

	()		
Company Name	Phone		
California Contractor License Number	DIR Registration #		
Address	City	State	Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 48

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 49

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 50

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 51

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 52

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 53

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR DESIGNATION (CONT.)

NOTE: Use additional pages if necessary. List one firm only for each portion of work. All sub-contractors' names, license numbers, and portions of work must be clearly printed or typewritten below, except street address, city, state, and zip code information may be provided within 24 hours of the opening of bids.

SUBCONTRACTOR 54

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 55

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code

SUBCONTRACTOR 56

Portion of Work (describe portion, and state percentage of total contract price)

Company Name () Phone

California Contractor License Number DIR Registration #

Address City State Zip-code



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 14, 2020

SUBJECT: Consider Introduction - Ord. 20-____, OA2020-002, A request to amend the Clovis Development Code as a semi-annual cleanup to address changes, deletions, typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant.

Staff: David Merchen, City Planner

Recommendation: Approve

ATTACHMENTS:

1. Ordinance 20-____
2. Summary of Modifications
3. Text Modifications
4. Planning Commission Minutes

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Ordinance Amendment OA2020-002, amending the Clovis Development Code per **Attachments 2 and 3**.

EXECUTIVE SUMMARY

The City of Clovis is processing an ordinance amendment to address modifications, inadvertent omissions, typographical, grammatical, and content errors to the Development Code discovered after its adoption in October 2014. The attached proposed modifications include the addition of a new chapter to address timely public comments for Planning Commission and City Council hearings.

BACKGROUND

City's adopted 2014 Development Code included a new format and amendments to the text. During adoption, staff informed the City Council that periodic updates would be necessary to address anticipated corrections as a result of the conversion from the old Code to the new

format. Additionally, the periodic updates would also allow for modifications to the Code to accommodate new land use development requirements.

In February 2015, staff presented the first ordinance amendment to the Planning Commission to address changes to the *Group Housing* section of the Development Code and text corrections. The corrections included mislabeled footnotes and inclusion of incorrect setbacks within specific zoning districts. Subsequently, in March 2015, the City Council approved the recommended cleanup modifications identified under the first ordinance amendment titled Ordinance Amendment OA2016-01.

In January 2017, staff presented the second ordinance amendment to the Planning Commission to address additional modifications, including changes to the *Services and Residential* sections of the Development Code and text modifications. An important correction included re-establishing the land use of “*Body Art*” as an allowed use with an approved conditional use permit in the C-M Zone District. In March 2017, the City Council approved the recommended cleanup modifications identified under the second ordinance amendment titled Ordinance Amendment OA2017-01.

In June 2018, staff presented the third ordinance amendment to the Planning Commission to address additional corrections, additions, modifications, and deletions to the 2014 Development Code. The modifications included changes to allowable uses in specific *Residential and Non-Residential* zone districts. An important update under this amendment included the addition of a new chapter, titled Reasonable Accommodation for individuals with disabilities seeking equal access to housing under Federal and State law. In July 2018, the City Council approved the recommended modifications identified under the third ordinance amendment titled Ordinance Amendment OA2018-01.

In February 2019, staff presented the fourth ordinance amendment to the Planning Commission to address additional modifications to the Cottage Home Program and the State Mandated Density Bonus requirements. The modifications also included changes to the Section 9.40.020, Accessory Residential Dwelling Units, to ensure consistency with the requirements of State law. In April 2019, the City Council approved the recommended modifications identified under the fourth ordinance amendment titled Ordinance Amendment OA2019-01.

PROPOSAL AND ANALYSIS

This fifth ordinance amendment, titled Ordinance Amendment OA2020-002, recommends additional corrections, additions, modifications, and deletions to the 2014 Development Code. **Attachment 2** identifies the specific code sections affected by the proposed modifications and **Attachment 3** shows the detailed modifications to the Development Code and are summarized as follows:

Summary of Modifications

Section 9.04.020, Requirements for development and new land uses

- Add language regarding neighborhood meeting noticing requirements.

Section 9.10.010, Purpose of chapter, applicability

- Correct density reference for Very High Density Residential.

Section 9.10.020, Residential district land uses and permit requirements

- Add “Emergency Electrical Generators” as a permitted use in residential zone districts.

Section 9.12.020, Residential district land uses and permit requirements

- Add “Electronic Order Fulfillment Facilities” in the C-2 Zone District with a CUP.

Section 9.12.050, Commercial design standards

- Add footnote to address the maximum height allowed for hotels in specific zone districts.

Section 9.14.010, Purpose of chapter, applicability

- Add “Mixed Use/Business Campus” as a consistent land use with the R-T Zone District.

Section 9.14.020, Industrial district land uses and permit requirements

- Add “Office, Corporate” in the C-M Zone District as a permitted use.

Section 9.14.030, Industrial district general development standards

- Allow 80,000 sq. ft. minimum lots within General Plan Focus Area #6.

Section 9.16.020, Special purpose district land uses and permit requirements

- Add “Wireless Communication Facilities” and “Publicly Owned & Operated Telecommunication Towers” as a permitted use with an AUP.

Section 9.22.080, Noise

- Add language regarding “Emergency Electrical Generators” in residential districts.

Section 9.24.60, Fences, walls and hedges

- Revise text in Table 3-3 addressing material visibility for fencing.
- Add “Corrugated Metal” as an allowed fence material subject to approval by the Director.

Section 9.24.080, Height measurement and height limit exceptions

- Move Section 9.24.80(c)(3), “Wireless Telecommunication Facilities” to Section 9.42.040.

Section 9.24.100, Setback regulations and exceptions

- Revise minimum rear yard encroachment replacement area.

Section 9.32.040, Number of parking spaces required

- Revise parking requirements for restaurants and similar establishments.

Section 9.32.060, Disabled/handicapped parking requirements

- Remove “Handicapped” from chapter title.
- Reference the current edition of the California Building Codes under Title 24.
- Remove Figure 3-6.

Section 9.32.080, Driveways and site access: Nonresidential and multifamily developments

- Add text to clarify maximum driveway width for multi-family residential.

Section 9.34.110, Sign variances, minor adjustments, and revocation

- Revise text regarding noticing requirements for Minor Adjustments.

Section 9.40.030, Accessory uses and structures

- Revise Figure 4-1 regarding setback requirements.
- Remove eight-foot (8’) maximum height requirement.
- Revise setback requirements for detached accessory structures.
- Add “Waterfalls,” “Pool Slides,” “Diving Board,” and “Emergency Generator” to Table 4-1.

Section 9.40.080, Day care facilities

- Revise text regarding small and large family day care homes.

Section 9.40.110, Home occupation standards

- Move Section 9.40.110, “Home occupation standards” to Section 9.58.060.

Section 9.40.120 through Section 9.40.200, Standards for specific land uses

- Update section numbers.

Section 9.42.030, Standards for all wireless telecommunication facilities

- Add text from Section 9.24.080(c)(3) “Wireless Telecommunication Facilities” here.

Section 9.58.060, Operating standards

- Add “Home Occupation Standards” from Section 9.40.110 here.

Chapter 9.96

- Add new chapter to address timely public comments.

Section 9.102.120, Tentative map preparation, application contents

- Revise text associated with time limits and expiration of vesting tentative tract maps.

Planning Commission Comments

The Planning Commission considered this Project on Thursday, November 19, 2020. The Commission recommended approval of the Project by a vote of 5-0. The Commission supported staff’s proposed modifications to the Development Code and recommended one change to the neighborhood meeting noticing requirements. Please see **Attachment 4** to

review the Planning Commission minutes for a summary of Commission's discussion regarding the Project.

California Environmental Quality Act (CEQA)

The City has determined that the project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, December 2, 2020.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The recommended modifications to the 2014 Development Code will address necessary modifications, corrections and deletions to address updated development standards and changes to State law requirements. Planning Commission and staff therefore recommend that the City Council approve Ordinance Amendment OA2020-002, per the modifications labeled **Attachments 2 and 3**.

The findings to consider when making a decision on an ordinance amendment include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.

The proposed modifications to the Development Code are consistent with the goals, policies and actions of the General Plan. Ordinance Amendment OA2020-002 is not proposing changes to land use designations or modifications to specific policies that would negatively impact the overarching goals of the General Plan.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The proposed ordinance amendment is not proposing any development projects. Therefore, the proposed modifications will not be detrimental to the public interest, health, safety, or general welfare of the City.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

4. The City Council does approve Ordinance Amendment OA2020-002, per the attached proposed modifications labeled **Attachments 2 and 3**.

ACTIONS FOLLOWING APPROVAL

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

Prepared by: George González, MPA, Associate Planner

Reviewed by: City Manager *JH*

ORDINANCE 20-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING THE CLOVIS DEVELOPMENT CODE, TITLE 9 OF THE CLOVIS MUNICIPAL CODE AND FINDING THAT THE PROJECT IS NOT SUBJECT TO FURTHER ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES

WHEREAS, the City’s current Development Code was adopted by the City Council on October 8, 2014; and

WHEREAS, the Clovis Development Code has been in use for six (6) years and several modifications and errors have been identified; and

WHEREAS, the Planning Commission held a noticed Public Hearing on November 19, 2020, to consider modifications to the Development Code, at which time interested persons were given opportunity to comment on the project; and

WHEREAS, the Planning Commission voted and recommended that the City Council approve Ordinance Amendment OA2020-002; and

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

WHEREAS, the City published a Notice of the City Council Public Hearing for December 14, 2020, to consider Ordinance Amendment OA2020-002, in the Fresno Business Journal and posted notice of the Public Hearing according to applicable law; and

WHEREAS, the City Council held a noticed public hearing on December 14, 2020, to consider the approval of Ordinance Amendment OA2020-002; and

WHEREAS, on December 14, 2020, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings (“Administrative Record”) relating to OA2020-002, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the amendment to the Development Code amends the following sections:

- 9.04.020, “G”
- 9.10.010, (B)(10)
- 9.10.020, Table 2-2
- 9.12.020, Table 2-4
- 9.12.050, Table 2-5

ATTACHMENT 1

- 9.14.010, (B)(5)
- 9.14.020, Table 2-6
- 9.14.030, Table 2-7
- 9.16.020, “A”
- 9.22.080, (D)(5)
- 9.24.060, Table 3-3
- 9.24.060, “H”
- 9.24.080, (C)(3)
- 9.24.100, (B)(4)(D)
- 9.32.040, Table 3-12
- 9.32.060
- 9.32.060, “A”
- 9.32.060, Figure 3-6
- 9.32.080, (C)(4)
- 9.34.110, “E”
- 9.40.030, “E”
- 9.40.030, (E)(C)
- 9.40.030, Figure 4-1
- 9.40.030, Table 4-1
- 9.40.080, (A)(2)
- 9.40.080, (A)(3)
- 9.40.080, “C”
- 9.40.080, “D”
- 9.40.110
- 9.40.120
- 9.40.130
- 9.40.140
- 9.40.150
- 9.40.160
- 9.40.170
- 9.40.180
- 9.40.190
- 9.40.200
- 9.42.030, (G)(1)
- 9.58.060
- 9.96, titled Public Comments
- 9.102.120, “A”

WHEREAS, the City Council has reviewed and considered the staff report and all written materials submitted in connection with the request and hearing and considering the testimony presented during the public hearing; and

WHEREAS, the Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project; and

WHEREAS, the proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans; and

WHEREAS, the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

WHEREAS, the proposed amendment is internally consistent with other applicable provisions of this Development Code.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

Section 1

1. The Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project.
2. The City Council approves the amendment to the Development Code as set forth in **Attachments 2 and 3** of the accompanying staff report.
3. Directs that the record of proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the City Planner or other person designated by the Director of Planning and Development Services.

Section 2 The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance.

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

APPROVED: December 14, 2020

_____	_____
Mayor	City Clerk
* * * * *	* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on December 14, 2020, and was adopted at a regular meeting of said Council held on January 4, 2021, by the following vote, to wit:

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

DATED: January 4, 2021

City Clerk

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SUMMARY OF MODIFICATIONS

9.04.020	-(G)-	Add language on the applicant's neighborhood meeting noticing requirement for General Plan Amendments.
9.10.010	-(B)(10)-	Correct Density Reference of "15.1 to 25.0" to "25.1 to 43"
9.10.020	Table 2-2	Add "Emergency Electrical Generators" in the A, R-R, R-A, R-1, R-2, R-3, R-4, and MHP Zone Districts as a permitted use.
9.12.020	Table 2-4	Add "Electronic Order Fulfillment Facilities" in the C-2 Zone District as a permitted use with a CUP.
9.12.050	Table 2-5	Add footnote to clarify maximum hotel height allowed in the C-P, C-2 & C-3 Zone Districts.
9.14.010	-(B)(5)-	Add "Mixed Use/Business Campus" as a consistent land use with the R-T Zone District.
9.14.020	Table 2-6	Add "Offices, Corporate" in the C-M Zone District as a permitted use.
9.14.030	Table 2-7	Add footnote to allow 80,000 square feet minimum lots within Mixed-Use Focus Area #6 of the General Plan.
9.16.020	-(A)-	Add "Wireless Communication Facilities" and "Publicly Owned & Operated Telecommunication Towers" as a permitted use with an Administrative Use Permit.
9.22.080	-(D)(5)-	Add language regarding Emergency Electrical Generators in Residential Districts.
9.24.060	Table 3-3	Revise text for fencing material and maximum height allowances.
9.24.060	-(H)-	Add "Corrugated Metal" as an allowable fence material.
9.24.080	-(C)(3)-	Move 9.24.80(c)(3) "Wireless Telecommunication Facilities" to Section 9.42.040 "Standards for Ground-Mounted Structures."
9.24.100	-(B)(4)(D)-	Revise minimum rear yard encroachment replacement area.
9.32.040	Table 3-12	Revise parking requirements for restaurants, taverns, lounges, or similar establishments.
9.32.060		Remove "Handicapped" from section title.
9.32.060	-(A)-	Revise text to reference the current edition of the California Building Codes under Title 24 and adopted standards.
9.32.060	Figure 3-6	Remove Figure 3-6 titled "Disabled/Handicapped Parking Requirements."
9.32.080	-(C)(4)-	Add text clarifying maximum driveway width for multi-family residential, not single-family residential.
9.34.110	-(E)-	Revise text to allow the Director to have the discretion to provide notice to adjacent properties.
9.40.030	-(E)-	Revise setback requirements based on updated Figure 4-1.
9.40.030	-(E)(C)-	Remove eight-foot (8') overall height restriction.
9.40.030	Figure 4-1	Revise Figure 4-1 to update setback requirements.
9.40.030	Table 4-1	Revise required setbacks for detached accessory structures.
9.40.030	Table 4-1	Add "Waterfalls" and "Pool Slides."
9.40.030	Table 4-1	Add "Outdoor" and "Fireplaces."
9.40.030	Table 4-1	Add "Diving Board" and "Emergency Generator."
9.40.080	-(A)(2)-	Revise text regarding Large Family Day Care Homes.
9.40.080	-(A)(3)-	Revise text regarding Small Family Day Care Homes.
9.40.080	-(C)-	Revise text regarding Small and Large Family Day Care Homes to comply with SB234.
9.40.080	-(D)-	Revise text regarding day cares in non-residential zone districts.
9.40.110		Move Home Occupation Standards to Chapter 9.58.060 Operating Standards.
9.40.120		Update Section Number from 9.40.120 to 9.40.110 for Meat Packing and Processing.
9.40.130		Update Section Number from 9.40.130 to 9.40.120 for Mini-Storage Facility Standards.
9.40.140		Update Section Number from 9.40.140 to 9.40.130 for Outdoor Dining and Seating Areas.
9.40.150		Update Section Number from 9.40.150 to 9.40.140 for Outdoor Display and Sales.

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9.40.160		Update Section Number from 9.40.160 to 9.40.150 for Public Utilities and Services.
9.40.170		Update Section Number from 9.40.170 to 9.40.160 for Recycling Facilities.
9.40.180		Update Section Number from 9.40.180 to 9.40.170 for Right to Farm.
9.40.190		Update Section Number from 9.40.190 to 9.40.180 for Vehicle Service Station Standards.
9.40.200		Update Section Number from 9.40.200 to 9.40.190 for Low Barrier Navigation Center Use by Right.
9.42.030	-(G)(1)-	Add language from 9.24.80(c)(3) "Wireless Telecommunication Facilities" here.
9.58.060		Add "Home Occupation" to section title.
9.58.060		Add "Home Occupation Standards" from Chapter 9.40.110.
9.96		Addition of new chapter titled "Public Comments" to the Development Code.
9.102.120	(A)	Remove "except for a vesting tentative map (see Section 9.102.110(D)(4)(a))."

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TEXT MODIFICATIONS(Text modifications and additions are in **Bold** and **Highlighted**)(Text removals are in *Italic*, ~~Strikethrough~~ and **Highlighted**)(As approved and modified by the Planning Commission in **Bold**, Underlined and **Highlighted** – November 19, 2020)**9.04.020 Requirements for development and new land uses.**

No use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures complies with the following requirements:

A. Allowable use. The land use shall be identified by Chapter 10 (Residential Zoning Districts), 12 (Commercial Zoning Districts), 14 (Industrial Zoning Districts), 16 (Special Purpose Zoning Districts), or 18 (Overlay/Combining Zoning Districts) of this title as being allowable in the zoning district applied to the site.

B. Permit requirements. Land use permits required by this Development Code shall be obtained before the proposed use is constructed, otherwise established, or put into operation, unless the proposed use is listed in Section 9.04.030 (Exemptions from land use permit requirements).

C. Development standards. Uses and/or structures shall comply with the applicable development standards of this Development Code, including Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Divisions 3 (Development and Operational Standards) and 4 (Standards for Specific Land Uses) of this title, and other City standards and policies related to the use and development of land.

D. Conditions of approval. Uses and/or structures shall comply with all conditions imposed by a previously granted land use permit. Failure to comply with imposed conditions shall be grounds for revocation of the subject permit in compliance with Section 9.92.060 (Revocation and modifications).

E. Development agreements. Uses and/or structures shall comply with an applicable development agreement approved by the City in compliance with Chapter 70 of this title (Development Agreements) or by Fresno County before City incorporation or annexation, even if in conflict with this Development Code.

F. Other development policies. The City may adopt policies separate from this Development Code that may affect the use and development of land. All applicable policies, standards, and procedures related to land development shall apply when appropriate as determined by the applicable review authority. (§ 2, Ord. 14-13, eff. October 8, 2014)

G. Neighborhood meeting noticing. The applicant/developer of a General Plan Amendment application, or where a project necessitates public outreach, shall be required to hold a neighborhood meeting prior to the Planning Commission hearing and a second neighborhood meeting prior to the City Council hearing. The preparation, notification and execution of these neighborhood meetings are the responsibility of the applicant/developer. The meeting notices shall

be mailed to real property owners within an 800-foot radius of the proposed project site. The list of notified property owners shall be generated utilizing the latest County Assessor's records. The notice shall follow the guidelines outlined in the Neighborhood Meeting Noticing Standards provided by Planning and Development Services. The applicant/developer shall utilize a noticing template provided by the Planning Division for all neighborhood meetings.

The neighborhood meeting notice shall be reviewed and approved by Planning and Development Services staff prior to the mailing of notice to area property owners. Neighborhood meeting notices associated with General Plan Amendments within the Dry Creek Preserve Master Plan area shall include the notification of all property owners within the Dry Creek Preserve area.

9.10.010 Purpose of chapter, applicability.

A. Residential zoning districts. This chapter provides regulations applicable to development and new land uses in the residential zoning districts established by Section 9.08.010 (Zoning Districts Established). The purpose of this chapter is to achieve the following:

1. Ensure the conservation and management of productive agricultural land, the orderly conversion of agricultural lands to urban uses, and provide a consistent and compatible land use pattern;
2. Ensure the establishment of a network of Urban Villages with centers that serve a network of neighborhoods within the City;
3. Preserve and enhance the high quality residential setting of the City, while promoting new neighborhoods that provide a balanced mix of land uses and development types that support a small town community character;
4. Ensure adequate light, air, privacy, and open space for each dwelling;
5. Minimize traffic congestion and avoid the overloading of public services and utilities; and
6. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.

B. Individual zoning districts. The general development standards for the districts are set forth in Table 2-3. The purposes of the individual residential zoning districts and the manner in which they are applied are as follows:

1. A (Agricultural) District. The A District identifies areas appropriate for the conservation of productive agricultural lands that can be sustained at an operational level and retain agricultural land in economically viable parcel sizes. The maximum allowable density is one dwelling unit per twenty (20) acres. The A District is consistent with the Agricultural land use designation of the General Plan;

2. R-R (Rural Residential) District. The R-R District identifies areas appropriate for large lot single-family uses, within a semi-rural environment. The allowable maximum density is one dwelling unit per two (2) acres, with a density range of zero (0) to 0.5 dwelling units per acre. The R-R District is intended to provide for lower density development and small scale agricultural operations. The R-R District is consistent with the Rural Residential land use designation of the General Plan;
3. R-A, R-1-A, R-1-AH (Single-Family Residential Very Low Density) Districts. The R-A, R-1-A and R-1-AH Districts identify areas appropriate for large lot single-family uses. The allowable maximum density is one dwelling unit per eighteen thousand (18,000) square feet in the R-1-A and R-1-AH Districts and one dwelling unit per twenty-four thousand (24,000) square feet in the R-A District, with a density range of 0.6 to 2.0 dwelling units per acre. The R-A, R-1-A, and R-1-AH Districts are consistent with the Very Low Density Residential land use designation of the General Plan;
4. R-1, R-1-B, R-1-C (Single-Family Residential Low Density) Zones. The R-1, R-1-B, and R-1-C Districts identify areas appropriate for conventional single-family uses. The allowable density range is 2.1 to 4.0 units per acre, with not more than one dwelling unit per parcel. The R-1, R-1-B, and R-1-C Districts are consistent with the Low Density Residential land use designation of the General Plan when developed within the above density range;
5. R-1, R-1-MD (Single-Family Residential and Single-Family Residential Medium Density) District. The R-1 and R-1-MD Districts identify areas appropriate for single-family uses, including attached and detached single-family structures. The allowable density range is 4.1 to 7.0 units per acre, with the level of density determined by compliance with performance standards. The R-1 District is consistent with the Low and Medium Density Residential land use designations of the General Plan. The R-1-MD District is consistent with the Medium Density Residential land use designation of the General Plan;
6. R-1-PRD (Single-Family Planned Residential Development) District. The R-1-PRD District identifies areas appropriate for single-family small lot uses, including attached and detached single-family structures on small lots. The allowable density range is 4.1 to 15.0 units per acre, with the level of density determined by compliance with performance standards. The R-1-PRD District requires a planned development permit. The R-1-PRD District is consistent with the Medium and Medium-High Density Residential land use designations of the General Plan;
7. R-1-MH (Mobile Home, Single-Family) District. The R-1-MH District is appropriate for residential mobile homes and manufactured housing on individual lots. The R-1-MH District is intended as a single-family planned unit development with individually owned parcels. The allowable density range is dependent on the underlying single-family zoning for each parcel (R-1-18,000 sq. ft., R-1-9,500 sq. ft., R-1-7,500 sq. ft., R-1-6,000 sq. ft.). The R-1-MH District is consistent with the Very Low, Low or Medium land use designations of the General Plan based upon the specific allowed minimum lot size;
8. R-2, R-2-A (Multifamily Medium-High Density) Districts. The R-2 and R-2-A Districts identify areas appropriate for moderately dense residential uses, including multifamily apartments, duplexes, townhouses,

and small parcel, attached and detached single-family uses. The allowable density range is 7.1 to 15.0 dwelling units per acre. The R-2 and R-2-A Districts are consistent with the Medium-High Density Residential land use designation of the General Plan;

9. R-3, R-3-A (Multifamily High Density) Districts. The R-3 and R-3-A Districts identify areas appropriate for high density residential uses, including attached and detached single-family residential, multifamily apartments and condominiums. The allowable density range is from 15.1 to 25.0 units per acre. The R-3 and R-3-A Districts are consistent with the High Density Residential land use designation of the General Plan;

10. R-4 (Multifamily Very High Density) District. The R-4 District identifies areas appropriate for high and very high density residential uses, particularly in association with mixed use development. The allowable density range is from 15.1 to 25.0 units per acre, and up to forty-three (43) dwelling units per acre in association with mixed use or transit oriented development. The R-4 District is consistent with the High Density Residential, Mixed Use, and Transit Center land use designations of the General Plan. Very high density developments greater than twenty-five (25) DU/acre up to forty-three (43) DU/acre shall be allowed when specifically called out in the General Plan or in a specific plan; and

11. MHP (Mobile Home Park, Multifamily) Districts. The MHP District identifies areas appropriate for the accommodation of residential mobile homes and manufactured housing in a mobile home park. The MHP District is intended for multifamily development. The allowable density range is 7.1 to 15.0 dwelling units per acre. The MHP District is consistent with the Medium-High land use designation of the General Plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

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. Any 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.

**TABLE 2-2
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR RESIDENTIAL ZONING DISTRICTS**

Land Use (1)	Permit Requirement by District								
	A	R-R	R-A	R-1 (2)	R-2	R-3	R-4	MHP (4)	See Section
Residential									
Accessory Residential Dwelling Units	P	P	P	P					9.40.020
Accessory Uses and Structures	P	P	P	P	P	P	P	P	9.40.030
Alcohol and Drug Treatment, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100
Alcohol and Drug Treatment, 7 or More						C			9.40.100
Bed and Breakfast Inns	C	C	C	C	C	C	C		9.40.050
Boarding Home						C			
Caretaker Housing	P	A	A					A	
Community Apartments and Condominiums					C	C	C		9.106.030
Convents and Rectories Connected to Religious Institutions/ Facilities	C	C	C	C	C	C	C		
Day Care Home, Large Child and/or Adult		A	A	A	A	A	A		9.40.080
Residential (Continued)									
Day Care Home, Small Child and/or Adult	P	P	P	P	P	P	P	P	9.40.080
Density Bonuses	P	P	P	P	P	P	P		9.26.090
Domestic Violence Shelter, Small	A	A	A	A	A	A	A	A	9.40.100
Domestic Violence Shelter, Large	C	C	C	C	C	C	C	C	9.40.100
Emergency Electrical Generators	P	P	P	P	P	P	P	P	9.22.080
Employee Housing, 6 or Fewer	P	P	P	P	P				

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AGENDA ITEM NO. 9.

Farmworker Housing, Up to 12 Units or 36 Beds	P	P	P						
Group Care Home, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100
Group Care Home, 7 or More						C			9.40.100
Home Occupations	P	P	P	P	P	P	P	P	9.58, 9.40.100
Homeless Emergency Shelter, 7 or More						C			9.40.100
Household Pets	P	P	P	P	P	P	P	P	
Kennels, Private	C	C	C						
Manufactured Housing	P	P	P	P	P	P	P	P	
Mobile Housing								P	
Mobile Home Parks								P	
Modular Housing								P	
Residential (Continued)									
Multifamily Housing					P	P	P		Dev. Stds.
Parolee/Probationer Home						C			9.40.100
Senior Assisted Living Facility	C	C	C	C	C	C	C	C	
Sober Living Homes, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100
Sober Living Homes, 7 to 16						P			9.40.100
Sober Living Homes, Greater Than 16						C			9.40.100
Supportive Housing	P	P	P	P	P	P	P	P	9.40.100
Tiny Homes								P	9.40.100
Transitional Housing	P	P	P	P	P	P	P	P	9.40.100
Single-Family Housing	P	P	P	P	P				
Single-Room Occupancy							C		
Temporary Uses	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	9.60.020
Nonresidential									
Airports and Aircraft Landing Facilities	C	C							
Broadcasting Studios		C	C						
Cemeteries	C	C	C	C	C	C	C	C	

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Nonresidential (Continued)										
Medical Services – Hospitals	C	C	C	C	C	C	C	C	C	
Medical Services – Extended Care	C	C	C	C	C	C	C	C	C	
Mini-Storage Facilities	C	C	C	C	C	C	C	C	C	9.40.130
Natural Gas and Electric Facilities	C	C	C	C	C	C	C	C	C	
Public Utility Facilities	C	C	C	C	C	C	C	C	C	
Solar and Wind Generation Facilities	C	C	C	C	C	C	C	C	C	
Swimming Schools			C							
Agricultural and Open Space Resources										
Agricultural Uses	P	P	P							
Agricultural Products, Sale of When Grown on Site	A									
Animal Keeping (Farm) Including Apiaries	P	A	A							9.40.040
Community Gardens	P	P	A	A	A	A	A	A	A	
Open Space	P	P	P	P	P	P	P	P	P	
Plant Nurseries	A	A	A							
Rifle, Pistol or Archery Ranges	C	C	C							
Agricultural and Open Space Resources (Continued)										
Stables, Commercial	C	C								
Stables, Private	P	P	P	P (2)						9.40.040(C)
Education, Public Assembly, and Recreation										
Assembly/Meeting Facilities	C	C	C	C	C	C	C	C	C	
Churches	C	C	C	C	C	C	C	C	C	
Golf Courses, Country Clubs	C	C	C	C	C	C	C	C	C	
Libraries, Public				C	C	C	C			
Parks and Public Playgrounds	P	P	P	P	P	P	P	P	P	
Schools, Private		C	C	C	C	C	C	C	C	
Schools, Public	P	P	P	P	P	P	P	P	P	
Stadia	C	C	C	C	C	C	C			
Trails	P	P	P	P	P	P	P	P	P	

Communication Facilities										
Satellite Dish Antennas	A	A	A	A	A	A	A	A	A	9.42
Radio and TV Antennas and Transmission	C	C	C	C	C	C	C	C	C	9.42
Wireless Telecommunication Facilities	A	A	A	A	A	A	A	A	A	9.42

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (3) (5)	9.56
A	Administrative use permit required (5)	9.62
C	Conditional use – Conditional use permit required (5)	9.64
<i>Blank</i>	Use not allowed	

Notes:

(1) See Division 8 of this title for definitions of the land uses listed. See Section 9.08.030 (Allowable land uses and permit requirements).

(2) This column combines all R-1 sub-zones because the allowable land uses are identical, except for the allowance for horses to be maintained in the R-1-AH District on parcels of eighteen thousand (18,000) square feet or larger.

(3) A Director-approved site plan review shall be required. See Chapter 56 of this title.

(4) For purposes of Table 2-2, the MHP District also includes the R-1-MHP District when installed in compliance with State law (Government Code Section 65852.3).

(5) If there is a conflict between Table 2-2 and any written description setting forth allowable uses and permit requirements elsewhere in this title, the written description shall supersede unless it is clearly evident from the record that the contrary was intended. Disputes shall be resolved pursuant to Chapter 2 of this title.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Atts. 1, 2), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018; § 2 (Att. C), Ord. 19-05, eff. May 8, 2019)

9.12.020 Commercial district land uses and permit requirements.

- A. Allowed land uses. Table 2-4 identifies the uses of land allowed by this Development Code in each commercial 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 in Table 2-4 means that the listed land use is prohibited in that specific zoning district.
- C. Site plan review required. Any change of use and all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall be subject to site plan review approval in compliance with Chapter 56 of this title (Site Plan Review).
- D. U-C and P-C-C Districts. The specific uses of land allowed or conditionally allowed within the U-C and P-C-C Districts shall be limited to those uses identified during the applicable Zoning Map amendment process in compliance with Chapter 86 of this title. Applications shall be processed in accordance with Chapter 74 of this title (Urban Center) or Chapter 76 of this title (Planned Commercial Center).
- E. 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.
- F. Determination of use. Any use not listed in the table for a zone district may be reviewed by the Director for a determination that the use is similar in characteristics to a listed use. Unless otherwise determined to be similar, a use which is not listed shall be prohibited.

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Education, Public Assembly, and Recreation						
Assembly/Meeting Facilities	C	C	C	C	C	

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Auditoriums and Meeting Halls	C	C	C	C	C	
Billiard Parlors			C	C		
Bowling Alleys			P	C		
Card Rooms, Subject to Chapter 6 of Title 5			P	P		
Community/Cultural Centers		C	C	C	C	
Golf Course and Driving Ranges	C	C	C		C	
Golf Courses, Miniature			P			
Fairgrounds					A	
Health/Fitness Facilities (Over 5,000 Square Feet of Gross Floor Area)	C	C	C	C		
Health Studios	P	P	P	P		
Indoor Amusement/Arcade/ Entertainment Centers			C	C		
Libraries and Museums	A	A	A	P	P	

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Membership Organization Facilities	C	C	C	P		
Nightclubs, with or without Food Service			C	C		
Outdoor Recreation, Commercial			C		C	
Reading Rooms	P	P	P	P		
Rodeo Grounds					P	
Schools, Private	A	A	A	C		
Schools, Specialized Education and Training	A		A	C		
Sports Arenas/Stadia			C		C	
Education, Public Assembly, and Recreation (Continued)						
Studios – Art, Dance, Martial Arts, Music, Photography, etc.	A	A	A	A		
Swap Meet					C	
Theaters, Live, Non-Motion-Picture			C	C		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Theaters, Family Type Motion Picture, Not to Exceed 500 Seats			C	C		
Manufacturing and Processing						
Recycling Facilities – Small Collection Facility		A	A			9.40.160
Recycling Facilities – Reverse Vending Machines		A	A	A	A	9.40.160
Motor Vehicle Retail Trade and Services						
Motor Vehicle Muffler Shops			C	C		
Motor Vehicle Parts, Service and Sales		A	A	A		
Motor Vehicle – Batteries, Tires, and Accessory Parts			C	C		
Vehicle Body and Paint Shops						
Motor Vehicle Renting and Leasing			C			
Motor Vehicle Repair and Maintenance, within an Enclosed Structure			C	C		
Motor Vehicle Sales			C			

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Motor Vehicle Service Stations		C	C	C		
Motor Vehicle Wash, All		C	C	C		
Truck Repairing and Overhauling, within Completely Enclosed Structure						
Retail Trade						
Accessory Retail Uses	P	P	P	P	P	9.120.020
Appliance Stores			P	P		
Art, Antiques, Collectibles, and Gifts		P	P	P		
Bakeries, Retail	A	P	P	P		
Bars and Alcoholic Beverage Drinking Places, On-Site Consumption	C	C	P	C		
Beauty, Barber Shops	P	P	P	P		
Body Massage	P	P	P	P		
Bookstores		P	P	P		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Bicycle Shops		P	P	P		
Cafeterias	C	P	P	P		
Carpet Sales, Retail Only	C	P	P	P		
Cleaning and Dyeing Shops (Retail Only, Dry Cleaning Clothes in Enclosed Machines, Using Nonflammable Cleaning Compounds)		P	P	P		
Clothing Stores		P	P	P		
Coffee – Specialty Sales	A	P	P	P		
Confectionery Stores		P	P	P		
Convenience Stores		C	C	C		
Dairy Products		P	P	P		
Delicatessens		P	P	P		
Department Stores			P	P		
Drive-In, Drive-Through Uses		C	C	C		9.40.090

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Drugstores		P	P	P		
Drugstores, Super		P	P			
Retail Trade (Continued)						
Dry Goods		P	P	P		
Eating Establishment	A	P	P	P		
Electronic Order Fulfillment Facilities			C			
Feed and Fuel Stores			P	A		
Firearm Retail Sales		P	P	P		
Fish Markets		P	P	P		
Florist Shops		P	P	P		
Fruit and Vegetable Stores		P	P	P		
Furniture Stores		P	P	P		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Furniture Upholstery Shops			A	P		
Garden Supply Stores		P	P	P		
Garden Supply Stores, with Ancillary Equipment Sales, without Service			P	P		
Garden Supply Stores, with Ancillary Equipment Sales, with Service			A	A		
Glass and Chinaware, Retail Only			P	P		
Grocery Stores		P	P	P		
Hardware Stores		P	P	P		
Health Food Stores		P	P	P		
Hobby Shops		P	P	P		
Home Furnishings			P	P		
Ice Cream Sales		P	P	P		
Leather Goods and Luggage Stores			P	P		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Liquor Stores, Off-Site Consumption		C	C	C		
Mattress Stores			P	P		
Meat Markets		P	P	P		
Millinery Stores			P	P		
Retail Trade (Continued)						
Music Stores		P	P	P		
Neighborhood Food Markets		C	C	C		
Outdoor Activities	A	A	A (5)	A	A	9.40.140
Outdoor Retail Sales (Permanent)		A	A	A		9.40.150
Pet Stores		P	P	P		
Photographic Studios	P	P	P	P		
Plant Nurseries		P	P	P		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Pottery Sales		P	P	P		
Print Shops		P	P	P		
Radio and Television Sales and Service			P	P		
Restaurants Including Beer and Wine with Meals	C	P	P	P		
Restaurants Serving Hard Liquor			P	C		
Retail Stores, General Merchandise		P	P	P		
Secondhand Stores, within Completely Enclosed Structure			P	P		
Shoe Stores		P	P	P		
Shopping Centers		P	P			
Slot Car Racing		A	A			
Soft Drink Fountains		P	P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles/Jet Skis) Sales Only			C			

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Sporting Goods Stores		P	P	P		
Stamp and Coin Brokers		P	P	P		
Retail Trade (Continued)						
Supermarkets		P	P			
Swimming Pool Sales			A			
Tasting Rooms				A		
Taxidermists				P		
Temporary Uses	TUP	TUP	TUP	TUP	TUP	
Tobacco Shops		P	P	P		
Tropical Fish Sales		A	A	A		
Variety and Notion Shops		P	P	P		
Vending Machines, Food and Dairy Products, Ice (Walk-In, Reach-In), On-Premises Sales (Located Outside of a Structure)	A	A	A		A	

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Warehouse Retail Stores			P			
24-Hour Retail Uses	C	C	C	C		
Services						
Animal Hospital/Veterinary Clinics within a Completely Enclosed Building			C			
Automated Teller Machines	P	P	P	P	P	
Banks and Financial Services	P	P	P	P		
Beauty Colleges			A	A		
Bed and Breakfast Inns	C	C	C	C		
Boarding Home	C		C			9.40.100
Body Art			C			
Business Support Services	P	P	P	P		
Catering Services			A	A		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Services (Continued)						
Cemeteries	C	C	C	C	C	
Day Care Centers – Child and/or Adult	C	C	C	C		
Churches	C	C	C	C	C	
Copy Services	A	A	P	A		
Drive-In, Drive-Through Uses	C	C	C	C		9.40.090
Employee Credit Unions	P	P	P	P		
Fortune-Telling			C			
Hotels/Motels	C		C	C		
Laboratories	C		P	C		
Laundry and Dry Cleaning, Drop-Off/Pick-Up Only		P	P	P		
Laundries and Dry Cleaning				C		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Medical Services – Extended Care	C		C			
24-Hour Service Uses	C	C	C	C		
Medical Services – Ambulance Service	C		C	C		
Medical Services – Clinics and Laboratories	A	A	P	A		
Medical Services – Extended Care	C		C	C		
Medical Services – Hospitals	C		C	C		
Medical Services – Surgery Centers	C		C	C		
Mini-Storage Facilities	C	C	C	C	C	
Mortuaries and Funeral Parlors			C	C		
Offices	P	P	P	P		
Services (Continued)						
Personal Services (No Adult Businesses)		P	P	P		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Pet Grooming		A	A	A		
Pharmacies, Prescription	A	P	P	P		
Post Office	A	P	P	P		
Repair and Maintenance, Consumer Products		A	P	P		
Shoe Repair Shops		P	P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles/Jet Skis) Enclosed, Incidental Service, Rental, and Repair			C			
Supply Rentals, Party, Sickroom and Health		P	P	P		
Tattoo Parlors (Body Art)			C			
Transportation and Telecommunication Facilities						
Airports and Aircraft Landing Facilities	C	C	C	C	C	
Alternative Fuels and Recharging Facilities	A	A	A	A		
Broadcast and Recording Studios and/or Film Studios	C		P	A		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Parking Lots/Garages	C		C	C	C	
Public Utility Facilities	C	C	C	C	C	9.40.160
Satellite Dishes/Antennas	C	C	C	C	C	9.42
Telephone Booths, Permanent or Temporary	A	A	A	A	A	
Transportation and Telecommunication Facilities (Continued)						
Transit Stations and Terminals			C	C		
Wireless Telecommunications Facilities	A	A	A	A	C	9.42
Residential						
Alcohol and Drug Treatment, 7 or More			C			9.40.100
Caretaker Housing	A	A	A	A	A	
Convents and Rectories Connected to Religious Institutions/Facilities	C	C	C	C		
Group Care Homes, 7 or More			C			9.40.100

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Home Occupations	P		P	P		9.58
Homeless Emergency Shelters			P			
Live/Work Units				C		
Mixed Use				C		
Senior Assisted Living Facility	C	C	C	C	C	
Sober Living Homes, Greater Than 6 and Less Than 17				P		9.40.100
Sober Living Homes, Greater Than 16			C	C		
Supportive Housing, 16 or Less				P		9.40.100
Supportive Housing, 17 or More			C	C		
Residential, Second Story and Above				C		
Transitional Housing, 16 or Less				P		9.40.100
Transitional Housing, More Than 16			C	C		

**TABLE 2-4
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (3)	9.56
A	Administrative use permit required	9.62
C	Conditional use – Conditional use permit required	9.64
<i>Blank</i>	Use not allowed	

Notes:

- (1) See Section [9.08.030](#) (Allowable land uses and permit requirements).
- (2) See Division 8 of this title for definitions of the land uses listed.
- (3) A Director approved site plan review permit shall be required. See Chapter 56 of this title.
- (4) In existing conforming structures, land uses allowed with a site plan review permit may be considered a permitted (P) use.

(5) Any use allowed in the C-2 District not conducted entirely within an enclosed structure shall require a Director approved administrative use permit or a conditional use permit where listed.

(6) A conversion of a residential structure to an allowed nonresidential use involving any exterior change to the structure shall require the approval of an administrative use permit in compliance with Chapter 62 of this title.

(7) If there is a conflict between Table 2-4 and any written description setting forth allowable uses and permit requirements elsewhere in this title, the written description shall supersede unless it is clearly evident from the record that the contrary was intended. Disputes shall be resolved pursuant to Chapter 2 of this title.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 2, Ord. 15-06, eff. March 4, 2015; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.12.050 Commercial design standards.

The City Council and the Director may adopt design standards applicable to commercial development within the City. Standards adopted by the City Council shall be by resolution. Standards adopted by the Director shall be by written policy.

**TABLE 2-5
 COMMERCIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT**

Development Feature	C-P	C-1
Minimum Parcel Size	10,000 sq. ft.	15,000 sq. ft.
Minimum Parcel Width	65 ft.	100 ft.
Minimum Corner Parcel Width	65 ft.	100 ft.
Minimum Reverse Corner Parcel Width	65 ft.	100 ft.
Minimum Parcel Depth	110 ft.	150 ft.
Setbacks Required (6)		
Front	10 ft. (1)	20 ft. (5)
Side (Each)	None (2)	None (2)
Street Side	10 ft.	20 ft.
Rear	None (3)	None (3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	

Development Feature	C-P	C-1
Maximum Parcel Coverage	None	33%
Main Structure – Maximum Height (Whichever Is Less)	40 ft./3 stories (4)(7)	20 ft./1 story
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) No main structure shall be erected within fifty feet (50') of railroad or freeway right-of-way, or flood control channel.
- (2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').
- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.
- (6) No setback shall be required between structures within a commercial center where the structures comply with the California Building Code.

(7) Hotels in the C-P Zone District are allowed a maximum height not to exceed fifty-five (55') feet in height by right. Additional height may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

**TABLE 2-5
 COMMERCIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	C-2 and C-R	C-3
Minimum Parcel Size	C-2 – 15,000 sq. ft. C-R – 4 acres	None

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Development Feature	C-2 and C-R	C-3
Minimum Parcel Width	100 ft.	None
Minimum Corner Parcel Width	100 ft.	None
Minimum Reverse Corner Parcel Width	100 ft.	None
Minimum Parcel Depth	150 ft.	None
Setbacks Required (6)		
Front	30 ft. (structures), 20 ft. (parking)	None (5)
Side (Each)	None (structures) (2) , 5 ft. (parking)	None (2)
Street Side	30 ft. (structures), 20 ft. (parking)	None
Rear	None (3)	None (3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	33%	None
Main Structure – Maximum Height (Whichever Is Less)	35 ft./2 stories (4)(7)	50 ft./4 stories (4)(7)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) No main structure shall be erected within fifty feet (50') of railroad or freeway right-of-way.
- (2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').
- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.

(6) No setback shall be required between structures within a commercial center where the structures comply with the California Building Code.

(7) Hotels in the C-2 and C-3 Zone Districts are allowed a maximum height not to exceed fifty-five (55') feet in height by right. Additional height may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

**TABLE 2-5
 COMMERCIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	U-C and P-C-C
Minimum Parcel Size	5 acres (7)
Minimum Parcel Width	Determined during Zoning Map amendment (6)
Minimum Corner Parcel Width	Determined during Zoning Map amendment (6)
Minimum Reverse Corner Parcel Width	Determined during Zoning Map amendment (6)
Minimum Parcel Depth	Determined during Zoning Map amendment (6)
Maximum (Gross) Density	25 – 43 DU/acre (compliance with the General Plan or a specific plan)
Setbacks Required	
Front	Determined during Zoning Map amendment (6)
Side (Each)	Determined during Zoning Map amendment (6)
Street Side	Determined during Zoning Map amendment (6)
Rear	Determined during Zoning Map amendment (6)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	Determined during Zoning Map amendment (6)
Main Structure – Maximum Height	Determined during Zoning Map amendment and specific plan adoption (6)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls and hedges)
Off-Street Parking	See Chapter 20 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

(2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').

- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.
- (6) The specific development standards for parcels located within the C-U-C and P-C-C Districts shall be established during the applicable Zoning Map amendment process in compliance with Chapter 86 of this title (Amendments). Processing shall comply with Chapter 74 of this title (Commercial Urban Center) or Chapter 76 of this title (Planned Commercial Center).
- (7) The minimum site area can include internal public street area.

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.14.010 Purpose of chapter, applicability.

A. Industrial districts. This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by Section [9.08.010](#) (Zoning districts established). The purpose of this chapter is to achieve the following:

- 1. Provide for the development of nonpolluting, clean industrial land uses to broaden the economic/employment base of the City, while ensuring compatible integration with nonindustrial uses, in a manner consistent with the General Plan;
- 2. Provide for the development of industrial land uses that complement the establishment of an Urban Village network, with emphasis on proximity to transit corridor or business core access;
- 3. Provide adequate space to meet the needs of industrial development, including off-street parking and loading, and ensure compatibility between industrial land uses, high traffic corridors and nearby residential neighborhoods;
- 4. Minimize traffic congestion and avoid the overloading of utilities;
- 5. Minimize excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences; and
- 6. Promote high standards of site planning, architectural and landscape design for industrial developments within the City.

B. Individual zoning districts. The purpose of the individual industrial zoning districts are as follows:

1. C-M (Commercial and Light Manufacturing) District. The C-M District is applied to areas appropriate for retail and wholesale sales, light manufacturing, warehousing, distributing, and storage operations, in addition to providing for a close relationship between warehousing, distribution, and retail sales. The C-M District is consistent with the Industrial land use designation of the General Plan;

2. M-P (Industrial Park) District. The M-P District is applied exclusively to areas appropriate for the integrated development of modern, large scale specialized manufacturing uses, administrative, and research organizations, in addition to providing an aesthetically attractive working environment with park setting, attractive structures, ample employee parking, and other amenities appropriate to employee oriented industrial activities. The M-P District is consistent with the Industrial land use designation of the General Plan;

3. M-1 (Light Industrial) District. The M-1 District is applied to areas appropriate for business parks and industrial uses within enclosed structures with limited screened outdoor storage, including warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing uses. The M-1 District is consistent with the Industrial land use designation of the General Plan;

4. M-2 (Heavy Industrial) District. The M-2 District is applied to areas appropriate for heavy industrial uses engaged in the mechanical or chemical processing of materials or substances into new products, the assembling of component parts, or the blending of materials, including food processing, automobile assembly or recycling, machine shops, and a variety of heavy manufacturing uses, which may require appropriate buffering from adjacent commercial and residential uses. The M-2 District is consistent with the Industrial land use designation of the General Plan; and

5. R-T (Research and Technology/Business Park) District. The R-T District is applied to areas appropriate for research and technology based land uses, within a business campus setting, that will ensure positive future growth in employment within the City; generate revenue to the City and higher than average wages or payroll; and ensure compatibility with local infrastructure, adjacent land uses, and natural resources. The R-T District is consistent with the Industrial and **Mixed Use/Business Campus** land use designations of the General Plan and the Business Campus designation of Loma Vista (Southeast Urban Area) Specific Plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.14.020 Industrial district land uses and permit requirements.

A. Allowed land uses. Table 2-6 identifies the uses of land allowed by this Development Code in each industrial 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 means that the listed land use is prohibited in that specific zoning district.

C. Site plan review required. Any change of use and all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall be subject to site plan review approval in compliance with 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.

**TABLE 2-6
 ALLOWABLE USES AND PERMIT REQUIREMENTS
 FOR INDUSTRIAL ZONING DISTRICTS**

Land Use (1)(2)(3)(5)	Permit Requirement by District					
	C-M	M-P	M-1	M-2	R-T	See Section
Education, Public Assembly, and Recreation						
Assembly/Meeting Facilities	C	C	C	C	C	
Adult Businesses			P	P		5.19
Auction Houses	A					
Community/Cultural Centers	C		C	C	C	
Churches	C		C			
Day Care Centers and Nursery Schools	C		C	C		9.40.080
Health/Fitness Facilities	C	C	A	A	C	
Health Studios	P					
Membership Organization Facilities	C	C	C	C	C	
Education, Public Assembly, and Recreation (Continued)						
Schools, Specialized Education and Training	A	A	A	A	A	
Sports and Recreational Facilities	A	A	A	A	A	
Rifle and Pistol Ranges, Skeet Fields, Archery and Other Similar Places	C	C	C	C		
Stadia	C	C	C	C		
Manufacturing and Assembly						
Accessory Uses	P	P	P	P	P	9.40.030
Agricultural Technology	P	P	P	P	P	
Bio-Technology	P	P	P		P	

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Biomedical Technology	P	P	P	P	P	
Boat Building and Repairing			P	P		
Computer Integrated System Design	P	P	P	P	P	
Data Processing and Preparations	P	P	P	P	P	
Dental Equipment and Supply Manufacturing	P	P	P	P	P	
Electrical Equipment Manufacturing	P	P	P	P	P	
Electronic Component Manufacturing	P	P	P	P	P	
Engine Rebuilding/Reconditioning	A		P	P		
Health and Beauty Product Research and Development	P	P	P	P	P	
Jewelry Manufacturing	P		P	P		
Leather Products			P	P		
Marking Device Manufacturing	P	P	P	P	P	
Motor Vehicle Manufacturing			P	P		
Paint Manufacturing	P		P	P		
Manufacturing and Assembly (Continued)						
Research and Development (R&D)	P	P	P	P	P	
Software Manufacturing	P	P	P	P	P	
Surgical Appliance and Supply Manufacturing	P	P	P	P	P	
Surgical and Medical Instrument Manufacturing	P	P	P	P	P	
Telecommunication Component Manufacturing	P	P	P	P	P	
Textile Products			P	P		
Tire Recapping, Retreading, and Rebuilding			C	C		
Warehousing (Only as an Accessory Use to Main R-T Use)					P	
Warehousing and Wholesaling	P		P	P		
Welding	A		P	P		
Manufacturing and Processing						
Beverage Production	P		P	P		
Blacksmiths			P	P		
Chemical Products Manufacturing			C	C		
Clothing Products	P		P	P		
Concrete and Cement Products			C	C		

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Cosmetic Products	P		P	P		
Dry Cleaning Plants	A		A	A		
Electronic Motor Rebuilding			P	P		
Fabric Product Manufacturing	P		P	P		
Food and Beverage Manufacturing	P		P	P		
Manufacturing and Processing (Continued)						
Furniture/Fixture/Cabinet Shops	A		P	P		
Glass Products	P		P	P		
Grain Elevators			A	A		
Laundries	P		P	P		
Lumber and Wood Products	P		P	P		
Lumber and Wood Products, Including Planning Mill			P	P		
Machinery Manufacturing, No Punch Presses or Drop Hammers Over 20 Tons	P		P			
Machinery Manufacturing, with Punch Presses or Drop Hammers Over 20 Tons			C	C		
Manufacturing, Heavy				C		
Meat Packing and Processing, No On-Site Animal Slaughtering			C	P		
Meat Packing and Processing, with On-Site Animal Slaughtering				C		
Metal Products Fabrication			P	P		
Monument and Tombstone Works	P		P	P		
Paper Products Manufacturing			P	P		
Petroleum Bulk Plants			C	C		
Pharmaceutical Manufacturing	P		P	P		
Plastics and Rubber Products	C		P	P		
Printing and Publishing	P		P	P		
Recycling Facilities – Small Collection Facility	A	A	A	A	A	9.40.160
Manufacturing and Processing (Continued)						
Recycling Facilities – Large Collection Facility			C	C		9.40.160
Recycling Facilities – Processing Facility, Light			C	C		9.40.160
Recycling Facilities – Processing Facility, Heavy				C		9.40.160

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Recycling Facilities – Reverse Vending Machines	A	A	A	A	A	9.40.160
Structural Clay and Pottery Products	P		P	P		
Motor Vehicle Retail Trade and Services						
Vehicle Muffler Shops	C		P	P		
Vehicle Parts and Sales	C					
Vehicle – Batteries, Tires, and Accessory Parts	C		C	C		
Vehicle Body and Paint Shops	P		P	P		
Vehicle Renting and Leasing	C		C	C		
Vehicle Repair and Maintenance, within an Enclosed Structure	P		P	P		
Vehicle Sales (On Site)	A		P	P		
Vehicle Service Stations	C	C	C	C	C	9.40.190
Vehicle Wash, All	C	C	C	C	C	
Truck Repairing and Overhauling, within Completely Enclosed Structure			P	P		
Retail Trade						
24-Hour Retail Uses	C	C	C			
Accessory Retail Uses – Only Ancillary to an Industrial Use	P	P	P	P		9.40.030
Retail Trade (Continued)						
Bars and Alcohol Drinking	C		C	C		
Beauty, Barber Shops	P					
Body Massage	P					
Building Material Stores	P		P	P		
Cleaning and Dyeing Shops (Retail Only, Dry Cleaning Clothes in Enclosed Machines, Using Nonflammable Cleaning Compounds)	P		P	P		
Coffee – Specialty Sales	C	P	C	C	P	
Commercial Blood Banks	C					
Convenience Stores	C	C	C	C	C	
Drive-In, Drive-Through Uses	C	C	C	C	C	9.40.090
Electric Supply Houses	P		P	P		
Equipment Rental/Sales Establishment (No Outside Sales/Storage)	P		P	P		
Equipment Rental/Sales with Outside Storage	A		P	P		

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Farm Equipment and Supply Sales, with Incidental Repairs	P					
Frozen Food Lockers	P		P	P		
Glass Products, Retail Only	P					
Ice Storage	P		P	P		
Monument and Tombstone, Sales	P					
Office Supply Stores	P	P			P	
Pawn Shop	P					
Plant Nurseries	P		P	P		
Retail Trade (Continued)						
Plumbing Supplies, within a Completely Enclosed Structure or Sound Wall	P		P	P		
Eating Establishment	P		C			
Restaurants	C	C	C		C	
Restaurants, with On-Site Consumption of Alcohol		C			C	
Retail Stores, General Merchandise (under 5,000 Square Feet)					P (6)	
Secondhand Stores, within Completely Enclosed Structure	P					
Sporting Goods					P (6)	
Taxidermists	P					
Temporary Uses	TUP	TUP	TUP	TUP	TUP	9.60
Vending Machines, Food and Dairy Products (Walk-In, Reach-In), On-Premises Sales (Located Inside of a Structure)	P		P	P	P	
Vending Machines, Food and Dairy Products (Walk-In, Reach-In), On-Premises Sales (Located Outside of a Structure)	A		A	A		
Services						
Animal Hospitals/Veterinary Clinics	C		C	C		
Auction Houses	A					
Automated Teller Machines (ATMs), Drive-Up	C	C	C	C	C	
Services (Continued)						
Automated Teller Machines (ATMs), Walk-Up	P	P	P	P	P	
Banks and Financial Services	P	P			P	
Body Art	C					
Business Support Services	P	P	P	P	P	

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Cemeteries	C	C	C	C		
Day Care Centers	C	C			C	
Copy Services	P	P			P	
Farm Equipment Services	P		P	P		
Golf Courses and Driving Ranges	C	C	C	C		
Government Facilities	C	C	C	C	C	
Hotels/Motels					C	
Kennels	C		C	C		
Laboratories	P	P	P	P	P	
Laundry and Dry Cleaning, Drop-Off/Pick-Up Only	P	P			P	
Medical Services – Clinics and Laboratories	P	P			P	
Medical Services – Ambulance Services	C	C	C	C		
Medical Services – Extended Care	C		C			
Medical Services – Hospitals	C	C	C		C	
Mini-Storage Facilities	C	C	C	C	C	9.40.130
Mortuaries and Funeral Parlors	C					
Offices, Business	P	P	P		P	
Offices, Corporate	P	P			P	
Services (Continued)						
Offices, Incidental to Industrial Use			P	P		
Offices, Professional	P	C	P		P	
Personal Services (No Adult Businesses)	P	P			P	
Pet Crematorium			P	P		
Sign Painting	P		P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles, Quad Runners and Jet Skis) Enclosed, Incidental Service and Repair	P					
Storage Yards	P		P	P		
Vehicle and Freight Terminals			P	P		
Transportation and Telecommunication Facilities						
Airports and Aircraft Landing Facilities	C	C	C	C	C	
Alternative Fuels and Recharging Facilities	A	A	A	A	A	

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Broadcast, Recording and/or Film Studios	P	P	P	P	P	
Parking Lots/Garages	P	A	P	P	A	
Pipeline, Pumping Facilities and Tank Farms	C		C	C		
Public Utility Facilities	A	C	A	A	C	9.40.160
Satellite Dishes/Antennas, Ground or Surface Mounted	P	P	P	P	P	9.42
Satellite Dishes/Antennas, Mast or Tower Mounted	A	A	A	A	A	9.42
Transportation and Telecommunication Facilities (Continued)						
Telephone Booths, Permanent or Temporary	A	A	A	A	A	
Transit Stations and Terminals		C			C	
Wireless Telecommunications Facilities, Ground or Surface Mounted	P	P	P	P	P	9.42
Wireless Telecommunications Facilities, Mast or Tower Mounted	A	A	A	A	A	9.42
Residential						
Caretaker Housing	C		C	C		
Convents and Rectories When Connected with Other Religious Institutions	C		C			
Senior Assisted Living Facility	C	C	C	C		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (4)	9.56
A	Administrative use permit required	9.62
C	Conditional use – Conditional use permit required	9.64
Blank	Use not allowed	

Notes:

- (1) See Section [9.08.030](#) (Allowable land uses and permit requirements).
- (2) See Division 8 of this title for definitions of the land uses listed.
- (3) See Section [9.02.020](#) regarding land uses not listed.
- (4) A Director approved site plan review shall be required. See Chapter 56 of this title.

(5) When an AUP or a CUP is required for the primary use then the accessory use shall require the same level of review.

(6) Permitted only in M-U Area 36 of the General Plan.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.14.030 Industrial district general development standards.

New land uses and structures, and alterations to existing uses or structures, shall be designed, constructed and/or established in compliance with the requirements in Table 2-7, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Division 3 of this title (Development and Operational Standards).

**TABLE 2-7
 INDUSTRIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT**

Development Feature	C-M
Minimum Parcel Size	9,000 sq. ft.
Minimum Parcel Width	75 ft.
Minimum Corner Parcel Width	75 ft.
Minimum Reverse Corner Parcel Width	75 ft.
Minimum Parcel Depth	120 ft.
Setbacks Required	
Front	10 ft. (1)
Side (Each)	None (1)
Street Side	10 ft.
Rear	None (2)(3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	None
Minimum Distance Between Structures on the Same Parcel	3 ft. (without fire wall) (4)
Main Structure – Maximum Height	75 ft.
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)

Development Feature	C-M
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

- (1) On any street or highway which is a boundary between an industrial district and any residential district, the minimum setback shall be that of the adjacent residential district.
- (2) On any street or highway which is a boundary between an industrial district and any residential district, the minimum rear yard shall be fifteen feet (15').
- (3) When the rear lot line of a parcel in an industrial district abuts any residential district, the minimum rear yard shall be fifteen feet (15').
- (4) Building separations must comply with building and fire codes.

**TABLE 2-7
 INDUSTRIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	M-1	M-2
Minimum Parcel Size	9,000 sq. ft.	9,000 sq. ft.
Minimum Parcel Width	75 ft.	75 ft.
Minimum Corner Parcel Width	75 ft.	75 ft.
Minimum Reverse Corner Parcel Width	75 ft.	75 ft.
Minimum Parcel Depth	120 ft.	120 ft.
Setbacks Required		
Front	10 ft. (1)	10 ft. (1)
Side (Each)	None (4)	
Street Side	10 ft. (5)(6)	10 ft. (5)(6)
Rear	None (2)(3)	
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	None	

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Development Feature	M-1	M-2
Minimum Distance Between Structures on the Same Parcel	None (7)	None (7)
Main Structure – Maximum Height	75 ft.	None
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 20 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) On any street or highway which is a boundary between an industrial district and any residential district, the minimum front yard setback shall be that of the adjacent residential district. Such front yard setback shall not be used for parking, loading or storage.

- (2) On any street or highway which is a boundary between an industrial district and any residential district, the minimum rear yard setback shall be fifteen feet (15'). Such rear yard setback shall not be used for parking, loading or storage.

- (3) When the rear lot line of a parcel in an industrial district abuts any residential districts, the minimum rear yard setback shall be fifteen feet (15'). Such rear yard setback shall not be used for parking, loading or storage.

- (4) When the side lot line of a parcel in an industrial district abuts any residential districts, the minimum side yard setback shall be five feet (5'). Such side yard setback shall not be used for parking, loading or storage.

- (5) When the rear lot line of a corner lot in an industrial district adjoins any residential districts, the minimum street side setback shall be ten feet (10'). Such side yard setback shall not be used for parking, loading or storage.

- (6) When the rear lot line of a reversed corner lot in an industrial district adjoins any residential districts, the minimum street side setback shall be fifteen feet (15'). Such side yard setback shall not be used for parking, loading or storage.

- (7) Building separations must comply with building and fire codes.

**TABLE 2-7
 INDUSTRIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	M-P	R-T (11) (Industrial Component)
Minimum Parcel Size	40,000 sq. ft.	3 acres (8)(15)
Minimum Parcel Width	100 ft.	100 ft.
Minimum Corner Parcel Width	100 ft.	100 ft.
Minimum Reverse Corner Parcel Width	100 ft.	100 ft.
Minimum Parcel Depth	150 ft.	150 ft.
Minimum Structure Size (Gross Floor Area)	None	20,000 sq. ft. (9)(14)
Setbacks Required		
Front	25 ft.	40 ft. Structures, 30 ft. Parking (10)
Side (Each)	10 ft.	10 ft.
Street Side	25 ft.	40 ft. Structures, 30 ft. Parking (10)
Rear	15 ft.	15 ft.
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	50%	None
Minimum Distance Between Structures on the Same Parcel	None	None (4)
Main Structure – Maximum Height	50 ft. (12)	35 ft. (13)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

(4) Building separations must comply with building and fire codes.

(8) Parcel size means a parcel or group of parcels, which are considered a unit for purposes of development.

(9) Allows multi-tenants within a single structure. The minimum building size can be met by structures under a common roof or having architectural elements which visually connect individual buildings into a “building group.”

(10) The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with Section [9.24.100\(C\)](#).

(11) Specific development standards may be established with the adoption of the R-T District for a site. Refer to the specific zoning for the site.

(12) A maximum height of thirty-five feet (35') when located within one hundred feet (100') of a residentially zoned parcel.

(13) Greater heights may be allowed with a conditional use permit, in compliance with Chapter 64 of this title, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.

(14) Structures may be a minimum of ten thousand (10,000) square feet when approved through a master site plan review within a business campus planned development.

(15) The minimum parcel size within Mixed-Use Focus Area #6 of the General Plan shall be 80,000 square feet.

**TABLE 2-7
 INDUSTRIAL ZONING DISTRICTS
 GENERAL DEVELOPMENT STANDARDS
 REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	R-T (11) (Commercial Component)
Minimum Parcel Size	6,000 sq. ft.
Minimum Parcel Width	60 ft. (minimum average)
Minimum Corner Parcel Width	100 ft. (minimum average)
Minimum Reverse Corner Parcel Width	100 ft. (minimum average)
Minimum Parcel Depth	100 ft. (minimum average)
Minimum Structure Size (Gross Floor Area)	None
Setbacks Required	
Front	40 ft. Structures 30 ft. Parking (10)
Side (Each)	10 ft.

Development Feature	R-T (11) (Commercial Component)
Street Side	40 ft. Structures 30 ft. Parking (10)
Rear	15 ft.
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	33%
Minimum Distance Between Structures on the Same Parcel	None
Main Structure – Maximum Height	35 ft. (12)(13)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls and hedges)
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

(10) The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure.

(11) Specific development standards may be established with the adoption of the R-T District for a site. Refer to the specific zoning for the site.

(12) Greater heights may be allowed with a conditional use permit, in compliance with Chapter 64 of this title, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.

(13) No variance/minor deviation (Chapter 68 of this title) shall be granted to allow a height greater than sixty-five feet (65') or five (5) stories, whichever is greater.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 2 (Exh. A), Ord. 15-01, eff. February 19, 2015; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.16.020 Special purpose district land uses and permit requirements.

A. Allowable uses in the O District. Allowable uses and permit requirements in the O (Open Space Conservation) District.

1. The following uses are allowed, subject to the approval of a site plan review by the Director:

- a. Flood control channels, greenbelts, park drives, parkways, ponding basins, spreading grounds, and utility easements;
- b. Recreation areas, parks, playgrounds, trails and wildlife preserves and sanctuaries, including related accessory structures; and
- c. Historic and cultural sites.

2. The following uses may be allowed subject to the approval of a site plan review and administrative use permit:

a. Wireless communication facilities.

b. Publicly owned and operated telecommunication towers.

23. The following uses may be allowed subject to the approval of a conditional use permit:

- a. Caretaker housing.
- b. Flood control facilities, freeways.
- c. Passive education facilities related to wildlife preserves and sanctuaries.

B. Allowable uses in the P-F District. Allowable uses and permit requirements in the P-F (Public Facilities) District.

1. The following uses are permitted, subject to a building permit. No building permit will be issued until the Building Official has verified consistency with all applicable codes and standards.

- a. Multiple-family developments per the R-4 development standards and multiple-family design guidelines.

2. The following uses are allowed, subject to the approval of a site plan review by the City Council:

a. Buildings, structures and sites owned, leased or operated by the City of Clovis, the State government, the government of the United States, the school district or a special district which does not specifically require an AUP or a CUP, including:

- i. City Hall facilities;
- ii. Fire stations;
- iii. Police stations;
- iv. City utility facilities;

- v. Small domestic violence shelters.
3. Administrative use permit. The following uses may be allowed subject to an administrative use permit and a site plan review by the City Council:
- a. Wireless communication facilities;
 - b. Publicly owned and operated telecommunication towers;
 - c. Freeways.
4. Conditional use permit. The following uses may be allowed subject to the approval of a conditional use permit and a site plan review by the City Council:
- a. Public assembly/meeting facilities;
 - b. Publicly owned energy transmitting or generating facilities;
 - c. Cemeteries;
 - d. Clubs, lodges, and fraternal organizations, provided the chief activity of any such use is not one which is customarily carried on as a business;
 - e. Hospitals, including convalescent;
 - f. Large domestic violence shelters;
 - g. Post offices;
 - h. Public parking facilities (e.g., lots/garages);
 - i. Public structures and grounds (auditoriums, courts, libraries, meeting halls, museums, etc.);
 - j. Public utility facilities; and
 - k. Schools, private and public. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018; § 1, Ord. 18-26, eff. December 5, 2018)

9.22.080 Noise.

A. Purpose of section. The purpose of this section is to establish standards to protect the public comfort, health, safety, and welfare of those living and working in the City and to implement goals and policies of the Noise Element of the General Plan.

B. Declaration of Council policy. Excessive noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and the City discourages annoying, excessive, or unnecessary noises from all sources. Causing, creating, maintaining, or allowing to cause, create, or maintain any noise in a manner prohibited by the provisions of this section, elsewhere in the Municipal Code, or the Noise Element, is a public nuisance and shall be punished in compliance with Chapter [92](#) of this title (Enforcement).

C. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. A-weighted sound level. The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
2. Ambient noise. The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
3. Community noise equivalent level (CNEL). A twenty-four (24) hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five (5) and ten (10) dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.
4. dB (decibel). A unit used to express the relative intensity of a sound as it is heard by the human ear.
5. dBA. The “A-weighted” scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of ten (10) dBA doubles the perceived loudness though the noise is actually ten (10) times more intense.
6. Emergency alarm, machinery, or vehicle. Any alarm, machinery, or vehicle employed, operated, performed, or used in an effort to protect, provide, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.
7. Emergency work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
8. Impulsive noise. A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.
9. Intrusive noise. The alleged offensive noise that intrudes over and above the existing ambient noise at the receiving property.

10. Ldn (day-night average sound level). The A-weighted average sound level for a given area (measured in decibels) during a twenty-four (24) hour period with a ten (10) dB weighting applied to nighttime sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.

11. Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared), typically measured over a shorter time period than CNEL (e.g., fifteen (15) minutes, thirty (30) minutes, or one hour). The Leq is a “dosage” type measure that is the basis for the descriptors used in current standards (e.g., the twenty-four (24) hour CNEL California).

12. Noise disturbance. An alleged noise that violates an applicable noise standard of this section, elsewhere in the Municipal Code, or the General Plan.

13. Noise level (LN). The noise level expressed in decibels that exceeds the identified (LN) value a percentage of total time measured. For example, an L25 noise level means that noise level that is exceeded twenty-five percent (25%) of the time measured.

14. Sound level meter. An instrument (e.g., amplifier, microphone, output meter, and frequency weighting network), for the measurement of sound levels, that satisfies the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters.

D. Noise standards. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:

**TABLE 3-1
 MAXIMUM EXTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-, two- or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed use properties	60 dBA	50 dBA
IV	Industrial or manufacturing	70 dBA	70 dBA

**TABLE 3-2
 MAXIMUM INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Residential	45 dBA	40 dBA
II	Administrative/professional office	50 dBA	—
III	Residential portions of mixed use properties	45 dBA	40 dBA

1. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.
2. It is unlawful for any person to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any property measured at the property line, to exceed either of the following within the incorporated area of the City:
 - a. The noise standard for the applicable zone for any fifteen (15) minute period;
 - b. A maximum impulsive noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response). Impulsive noise which repeats four (4) or more times in any hour between 10:00 p.m. and 7:00 a.m. shall be measured as continuous sound and meet the noise standard for the applicable zone.
3. When properties of two (2) different noise zones abut one another, the maximum exterior noise level shall be the lower of the two (2) noise zones where one zone is residential, and in other contexts shall be the average of the two (2) zones.
4. Commercial, industrial, and recreational uses which create impulsive noise as part of their regular processes, such as through the use of pile drivers, forge hammers, punch presses, and gunshots, shall not be located in any zone district adjacent to a residential zone district unless a noise study is completed demonstrating the impulsive noise does not exceed the standards at the property line for the residential zone district. Impulse noise from these uses shall be measured as continuous sound. The noise study shall be subject to review and approval by the Director or his or her designee, and shall be completed as part of any discretionary permit process for the use or prior to obtaining a building permit. This provision shall not apply to uses existing on the effective date of the ordinance codified in this title.
- 5. Emergency Electrical Generators in residential zone districts shall comply with the California Building Code and California Residential Code, as amended, for the installation and operation of the emergency generator. Test cycle operation shall be limited to the hours**

between 10:00 a.m. and 4:00 p.m. Emergency Electrical Generators are intended to provide emergency power to run air conditioning, medical equipment and other household appliances in the event of a rolling blackout or other power grid failure.

E. Measurement of sound levels. Measurement of sound levels shall be as follows:

1. Sound level meter. Sound levels shall be measured on the A-weighting network of a sound level meter meeting the requirements of ASA Standards S14-1971 for General Purpose Sound Level Meters, or the latest revision published by the American National Standards Institute, Inc., using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.
2. Location of microphone. Measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than three feet (3') from any wall and not less than three feet (3') above the ground.
3. Minimum of two (2) readings. A minimum of two (2) readings shall be taken for a period of ten (10) minutes each with ten (10) minute intervals between measurements. The sound level shall be the average of these readings.

F. Activities exempt from regulations. The following activities shall be exempt from the provisions of this section:

1. Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
2. Warning devices. Warning devices necessary for the protection of public safety, (e.g., ambulance, fire, and police sirens, and train horns).
3. Railroad activities. All locomotives and rail cars operated by a railroad that is regulated by the State Public Utilities Commission.
4. Federal or State pre-exempted activities. Any activity, to the extent regulation thereof has been pre-exempted by Federal or State law.
5. Pre-existing uses. Uses existing at the time of the effective date of the ordinance codified in this title, which are in compliance with all applicable standards in effect prior to adoption, and which are not otherwise operating as a nuisance in violation of Article 6 of Chapter [27](#) of Title [5](#).
6. Public health and safety activities. All transportation, flood control, and utility maintenance and construction operations conducted by government entities or utility companies at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interests of the public and to protect the public's health and well-being, including, but not limited to: debris and limb removal; removal of damaged poles and vehicles; removal of downed wires;

restoring electrical service; repairing traffic signals; repair of water hydrants; repair of mains, gas lines, oil lines, and sewers; repair and maintenance of flood control and storm water facilities; repair and maintenance of streets and sidewalks.

7. Ordinary municipal activities. Ordinary municipal activities conducted by the City or other entity having jurisdiction in the City, including, but not limited to: solid waste collection; street sweeping; operation, maintenance, and repair of water production, treatment, and distribution facilities; operation, maintenance, and repair of sewage treatment, collection and distribution facilities; and vacuuming catch basins.

8. Public safety training activities. Training activities by fire, law enforcement, and public utility officials that cannot reasonably take place within the parameters of this section, including but not limited to training that involves: hydrant testing, pumping hose lays, running chain saws, operating power tools, demolition, vehicle noise, and use of generators.

9. Public celebrations. Public celebrations, holidays, or occasions generally celebrated, or public parades held under authorized permits; any sporting event or activity conducted under the direction and supervision of any public or private school.

G. Acts deemed violations of section. The following acts are a violation of this section:

1. Noise-related nuisances defined in Chapter [27](#) of Title [5](#). Violations of Article 6 of Chapter [27](#) of Title [5](#) pertaining to unlawful noise-related nuisances shall also be considered a violation of this section.

2. Construction noise. Construction activities shall be subject to the provisions of Section [5.27.604](#), which sets forth the permissible hours for construction activity. At all other times, no person shall operate, or cause to be operated, tools or equipment used in alteration, construction, demolition, drilling, or repair work so that the sound creates a noise disturbance across a residential property line, except for emergency work. Stationary equipment (e.g., generators) shall not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the review and approval of the Director.

3. Places of public entertainment. Operating, playing, or allowing the operation or playing of a drum, musical instrument, phonograph, radio, sound amplifier, television, or similar device that produces, reproduces, or amplifies sound in a place of public entertainment at a sound level greater than ninety-five (95) dBA, (read by the slow response on a sound level meter) at any point that is normally occupied by a customer is prohibited, unless conspicuous signs are located near each public entrance, stating "Warning: Sound Levels Within May Cause Hearing Impairment."

4. Stationary nonemergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes, from any place, for more than ten (10) consecutive seconds in any hourly period is prohibited.

5. Compacting mechanisms. Operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse and that creates, during the compacting cycle, a sound level in excess of eighty-five (85) dBA when measured at fifty feet (50') from any point of the vehicle is prohibited between the hours of 9:00 p.m. and 5:00 a.m.

6. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in a manner as to cause a noise disturbance across property lines or within a noise-sensitive zone is prohibited.

H. Responsibility to eliminate or reduce acts deemed violations of section. Improvements to eliminate or reduce negative impacts between uses deemed violations of this section shall be provided by the new use, rather than the existing use. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.24.060 Fences, walls, and hedges.

A. Purpose. The purpose of this section is to establish requirements for fences, walls, and hedges to ensure that these elements:

1. Minimize screening of scenic views and sunlight;
2. Provide adequate buffering between different land uses;
3. Provide suitable screening of allowable outdoor equipment and activities;
4. Prevent visual obstructions at street and highway intersections; and
5. Are designed to provide aesthetic enhancement of commercial and industrial land uses.

B. Applicability.

1. All fences, walls, and hedges. The provisions of this section shall apply to all fences, walls, and hedges unless otherwise stated.
2. Site plan review. Fences and walls for multifamily, commercial, and industrial development projects are subject to site plan review in compliance with Chapter 56 of this title.
3. Exemptions. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety, or to retaining walls which are regulated by Section [9.24.090](#) (Setback regulations and exceptions).

C. General height limitations. Fences, walls, and hedges may be erected and properly maintained to the heights identified in Table 3-3, and measured from the highest adjoining finish grade.

**TABLE 3-3
 MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES**

Location	Maximum Height Allowed*	
	Using Material limiting 50% or more of visibility opaque materials	Using less than Material providing 50% or more of visibility opaque materials
Front and street side yards**	3 ft. max.	7 ft. max.
Rear and interior side yards	7 ft. max.	7 ft. max.
On arterial or collector streets***	7 ft. max.	7 ft. max.
At intersections of alleys, streets, and driveways**	3 ft. max.	4 ft. max.

Notes:

- * In granting the site plan review (See Chapter 56 of this title), the Director may approve additional height to enclose or screen specific areas or uses.
- ** The maximum height of the fence located within a thirty-foot (30') street corner cutoff shall not exceed three feet (3') as illustrated in Figure 3-1. Also see Section [9.24.060\(K\)](#) (Corner cutoff areas).
- *** Greater heights may be granted, as part of a subdivision approval.

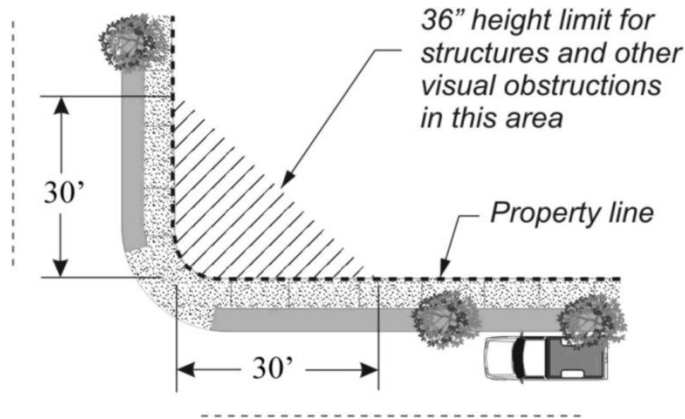
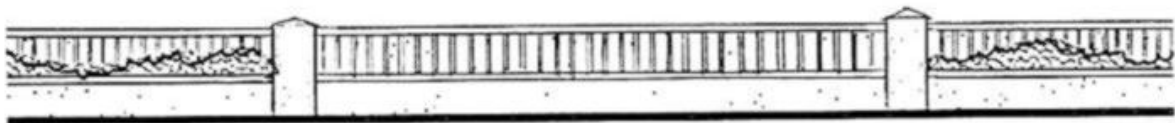


FIGURE 3-1
TRAFFIC SAFETY VISIBILITY AREA
(CORNER CUTOFF)
(Also see Figure 3-3)

D. Measurement of fence or wall height. Where there is a difference in the ground level (e.g., finish grade) between two (2) adjoining parcels, the height of a fence or wall constructed along the common property line shall be determined by using the highest finish grade.

E. Walls along arterial and collector streets. If a wall is required, or if the developer of a site located along either an arterial or collector street chooses to install (or is required to install) a wall, the wall shall be installed and maintained in compliance with the following requirements:

1. Arterial and collector streets. A combination of a landscaped berm and wall equal to a minimum of six feet (6') and a maximum of eight feet (8') in height.
2. Wall height. The wall should be a minimum of six feet (6') in height as measured from the highest grade side. The wall(s) shall be masonry block or an equivalent material.



Elevation of Wall /Wrought Iron Combination



Elevation of Wrought Iron with Pilasters

**FIGURE 3-2
APPROPRIATE WALL TREATMENTS**

F. Walls required between different zoning districts. Walls shall be provided and maintained between different zoning districts in the following manner:

1. Nonresidential.

a. Where a nonresidential zoning district adjoins property in a residential zoning district (other than a public right-of-way), a solid masonry wall, a minimum of six feet (6') in height, shall be constructed on the zone boundary line, subject to site plan review in compliance with Chapter 56 of this title;

b. The wall(s) may be constructed higher than seven feet (7') if the viewshed is not impacted, subject to site plan review in compliance with Chapter 56 of this title;

c. This requirement for a solid masonry wall in a nonresidential zoning district may be waived, subject to site plan review (Chapter 56 of this title); provided, the adjacent parcel within the residential zoning district is designated for nonresidential use by the General Plan;

2. Design and construction. The walls shall be of solid masonry construction and shall be of a decorative design when in view of public rights-of-way subject to the review and approval of the Director; and

3. Modification of requirements. In granting site plan review (See Chapter 56 of this title), the Director may waive or modify requirements for walls between different zoning districts where a solid masonry wall already exists on the adjoining property if the following findings can be made in a positive manner:

a. The existing wall meets, or would be modified to conform to, the intent of this subsection;

- b. Suitable landscaping would be installed adjacent to the existing wall to supplement and enhance the desired physical separation;
- c. The existing wall would be protected to prevent vehicle damage, if necessary; and
- d. Concurrence of the adjoining property owner(s) would be obtained, to modify the existing wall to meet the requirements of this subsection.

G. Allowable fence materials. All fences, except for security fencing installed in compliance with subsection I of this section, constructed or installed within the City shall be limited to the following materials, or combination of materials:

- 1. Chain link;
- 2. Concrete/block;
- 3. Latticework fencing;
- 4. Wood; and
- 5. Wrought iron.

H. Special fence and wall requirements.

- 1. Outdoor equipment, storage, and work areas. Screening of allowable outdoor equipment and activities shall be provided in compliance with Section [9.24.090](#) (Screening and buffering).
- 2. Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- 3. Pasture fences. In districts allowing the keeping of animals, pasture fences are permitted. These shall not exceed four feet (4') in height, with a maximum of four (4) strands. These shall be electrified only on the inside of the fence, with appropriate signage attached. This will exclude razor wire, concertina fencing, and coiled barbed wire.

4. Corrugated metal fencing. Corrugated metal fencing shall be subject to the review and approval of the Director.

I. Security fencing. This subsection provides standards for the installation and maintenance of security fencing which shall be subject to the following criteria and standards:

1. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- a. Barbed wire. A strand of twisted wire armed with barbs or sharp points.
- b. Chain link. Heavy steel wire woven in a diamond pattern mesh.
- c. Coiled barbed wire. A strand of barbed wire that is used in a coil looping form.
- d. Concertina fencing. A type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.
- e. Razor wire. A continuous coil of stainless steel ribbon with razor type barbs or sharp points.
- f. Security fencing. Barbed wire, coiled barbed wire, concertina wire, razor wire, or other similar products.

2. General standards.

- a. A warning sign shall be posted when security fencing is used. Warning signs, at least eight and one-half inches (8-1/2") by eleven inches (11") in size, shall be posted no more than ten feet (10') apart on the outside of the fence that does not abut an interior property line. The signs shall have letters at least one inch in height and shall give sufficient warning that the fence incorporates security fencing materials.
- b. Security fencing shall be properly maintained at all times by the property owner to ensure the public comfort, health, safety, and welfare of the community. The property owner shall repair the security fencing within twenty-four (24) hours from the time the City issues the property owner a notice of correction.

3. Security fencing permitted only in industrial zoning districts, subject to Director's approval.

- a. Concertina wire, razor wire, and/or similar products shall be prohibited in conjunction with a residential and commercial land use activity.
- b. Plans for the use of security fencing shall be approved by the Director, and a building permit shall be obtained before installation of the security fencing.
- c. All security fencing shall be appropriately screened from public view, to the satisfaction of the Director, to ensure that the fencing would not be visible from any residential area/neighborhood or public street rights-of-way.

- d. Fences or walls shall be a minimum of six feet (6') in height before the installation of barbed wire or coiled barbed wire, and shall not exceed eight feet (8') in height, including the barbed wire or coiled barbed wire.
 - e. Concertina wire, razor wire, or similar products shall only be allowed when the fence or wall has a minimum height of eight feet (8'), before the installation of the wire, and shall not exceed ten feet (10') in height, including the concertina wire or razor wire.
4. Angle of installation. The security fencing shall be installed and maintained at a forty-five (45) degree or a ninety (90) degree angle into the property it is securing, measured from the vertical axis representing the fence. The security fencing shall not extend over adjoining public or private property.
5. Authority to waive or modify requirements. The Director may waive or modify the requirements of this subsection in compliance with Chapter 62 of this title (Administrative Use Permits).
- J. Swimming pool enclosure required.
- 1. Swimming pools shall be entirely enclosed by structures or fences or walls not less than five feet (5') in height.
 - 2. All fencing shall be in place and approved by the Building Inspector before water is run into the pool.
 - 3. All lighting of pool areas shall be shielded in compliance with Section [9.22.050](#) (Exterior lighting and glare) to ensure that the light does not shine toward abutting parcels.
- K. Traffic safety visibility areas (corner cutoff). The following regulations shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions that exceed a height of thirty-six inches (36") within the corner cutoff areas (see Figure 3-3).
- 1. Intersecting a street or highway. There shall be a corner cutoff area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the front, side, or rear property line. It shall pass through the points located on both the front and side (or rear) property lines at a distance of thirty feet (30') from the intersection of the lines at the corner of an alley, highway, or street (see Figure 3-3).
 - 2. Private driveway intersecting an alley or street. There shall be a corner cutoff area on each side of a private driveway intersecting an alley or street. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the front, side, or rear property line. They shall pass through a point not less than six feet (6') from the edges of the driveway where it intersects the alley or street right-of-way.

3. Alley intersecting an alley or street. There shall be a corner cutoff area on each side of an alley intersecting an alley or street. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the front, side, or rear property line. They shall pass through a point not less than ten feet (10') from the edges of the alley where it intersects the alley or street right-of-way.
4. Irregular shaped parcel. Where, due to an irregular shaped parcel, a line at a forty-five (45) degree angle does not provide for proper intersection visibility, a corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty feet (30') from the intersection of the front and side (or rear) property lines and through a point on the side property line that is not less than thirty feet (30') from the intersection of the front and side (or rear) property lines.
5. Downtown Commercial District (C-3) exemption. The corner cutoff requirement is waived in the Downtown Commercial District unless the Director finds that doing so would create an undue safety hazard at a specific location. Extra width sidewalks, slower traffic speeds and the general expectation by the public of urban street visibility mitigate the general need for corner cutoffs in this district.

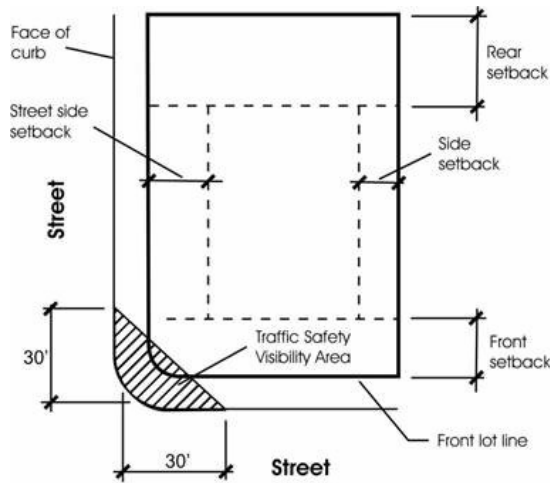


FIGURE 3-3
SAFETY VISIBILITY AREA

- L. Allowed fences, walls, and hedges.
 1. Seven feet (7') high. Fences, walls, and hedges, not greater than seven feet (7') in height, shall be allowed on or within all rear and side property lines on interior parcels, corner parcels, and on or to the rear of all front setback lines.
 2. On reverse corner parcels. No solid fence, wall, or hedge over three feet (3') in height shall be allowed in any required front or street side setback of a reverse corner parcel. The only exception to this provision shall be for chain-link or wrought iron fencing with a minimum of a fifty percent (50%) see-through construction or for modifications granted through an administrative use permit.

3. Tennis courts or other outdoor game areas. Fences or structures over seven feet (7') in height, to enclose tennis courts or other outdoor game areas located within the rear half of the parcel, shall be composed of wire mesh capable of admitting at least 90 percent (90%) of light as measured on a reputable light meter. A fence shall be allowed in the required side or rear setback subject to the Director's review and approval, granted in compliance with Chapter 56 of this title (Site Plan Review). (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016)

9.24.080 Height measurement and height limit exceptions.

All structures shall meet the following standards relating to height, except for fences, walls, and hedges, which shall be in compliance with Section [9.24.060](#) (Fences, walls, and hedges).

A. Maximum height. The height of structures shall not exceed the standard established by the applicable zoning district in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

B. Height measurement. Maximum height shall be measured as the vertical distance from finish grade to the highest point on the structure.

C. Exceptions to height limits. Exceptions to the height limits identified in this Development Code shall apply in the following manner:

1. Roof-mounted structures.

a. Roof-mounted structures for the housing of chimneys, church steeples, elevators, flagpoles, lofts, silos, stairways, towers, ventilating fans, water tanks, or similar equipment required to operate and maintain the structure, shall be allowed, up to a maximum of fifteen feet (15') above the allowed structure height, but only when properly screened from public view subject to the approval of an over height exception by the Commission.

b. The total square footage of all roof-mounted structures that are allowed to exceed the maximum height shall not occupy more than twenty-five percent (25%) of the total roof area of the structure.

2. No additional habitable space. No roof structure or any space above the height limits specified for the subject zoning district shall be allowed for the purpose of providing additional habitable (e.g., living or floor) space.

~~3. *Wireless telecommunication facilities. Wireless telecommunication facilities (e.g., antennas, poles, towers, and necessary mechanical appurtenances), installed in compliance with Chapter 42 of this title may be authorized to exceed the height limit established for the applicable zoning district, subject to an administrative use permit in compliance with Chapter 62 of this title and a site plan review in compliance with Chapter 56 of this title. (§ 2, Ord. 14-13, eff. October 8, 2014)*~~

9.24.100 Setback regulations and exceptions.

This section establishes standards to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation, and direct sunlight; separation of incompatible land uses, and space for privacy and landscaping.

A. Setback requirements.

1. All structures shall conform to the setback requirements identified for each zoning district by Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and with any special setbacks established for specific uses by this Development Code and applicable specific plan. Portions of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way.
2. Each setback shall be open and unobstructed from the ground upward, except as provided in this section.

B. Exemptions from setback requirements. The minimum setback requirements of this Development Code shall apply to all structures, except for the following:

1. Fences or walls constructed within the height limitations of this Development Code.
2. Decks, steps, terraces, and other site design elements that are placed directly upon the finish grade and do not exceed a height of eighteen inches (18") above the surrounding finish grade at any point.
3. Retaining walls less than four feet (4') in height above finish grade.
4. Structures allowed under an approved rear yard encroachment.
 - a. An accessory building may be located on the rear property line when such building is not abutting an existing alley and is not located on an easement.
 - b. An accessory building having an opening on an alley shall be located not less than twenty-five feet (25') from the opposite side of the alley or not less than five feet (5') from the property line.
 - c. Any accessory building permitted on a rear property line shall have provisions for all roof drainage to be taken care of on the subject lot.
 - d. Where any building or structure, except swimming or wading pools, occupies space in a required rear yard, the amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Such substitute space shall have minimum dimensions of **eightfour** feet (**84'**) by **eightfour** feet (**84'**).

5. Pool/HVAC equipment in the rear and side yards shall be placed in accordance with Fire Department standards.

C. Measurement of setbacks. Setbacks shall be measured as follows:

1. Front setbacks. The front setback shall be measured at right angles from the nearest face of the property line adjoining the street to the nearest point of the wall of the structure, except as follows:

a. Corner parcels. The front setback on a corner parcel measurement shall be taken from the nearest point of the structure to the nearest point of the nearest property line adjoining the public street to which the property is addressed and the street from which access to the property is taken. Whenever a future street right-of-way line is officially established, the required setback shall be measured from the established street right-of-way line(s).

b. Flag lots. The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest the public street or right-of-way.

2. Street side setbacks. The side setback on the street side of a corner parcel shall be measured from the property line adjoining the street.

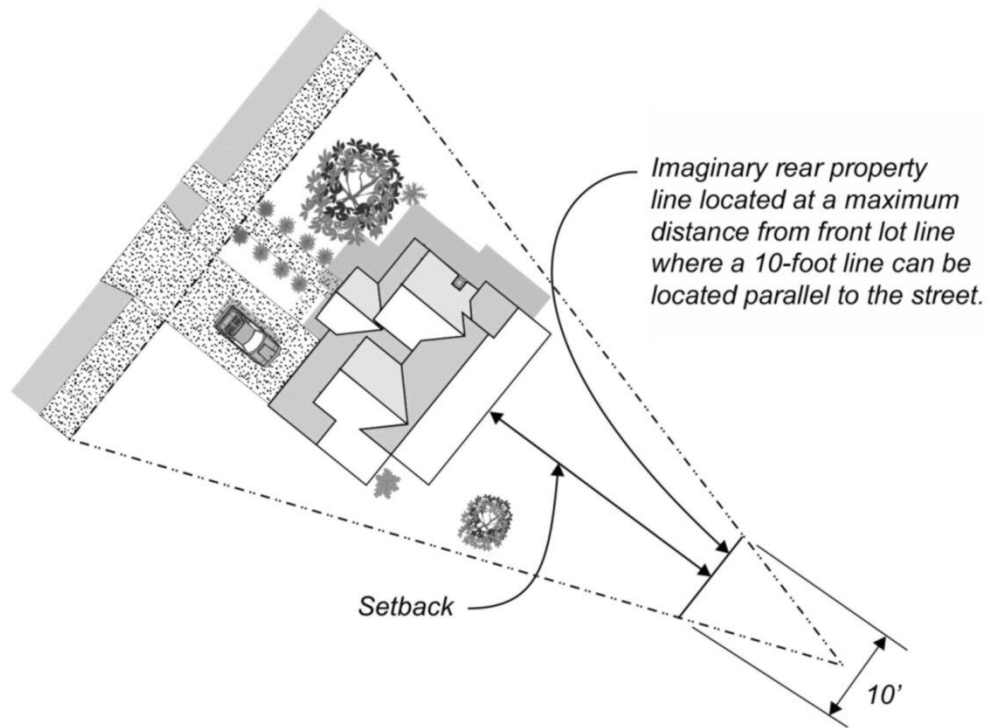
3. Side setbacks. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the side property line that extends between the front and rear yards.

4. Rear setbacks. The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line that extends between the side yards, except:

a. The rear yard on the street side of a double frontage parcel shall be measured from the nearest point of the rear property line adjoining the street. However, if an access easement or street right-of-way line extends into or through a rear setback, the measurement shall be taken from the nearest point of the easement or right-of-way line.

b. Where the side lot lines converge to a point, a line ten feet (10') long within the parcel parallel to and at a maximum distance from the front lot line shall be deemed the rear lot line for the purpose of determining the depth of the required rear setback (see Figure 3-5).

5. Irregular shaped parcels. The Director shall determine the designation of front, side and rear setbacks on irregularly shaped lots having more than four (4) property lines.



**FIGURE 3-5
IRREGULAR SHAPED PARCELS**

D. Allowed projections into setbacks. The following architectural features may extend into the front, side, and rear setbacks, only as follows:

1. Chimney. A fireplace chimney, up to six feet (6') in width, may extend thirty inches (30") into a required setback, but no closer than three feet (3') to a side or rear property line.
2. Cantilevered architectural features. Cantilevered architectural features on the main structure, including balconies, bay windows, canopies, cornices, eaves, solar devices, and pop-out tubs, that do not increase the floor area enclosed by the structure, may extend into required setbacks in compliance with Table 3-4.
3. Porches and stairways. Covered, unenclosed porches, located at the same level as the entrance floor of the structure and outside stairways and landings that are not enclosed, may extend into required setback in compliance with Table 3-4.

**TABLE 3-4
MAXIMUM ENCROACHMENTS FOR ARCHITECTURAL FEATURES**

Setback	Maximum Allowable Encroachment
Front	Up to five feet into the required front setback
Side	Up to two feet into a required side setback, but no closer than three feet to a side property line
Rear	Up to three feet into the required rear setback

4. Setback requirements for specific elements/features:

a. Ponds, pools, and other site design elements.

- (1) Under eighteen inches (18"). Site design elements less than eighteen inches (18") above finish grade are exempt from meeting setback requirements. Landscape ponds may be located in a required front or side setback, subject to applicable building and health codes.
- (2) Pool setbacks. Pool setbacks shall be measured from the waterline, and shall be set back a minimum of five feet (5') from the property line.
- (3) Eighteen inches (18") and over. Detached decks, ponds, steps, and other site design elements that are placed directly upon the finish grade, and which equal or exceed a height or depth of eighteen inches (18") above the surrounding finish grade at any point, shall conform to the setback requirements established for the applicable zoning district.

b. Retaining walls. Meaning a wall which structurally retains earth.

- (1) Up to six feet (6'). Retaining walls up to six feet (6') in height may be located within a required setback.
- (2) Decorative landscape retaining walls. Decorative landscape retaining walls shall not exceed three feet (3') in height above the finished grade.
- (3) Construction materials. Required retaining walls shall not be constructed of stacked blocks unless engineered. Poured concrete shall be used unless this provision is modified by the Director in compliance with Chapter 56 of this title (Site Plan Review). If the face of the retaining wall is visible from the public street, the wall shall be constructed of decorative masonry, subject to the

review and approval of the Director. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016)

9.32.040 Number of parking spaces required.

Each land use shall provide at least the minimum number of off-street parking spaces required by this chapter, except where a greater number of spaces is required through land use entitlement approval or where an exception has been granted through approval of a discretionary permit.

A. Parking requirements by land use. Each land use shall be provided the number of parking spaces required by Table 3-12. Additional spaces may be required through discretionary entitlement approval. All sites shall provide adequate off-street parking for the subject use in compliance with this chapter.

B. Expansion of structure, change in use. When a structure is enlarged or increased in capacity or intensity, or when a change in use requires more off-street parking, additional parking spaces shall be provided in compliance with this section. Also see Section 9.32.030(E) (Nonconforming status).

C. Multi-tenant sites. A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except where the site was developed comprehensively as an integrated center, the parking ratio shall be that required for the center as determined through land use entitlement approval.

D. Parking required by entitlements and/or development agreements. Parking requirements established by conditional use permits, development agreements, or similar entitlements supersede the provisions of this chapter.

E. Uses not listed. Land uses not specifically listed by subsection A of this section (Parking requirements by land use) shall provide parking as required by the Director. The Director shall use the requirements of Table 3-12 as a guide in determining the minimum number of parking spaces to be provided.

F. Rounding of quantities. When calculating the number of parking spaces required, fractional spaces 0.5 or greater shall be rounded up to the nearest whole number.

G. Company-owned vehicles. The number of parking spaces required by this section does not generally include spaces needed for the parking of company-owned vehicles. Parking spaces for company-owned vehicles shall be provided in addition to the requirements for a particular land use.

H. Bicycle storage requirements. All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

I. Vehicle charging stations. Vehicle charging stations shall be allowed in commercial and industrial land uses through the site plan review (SPR) process. Charging stations (stalls) shall not be counted against the required parking spaces for a commercial or industrial use. Advertising signage shall be limited to one

square foot per parking space. The location of vehicle charging stations shall be approved by the City Planner.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE**

<u>Land Use Type:</u> Manufacturing, Processing and Warehousing*	Vehicle Spaces Required
Manufacturing facilities	2 spaces for each 1,000 sq. ft. of gross floor area for the first 25,000 sq. ft. and 1 space for each 1,000 sq. ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Recycling facilities	Determined by conditional use permit.
Research and development facilities	1 space for each 350 sq. ft. of gross floor area. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Warehouse facilities	1 space for each 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. and 1 space for each 2,000 sq. ft. thereafter.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<p><u>Land Use Type:</u> Recreation, Education, and Public Assembly*</p>	<p>Vehicle Spaces Required</p>
<p>Assembly and meeting facilities Banquet halls</p>	<p>1 space for each 45 sq. ft. of seating area.</p>
<p>Religious institutions, cinemas, churches, performance theaters, meeting halls, and membership organizations</p>	<p>1 space for each 5 fixed seats or 1 space for every 40 sq. ft. of gross assembly or viewing area, plus ancillary uses (e.g., restaurant).</p>
<p>Theaters</p>	<p>1 space for each 4 fixed seats; where no fixed seats are provided, 1 space for every 35 sq. ft. of gross viewing area.</p>
<p>Child day care Centers</p>	<p>1 space for each 6 children, plus permanent drop-off area as approved by the Director employee.</p>
<p>Large family day care homes</p>	<p>1 space for each 6 children, plus permanent drop-off area as approved by the Director employee.</p>
<p>Indoor recreation/fitness centers</p>	
<p>Dance halls</p>	<p>1 space for each 50 sq. ft. of gross dance floor area.</p>
<p>Arcades</p>	<p>1 space for each 250 sq. ft. of gross floor area.</p>
<p>Bowling alleys</p>	<p>1 space for each employee plus 5 spaces for each alley, plus required spaces for ancillary uses.</p>

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<p><u>Land Use Type:</u> Recreation, Education, and Public Assembly*</p>	<p>Vehicle Spaces Required</p>
<p>Health/fitness facilities</p>	<p>1 space for each 100 sq. ft. of gross floor area.</p>
<p>Pool and billiard rooms</p>	<p>2 spaces for each table, plus required space for ancillary uses.</p>
<p>Skating rinks</p>	<p>1 space for each 50 sq. ft. of gross floor area of skating area, plus required spaces for ancillary uses.</p>
<p>Libraries, museums, art galleries</p>	<p>1 space for each 300 sq. ft. of gross floor area.</p>
<p>Outdoor commercial recreation</p>	<p>Determined by conditional use permit.</p>
<p>Park/recreational</p>	<p>1 space for each 5,000 sq. ft. of active gross recreation area.</p>
<p>Swimming pools</p>	<p>1 space for each 500 sq. ft. of pool area, plus 1 space for each employee.</p>
<p>Water slides</p>	<p>4 spaces for each slide lane.</p>
<p>Schools (public/private)</p>	
<p>Preschool</p>	<p>1 space for each faculty and employee member.</p>
<p>Elementary/junior high</p>	<p>1 space for each faculty and employee member.</p>
<p>High school</p>	<p>1 space for each faculty and employee member, plus 1 space for each 8 students regularly enrolled.</p>

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Recreation, Education, and Public Assembly*	Vehicle Spaces Required
Colleges, universities, trade and business schools	1 space for each 2 faculty and employee members, plus 1 space for each 2 full-time (or equivalent) enrolled students.
Technical or trade schools	1 space for each 2 faculty and employee members, plus 1 space for each 2 full-time (or equivalent) enrolled students. Calculation of student enrollment shall be based on fire occupancy loads.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Accessory residential dwelling units	1 space in addition to that required for a single-family unit.
Condominiums	2 covered spaces for each unit, plus 1 covered or uncovered guest space for each dwelling unit.
Domestic violence shelters	Determined by conditional use permit or Director.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Group quarters (including boardinghouses, rooming houses, dormitories, and organizational houses)	1 space for each sleeping room.
Mixed use developments	Determined by conditional use permit or Mixed Use zoning.
Mobile home parks	1 covered space in conjunction with each mobile home, plus 1 space for each 10 mobile homes or sites for guest parking. The latter to be provided in the mobile park separate from the mobile home spaces.
Multifamily dwellings, duplex units, and other attached dwellings	Studio, 1 and 2 bedroom units – 2 spaces for each dwelling unit, of which at least 1 shall be covered. 3 or more bedroom units – 3 spaces for each dwelling unit, of which at least 1 shall be covered.
Residential planned unit developments	2 covered (garage or carport**, ***) spaces, plus 1 covered or uncovered guest space for each dwelling unit
Senior housing projects, semi-independent/dependent units	0.5 space for each unit with half the spaces enclosed, plus 1 guest parking space for each 10 units.
Senior housing projects, independent	1.25 spaces for each unit, plus 1 space for each employee or as established by conditional use permit.
Senior assisted living facility	1 space for each 400 sq. ft. of gross floor area, plus 1 space for each 3 employees.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Single-family dwellings	2 covered (garage or carport**, ***) spaces for each dwelling unit.

Notes:

** Each two (2) car garage or carport shall have and maintain a clear inside dimension of at least twenty feet (20') by twenty-two feet (22'). If a third car bay is provided, it shall have and maintain a clear inside dimension of at least ten feet (10') by twenty feet (20').

*** Tandem parking shall not be allowed to satisfy this garage requirement. The Director of Planning and Development Services may approve offset garages through the administrative use permit (AUP) approval process.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Retail Trade*	Vehicle Spaces Required
The following retail trade uses shall provide the identified number of vehicle spaces for the type of use, except when the use is located within a shopping center. If located within a shopping center, the use (except for "big-box") shall provide the number of spaces identified for shopping centers. (See shopping centers, below.)	
Automobile, mobile home, recreational vehicle sales	5 stalls per acre shall be designated customer/employee parking, with a minimum of 5 customer/employee parking stalls provided.
Machinery and parts sales	1 space for each 800 sq. ft. of gross floor area.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Retail Trade*	Vehicle Spaces Required
Bookstores	1 space for each 200 sq. ft. of gross sales area, plus 1 space for each 600 sq. ft. of storage area.
Building materials, hardware stores, and plant nurseries	1 space for each 300 square feet of gross floor area, plus 1 space for each 1,000 square feet of gross land area.
Building material/hardware stores with plant nurseries housed in a “big-box” environment (e.g., Home Depot, Lowe’s, etc.)	4.7 spaces for each 1,000 square feet of gross floor area.
Office supply stores	See commercial/service uses parking standard.
Plant nurseries/garden centers in conjunction with retail uses	1 space for each 1,500 sq. ft. of outdoor display area, plus 1 space for each 300 sq. ft. of gross floor area.
Restaurants, taverns, lounges, or similar establishments for the consumption of food and beverages on the premises	4.5.4 spaces for each 1000 sq. ft., plus 1 space for each 100 sq. ft. of gross building area, including indoor and outdoor dining areas.
	1 per employee.
	1 per 75 sq. ft.
Fast food (freestanding) eating establishments	1 space for each 250 sq. ft. of gross floor area.
Retail stores, general merchandise	See commercial/service uses parking standard.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Retail Trade*	Vehicle Spaces Required
Shopping centers (commercial multi-tenant) (neighborhood, community, and regional)	See commercial/service uses parking standard.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
The following service uses shall provide the identified number of vehicle spaces for the type of use, except when the use is located within a shopping center. If located within a shopping center, the use shall provide the number of spaces identified for shopping centers. (See “shopping centers” in previous table.)	
Child day care centers	1 space for each 6 children, plus permanent drop-off area as approved by the Director.
Commercial/service uses, including commercial multi-tenant users 0 to 20,000 sq. ft. 20,001 to 70,000 sq. ft. 70,001 sq. ft. and over	5.4 spaces for each 1,000 sq. ft. of gross floor area.
	5.0 spaces for each 1,000 sq. ft. of gross floor area.
	4.7 spaces for each 1,000 sq. ft. of gross floor area.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
Depots: bus, freight	Determined by conditional use permit.
Equipment rentals	1 space for each 300 sq. ft. of floor area, plus 1 space for each 1,000 sq. ft. of outdoor use area.
Fuel sales (standalone)	2 spaces minimum, plus any additional as may be determined by conditional use permit.
Health and fitness facilities	1 space for each 100 sq. ft. of gross floor area.
Hotels and motels	1.2 spaces for each guest room, plus required spaces for accessory uses.
Kennels, animal boarding, and veterinary clinics	1 space for each 500 sq. ft. of gross floor area, plus one space for each 800 sq. ft. of boarding area.
Laundry and dry cleaning	1 space for each 350 sq. ft. of activity area, plus 1 space for each 1,000 sq. ft. of storage area.
Laundry, self-serving	1 space for each 3 machines.
Medical services Board and care homes, group home care facilities, and in-patient drug treatment facilities	1 space for each 5 beds.
Clinics, medical/dental offices	8 spaces for first doctor, plus 5 spaces for each additional doctor.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
Convalescent hospitals	1 space for each 3 beds the facility is licensed to accommodate.
Hospitals	To be determined by conditional use permit.
Medical/dental labs	1 space for each 250 sq. ft. of gross floor area.
Mixed use	Established with the Master Plan or Mixed Use zoning for the site.
Mortuaries and funeral homes	1 space for each 5 fixed seats or 1 space for each 40 square feet, whichever amount is greater.
Offices, business professional	1 space for each 250 sq. ft. of gross floor area.
Personal services – barber/beauty shops (and other personal services)	1 space for each 200 sq. ft. of gross floor area.
Pet grooming	1 space for each 400 sq. ft. of gross floor area.
Public facilities	As established with the authorizing approval.
Service stations	1 space for each 200 sq. ft. of gross floor area, plus 3 spaces for each service bay.
Storage, personal storage facilities	2 spaces minimum, plus 1 space for each 250 sq. ft. of gross office floor area.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
Veterinary hospitals/clinics	1 space for each 250 sq. ft. If boarding is offered, kennel standards will be used.
Vehicle repair and maintenance Repair garages**	1 space for each 300 sq. ft. of gross floor area, or 3 spaces for each bay, whichever is greater, plus 1 space for a company vehicle.
Self-service vehicle washing	2 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	1 space for each 250 sq. ft. of gross floor area, plus 10 spaces for each wash lane for drying area.

Notes:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

** All employee parking shall take place on site. Employee parking in the public street shall be prohibited. If employee parking in the public street occurs, it shall constitute grounds for revocation of the conditional use permit in compliance with Section 9.92.060 (Revocation and modifications).

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Transportation and Communication	Vehicle Spaces Required
Broadcast studios	1 space for each 400 sq. ft. of gross floor area.

**TABLE 3-12
 PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Transportation and Communication	Vehicle Spaces Required
Recording studios	1 space for each 250 sq. ft. of gross floor area.
Transportation facilities	To be determined by Commission.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.32.060 Disabled/~~handicapped~~ parking requirements.

Parking areas shall include parking spaces accessible to the disabled in the following manner and in accordance with State and Federal law:

- A. Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with the **Current Edition(s) of the California Building Codes (CBC) under Title 24, and adopted standards of the Clovis Engineering Department;**
- B. Reservation of spaces required. Disabled access spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the use;
- C. Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards. Upgrading shall be completed by affected property owners within sixty (60) days of being notified in writing by the Department of new State standards; and
- D. Fulfilling of requirements. Disabled accessible parking spaces required by this section shall count toward fulfilling off-street parking requirements.

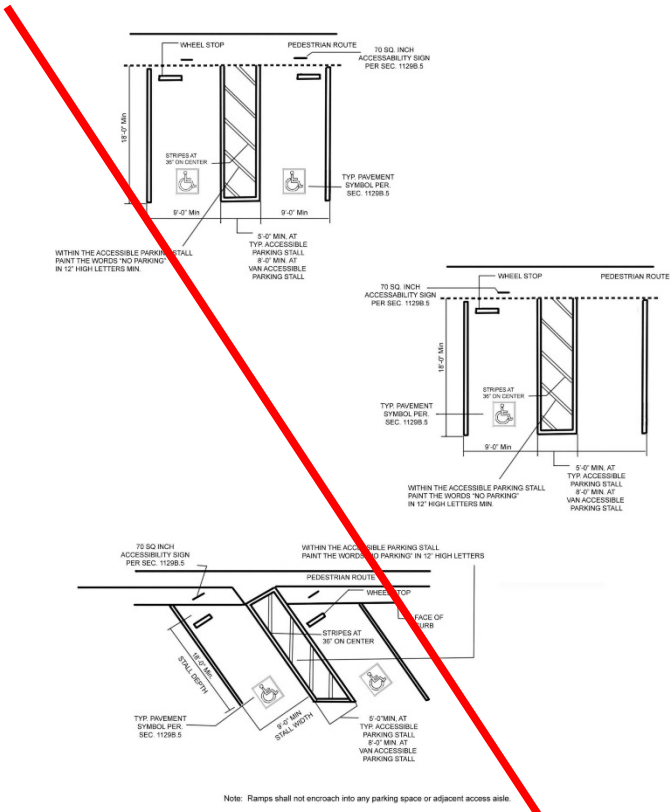


FIGURE 3-6

DISABLED/HANDICAPPED PARKING REQUIREMENTS

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.32.080 Driveways and site access: Nonresidential and multifamily developments.

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows:

A. Number of driveways.

1. Up to two (2) driveways shall be allowed for each parcel two (2) acres or more in size unless the City Engineer determines that more than two (2) driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s).

2. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized, unless otherwise approved by the City Engineer.

3. Access to arterials and collector streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.

4. All access spacing and control requirements shall be determined by the City Engineer.

B. Distance from street corners.

1. Driveways to parking areas shall be located a minimum of two hundred fifty feet (250') from the nearest intersection, as measured from the closest curb return to the closest side of the driveway approach, unless modified by the City Engineer.

2. The required spacing on arterial, collector, expressway, local collector, and local streets shall be based on anticipated traffic volumes and the Circulation Element of the General Plan.

C. Driveway width and length.

1. Two (2) way aisles. Two (2) way drive aisles within parking areas shall be a minimum of twenty-six feet (26') in width for general circulation and aisles required for fire access, subject to the review and approval of the City's Fire Marshal.

2. One-way aisles. One-way aisles shall be a minimum of seventeen feet (17') in width unless required for fire access, in which case the minimum width shall be subject to the review and approval of the City's Fire Marshal.

3. Parking aisles. Aisles that provide access primarily to parking stalls, and are not required for fire access, may be twenty-six feet (26') in width.

4. Maximum driveway width. The maximum driveway width shall be thirty-six feet (36') for **multi-family** residential and forty-one feet (41') for nonresidential, exclusive of the area provided for a median divider. However, in no case shall the driveway width exceed thirty percent (30%) of the total curb face of the subject parcel, except for cul-de-sac lots or lots of unusual configuration where the director may allow a greater percentage.

D. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be at least three feet (3') from the nearest alley or adjacent property line and eight feet (8') from the nearest street right-of-way, and at least five feet (5') from the nearest centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facilities. Driveways shall have a minimum overhead clearance of fourteen feet (14') in height, except within a parking structure which may be reduced to seven feet (7').

E. Traffic safety visibility area. Structures or landscaping over thirty-six inches (36") in height shall not be allowed within a traffic safety sight distance area formed by the intersection of public rights-of-way, driveways, or alleys, as determined by the City Engineer.

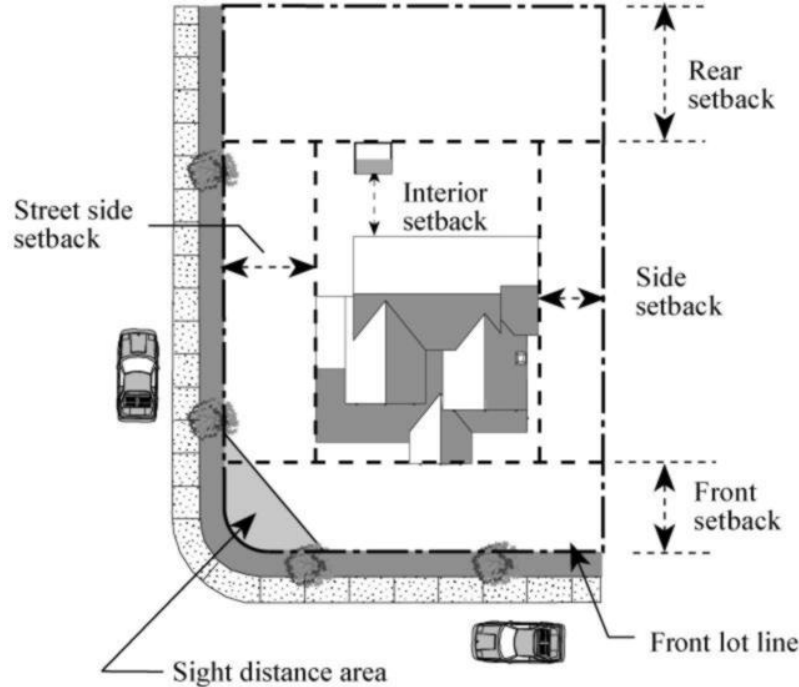


FIGURE 3-9
TRAFFIC SAFETY VISIBILITY AREA (CORNER CUTOFF)
(See Figure 3-1)

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.34.110 Sign variances, minor adjustments, and revocation.

A. Purpose. The Director may grant minor adjustments in order to prevent unnecessary hardships which would result from a strict and literal interpretation and enforcement of certain regulations required by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape, or dimensions of a site or the location of existing structures on the site, from geographic, topographic, or other physical conditions on the site, or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity which would affect the placement of signs on the site or structure.

B. Exception purposes. The Director may grant a minor adjustment if it can be demonstrated that an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted, or to overcome an unusual site condition.

C. Procedure. All minor adjustments for signs shall be referred to the Director where the applicant desires one or more adjustments from the requirements of this chapter (deviations from those regulations identified in Section [9.34.070](#) (Prohibited signs) shall only be processed as variance requests); provided, the total amount of adjustments is limited to twenty-five percent (25%) of the allowed sign area. The Director may allow adjustments within the limits listed in this section. Appropriate findings, consistent with this chapter, shall be made a part of the granting of the adjustment.

1. Transfer of sign area.

- a. To overcome a disadvantage because of an exceptional setback between the street and the sign or orientation of the sign location;
- b. To achieve an effect which is essentially architectural, graphic art, or sculptural and which, in the opinion of the Director, enhances the sign and site's development;
- c. To permit more sign area in a single sign than is allowed, but less than the total allowed for the entire site, where a more orderly and concise pattern of signs will result;
- d. To allow a sign compatible with other conforming signs in the vicinity;
- e. To establish the allowable amount and location of signs when no street frontage exists or when, because of an unusual parcel shape (e.g., a flag lot), the street frontage is excessively narrow in proportion to the average width of the parcel; and
- f. To allow sign area to be transferred to a street building frontage when the main entrance does not face the street.

2. Alternative sign locations.

- a. On site. To transfer allowed signage from a structure wall to an allowed freestanding sign based upon the finding that the alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback;
- b. Parcels not fronting on any street. Under sign review, approval may be given for the placement of a sign on an access easement to a parcel not having street frontage, at a point where viewable from the adjoining public street; and
- c. Other. Alternative locations may be granted in order to further the intent and purpose of this chapter or where normal placement would conflict with the architectural design of a structure, including transfer of sign area on the same building.

3. Alternative types of signs. To facilitate compatibility with the architecture of structures on the site and improve the overall appearance of the site.

D. Fees. A minor adjustment fee, in compliance with the City's Fee Schedule, shall be collected when the application for a minor adjustment is submitted to the Department.

E. Notices of minor adjustments. When the Director approves a minor adjustment, **the Director shall have the discretion to provide notice (e.g., providing written notice to adjacent properties). If notices are provided by the Director,** property owners and business operators existing at the time, located adjacent to the affected property within three hundred feet (300') from the location of the sign, shall be notified of the decision in compliance with Chapter 88 of this title (Public Hearings). The notice shall identify the proposed adjustment and the available appeal process. The decision shall not take effect until the appeal period ends in compliance with Chapter 90 of this title (Appeals).

F. Appeals. Appeals for minor adjustments shall be processed in compliance with Chapter 90 of this title (Appeals).

G. Revocation of sign review permit. Following due notice to the applicant, any approved sign review permit may be revoked or modified if the Director determines that the sign or sign program for which the permit was granted:

1. Advertises the availability or sale of goods, property, or services no longer available; or
2. Is not constructed, installed, or properly maintained in compliance with the approved sign review permit. To be properly maintained, all signs, together with all anchors, braces, guys, and supports, shall be kept in presentable condition and repair, including periodic repainting and cleaning, as well as the replacement of worn or defective parts. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.030 Accessory uses and structures.

This section provides standards for accessory uses and structures allowed in the applicable residential zoning districts (see Section 9.10.020 (Residential district land uses and permit requirements), subject to the following criteria and standards:

A. Definition. Accessory residential uses and structures include any that are:

1. Customarily related to a residence, including garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops;
2. Not counted as or containing a living area; and
3. A minimum of sixty-four (64) square feet in gross floor area.

B. Relationship of accessory use to the main use. Accessory uses and structures shall be incidental to and not alter the residential character of the subject site.

C. Attached structures. An attached accessory structure shall:

1. Be compatible with and made structurally a part of the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached to the main structure);
2. Comply with the requirements of this Development Code applicable to the main structure, including coverage, height, and setbacks; and
3. Be compatible with the materials and colors of the main structure.

D. Detached structures.

1. Detached accessory structures shall require a rear yard encroachment permit if located in the rear setback area. The accessory structure cannot exceed the allowable site coverage for the zone district. A building permit is required for any structure over one hundred twenty (120) square feet in size.

2. Detached accessory structures shall:

- a. Not exceed a height of twelve feet (12'); with additional height subject to approval of an administrative use permit in compliance with Chapter 62 of this title, not to exceed the height limit of the applicable zoning district;
- b. Where an accessory building, either attached to or detached from the main building, is less than six feet (6') from such main building, such accessory building shall be deemed a main building for the purposes of applying the property development standards. The required setbacks and maximum height of the main structure shall apply to an accessory structure located less than six feet (6') from such main building.
- c. Be compatible with the materials and colors of the main structure; and
- d. Shall comply with building and fire code separation standards.

E. Setback requirements. Setbacks shall be in compliance with Table 4-1 (Required Setbacks – Accessory Residential Uses and Structures).

1. Maximum height shall be as per the following and Figure 4-1:

- a. Within allowable building area: same height as permitted for the main structure.

b. Within rear yard setback area: twelve-foot (12') overall height. With an approved administrative use permit, accessory buildings in excess of twelve feet (12') in height with a plate height no greater than twelve feet (12'). Freestanding fireplace units shall be a maximum of twelve feet (12') to the top of the flue.

~~c. Within required rear/side yard: eight foot (8') overall height.~~

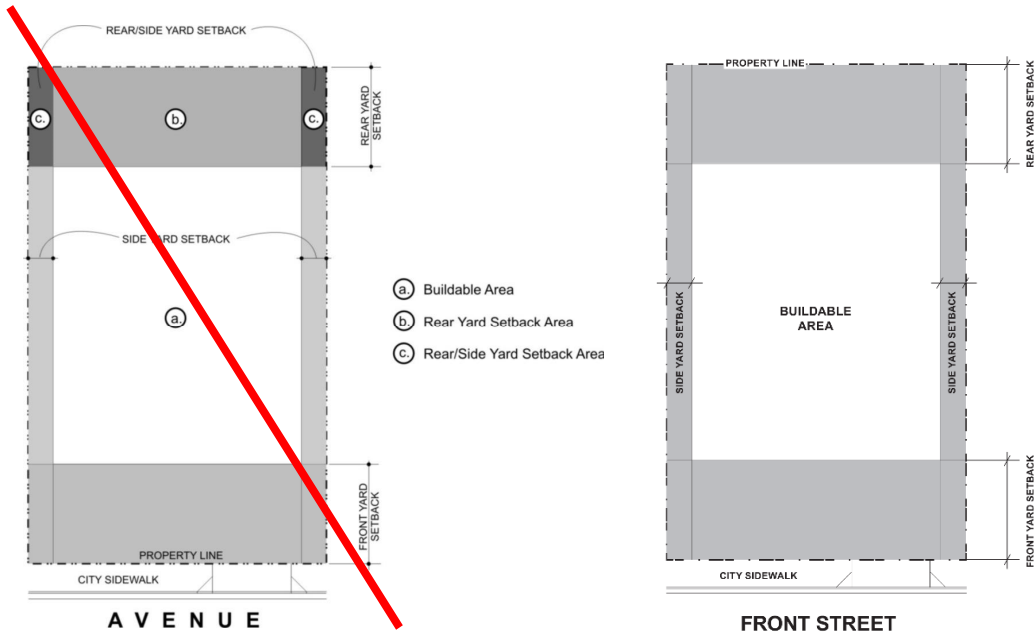


FIGURE 4-1
 SETBACKS

TABLE 4-1
 REQUIRED SETBACKS
 ACCESSORY RESIDENTIAL USES AND STRUCTURES

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
SINGLE-FAMILY DETACHED HOMES		
Garage, gazebo, greenhouse, lightweight frame structure, patio cover, storage shed, workshop (2)	Front, sides, and rear	As required for the main structure, 5-foot minimum for structure greater than 120 sq. ft. and greater. No requirement for structures <of 120 sq. ft. or less in side and rear setbacks.

**TABLE 4-1
 REQUIRED SETBACKS
 ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
	Between detached structures	As required for the main structure, 5-foot minimum (5)
Fish pond, waterfalls , outdoor play equipment, spa, pool slides , swimming pool	Front Sides Street side Rear Reverse corner side yard	20 feet 5 feet 10 feet 5 feet 15 feet
Stationary barbecue, outdoor fire pit/ fireplaces	Front Sides Street side Rear	10 feet 3 feet 10 feet (3) 3 feet
Small cargo containers (aka pods and seatrains)	Front Sides	10 feet (4) 3 feet

**TABLE 4-1
 REQUIRED SETBACKS
 ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
	Street side	10 feet (3)
	Rear	3 feet
Air conditioning equipment, diving board, emergency generator, pool and spa equipment	Front	20 feet
	Sides	3 feet
	Street side	10 feet
	Rear	3 feet
MULTIFAMILY, ATTACHED/DETACHED		
Garage, gazebo, greenhouse, lightweight frame structure, patio cover, storage shed, workshop	Sides, street side	As required for main structure
	Rear	As required for main structure
Small cargo containers (aka pods and seatrains)	Front, sides, street side, and rear	As required for main structure (4)
Air conditioning equipment, fish pond, outdoor play equipment,	Front, sides, street side, and rear	As required for main structure

**TABLE 4-1
 REQUIRED SETBACKS
 ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
pool and spa equipment, spa, swimming pool		
MULTIFAMILY, ATTACHED/DETACHED (Continued)		
Stationary barbecue, fire pit	Front	10 feet
	Side	3 feet
	Street side	10 feet
	Rear	3 feet

Notes:

- (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the Director.
- (2) Garages on corner or reverse corner lots shall not be built closer than twenty feet (20') to any street side property line.
- (3) Reverse corner lots shall maintain a minimum street (e.g., front or street side) setback of fifteen feet (15'), or as required by the subject zoning district.
- (4) Shall comply with Section 9.40.060.
- (5) Accessory structures over one hundred twenty (120) square feet may be located within three feet (3') of a side yard when the front face is more than eighty-five feet (85') from the front property line.

F. Lightweight frame structures. This subsection provides standards for accessory lightweight frame structures allowed in the applicable residential zoning districts (see Section 9.10.020 (Residential district land uses and permit requirements)), subject to the following criteria and standards:

1. A lightweight frame structure located in any residential zoning district shall meet all required front, side, and rear setback requirements for the main structure.
2. A lightweight frame structure in excess of one hundred twenty (120) square feet of roof area may encroach into the rear setback but only with a rear yard encroachment permit, provided:
 - a. The structure is at least six feet (6') away from the main structure;
 - b. The structure shall not be located in the required side setback for the zoning district in which it is located;
 - c. Space equal to the reduction (e.g., the amount of the rear yard encroachment) shall be provided elsewhere on the subject parcel, exclusive of the required yard area. The replacement space shall be equal to the total square footage encroaching into the rear yard setback and shall be located in a manner suitable for general use by the occupants;
 - d. The standards for issuance of a rear yard encroachment permit are satisfied; and
 - e. In no event shall the standards for issuance of a rear yard encroachment permit be considered satisfied unless the applicant first submits, together with the required site plan, written statements, or other evidence deemed satisfactory to the Director, that all adjoining property owners have consented to the requested encroachment.
3. A detached lightweight frame structure of less than one hundred twenty (120) square feet of roof area may encroach into a side or rear setback, and shall be allowed up to the property line.
4. Building permit requirements. Lightweight frame structures shall be subject to the California Building Code requirements.
 - a. A detached lightweight frame structure of any size shall require the issuance of a building permit.
5. In no event shall any lightweight frame structure result in the maximum lot coverage restrictions for the subject zoning district being exceeded.
6. In no event shall any lightweight frame structure exceed twelve feet (12') in overall height or seven feet (7') in overall height within three feet (3') of a property line.
7. Each application shall be reviewed for compliance with the requirements of Chapter 1 of Title 8 and the State Building Standards Code, Title 24, Chapter 31, Division II (Membrane Structures). (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.40.080 Day care facilities.

This section provides locational and operational standards for the provision of day care facilities, in compliance with State law. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services. The establishment of a day care facility shall be in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the following criteria and standards:

A. Definitions. For the purpose of this section, the following definitions shall apply. Additional definitions are contained in Division 8 of this title (Definitions):

Day care facilities. Facilities that provide care and supervision of minor children and impaired adults needing supervision for periods of less than twenty-four (24) hours. These facilities include the following, all of which are required to be licensed by the California Department of Social Services:

1. Child/adult day care center. A commercial or nonprofit day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school or religious facility, or as an independent “standalone” commercial land use. Day care centers require a CUP.

2. Large family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine (9) to fourteen (14) children/adults in compliance with Health and Safety Code Section 1597.465. **A large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling.**

3. Small family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight (8) or fewer children/adults in compliance with Health and Safety Code Section 1597.44. **A small family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling.**

B. Permit processing. Permit processing for large family day care homes shall be conducted in compliance with State law (Health and Safety Code Section 1597.46).

C. Large family day care homes. The following provisions shall apply:

1. Permit processing for large family day care homes shall be subject to the following:

a. A large family day care home shall **be in compliance** ~~require the approval of an administrative use permit by the Director in compliance with Chapter 62 of this title, except that a public hearing is only required if requested in writing by the applicant or other affected person(s). Property owners located within three hundred feet (300') of the proposed site shall be provided notice of the~~

~~application at least ten (10) days before the date of the Director's decision on the request and the opportunity to request a hearing.~~ **with the State Uniform Building Standards Code.**

~~b. A large family day care administrative use permit shall be issued only if the Director first determines that the proposed large family day care home would comply with the standards in this section.~~

~~c. The Commission may approve a conditional use permit, in compliance with Chapter 64 of this title, authorizing operation of a large family day care home which does not comply with and/or cannot be operated in compliance with the standards in this section.~~

2. The large family day care home shall be the principal residence of the day care provider and the use shall be clearly incidental and secondary to the use of the property as a residence.

3. The facility shall contain a fire extinguisher and smoke detector devices and comply with the standards established by the State Fire Marshal.

4. In order to protect surrounding residential dwellings from noise impacts, a facility located within a residential zoning district may only operate up to a maximum of fourteen (14) hours each day, between the hours of 6:00 a.m. and 8:00 p.m., and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m. The Director may approve different operating hours within the fourteen (14) hour maximum window upon a finding, and upon such conditions the Director deems necessary to ensure, that no noise impacts will occur.

5. Each facility shall have the number of parking spaces required for single-family dwellings, in compliance with Chapter 32 of this title (Parking and Loading Standards), ~~one additional space for the drop-off and pick-up of the children utilizing the facility, and one additional parking space for each person working at the facility, other than a person who resides at the home.~~ The driveway may serve to meet the required parking spaces and/or the drop-off area.

~~6. A residential parcel shall not be bordered on more than one side by a day care facility and a day care facility shall not be operated on a parcel located within five hundred feet (500') of the parcel subject to the application.~~

D. Day care centers **in non-residential zone districts**. The following standards shall apply, in addition to those standards contained in subsection C of this section (Large family day care homes):

1. The minimum parcel size for a child and adult day care center shall be ten thousand (10,000) square feet;

2. A six-foot (6') high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a corner cutoff intersection area. Fences or walls shall provide for safety with controlled points of entry. A minimum three-foot (3') wide landscaped area shall be provided adjacent

to the fence/wall and shall include a dense hedge of evergreen shrubs a minimum of four feet (4') in height at the time of planting;

3. The minimum separation between the main assembly structure of the center and a residential zoning district shall be thirty feet (30'); and
4. The facility shall be provided with both indoor and outdoor play areas in compliance with State requirements. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 2), Ord. 16-07, eff. May 4, 2016)

~~9.40.110 Home occupation standards.~~

~~A. Locational and operational standards.~~

~~1. This section provides locational, developmental, and operational standards for the conduct of home enterprises which are subordinate to and compatible with surrounding residential activities.~~

~~2. A home occupation permit shall be applied for and granted in compliance with Chapter 58 of this title before the initiation and operation of a home enterprise.~~

~~B. Operating standards for all home occupations. Home occupations shall comply with all of the following locational, developmental, and operational standards:~~

~~1. Incidental and subordinate uses. The home occupation shall be subordinate to and compatible with surrounding residential uses;~~

~~2. No outside employees. Only the occupant(s) of the dwelling may be engaged in the home occupation, except for permissible group housing and/or cottage food industry consistent with State law;~~

~~3. Not alter appearance of dwelling. The home occupation shall not alter the appearance of the dwelling, nor shall the conduct of the home occupation be recognized as serving a nonresidential use (either by color, construction, lighting, materials, signs, sounds or noises, vibrations, etc.), excepting one wall mounted sign referenced within this subsection;~~

~~4. Business license required.~~

~~a. A home occupation shall not be initiated until a current business license is obtained in compliance with Section 3.1.101 (Business license fees).~~

~~b. Immediately following the effective date of an approved home occupation permit, the applicant shall obtain a business license;~~

~~5. No display or storage. Except as allowed by these standards there shall be no display, distribution, or storage of merchandise, materials, or supplies on the premises;~~

~~6.— No sale of products.~~

~~a.— There shall be no sales of products or services from the site which are not produced on the premises (other than ancillary products needed for on-site service and repair).~~

~~b.— Sales or service involving the Internet is allowed when all of the business functions are conducted via the Internet;~~

~~7.— Only one sign allowed. Only one wall-mounted sign, not exceeding two (2) square feet in area, and only indicating the address and name of the resident or the home occupation shall be allowed;~~

~~8.— No advertising. There shall be no commercial advertising which identifies the home occupation by street address except for "Large Home Occupation — Group Homes," consistent with State law;~~

~~9.— Location of home occupation.~~

~~a.— The home occupation shall be confined completely to one room located within the main dwelling, except permissible group housing and/or cottage food industry consistent with State law;~~

~~b.— Shall not occupy more than the equivalent of twenty-five percent (25%) of the gross area of the ground level floor, except for permissible group housing and/or cottage food industry consistent with State law;~~

~~c.— Garages or other enclosed accessory structures shall not be used for home occupation purposes other than parking, except for the storage of incidental office supplies where two (2) parking spaces are maintained;~~

~~d.— Horticulture or other agricultural activities may be conducted outdoors, but only within the rear one-third (1/3) of the subject parcel;~~

~~10.— Patron limit.~~

~~a.— The transaction of business at the dwelling shall be limited to eight (8) patrons or customers for any calendar day.~~

~~b.— This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of telephone or mail, or similar means of communications, or while away from the site of the home occupation;~~

~~11.— One ton truck.~~

~~a.— Only one vehicle, owned by the operator of the home occupation, which is no larger than a one-ton truck may be used by the occupant(s) directly or indirectly in connection with a home occupation.~~

~~b. The vehicle shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five foot (5') to six foot (6') high solid fence or wall;~~

~~12. Use of commercial vehicles. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups;~~

~~13. Use of commercial/residential trailers. Trailers used in conjunction with the home occupation shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five foot (5') to six foot (6') high solid fence or wall;~~

~~14. No encroachment. The home occupation shall not encroach into any required parking, setback, or open space areas;~~

~~15. No mechanical equipment. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;~~

~~16. No utilities or community facilities. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes;~~

~~17. No hazards or nuisances. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance;~~

~~18. No negative impacts. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights of way shall not be allowed;~~

~~19. Fire safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises;~~

~~20. Pedestrian or vehicular traffic. Generation of pedestrian or vehicular traffic or parking demand in excess of that customarily associated with the residential zoning district in which it is located shall not be allowed;~~

~~21. Permit nontransferable. A home occupation permit shall not be transferable;~~

~~22. Only one home occupation. Only one home occupation may be allowed in any dwelling;~~

~~23. Property owner's authorization required. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation permit;~~

~~24. Preexisting home occupations. All preexisting home occupations shall conform with all applicable Development Code requirements before or upon renewal of the annual business license; and~~

~~25. Visitation. Visitation and deliveries incidental to the home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturdays, and there shall be no business activity allowed on Sunday, except for permissible group homes which are consistent with State law. (§ 2, Ord. 14-13, eff. October 8, 2014)~~

9.40.1210 Meat packing and processing.

This section provides developmental and operational standards for meat packing and processing facilities, where allowed by Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

- A. Prohibited activities. There shall be no bleeding, eviscerating, killing, or skinning of animals or animal carcasses.
- B. Lard rendering facilities. Lard rendering facilities shall be located within completely enclosed cookers.
- C. Smoke curing. Smoke curing shall be done within self-contained units with a recirculation system between the generator and smokehouse. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1320 Mini-storage facility standards.

This section provides developmental and operational standards for the establishment of mini-storage (aka personal or self storage) facilities in any zoning districts where they are allowed in compliance with the provisions of Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

- A. Conditional use permit required. Mini-storage facilities are allowed in zoning districts per Tables 2-2, 2-4 and 2-6 in Allowable Land Uses, subject to the approval of a conditional use permit in compliance with Chapter 64 of this title. A mini-storage facility shall be subject to the zone-driven development standards of the zoning district in which it is located, with the following exceptions:
 - B. Parcel coverage. There shall be no maximum parcel coverage requirements.
 - C. Setbacks. No side or rear setback shall be required, unless the Commission recommends, and the Council determines, that a setback up to the amount specified in the subject zoning district along one or more property lines is essential and desirable for the public welfare and convenience.
 - D. Perimeter wall. A decorative solid masonry wall shall be provided around the entire perimeter of the facility. The wall shall be no less than eight feet (8') in height or more than eleven feet (11') in height when adjacent to a residential zoning district.
 - 1. The walls of the storage structures may serve as required perimeter walls; and
 - 2. The exterior face of any structure or wall located along the perimeter of the premises shall be architecturally compatible with existing or proposed uses on surrounding properties.

E. Outdoor storage. A portion of a mini-storage facility may be utilized for the outdoor storage of automobiles, boats, other motor vehicles, and recreational vehicles, subject to the following requirements:

1. The surface of the outdoor storage area shall be improved with gravel, crushed rock, oil-dirt, or similar substance to control dust.
2. The outdoor storage area is completely surrounded by structures or walls which visually obscure the area from surrounding properties.
3. The outdoor storage area shall be exempt from normal parking lot standards and no curbing, landscaping, lighting, or similar requirements shall be required.

F. Signs. Signs shall be in compliance with the subject zoning district, except in single-family residential zoning districts which shall be allowed one monument sign for each street frontage in compliance with the multifamily residential zoning district standards.

G. Manager/caretaker quarters. Residential quarters for a manager or caretaker may be provided in the development, consisting of a single-family residence located on or adjacent to the same property on which the storage units are located and the residence is occupied by one or more persons charged with the care and operation of the storage facility as compensation for services provided without the payment of rent or other consideration.

H. Parking.

1. Off-street parking improvements shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards).
2. The general requirement for off-street parking shall be ten (10) parking spaces (unless a greater number is determined as part of the conditional use permit), plus one parking space in a garage or carport for the caretaker's residence. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1430 Outdoor dining and seating areas.

This section provides developmental and operational standards for outdoor dining and seating areas located on private properties which are allowed subject to the approval of a site plan review, in compliance with Chapter 56 of this title and all of the following standards:

A. Alcoholic beverage sales. Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control and the Police Department, shall require approval of an administrative use permit for outdoor retail sales and activities, in compliance with Chapter 62 of this title (Administrative Use Permits), or shall be subject to approval of a conditional use permit, in compliance with Chapter 64 of this title (Conditional Use Permits), as required in Table 2-4 of this title.

B. Parking requirements. Outdoor dining and seating areas parking requirements shall be calculated in compliance with Chapter 32 of this title (Parking and Loading Standards) for restaurants. Any dining or seating area within the public right-of-way shall be included for purposes of calculating the required number of parking spaces.

C. Cleanup facilities. Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate cleanup facilities, and associated procedures, in the following manner:

1. Cleaning schedule. Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items; and
2. Waste receptacles. Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.

D. Compatibility. To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:

1. Compatible elements. Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way shall be compatible with the character of the main structure(s);
2. Entertainment. Outdoor dining and seating areas in commercial zoning districts that provide dancing, entertainment, or amplified music shall comply with the noise standards in Section [9.22.080](#) (Noise), and shall be subject to approval of a conditional use permit in compliance with Chapter 64 of this title, and may require an entertainment permit per Chapter 5 of Title [5](#);
3. Pedestrian experience. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience;
4. Potential impacts. Outdoor dining and seating areas and their relation to hospitals, places of assembly, public schools, and residential uses shall be considered by the review authority. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise; and
5. Obstructions. Outdoor dining and seating areas shall not obstruct vehicular or traffic flow and not necessitate the removal of existing pedestrian or vehicular movement areas. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1540 Outdoor display and sales.

This section provides developmental and operational standards for outdoor uses, including temporary outdoor display and sales in compliance with subsection A of this section (Temporary outdoor displays and sales), and permanent outdoor display and sales in compliance with subsection B of this section

(Permanent outdoor displays and sales). Outdoor uses on public property or within the public right-of-way shall require an encroachment permit. Temporary outdoor displays and sales shall comply with all applicable permits and all of the following standards:

A. Temporary outdoor displays and sales. Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a temporary use permit, in compliance with Chapter 60 of this title and all of the following standards:

1. Fixed period of time. The permit shall identify a fixed period of time for the display or sale, or where not identified, the display or sale shall not exceed two (2) days for a temporary event;
2. Nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration shall be required;
3. Operating hours. The permit shall regulate operating hours and days;
4. Parking. Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards);
5. Performance bond. Submission of a performance bond or other surety measures, satisfactory to the Director, may be required to ensure that any temporary facilities or structures used would be removed from the site within five (5) calendar days following the termination of the event, and to ensure that the property would be cleaned of debris and litter so as to be completely free of all evidence of the temporary activity;
6. Sanitary facilities. Sanitary facilities, as identified in the permit, shall be provided;
7. Security. Provisions for security and safety measures, as identified in the permit, shall be provided;
8. Setbacks. Appropriate setbacks shall be maintained to ensure adequate separation from adjacent land uses and a safe environment for pedestrians and vehicles;
9. Signs. Signs may be provided in compliance with Chapter 34 of this title (Signs);
10. Temporary structures. Regulation of temporary structures and facilities shall be required, including location, height and size, and location of equipment and open spaces, including buffer areas;
11. Waste collection and disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided; and
12. Other conditions. Any other conditions that would ensure the operation of the proposed temporary event in an orderly and efficient manner shall be required.

B. Permanent outdoor displays and sales. The permanent outdoor display and sale of merchandise shall require an administrative use permit and comply with all applicable permits and all of the following standards:

1. Height of displayed materials. The outdoor display of merchandise shall not exceed a height of six feet (6') above finished grade;
2. Location of merchandise.
 - a. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking or loading spaces, or pedestrian walkways.
 - b. Displays shall not obstruct traffic sight areas or otherwise create hazards for vehicle or pedestrian traffic;
3. Relationship to main use. The outdoor display and sales areas shall be directly related to a business occupying a primary structure on the subject parcel;
4. Screening required. Outdoor display and sales areas shall be screened from adjacent public rights-of-way by decorative walls, fences, and/or landscaping in compliance with Section [9.24.090](#) (Screening and buffering). This requirement shall not apply to:
 - a. Plant nurseries;
 - b. Vehicle, boat, motorcycle, or recreational vehicle sales;
 - c. Limited on-site walkway displays adjacent to commercial development greater than fifty thousand (50,000) square feet; or
 - d. Outdoor displays of tires for sale shall be allowed; provided, the display does not exceed forty-two inches (42") in height and is no more than a total of forty (40) linear feet in length;
5. Signs. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales areas;
6. Operating hours. The hours of operation shall be restricted to 8:00 a.m. to 10:00 p.m., if located within three hundred feet (300') of a residential zoning district, or as identified in a permit;
7. Waste collection and disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided; and
8. Other conditions. Any other conditions that would ensure that the proposed use will be operated in an orderly and efficient manner shall be required.

C. Sidewalk permits. Sidewalk permits are allowed in the PBIA area consistent with the policy adopted by the City Council. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1650 Public utilities and services.

The following procedures shall apply to all public utilities and service installations.

A. Allowed uses. The provisions of this section shall not be construed as to limit or interfere with the construction, installation, operation, and maintenance of any use coming under the jurisdiction of the State Public Utilities Commission, which uses are related to the public utility purposes of electric light and power distribution and transmission lines, gas and water conduits, pipes, and mains, pole-mounted repeaters, sewers and sewer mains, telegraph and telephone lines, or telephone booths (except in the residential zoning districts), except as provided for in subsection B of this section.

B. Director's review of utility towers. The routes of proposed electric transmission lines shall be submitted to the Director for review and recommendation. The Director shall confine review to the height, placement, and route of the towers and their effect on neighboring land uses.

1. Power transmission lines shall be those lines which are intended to transmit electrical energy from:
 - a. The source of the energy to a receiving substation; or
 - b. A receiving substation to a distribution substation.
2. Before the acquisition of rights-of-way, the following plans and information shall be submitted to the Director for review and recommendation:
 - a. The location of the proposed route;
 - b. The type of towers and transmission lines;
 - c. The approximate height of the towers;
 - d. The width of the rights-of-way; and
 - e. Other pertinent data.
3. The Director may, when in the public interest, recommend a modification(s) as deemed necessary to protect the public health, safety, and welfare.
4. The Director shall complete review and make appropriate findings within thirty (30) days after the filing of the plans and accompanying data.

C. Appeal from Director's recommendation.

1. The recommendation of the Director may be appealed to the Commission within fifteen (15) days of the completion of the review and findings.
2. The appeal shall be placed on the agenda of the Commission's next regular meeting.
3. The Commission shall review the findings and recommendation of the Director and shall make its decision within fifteen (15) days of the review, in compliance with Chapter 90 of this title (Appeals).

D. Appeal from the Commission's recommendation.

1. The recommendation of the Commission may be appealed to the Council within fifteen (15) days of the completion of the review and findings.
2. The appeal shall be placed on the agenda of the Council's next regular meeting.
3. The Council shall review the findings and recommendation of the Commission and shall make its decision within fifteen (15) days of the review, in compliance with Chapter 90 of this title (Appeals).
4. The decision of the Council shall be final. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1760 Recycling facilities.

This section provides developmental and operational standards for various types and sizes of recycling facilities (e.g., reverse vending machine(s), small collection facilities, large collection facilities, and processing facilities), in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), which shall be subject to the following criteria and standards:

A. Permit requirements. Recycling facilities are subject to permit review/approval in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards); provided, the following standards are met:

B. Developmental and operational standards. Recycling facilities shall comply with the following standards:

1. Reverse vending machine(s). Reverse vending machine(s) shall be allowed in compliance with all of the following standards:
 - a. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code, and shall not require additional parking.
 - b. If located inside of a structure, the machines shall be within thirty feet (30') of the entrance and shall not obstruct pedestrian circulation.

- c. If located outside of a structure, the machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof material(s).
 - d. The machines shall not exceed a floor or ground area of fifty (50) square feet for each installation, including any protective enclosure, nor eight feet (8') in height.
 - e. The machines shall have a maximum sign area of four (4) square feet for each machine, exclusive of operating instructions.
 - f. The machines shall have operating hours which are consistent with the operating hours of the main use.
 - g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.
2. Small collection facilities. Small collection facilities shall be allowed in compliance with all of the following standards:
- a. The facility shall not exceed a floor or ground area of three hundred fifty (350) square feet nor three (3) parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 - b. The facility shall not use power-driven processing equipment, except for reverse vending machines.
 - c. The facility shall not be located within fifty feet (50') of any parcel zoned or occupied for residential use.
 - d. The facility shall be set back at least ten feet (10') from any public right-of-way, and not obstruct vehicular or pedestrian circulation.
 - e. The facility shall accept only glass, metal, or plastic containers, paper, and reusable items.
 - f. The facility shall use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
 - g. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location.
 - h. Signs may be provided as follows:

- (1) Recycling facilities may have identification signs with a maximum area of fifteen percent (15%) for each side of the structure or twelve (12) square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 - (2) Signs shall be both compatible and harmonious with the character of their location.
 - (3) Directional signs without advertising messages may be installed with the approval of the Director.
 - i. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the main use.
 - j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
 - k. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.
 - l. All structures shall architecturally integrate with the main structures on the same lot. Cargo containers shall not be used for structures unless architecturally treated per the City's adopted commercial design guidelines.
3. Large collection facilities. Large collection facilities, which are larger than three hundred fifty (350) square feet of floor or ground area, or located on a separate parcel not accessory to a main use, are allowed in the M-1 and M-2 Districts in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), subject to site plan review, in compliance with Chapter 56 of this title and all of the following standards:
- a. The facility shall not abut a parcel zoned or occupied for residential use.
 - b. The facility shall be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.
 - c. Structure setbacks and landscaping shall be provided as required for the applicable zoning district.
 - d. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
 - e. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

- f. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least one hundred feet (100') from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
 - g. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
4. Processing facilities. Processing facilities shall be allowed, subject to conditional use permit and site plan review, in compliance with Chapter 56 of this title and all of the following standards:
- a. The facility shall not abut a parcel zoned or occupied for residential use.
 - b. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
 - c. A light processing facility shall not exceed forty-five thousand (45,000) square feet of floor or ground area, may have up to an average of two (2) outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals, other than beverage and food containers.
 - d. A heavy processor may exceed forty-five thousand (45,000) square feet of floor or ground area and two (2) outbound truck shipments each day, and may perform those functions not allowed at light processing facilities identified in subsection (B)(4)(c) of this section.
 - e. The facility shall be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.
 - f. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
 - g. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least one hundred feet (100') from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.
 - h. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1870 Right to farm.

This section provides the City's policy regarding the "right to farm" and contains a subdivider's and owner's disclosure statement which acknowledges the subdivider's and owner's understanding of the presence of the adjoining agricultural use and the City's policy regarding its right to continue.

A. Policy of the City.

1. It is the declared policy of the City of Clovis to preserve, protect, and encourage development of its agricultural land consistent with the California Civil Code Section [3482.5](#) which provides that no agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three (3) years if it was not a nuisance at the time it began.

2. This policy applies to normally acceptable agricultural operations, as defined in the California Civil Code Section [3482.5](#), and shall not apply if the agricultural activity, operation, facility, or appurtenances thereof obstruct the free passage or use, in the customary manner, of any public park, square, street, or highway.

3. This policy shall not invalidate any provision contained in the Fish and Game Code, Food and Agricultural Code, Health and Safety Code, or Water Code Division 7 (commencing with Section 13000), if the agricultural activity, operation, facility, or appurtenances thereof constitute a nuisance, public or private, as specifically defined or described in any of those provisions.

B. Covenant. If a subdivision is at any point within three hundred feet (300') of land zoned for agricultural uses, the approval of the tentative and final subdivision map or parcel map shall be conditional upon the recordation with the County Recorder of a right-to-farm covenant acknowledging, accepting and complying with this section, in substantially the following wording or similar form:

The undersigned in consideration of recordation of said subdivision by the City of Clovis, do hereby covenant and agree with the declared policy of the City of Clovis (Right-to-Farm Ordinance) to preserve, protect, and encourage development of its agricultural land consistent with the California Civil Code Section [3482.5](#) which provides that no agricultural activity, operation, or facility, or appurtenances thereof, as defined in the code, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began; that the described property is in or near agricultural districts and that the residents of the property should be prepared to accept the inconveniences and discomfort

associated with normal farm activities. This covenant shall run with the land and be binding upon all future owners, heirs, successors, and assigns to the property.

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1980 Vehicle service station standards.

This section provides locational, developmental, and operational standards for vehicle service stations (self-serve, truck, and motor vehicle), including new service stations in compliance with subsection B of this section (Developmental and operational standards for new service stations), and existing service stations in compliance with subsection C of this section (Developmental and operational standards for existing service stations).

A. Conditional use permit required. Vehicle service stations shall be allowed by a conditional use permit in compliance with Chapter 64 of this title, and subject to all of the provisions of the applicable zoning district.

B. Developmental and operational standards for new service stations. New vehicle service stations shall be located in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and shall comply with the following standards, in addition to the standards identified in subsection C of this section (Developmental and operational standards for existing service stations), except for subsection (C)(19).

1. Driveway approaches shall not be located closer than two hundred fifty feet (250') from the projected intersection of the two (2) curb lines along the street frontages, or as approved by the City Engineer.

2. The Director shall review and make recommendations regarding proper and safe circulation for the patrons and the traveling public which may include:

- a. Number of vehicle spaces in the queuing/waiting line(s);
- b. Limiting on-street parking;
- c. Visibility for safe sight distance for ingress and egress; and
- d. Design of parking lots, etc.

3. All structures, except canopies, shall be set back a minimum of twenty feet (20') from any street property line and fifteen feet (15') from any interior property line.

4. Canopies shall have the following minimum setbacks unless the zoning district requires a greater setback:

- a. Detached canopies shall not project closer than five feet (5') from any property line; and
 - b. Canopies attached to the main structure shall not project closer than eight feet (8') from any property line.
5. Gasoline pumps or other dispensing facilities.
- a. Shall be set back a minimum of twelve feet (12') from the property line.
 - b. If the pumps, or the island upon which the pumps are located, are set in a perpendicular position to any street or property line, or if the pumps or islands are at any other position than parallel to a property line, the setback shall be a minimum of twenty feet (20'), so that all vehicular traffic by the pumps shall be far enough away from the property line so that there would be no hazard to pedestrians walking or traveling upon the sidewalk adjacent to the subject property.
 - c. The cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
 - d. Pump island aisles shall have a minimum width of twelve feet (12'). Pump island aisles shall not be counted as parking for meeting site parking requirements.
6. Structure design shall be compatible with the neighborhood or surrounding area of the subject site and shall not be detrimental to property values in the area.
- a. The structure shall conform to the exterior architectural design of other structures in the surrounding area.
7. The entire ground area of the site, except for structures and planting areas, shall be paved with concrete or asphaltic concrete paving to standards established by the City Engineer and Building Division.
8. Drainage flow lines shall be shown on the site plan and, if drainage is to the street, water shall be carried under sidewalks in a manner approved by the City Engineer.
9. Fill pipes for underground fuel storage tanks shall be located at least fifteen feet (15') from any property line, or further if required by the City Fire Code.
10. Refuse and recyclable material structures and storage areas shall be in compliance with Section [9.24.110](#) (Solid waste/recyclable materials storage).
11. Landscaping shall comprise a minimum of ten percent (10%) of the station site and shall be provided and permanently maintained in compliance with Chapter 28 of this title (Landscaping Standards), and the following regulations:

- a. A minimum ten-foot (10') wide (inside dimension) and six-inch (6") high curbed landscaped planter area shall be provided along all street frontages, except for driveway areas, and alongside any rear property lines adjoining residentially zoned properties. Trees shall be provided in the landscaped areas adjoining residentially zoned properties at a minimum rate of one tree for each twenty (20) lineal feet of planter area;
 - b. An on-site planter area of not less than two hundred (200) square feet shall be provided at the corner of two (2) intersecting streets. Landscaping shall not exceed a height of three feet (3') at this location;
 - c. In a reverse station design, the entire area between the back of the main structure and street intersection corner shall be provided in planters of not less than ten feet (10') in width (inside dimension) to be placed along interior property lines and around the perimeter of the structure;
 - d. All planters shall be equipped with a permanent irrigation system in compliance with Chapter 28 of this title (Landscaping Standards);
 - e. Planting materials with low heights (e.g., shrubs and groundcovers) shall not be allowed to achieve a height of more than three feet (3'), not be of a spiked or thorny type, and be maintained to prevent drooping over the perimeters of the planter when located adjoining public rights-of-way;
 - f. Plants achieving a greater height shall be required along interior property lines, but shall be reduced to a height of not more than three feet (3') where access is allowed to an adjoining shopping center or alley for a minimum distance of two feet (2') from the entrance;
 - g. Trees shall be planted in all planters, except in the planter at the corner intersection, subject to the approval of the Director. The trees shall be planted at a maximum distance of thirty feet (30') apart, unless an alternate plan, which yields a similar effect, is approved by the Director;
 - h. All trees and plantings shall be maintained by the operator of the station in compliance with Chapter 28 of this title (Landscaping Standards); and
 - i. Additional landscaping may be required by the Director to screen the station from adjoining properties.
12. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with Section [9.22.050](#) (Exterior light and glare).
13. Service bay doors shall not directly face or be viewable from adjoining public rights-of-way or a residential development or zoning district.

14. Screening and buffering of stations.
 - a. A station which adjoins property in a residential zoning district shall provide a six-foot (6') high solid decorative masonry wall along the common property line, except immediately adjacent to the front setback of any residential use next to the station, in which case the maximum height shall be three feet (3'), except in locations where an existing structure is situated on the property line(s) of the site.
 - b. The wall shall be compatible with on-site development and adjoining properties, subject to the review and approval of the Director.
 - c. The wall shall be constructed before or at the same time as the main structure.
 - d. Walls shall not be required separating a station use from another commercial use. In the case of a station being located adjacent to a shopping center area or an alley, a four-foot (4') wide planter shall be required separating the station from the shopping center area or alley, in compliance with Chapter 28 of this title (Landscaping Standards).
 - e. Openings in the planter may be made to allow access to and from the adjoining shopping center area. The openings may only be allowed upon review and approval by the City Engineer to ensure against the creation of traffic hazard(s).
 - f. A fuel service station where the fueling operations are adjacent to the streets, a three-foot (3') high decorative masonry wall shall be placed to screen vehicle lights from street traffic. A combination of a low wall and landscaping may be considered during the conditional use permit process.
15. All on-site utilities, including electric and telephone, shall be placed underground.
16. The station shall meet or exceed all applicable provisions of the City Fire Code.
17. The applicable review authority may require other standards or criteria it deems to be reasonable and necessary to protect the public convenience, health, interest, safety, or general welfare of the surrounding neighborhood.
18. All of the following findings shall be made, in addition to those identified in Chapter 64 of this title (Findings and Decision), to approve a conditional use permit:
 - a. The proposed station is compatible with existing commercial development and the surrounding residential neighborhood;

b. The proposed structure and site are adequate to accommodate the proposed use and the design of the facility would ensure that a minimum of conflict would occur with surrounding uses; and

c. The proposed station would comply with the development standards, conditions, and restrictions identified in this section.

C. Developmental and operational standards for existing service stations. An existing vehicle service station shall comply with all of the following standards:

1. The modification or expansion of a station on an existing site with less dimensions than those identified in subsection B of this section (Developmental and operational standards for new service stations) would not be prohibited by the provisions of this section.

2. Any request to modify or enlarge an existing station by increasing the existing floor area by twenty-five percent (25%) or more shall require full compliance with this section, specifically both subsections B and C of this section.

3. All activities and operations (e.g., display and sales, etc.) shall be conducted entirely within an enclosed structure with the following exceptions, but only if approved by a site plan review, in compliance with Chapter 56 of this title:

a. The dispensing of petroleum products, air, and water from pump islands; and

b. The display and sale of items.

(1) Open racks or unenclosed stacks of merchandise shall not be allowed on a pump island.

(2) Vending machines shall be placed next to the main structure in a designated area not to exceed thirty-two (32) square feet, and shall be screened from public view.

(3) Other retail products may be displayed outside of the main structure. However, these products shall not be located at random, but shall be enclosed in a movable display rack or structure that can be opened for customer viewing. These displays shall be confined to an area within five feet (5') of the main structure, and not exceed a total of thirty-two (32) square feet.

4. Outdoor storage of vehicles not capable of moving under their own power (e.g., disabled or junk vehicles) shall not be allowed on any station site for longer than forty-eight (48) hours.

5. All vehicle repair work shall be conducted within an enclosed structure, in a manner that shall not create a disturbance or become a nuisance to the adjoining properties. Outdoor vehicle repair work is prohibited.

6. Minor repair work or vehicle servicing shall be allowed, but only when performed entirely within an enclosed structure. Minor repair or vehicle servicing is defined as any of the following activities:

- a. The retail sale of batteries, oil, tires, and new accessories;
- b. Battery services, charging, and replacement, but not including repairs or rebuilding;
- c. Brake adjustments, replacement of brake cylinders, brake fluid lines, brake pads and/or shoes, and brake rotors and/or drums;
- d. Front end and wheel alignment when located within an enclosed structure. This shall not include the straightening of automobile frames;
- e. Incidental waxing and polishing;
- f. Radiator cleaning and flushing, but not including repairs or steam cleaning;
- g. Tire changing and repairing (but not including recapping);
- h. Vehicle washing, not including mechanical car washing or steam cleaning;
- i. The installation of minor accessories;
- j. The lubrication of motor vehicles; and
- k. The testing, adjustment, and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, fuel pumps, generators/alternators, points, spark plugs, voltage regulators, water hoses, and wheel balancing.

7. "Major repair" is defined as any extensive disassembly, repair, or replacement of drive train components (e.g., clutch, differential, engine, and transmission). Open flame welding, use of flammable liquids, body, frame and fender repair, painting, or upholstery work shall also be considered major repair work. Major repair work shall be prohibited.

8. All restroom entrances shall be screened from view of adjoining properties or public rights-of-way by solid or louvered material, decorative screening, or planters, subject to the review and approval of the Director.

9. Noise from bells, loudspeakers, or tools shall be in compliance with Section [9.22.080](#) (Noise) and shall not be audible from residentially zoned or occupied parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays.

10. Spaces for the parking of vehicles on a station site shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards). The following vehicles may be parked on site:
 - a. Vehicles which are in the process of being serviced;
 - b. Vehicles belonging to employees of the station; and
 - c. No more than two (2) trucks, other than rental trucks, when used by the business except when allowed by the Police Department for tow truck service to the City.
11. Regular parking of up to four (4) tow trucks and temporary overnight parking for customers' trucks may only be allowed in larger super stations. Additional landscaping shall be required because of the increased parking on site.
12. Parking is prohibited where it would impede the view of traffic in the public streets. A "diagonal" shall be drawn from the inside edge of the two (2) corner curb cuts, and no parking or commercial activities shall be allowed in the area between the diagonal and the intersection.
13. Vehicles shall not be used as an on-site residence nor shall they be parked on:
 - a. Alleys, driveways, parkways, or sidewalks;
 - b. The premises for the purpose of vehicular sales; or
 - c. Site for service or repair for longer than forty-eight (48) hours.
14. All on-site signs shall be in compliance with Chapter 34 of this title (Signs).
15. Stations may receive used motor oil for subsequent recycling and removal, subject to approval by the City Fire Department.
16. The property owner shall be responsible for removing any gasoline dispensing devices, signs, and storage tanks that are situated at a facility that has been vacant for a continuous period of at least one hundred eighty (180) days.
17. A station structure or facility shall not be converted to a different use unless the conversion is first approved by site plan review in compliance with Chapter 56 of this title. The replacement use shall be in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).
18. A station may also sell alcoholic beverages, but only in full compliance with all of the following requirements:

- a. The sale of alcoholic beverages shall first require the approval of a conditional use permit, in compliance with Chapter 64 of this title;
- b. Alcoholic beverages shall only be sold from within a permanent structure and shall not be displayed within five feet (5') of the cash register or the front door unless they are in a permanently affixed storage container;
- c. Advertisement of alcoholic beverages shall not be displayed at the pump islands;
- d. Sale of alcoholic beverages shall not be made from a drive-in or drive-through window;
- e. Display of beer and wine shall not be made from an ice tub or any similar portable container;
- f. Illuminated advertising for alcoholic beverages shall not be located on doors, structures, or windows; and
- g. A minimum of eight (8) parking spaces, or the equivalent of one space for each two hundred (200) square feet of gross floor area for the structure from which the alcoholic beverages are sold, whichever is greater, shall be provided on site.

19. Where an existing station adjoins property in a residential zoning district, a six-foot (6') high decorative solid masonry wall shall be constructed along the common property line at the time the station receives an entitlement to modify or enlarge the station by increasing the existing floor area by twenty-five percent (25%) or more.

- a. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and shall be subject to the review and approval of the Director.
- b. When the wall reaches the established front setback line of a residentially zoned parcel adjoining or directly across an alley from the station, the wall shall decrease to a maximum height of three feet (3'). (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.20190 Low barrier navigation center use by right. Added [Ord. 19-21, eff. until 1/30/20](#) Amended [Ord. 20-02, eff. until 12/15/20](#)

9.42.030 Standards for all wireless telecommunication facilities.

All wireless telecommunication shall be in compliance with the following standards:

- A. General. Antennas allowed by this chapter shall comply with all applicable zoning and building codes.
- B. Compliance with Division 2 of this title. Wireless telecommunications facilities are allowed in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

C. Visual impact.

1. Antennas and accessory wireless equipment shall be located, installed, and mounted in a manner to minimize to the greatest extent possible the visibility of the antennas and equipment.
2. The application for the required City approval shall include photo simulations of the proposed facility, propagation map, and all related equipment.

D. Minimum setback.

1. Antennas and wireless telecommunication facilities shall be set back at least one hundred feet (100') from any parcel zoned residential.
2. The one-hundred-foot (100') setback may be reduced subject to the Commission's review and approval, but no less than the height of the facilities (e.g., antennas, pole) plus twenty-five feet (25').

E. Public right-of-way.

1. Antennas and wireless telecommunications facilities shall also be allowed in the public right-of-way when an encroachment permit is obtained from the Planning and Development Services Department.
2. The permit shall not be granted until all of the applicable requirements are met, including an agreement for compensation to the City.

F. Nonexclusive condition. Wireless telecommunication facilities shall be conditioned to be nonexclusive in order to encourage colocation with separate providers.

G. Height. The height of any antenna or wireless telecommunication facility shall not exceed the maximum height of the subject zoning district.

1. Wireless telecommunication facilities. Wireless telecommunication facilities (e.g., antennas, poles, towers, and necessary mechanical appurtenances), installed in compliance with Chapter 42 of this title may be authorized to exceed the height limit established for the applicable zoning district, subject to an administrative use permit in compliance with Chapter 62 of this title and a site plan review in compliance with Chapter 56 of this title. (§ 2, Ord. 14-13, eff. October 8, 2014)

H. Screening.

1. Antennas and accessory wireless equipment, if visible, shall be screened with landscaping to the greatest extent possible.
2. The base shall be landscaped to screen equipment cabinets or the equipment cabinets shall be architecturally compatible with adjacent structures.

3. This landscaping shall be subject to the review and approval of the Director.
 4. All landscaping screening shall be required to be properly maintained in compliance with Chapter [28](#) of this title (Landscaping Standards) and replaced if necessary by the applicant as long as the associated antenna or wireless equipment is in use.
- I. Freestanding facilities.
1. Freestanding wireless telecommunications facilities shall be located on sites where the facility shall be set back from arterial streets and major traffic corridors to the greatest extent possible.
 2. Freestanding wireless telecommunication facilities or antennas shall be painted to match the background or to match existing and surrounding structures.
- J. Side-mounted facilities.
1. Side-mounted facilities located on a structure shall be consistent with existing architectural features of the structure.
 2. An architectural theme may be required in order to create a balanced appearance.
 3. Side-mounted facilities on structures shall be painted to match the structure but the paint shall be of a subdued color or nonreflective materials which match the existing or surrounding structures.
- K. Roof-mounted facilities. Roof-mounted facilities shall be appropriately screened from view from existing structures where possible or shall be screened from view with a facade which complements the architecture of the structure to create a balanced integrated edge treatment.
- L. Change of ownership. Notice of change of ownership shall be provided to the City. Lawfully constructed wireless telecommunication facilities that are no longer in operation shall be removed promptly from the premises within ninety (90) days after the discontinuation of the facility.
- M. Performance bond required. A performance bond shall be posted with the City to ensure the removal, to ensure that corrective work is performed, and that graffiti is promptly removed. The bond shall be in a form and amount as determined sufficient by the City Attorney.
- N. Indemnification. The applicant shall agree to indemnify, hold harmless, and defend the City, its officers, agents, and employees from any and all liability or claims that may be brought against the City arising out of its approval of an encroachment permit or any other approval of a facility.
- O. Signs prohibited. Signs shall be prohibited on wireless telecommunications facilities unless required by Federal, State, or local law. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.58.060 Home occupation Operating standards.

Home occupations shall comply with the locational, developmental, and operational standards specified in Section 9.40.110 (Home occupation standards). (§ 2, Ord. 14-13, eff. October 8, 2014)

A. Locational and operational standards.

1. This section provides locational, developmental, and operational standards for the conduct of home enterprises which are subordinate to and compatible with surrounding residential activities.

2. A home occupation permit shall be applied for and granted in compliance with Chapter 58 of this title before the initiation and operation of a home enterprise.

B. Operating standards for all home occupations. Home occupations shall comply with all of the following locational, developmental, and operational standards:

1. Incidental and subordinate uses. The home occupation shall be subordinate to and compatible with surrounding residential uses;

2. No outside employees. Only the occupant(s) of the dwelling may be engaged in the home occupation, except for permissible group housing and/or cottage food industry consistent with State law;

3. Not alter appearance of dwelling. The home occupation shall not alter the appearance of the dwelling, nor shall the conduct of the home occupation be recognized as serving a nonresidential use (either by color, construction, lighting, materials, signs, sounds or noises, vibrations, etc.), excepting one wall-mounted sign referenced within this subsection;

4. Business tax certificate *license* required.

a. A home occupation shall not be initiated until a current business tax certificate *license* is obtained in compliance with Section 3.1.101 (Business license fees).

b. Immediately following the effective date of an approved home occupation permit, the applicant shall obtain a business tax certificate *license*;

5. No display or storage. Except as allowed by these standards there shall be no display, distribution, or storage of merchandise, materials, or supplies on the premises;

6. No sale of products.

a. There shall be no sales of products or services from the site which are not produced on the premises (other than ancillary products needed for on-site service and repair).

b. Sales or service involving the Internet is allowed when all of the business functions are conducted via the Internet;

7. Only one sign allowed. Only one wall-mounted sign, not exceeding two (2) square feet in area, and only indicating the address and name of the resident or the home occupation shall be allowed;

8. No advertising. There shall be no commercial advertising which identifies the home occupation by street address except for "Large Home Occupation – Group Homes," consistent with State law;

9. Location of home occupation.

a. The home occupation shall be confined completely to one room located within the main dwelling, except permissible group housing and/or cottage food industry consistent with State law;

b. Shall not occupy more than the equivalent of twenty-five percent (25%) of the gross area of the ground level floor, except for permissible group housing and/or cottage food industry consistent with State law;

c. Garages or other enclosed accessory structures shall not be used for home occupation purposes other than parking, except for the storage of incidental office supplies where two (2) parking spaces are maintained;

d. Horticulture or other agricultural activities may be conducted outdoors, but only within the rear one-third (1/3) of the subject parcel;

10. Patron limit.

a. The transaction of business at the dwelling shall be limited to eight (8) patrons or customers for any calendar day.

b. This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of telephone or mail, or similar means of communications, or while away from the site of the home occupation;

11. One-ton truck.

a. Only one vehicle, owned by the operator of the home occupation, which is no larger than a one-ton truck may be used by the occupant(s) directly or indirectly in connection with a home occupation.

b. The vehicle shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five-foot (5') to six-foot (6') high solid fence or wall;

12. Use of commercial vehicles. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups;
13. Use of commercial/residential trailers. Trailers used in conjunction with the home occupation shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five-foot (5') to six-foot (6') high solid fence or wall;
14. No encroachment. The home occupation shall not encroach into any required parking, setback, or open space areas;
15. No mechanical equipment. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;
16. No utilities or community facilities. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes;
17. No hazards or nuisances. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance;
18. No negative impacts. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights-of-way shall not be allowed;
19. Fire safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises;
20. Pedestrian or vehicular traffic. Generation of pedestrian or vehicular traffic or parking demand in excess of that customarily associated with the residential zoning district in which it is located shall not be allowed;
21. Permit nontransferable. A home occupation permit shall not be transferable;
22. Only one home occupation. Only one home occupation may be allowed in any dwelling;
23. Property owner's authorization required. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation permit;
24. Preexisting home occupations. All preexisting home occupations shall conform with all applicable Development Code requirements before or upon renewal of the annual business tax certificate *license*; and

25. Visitation. Visitation and deliveries incidental to the home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturdays, and there shall be no business activity allowed on Sunday, except for permissible group homes which are consistent with State law. (§ 2, Ord. 14-13, eff. October 8, 2014)

Chapter 9.96 PUBLIC COMMENTS

Sections:

9.96.010 Timely public comments.

9.96.020 Comments for Planning Commission meeting.

9.96.030 Comments for City Council meeting.

9.96.040 Close of public hearing: continuances.

9.96.010 Timely public comments.

Comments from the public and interested agencies on discretionary land use entitlements are welcome and strongly encouraged. In order to provide proper consideration of public comments, any written comments should be submitted not less than five (5) calendar days before the scheduled public hearing. Written comments and documents submitted after that time, unless also within the noticed public review period, including comments and documents submitted the day of the public hearing, will be considered at the discretion of the reviewing body. If considered, the late comments, including any response thereto, shall be given the weight they are due. Factors to consider in evaluating whether and how to respond to late comments include, but are not limited to:

- Time period provided for public review.
- Accuracy of public hearing notice.
- Level of detail in comments.
- Explanation of relevance of comments and documents.
- Reasons for failing to comment earlier.

9.96.020 Comments for Planning Commission meeting.

The Planning Commission serves a vital role in the decision making process. The Commission is a statutorily created reviewing body, codified in the Municipal Code. The Commission may serve as either the final decision maker or as an advisory body to the City Council, depending on the nature of the action taken.

California Government Code, sections 65850 and 65853 provide that the Planning Commission shall consider changes from one zone to another, as well as any regulations affecting the use of land. These include regulations affecting the size and use of lots, building lot coverage, land use intensity, and setback lines. The Commission considers public land uses, including civic centers, parks and public buildings.

Clovis Municipal Code, section 9.80.040C, generally describes the Commission's duties and authority as follows: the review of development projects, including referrals from the Director; the recommendation to the Council for final decisions on development agreements, Development Code amendments, General Plan amendments, interpretations, specific plans, Zone Map amendments, and other applicable policy or Development Code matters related to the City's planning process; and review for compliance with the California Environmental Quality Act.

Given the critical role the Planning Commission serves in land use decision making, it is very important that individuals, entities, and public agencies wishing to comment on a land use project provide those comments to the Planning Commission, even if the Planning Commission's action is only a recommendation to the City Council or is final but appealable to the City Council.

In that regard, those persons, entities, and public agencies who submit written comments and documents for the first time at the City Council meeting, when they had an opportunity to present those comments and documents before the Planning Commission, shall be treated as late comments subject to consideration in accordance with Section 9.96.010. Otherwise, the role of the Planning Commission is usurped.

9.96.030 Comments for City Council meeting.

Persons, entities, and public agencies submitting written comments and documents at the City Council public hearing shall be considered in accordance with the provisions of Section 9.96.010. Written comments and documents submitted for the first time at the City Council meeting, when the commenter had an opportunity to present those comments and documents before the Planning Commission, shall be subject to the provisions of Section 9.96.020. The City Council may also refer the matter back to the Planning Commission for consideration.

9.96.040 Close of public hearing: continuances.

Nothing in this Chapter shall prevent the Planning Commission or City Council from closing the public hearing and continuing the action item in order to respond to oral or written comments and documents received. After the close of the Public Hearing, no new substantive oral or written

comments or documents shall be submitted. In the event any such comments or documents are submitted, they shall be noted as received, and shall be considered solely at the discretion of the reviewing body.

An exception to this rule shall exist if the reviewing body agrees to consider new substantive evidence not previously in the record. Any public comments under this exception shall be limited to the new substantive evidence.

9.102.120 Tentative map time limits and expiration.

A. Valid for thirty-six (36) months. An approved tentative map, ~~except for a vesting tentative map (see Section 9.102.110(D)(4)(a)),~~ is valid for thirty-six (36) months after its effective date (Section 9.102.080). At the end of thirty-six (36) months, as applicable, the approved tentative map shall expire and become void unless:

1. A parcel or final map, and related security and improvement agreements, have been timely filed and accepted by the City Engineer in compliance with Chapter 104 of this title (Parcel Maps and Final Maps); or
2. An extension of time has been granted in compliance with Section 9.102.130.

B. Expiration of an approved map. Expiration of an approved tentative map or vesting tentative map shall terminate all proceedings. The application shall not be reactivated unless a new tentative map application is filed. (§ 2, Ord. 14-13, eff. October 8, 2014)

CLOVIS PLANNING COMMISSION MINUTES
November 19, 2020

1. Consider Approval - **Res. 20-45, OA2020-002**, A request to amend the Clovis Development Code as a semi-annual cleanup to address changes, deletions, typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant.

Associate Planner George Gonzalez presented the staff report.

Commissioner Antuna inquired as to whether staff had considered providing a standard template for the developer notices to ensure all necessary information is present and provide consistency. Associate Planner Gonzalez responded that staff had not considered such and invited the Commission to make a modification to the code. City Planner Dave Merchen stated that incorporating a template along with the provision of guidelines makes sense and is something staff will do.

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

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

There being none, the Chair closed the public portion.

Commissioner Cunningham commended staff for the whole update but for the additions of the second and fifth items in particular. The height requirements are now more forthright and understandable while still allowing the City flexibility to allow taller buildings. The lack of this clarity had left him uncomfortable several times in the past. As for the timeliness of data submission to the Planning Commission for review, this is an issue which he has discussed several times with the City attorneys, due to the numerous occasions commissioners have come to meetings and found a stack of materials with no time to truly review it. He is glad that a way to deal with this and for staff to provide guidance will be codified.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Cunningham to approve OA2020-002 with modification requiring development of a noticing template. The motion was approved by a vote of 5-0.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Consider Approval – Res. 20-___ Adoption of a Resolution amending the 2019-2020 Community Development Block Grant Annual Action Plan. (To be continued)

Staff: Andrew Haussler, Community and Economic Development Director

Recommendation: Continue

ATTACHMENTS: 1. Resolution Amending 2019-2020 Annual Action Plan

CONFLICT OF INTEREST

None

RECOMMENDATION

Consider amending the 2019-2020 Annual Action Plan to re-instate the previously approved 2019-2020 Community Development Block Grant (CDBG) Project in the amount of \$60,000: ADA Improvement – Various Locations.

EXECUTIVE SUMMARY

In order to reinstate the previously approved 2019-2020 CDBG ADA Improvement Project in the amount of \$60,000, Council must approve an amendment to the 2019-2020 Annual Action Plan.

BACKGROUND

On September 8, 2020, Clovis City Council approved the cancellation of the ADA Improvement Project so the \$60,000 originally allocated to the project could be reprogrammed for the Emergency Housing Payment Program. However, subsequent funding for the Emergency Housing Payment Program became available from the U.S. Department of Housing and Urban Development (HUD) through Clovis' CDBG-CV3 allocation. With the addition of the CDBG-CV3 funds, staff recommends amending the 2019-2020 Annual Action Plan to reinstate the ADA Improvement Project at its original funding of \$60,000.

The U.S. Department of Housing and Urban Development (HUD) requires that grantees follow their adopted Citizen Participation Plan when a substantial change is proposed to the allocation priorities or a substantial change in the method of distribution of funds for activities funded in the City's Annual Action Plan. This includes notification to the public of the proposed amendment with a period of review and comment. On November 13, 2020, the proposed amendment notice was published for public review and comment in *The Business Journal* to advertise the proposal and the mandatory 30-day comment period.

FISCAL IMPACT

A total of \$60,000 in CDBG funds would be returned to the CIP Budget for the ADA Improvement Project. There would be no impact to the General Fund Budget.

REASON FOR RECOMMENDATION

To reinstate the ADA Improvement Project to be completed in the City of Clovis.

ACTIONS FOLLOWING APPROVAL

Staff will submit the amendment to the 2019-2020 Annual Action Plan to HUD, and notify CIP staff to move forward with the ADA Improvement Project.

Prepared by: Heidi Crabtree, Housing Program Coordinator

Reviewed by: City Manager 

RESOLUTION NO. 20-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING THE 2019-2020 ANNUAL ACTION PLAN**

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

WHEREAS, HUD requires that grantees follow their adopted Citizen Participation Plan when a substantial change is proposed to the allocation priorities, or a substantial change in the method of distribution of funds for activities, funded in the City’s Annual Action Plan; and

WHEREAS, approval of the amendment will allow the City to reinstate a previously cancelled 2019-2020 activity.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council approve an amendment of the 2019-2020 Annual Action Plan to reinstate the FY2019 ADA Improvement activity in the originally-funded amount of \$60,000.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 14th day of December, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: December 14, 2020

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 14, 2020

SUBJECT: Consider Approval – Supplement to the Land Tenure Agreement with the Clovis Botanical Garden Committee to allow special events on the premises located at the northeast corner of Alluvial and Clovis Avenues inclusive of live entertainment, alcohol sales, and food trucks subject to an approved Administrative Use Permit.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

ATTACHMENTS: 1. Current Tenure Agreement
2. Supplemental Letter Agreement
3. Operational Statement

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to consider approval of a supplemental (side letter) agreement in support of the Clovis Botanical Garden (CBG) promoting special events inclusive of alcohol sales, live entertainment and partnering with the local area food trucks on the CBG grounds near the northeast corner of Clovis and Alluvial Avenues.

EXECUTIVE SUMMARY

Staff is in receipt of a request from the CBG Committee for Council to approve a supplemental agreement in support of allowing special events within the CBG grounds for the 2021 season. The proposed use will fall within the current footprint of the approved lease area and there is no anticipated expansion. Should the Council approve CBG's supplemental agreement, the CBG Committee will begin the required Administrative Use Permit and associated permitting process.

BACKGROUND

The City of Clovis currently owns real property located at the northeast corner of the intersection of Clovis and Alluvial Avenues and entered into an agreement on November 20, 2001 (**Attachment 1**) to allow CBG, a California non-profit corporation, to develop and operate a demonstration garden on a 1.1. acre portion of City-owned property. In 2010, the land tenure agreement was expanded to 4.16 acres.

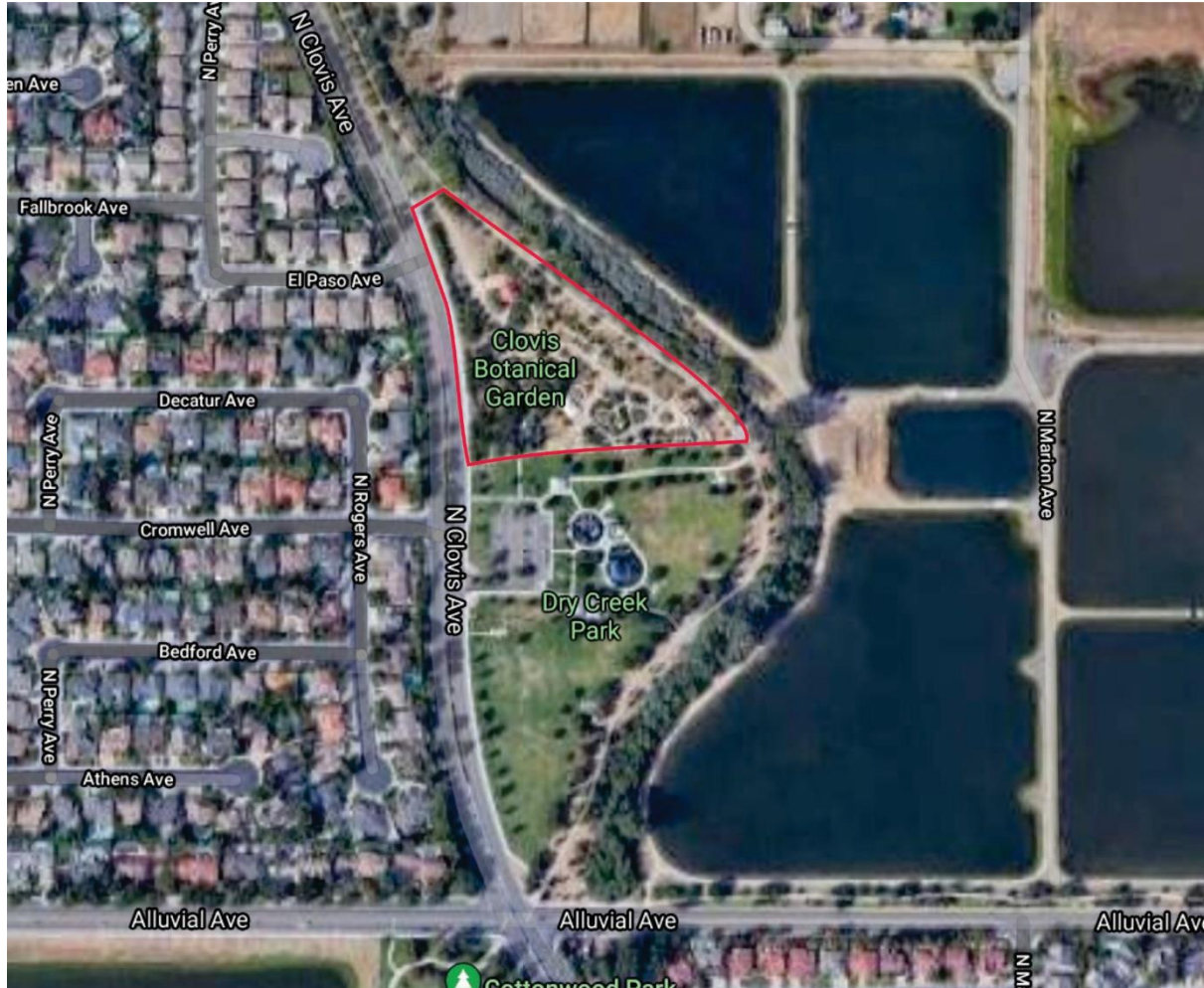


FIGURE 1
Project Location

PROPOSAL AND ANALYSIS

The CBG Committee is requesting approval of a supplemental agreement to allow for additional outdoor events at the Project site shown in **Figure 1** above. The existing site is developed with an informational/gift shop, and an approximate 1,600 square foot pavilion with a walking garden area that CBG intends to utilize for additional fundraising opportunities. Part of the CBG request is the inclusion of food trucks which are subject to an Administrative Use Permit (AUP), live music, and the sale of beer during scheduled events. The CBG Committee is aware that alcohol sales are subject to Alcoholic Beverage Control and Clovis Police Department review and approval and that currently ABC has

issued a moratorium on outdoor beer permits due to COVID. The following bullet points provide key event details:

- Dates for the event: Thursday evenings- April 8 through May 27, 2021
- Time: 5:00 pm to 9:00 pm;
- Food Trucks: Six trucks maximum;
- Live Music: 6:00 pm to 8:30 pm;
- Security: Private Security and CBG staff and volunteers

Parking for the use will be shared with Dry Creek Park users; however, the proposed times for the CBG fundraising events are after hours when most visitors have left the park. Additionally, it is anticipated that many neighboring patrons will either utilize the trail system to either walk or cycle to the scheduled events.

As discussed within the body of staff's report, the CBG Committee is requesting supplemental approval to provide for additional fundraising opportunities that include onsite consumption of alcoholic beverages, live music and allowance of up to six (6) food trucks to assist in CBG's financial goals for future expansion. The review and approval of this supplemental agreement provides the opportunity to ensure that the operational characteristics of the proposed use are consistent with applicable policies and standards and to verify that the use is compatible with existing uses in the surrounding vicinity. Additionally, Police and Fire will work with CBG staff to implement requirements that address designated alcohol consumption areas, daily use permits, tent and canopy permits, and other special outdoor use reviews.

Prior to formal submittal for City Council consideration, the CBG Committee facilitated an onsite neighborhood outreach meeting on November 12, 2020 in order to inform area residents about CBG's proposed operation. The CBG Committee and planning staff attended the meeting. However, although 71 notices went out to adjacent property owners, there were no neighborhood attendees.

The CBG Committee is asking the City Council to approve the supplemental agreement for CBG to move forward with submittal of supporting entitlements and permits for a 2021 trial of this fundraising opportunity.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Staff is in receipt of a request from the CBG for the Council to approve a resolution of support for the CBG to conduct the abovementioned fundraising events on 4.16 acres near the northeast corner of Clovis and Alluvial Avenues. Approval of the supplemental agreement will provide CBG the opportunity to pursue the prescribed onsite fundraising opportunities for future building construction.

ACTIONS FOLLOWING APPROVAL

If City Council approves the CBG to move forward with the supplemental agreement, staff will work with CBG to finalize the draft agreement and secure supporting entitlements.

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by: City Manager *JH*

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

(FOR RECORDER'S USE ONLY)

CITY OF CLOVIS
1033 Fifth Street
Clovis, CA 93612

No recording or filing fee required; this document
exempt from fee pursuant to Sections 6103 and
27383 of the California Government Code.

**LAND TENURE AGREEMENT FOR
A 4.16 ACRE BOTANICAL GARDEN AND RELATED FACILITIES
ALLUVIAL AND CLOVIS AVENUES,
CITY OF CLOVIS, FRESNO COUNTY, CALIFORNIA**

This Land Tenure Agreement ("Agreement") is entered into effective June 28, 2010 ("Effective Date") between the City of Clovis, a California Municipal Corporation ("City") and the Clovis Botanical Garden Committee, a California Nonprofit Corporation ("Committee"), pursuant to the following recitals which are a substantive part of this Agreement:

RECITALS

- A. City is the owner of certain real property located at the northeast corner of the intersection of Clovis and Alluvial Avenues in the City of Clovis, County of Fresno, State of California, as more particularly described and depicted in **Exhibit A** ("Site").
- B. The Site is planned by City as part of City's community parks and trails system. As of the Effective Date, City has completed substantial park development on the Site.
- C. City and Committee entered into an agreement in 2001 whereby Committee developed and operated a 1.1 acre demonstration Botanical Garden on the Site.
- D. City and Committee entered into a second agreement in 2008 whereby Committee expanded the Botanical Garden and developed related facilities to encompass 3.78 acres of the Site.
- E. Committee desires to further expand the Botanical Garden and further develop related facilities ("Garden Facilities") to 4.16 acres of the Site. The portion of the Site proposed for the expanded Garden Facilities is more particularly described and depicted in **Exhibit B** attached hereto ("Premises").

F. City agrees to permit Committee to develop and operate the Premises according to the terms of this Agreement.

NOW, THEREFORE, City and Committee agree as follows:

1. Attachments. The attachments to this Agreement are incorporated herein by this reference and the terms contained in the attachments shall have the same force and effect as if they were set forth herein.
2. Consideration. Development and operation, including maintenance of the Premises, by Committee for the purposes set forth in this Agreement and satisfaction by Committee of the terms of this Agreement shall be considered consideration for Committee's use and occupancy of the Premises. Except as otherwise set forth herein, City shall not charge Committee for use of the Premises during the term of this Agreement.
3. Use of Premises. Upon the Effective Date, Committee shall be allowed to use the Premises for the construction, operation, and maintenance of the Garden Facilities in accordance with the terms specified herein. Committee shall not use the Premises for any purpose except as specifically provided herein.

Committee shall use the Premises solely and exclusively as a Botanical Garden and related facilities. Committee shall permit no other uses of the Premises except for incidental or ancillary uses related to promoting, developing, or generating revenue for the Garden Facilities.

Consistent with the Site Plan discussed below, Committee, at its sole cost and expense, may construct a building or buildings on the Premises to be used for its offices, storage, meetings, gift shop, special events, or any purpose consistent with development of the Botanical Garden. Committee may delegate by contract construction to other entities consistent with the terms of this Agreement. The building(s) shall not be used as any person's actual living quarters and there shall be no overnight sleeping on the Premises.

Notwithstanding the foregoing, with the written consent of City, Committee may allow community non-profit groups to use portions of the building(s) for office use provided that the Committee shall remain responsible for all of its obligations under this Agreement, including without limitation its indemnification and insurance obligations. Such additional use shall be considered incidental and ancillary to the Committee's use of the Premises.

Any revenue Committee generates from its use of the building(s) or Premises shall be used solely for the further development and operation of the Botanical Garden, Garden Facilities, or Premises consistent with Committee's purpose; except that during any joint fund raising events held on the Premises with other non-profit organizations, such as the California Native Plant Society, revenue may be shared according to arrangements made between Committee and the non-profit organization.

The following additional provisions shall apply:

- a. Site Plan Approval; Parking Plan. Committee shall design, construct, maintain, and operate the Premises in accordance with the Clovis Botanical Garden 2010 Site Plan (“Site Plan”) approved by City for the Premises. A copy of the Site Plan is attached as **Exhibit C** and incorporated herein by reference and shall be deemed a material part of this Agreement. The Site Plan may be amended through ordinary City channels for amending Site Plans and any such amendments shall be deemed incorporated into this Agreement.

As part of the Site Plan, Committee shall submit for review, modification, and approval by City a parking plan demonstrating how Committee will address on-site and off-site parking and related traffic issues for fund raising activities and special events held on the Premises.

- b. Business Plan and Operational Rules. As a condition precedent to constructing any improvements on the Premises, the Committee’s business plan, operational budget, and operational rules for the Premises must be reviewed and approved by the City Council as set forth in Section 17. An annual report and budget shall also be provided as set forth in Section 18.
- c. Signage and Committee Sponsorships. All Garden Facilities signs shall be in conformance with the Site Plan and City’s sign ordinance. Notwithstanding the foregoing, Committee may allow businesses to sponsor gardens, plazas, and other facilities with signs or other displays identifying the sponsor. Committee may also obtain a sponsor for the Botanical Garden with naming rights. Committee’s rules governing such signs and displays shall be set forth in Committee’s operational rules approved by the City Council pursuant to Section 17. Any agreement with Committee sponsors to provide sponsorship signs and displays, sponsorship plazas, sponsor naming of the Botanical Garden, or similar, shall include provisions notifying the sponsor that should this Agreement terminate, City has no obligation to maintain the sign, plaza, or sponsor name, and City may modify or remove all sponsor signs, plazas, and other references.
- d. Alcohol Use. Committee, including a person, business, or organization hired by Committee, may serve and sell alcohol on the Premises during exclusive Committee fund raising events, and for up to twelve (12) special events (as defined in Section 24) in a calendar year, provided Committee, and any person, business, or organization hired by Committee, complies with all applicable California Alcohol Beverage Control Act rules and regulations. All alcohol consumption shall be confined to the Premises, and no person shall be allowed to bring alcohol onto the Premises except for the alcohol to be served or sold by Committee for the fund raising event. In addition, Committee shall meet at least

fourteen (14) days prior to any event involving the serving of alcohol with the Clovis Police Department and comply with any conditions required of the Department to protect the public health, safety, and welfare, including ensuring that minors have no access to alcohol and that no alcohol or alcohol beverage containers leave the Premises.

- e. Weed Maintenance. In addition to any weed maintenance for the Premises, Committee will provide weed maintenance for the area five (5) feet adjacent to and outside of the perimeter fence line and any parking area.

5. Liens and Claims. Committee shall fully pay for all materials joined or affixed to the Premises and pay in full all persons who perform labor thereupon. Committee shall not suffer any mechanics' or materialmen's liens, or stop notices, of any kind to be enforced against the Premises for any work done or materials furnished at Committee's request. If any such liens are filed thereon, Committee shall remove the same at its own expense, and shall pay any judgment that may be entered thereon or thereunder. Should Committee fail, neglect, or refuse so to do, City shall have the right to pay any amount required to release any such liens, or to defend any action brought thereon, and to pay any judgment entered therein; and Committee shall be liable to City for all costs, damages, reasonable attorneys' fees, and any amounts expended in defending any proceedings or in the payment of any of said liens or any judgment obtained therefor. City may post and maintain upon the Property notices of nonresponsibility as provided by law.

6. Encumbrances. Committee shall not encumber by deed of trust, mortgage or other security instrument, all or a part of its interest under this Agreement without the advance and express written consent of City, and upon such terms and conditions as City may require. Any encumbrance existing as of the commencement of this Agreement shall be subject to all covenants, conditions, or restrictions set forth in this Agreement and to all rights and interests of City.

7. Compliance with Laws: Required Permits. Committee shall comply with all statutes, ordinances, regulations and requirements of all governmental entities (including the City of Clovis), relating to Committee's use and occupancy of the Premises, whether those statutes, ordinances, regulations and requirements are now in force or are subsequently enacted. Committee shall not use the Premises or permit the Premises, or any portion thereof, to be improved, developed, used or occupied in any manner that is in any way in violation of any valid law, ordinance, or regulation of any federal, state, county, or local governmental agency. Committee is responsible for obtaining all building and other permits from City and any other governmental agency having jurisdiction over the Premises.

8. License. If any license, permit, or other governmental authorization is required for the lawful use or occupancy of the Premises, Committee shall procure and maintain it throughout the term of this Agreement.

9. Utilities. Committee shall make all arrangements for and pay for all utilities and services furnished to the Premises or used by Committee including, but not limited to, gas, electricity, water, sewer, telephone service, cable, trash collection and for all connection services, except as follows:

City shall furnish up to 1,000,000 gallons per year of water to the Premises free of charge. Committee shall be responsible for the costs of all City furnished water consumed on the Premises in excess of that amount at City's rates for such service. Committee will be responsible for the costs of all connections required to obtain City water service.

10. Waste and Nuisance. Committee shall not use the Premises, or allow the Premises to be used, in any manner that will constitute a waste, nuisance, or unreasonable annoyance (including without limitation, the use of loudspeakers or sound or lights that are reasonably determined to be a nuisance) to the neighborhoods adjacent to the Premises.

11. Applications for Funding. Committee may actively seek funding for the development and maintenance of the Premises, including funding for development fees. City may jointly apply with Committee for grant funds to assist in development and maintenance of the Premises. Committee shall, at its sole time, cost and expense, prepare the required applications. As set forth in paragraph 26, nothing herein creates an agency or partnership relationship between the City and Committee.

12. Indemnity and Hold Harmless. Committee shall indemnify, hold harmless and defend City and its officers, officials, employees and agents from and against any and all claims, damages, losses and expenses, including attorneys fees, arising out of Committee's use, occupation or control of the Premises, including premises liability, and including the development, maintenance or control of the Botanical Garden, the Garden Facilities, or any improvements on the Premises, except where such claim, damage, loss or expense is caused by the sole negligence of City.

13. Insurance Requirements. Committee shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons and for damage to property that may arise from or in connection with Committee's use, occupation or control of the Premises. The cost of such insurance shall be borne by Committee. The scope and amounts of insurance shall be not less than those set forth in **Exhibit D** attached hereto.

14. Assignment. Committee may not assign or sublet any rights or obligations under this Agreement or any interest in this Agreement without the prior written consent of City. City shall not unreasonably withhold its consent provided any successor entity assumes the obligations under this Agreement and provides satisfactory evidence to City that it has the resources to perform Committee's obligations under this Agreement. This section allows Committee to delegate operational roles to other entities provided the terms of this section are satisfied.

15. Taxes, Assessments, and Fees.

a. Possessory Interest Tax and Assessments. If Committee's possessory interest in the Premises created by this Agreement is or becomes subject to property taxation during the term of this Agreement or any extension hereof, Committee shall be solely responsible for any property taxes arising out of its possessory interest in the Premises. Committee shall pay before delinquency any and all possessory interest taxes, assessments, and City business license fees that may become due because of Committee's use of the Premises. On demand by City, Committee shall furnish City with satisfactory evidence of such payments or exemption from such payments.

b. Personal Property Tax. Committee shall pay before delinquency all taxes, assessments, license fees, and other charges that are levied and assessed against Committee's personal property installed or located in or on the Premises, if any, and that become payable during the term of this Agreement, if any. On demand by City, Committee shall furnish City with satisfactory evidence of these payments or exemption from such payments.

16. Inspection of Premises. City and its authorized representatives shall have the right to enter and inspect the Premises and any improvement(s) on the Premises at all reasonable times to determine whether the Premises or improvement(s) are in good condition and whether Committee is complying with its obligations under this Agreement; to do any necessary maintenance; to make restoration to the Premises; and to serve, post, or keep posted any notices required or allowed under the provisions of this Agreement.

17. Operational Rules. Before opening the Premises to the public, and as a condition precedent to constructing any improvements on the Premises, Committee shall present its operational rules ("Operational Rules") for the Premises to the City Council for review and approval. The approved Operational Rules shall be attached hereto as **Exhibit E** and incorporated herein by reference as though set forth in full. The Operational Rules shall at a minimum address rules of conduct, hours of operation, fees to be charged (if any), when use of the Premises may be limited to special events and fund raising activities, and sponsorship opportunities and signage. The City Council may accept or reject the Operational Rules in its sole discretion. Committee shall be responsible for ensuring that the Premises are at all times being operated in accordance with the Operational Rules approved by the City Council. Any changes to the Operational Rules shall be approved by the City Council and become a part of this Agreement.

18. Annual Reporting and Accounting Requirements: Inspection of Books and Records.

a. Accounting Books. Committee shall maintain accounting books governing the entire operation of the Premises, including but not limited to the Botanical Garden, the Garden Facilities, any buildings that may be constructed, special events, and the gift shop, in accordance with generally accepted accounting principles or other methods approved by the Finance Director or his/her designee. The books shall, at a minimum, contain information in sufficient

detail, as determined by the Finance Director or his/her designee, showing revenues and expenses, accounts receivable and payable, and debts incurred by Committee.

Committee shall designate a place for maintenance of the books in City of Clovis. The books should be open for inspection by the Finance Director or his/her designee at that place during regular business hours Monday through Friday, 8 a.m. to 5 p.m., excluding City recognized holidays, and at all other times within a reasonable time upon request. The books and supporting data shall be maintained for not less than a period of five (5) years following the calendar year in which they were generated.

b. Annual Report and Budget. Committee shall prepare an annual report ("Annual Report") of its activities and an annual budget ("Annual Budget"). The Annual Report and Budget shall be based upon a fiscal year beginning November 1 and ending on October 31. The Annual Report and Budget shall be presented to the City Council no later than December 31. The Council may request additional information and details to supplement the Annual Report and Budget and Committee should provide that information within fourteen (14) days of such request.

19. Term of Agreement and Termination. This Agreement shall be in effect for a period of thirty (30) years from the Effective Date unless sooner terminated as set forth below. Committee shall have the option to request an extension of the term of this Agreement. Any such extension is subject to approval in writing by City and upon mutually agreeable terms.

a. Termination for Default. This Agreement shall terminate upon a default of either party as set forth in Section 20 of this Agreement.

b. Termination Upon Dissolution or Insolvency. This Agreement shall automatically terminate upon: dissolution or termination of the existence of Committee; Committee insolvency; Committee business failure; appointment of a receiver for any part of Committee property located on the Premises; Committee assignment for the benefit of creditors; or the commencement of any proceeding under any bankruptcy or insolvency law by or against Committee or any guarantor or surety for Committee.

c. Reduction in Term of Agreement. If Committee fails to secure funding to complete at least fifty percent (50%) of the improvements identified on the Site Plan by December 31, 2012, the term of this Agreement shall be reduced to twenty (20) years. If Committee fails to complete at least fifty percent (50%) of the improvements identified on the Site Plan by December 31, 2015, the term of this Agreement shall be reduced to ten (10) years. Committee shall demonstrate by satisfactory evidence to City that it meets the thresholds set forth in this subsection.

20. Default.

a. Grounds for Default. The following shall be grounds for default:

(i) Breach of Agreement. A failure to cure any material breach of this Agreement by either Committee or City, including any attachments hereto, within sixty (60) days following written notice thereof. Anytime after Committee commits a default (fails to cure a material breach within 60 days of notice), City may terminate this Agreement or cure the default at Committee's cost. If City, by reason of Committee's default, pays any sum or does any act that requires the payment of any sum, the sum paid by City shall be due immediately from Committee to City at the time the sum is paid, and if paid at a later date, shall bear interest at the rate of ten percent (10%) per annum from the date the sum was paid by City until City is reimbursed by Committee.

(ii) Violation of Operational Rules. Repeated violations by Committee of the Operational Rules. Repeated violations shall mean more than four (4) times in any 365 day period.

b. Notice of Default. Notices of default shall specify the alleged default and the applicable provision of this Agreement, and shall demand that the defaulting party perform the provisions of this Agreement within the applicable period of time. No such notice shall be deemed a forfeiture or termination of this Agreement unless the non-defaulting party so elects in the notice.

21. Consequences of Termination.

a. Use of the Premises. Upon termination, Committee shall immediately cease any further use of the Premises, and Committee shall remove any personal property from the Premises.

b. Ownership and Removal of Improvements and Plant Species. Upon termination of this Agreement, ownership and removal of any improvements and plant species shall be as follows: Except for any building improvements constructed on the Premises, all improvements constructed on the Premises (i.e. irrigation facilities) and all plant species installed on the Premises shall be owned by Committee. Committee shall not, however, remove the improvements or plant species from the Premises or waste, destroy, or modify any improvements or plant species on the Premises, except as directed by City in writing. Upon receipt of written notice from City, Committee shall, at its sole cost and expense, remove from the Premises those improvements and plant species so noted. Those improvements and plant species constructed or installed by Committee on the Premises that are not directed to be removed by City shall, without compensation to Committee, become the property of City free and clear of all claims to or against them by Committee or any third party. Upon termination of this Agreement, any building improvements constructed by Committee on the Premises shall revert to City and become City's property, and City shall not be obligated to compensate Committee, or any Committee member or sponsor, for any such building improvements. Committee hereby waives any right to seek compensation or other relief from or against City, including but not limited to injunctive relief and inverse condemnation, for any such building improvements.

c. Use of Premises After Termination. After termination of this Agreement, City may use the Premises in any manner it sees fit consistent with the purposes for which City acquired the Site. City is not required to maintain the Botanical Garden, the Garden Facilities, any of the improvements or plant species, or any of the sponsorship signs, displays, plazas, or similar. City may elect to install additional or different improvements and plant species.

22. Recording. This Agreement, or a summary memorandum of this Agreement, may be recorded by either party in the Fresno County Recorder's Office.

23. Fund Raising Activities and Special Events. The parties' intent in allowing use of the Premises for fund raising activities and special events (i.e., wedding and graduation receptions, birthday parties, anniversary parties, reunions, and the like) is to permit the Committee to generate revenue to maintain the Premises, not create a public forum to be used for religious gatherings or functions, political parties or candidates, or commercial activities. Fund raising activities and special events shall at all times be under the direct control and supervision of Committee.

24. Notice. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid registered mail. Notice shall be deemed communicated only when received either personally by the party to whom notice is to be given or when received by registered mail at the address of such party as herein provided.

Notice addressed to Committee shall be addressed as follows:

Clovis Botanical Garden Committee
1865 Herndon Avenue, Suite K
Box 330, Clovis, CA 93611

Notice to City shall be addressed as follows:

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

Either party may designate a different address by notifying the other party of the change of address.

25. Waiver. No delay or omission in the exercise of any right or remedy of City on any default by Committee shall impair such right or remedy or be construed as a waiver. City's consent to or approval of any act by Committee requiring City's consent or approval shall not be deemed to waive or render unnecessary City's consent to or approval of any subsequent act by

Committee. Any waiver by City of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

26. No Partnership or Agency Relationship. City is not, nor shall it become or be deemed to be, a partner or a joint venturer with Committee by reason of the provisions of this Agreement, nor shall this Agreement be construed to authorize either party to act as the agent for the other. This Agreement shall not create any rights, including without limitation third party beneficiary rights, in any person or entity not a party to this Agreement.

27. Nondiscrimination. Committee shall be bound by the following nondiscrimination and nonsegregation clause:

“There shall be no discrimination against or segregation of any person, or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, ancestry or national origin, in the use, occupancy, or enjoyment of the Premises, nor shall the Committee itself or any person claiming under or through the Committee, establish or permit any such practice or practices of discrimination or segregation.”

28. Time of Essence. Time is of the essence of each provision of this Agreement.

29. Successors. This Agreement shall be binding on, and shall inure to the benefit of, the parties and their successors subject to the restrictions against assignment set forth in Paragraph 14, above.

30. Interpretation of Agreement. This Agreement shall be construed and interpreted in accordance with the laws of the State of California.

31. Severability. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

32. Entire Agreement. This Agreement contains all the agreements of the parties concerning the subject matter of it and cannot be amended or modified except by a subsequent written agreement.

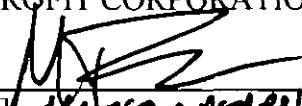
33. Voluntary Agreement. Each party represents and warrants to the other party the following: they have carefully read this Agreement, and in signing this Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement; and, they have freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other party, or their respective agents, employees, or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

34. Authority to Execute. The signatories to this Agreement represent that they have received authority from their respective governing body to execute this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

CLOVIS BOTANICAL GARDEN
COMMITTEE, a CALIFORNIA
NONPROFIT CORPORATION

CITY OF CLOVIS

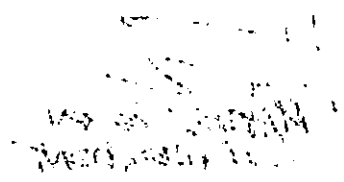
By: 
[Name] MATTHEW KELLY
[Title] VICE PRESIDENT

By: 
Kathy Millison
City Manager

***[Attach all-purpose acknowledgment of
Notary Public for each of the required signatures.]***

EXHIBIT A

Description and Depiction of Park Site



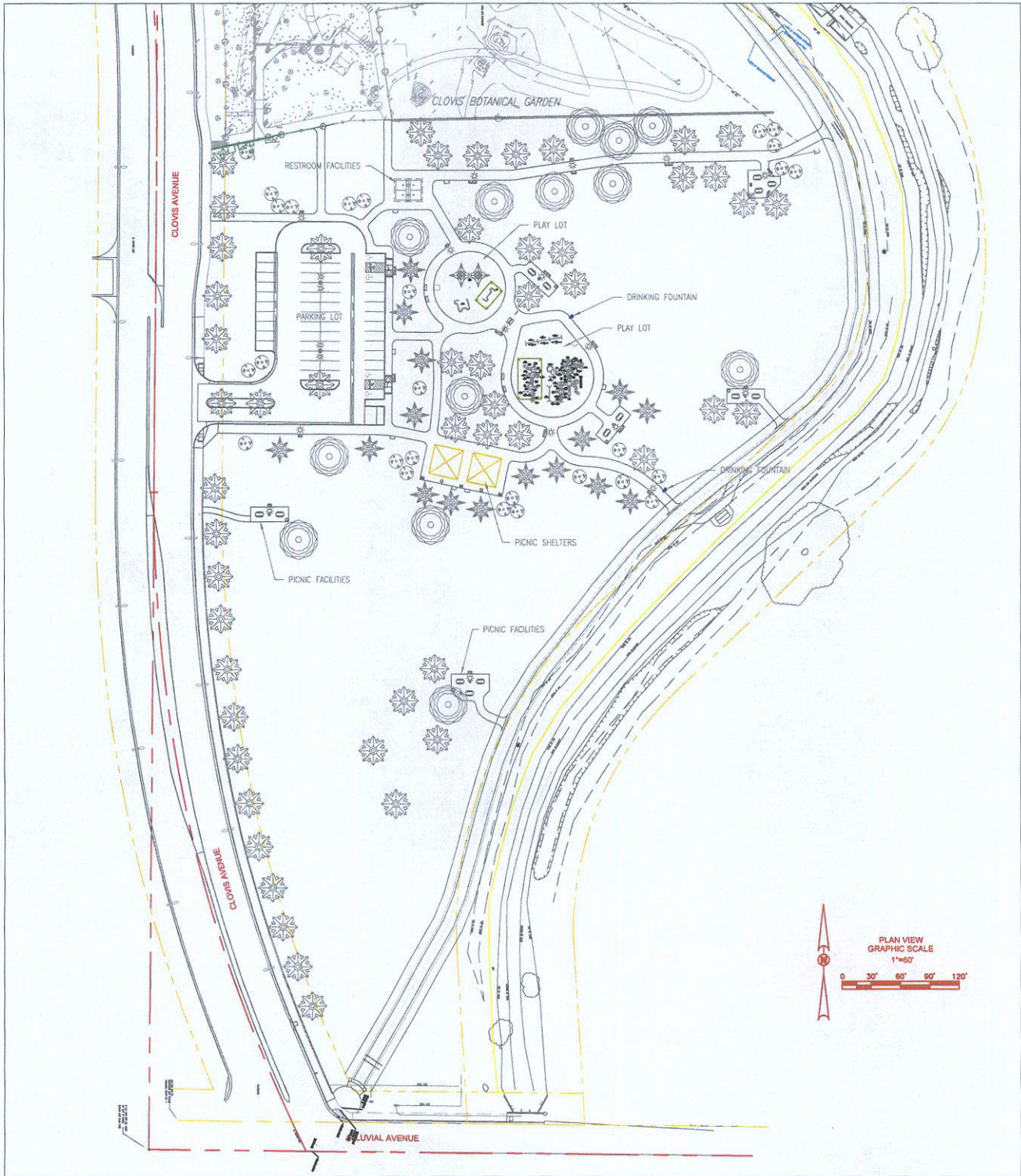


EXHIBIT B

Description and Depiction of 4.16 Acre Garden Facilities Premises



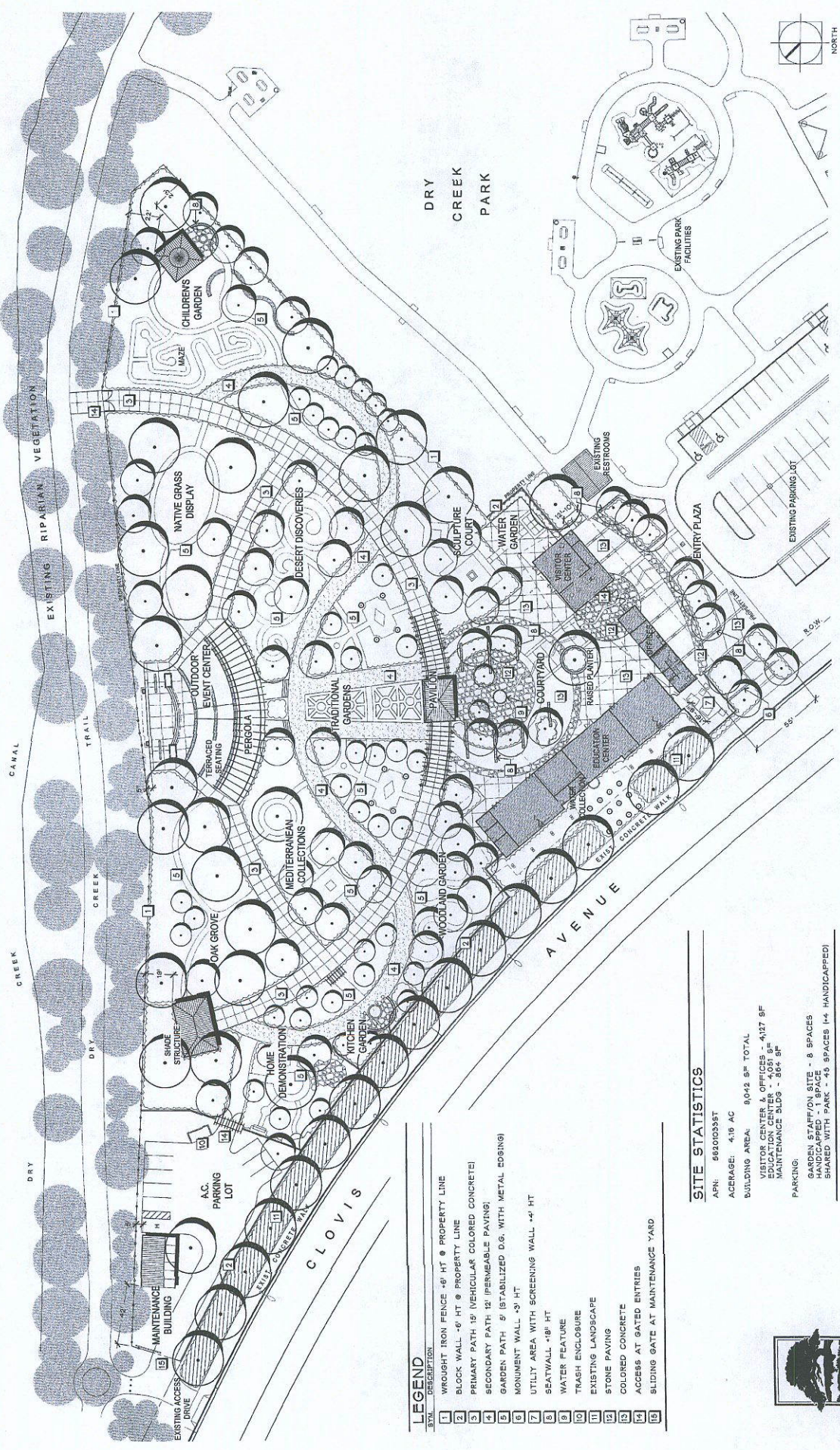
BROUSSARD ASSOCIATES
landscape architects

HMC

CONCEPTUAL LANDSCAPE PLAN

**Clovis Botanical Garden
A Water-Wise Demonstration Garden**

APRIL 2010



LEGEND

SYMBOL	DESCRIPTION
1	WROUGHT IRON FENCE - 6' HT @ PROPERTY LINE
2	BLOCK WALL - 6' HT @ PROPERTY LINE
3	PRIMARY PATH - 15' (VEHICULAR COLORED CONCRETE)
4	SECONDARY PATH - 12' (PERMEABLE PAVING)
5	GARDEN PATH - 5' (STABILIZED D.G. WITH METAL EDGING)
6	MONUMENT WALL - 4.5' HT
7	UTILITY AREA WITH SCREENING WALL - 4' HT
8	SEATWALL - 18" HT
9	WATER FEATURE
10	TRASH ENCLOSURE
11	EXISTING LANDSCAPE
12	STONE PAVING
13	COLORLED CONCRETE
14	ACCESS AT GATED ENTRIES
15	SLIDING GATE AT MAINTENANCE YARD

SITE STATISTICS

APN: 562010335T	
ACERAGE: 4.16 AC	
BUILDING AREA: 9,042 SF TOTAL	
EDUCATION CENTER 1: OFFICES - 4,127 SF	
EDUCATION CENTER 2: 4,055 SF	
MAINTENANCE BLDG - 864 SF	
PARKING:	
GARDEN STAFF/ON SITE - 8 SPACES	
HANDICAPPED - 1 SPACE	
SHARED WITH PARK - 45 SPACES (14 HANDICAPPED)	



EXHIBIT C

Site Plan



Clovis Botanical Garden
A Water-Wise Demonstration Garden

July 26, 2008

HMC
 Broussard Associates
 landscape architects

EXHIBIT D

Insurance Requirements

ACORD, CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 6/8/2010
PRODUCER McDaniel Insurance Services CA DOI #0820481 P.O. Box 1294 800-400-7288 Ojai, CA 93024-1294 (805) 646-9976; FAX (805) 646-9976; mcins@west.net	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED CLOVIS BOTANICAL GARDEN COMMITTEE, Inc. 1865 Herndon Avenue, K-330 Clovis, CA 93611	INSURERS AFFORDING COVERAGE INSURER A: Nonprofits' Insurance Alliance of California INSURER B: National Union Fire Insurance Company INSURER C: INSURER D: INSURER E:	NAIC #

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADDL LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	2010-15932-NPO	6/22/2010	6/22/2011	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000				
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	2010-15932-NPO	6/22/2010	6/22/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$				
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY AGG \$
	EXCESSUMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability	2010-15932-NPO	6/22/2010	6/22/2011	COMMON CAUSE / AGGREGATE 1,000,000 / 1,000,000
B	Volunteer Accident	SRG 0009124978	6/22/2010	6/22/2011	MEDICAL EXCESS / AD & D / AGGREGATE 25,000 / 50,000 / 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Evidence of Coverages

CERTIFICATE HOLDER Clovis Botanical Garden Committee, Inc. 1865 Herndon Avenue, K-330 Clovis, CA 93611	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
--	--

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 6/8/2010
PRODUCER <i>McDaniel Insurance Services</i> CA DOI #0820481 P.O. Box 1294 800-400-7288 Ojai, CA 93024-1294 (805) 646-9976; FAX (805) 646-9976; mcins@west.net	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED CLOVIS BOTANICAL GARDEN COMMITTEE, Inc. 1865 Hemdon Avenue, K-330 Clovis, CA 93611	INSURERS AFFORDING COVERAGE INSURER A: Nonprofits' Insurance Alliance of California INSURER B: National Union Fire Insurance Company INSURER C: INSURER D: INSURER E:	NAIC #

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADDD/LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-ECT <input type="checkbox"/> LOC	2010-15932-NPO	6/22/2010	6/22/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	2010-15932-NPO	6/22/2010	6/22/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Liquor Liability	2010-15932-NPO	6/22/2010	6/22/2011	COMMON CAUSE / AGGREGATE 1,000,000 / 1,000,000
B	Volunteer Accident	SRG 0009124978	6/22/2010	6/22/2011	MEDICAL EXCESS / AD & D / AGGREGATE 25,000 / 50,000 / 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Clovis, Clovis City Council, its employees, agents and volunteers are additional insured as lessors of the Garden at the corner of Clovis and Alluvial Avenue, in Clovis, CA, per CG 20 11 01 96, attached.

CERTIFICATE HOLDER City of Clovis 1033 Fifth Street Clovis, CA 93612	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
--	--

POLICY NUMBER: 2010-15932-NPO

COMMERCIAL GENERAL LIABILITY
CG 20 11 01 96**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You): (per the attached certificate)
2. Name of Person or Organization (Additional Insured):

Any person or organization acting as a manager or lessor of a covered premises that you are required to name as an additional insured on this policy, under a written contract, lease or agreement currently in effect, or becoming effective during the term of this policy.

3. Additional Premium: **Included**

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

EXHIBIT E

Committee's Operational Rules

Clovis Botanical Garden
Rules of Operation
March 2010

The Clovis Botanical Garden follows operational procedures as set forth in its Bylaws. These govern the composition, election and duties of the Board of Directors, the members of which are responsible for planning and executing the development and activities of the Garden.

Specific rules at the garden site are minimal:

All federal, state, and city rules and regulations shall be followed.

No alcoholic beverages shall be permitted, except during approved events.

Children under age 16 must be accompanied by an adult.

All dogs or pets must be leashed.

No bike riding, skateboarding, or similar activity is permitted in the garden.

Visitors enter at their own risk; risks are minimal and the same as those in any park or garden.

New volunteers shall be supervised or trained by qualified staff or experienced volunteers.

Gardening tools shall be stored in a shed or locked area when not in use.

All visitors must leave the garden at closing time or when asked to do so for schedule or safety reasons.

Garden hours are:

OPEN Wednesday through Sunday 9am to 4pm

CLOSED Monday, Tuesday, New Year's Day, 4th of July, Thanksgiving,
Christmas Eve and Christmas Day

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

On **June 29, 2010**, before me, **Diana Stice, Notary Public**, personally appeared **Kathy Millison** 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 the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diana Stice
Signature of Notary



--- OPTIONAL ---

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

On **June 29, 2010**, before me, **Diana Stice, Notary Public**, personally appeared **Matthew Perry** 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 the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diana Stice

Signature of Notary



~ ~ ~ OPTIONAL ~ ~ ~

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

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- OTHER

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

2007

**BYLAWS OF
CLOVIS BOTANICAL GARDEN COMMITTEE, INC.**

ARTICLE I: OFFICES

1.1 The principal office of the organization for the transaction of its business shall be at 1909 Harvard Avenue, City of Clovis, county of Fresno, California and shall remain there until such time as it is relocated by determination of a majority vote of the directors at a duly called meeting, except that the Board of Directors may choose and maintain a different location for receipt of its mail.

1.2 All members of the organization, all parties with whom it has contractual relationships and all such government agencies as so require, shall be notified of any address change within a reasonable period of time or within a period of time established by statute.

ARTICLE II: MEMBERS

Classes of membership and membership rights

2.11 The rights and privileges shall be the same for every member of the organization, except as otherwise indicated in article 2.12. The voting required of a director at Directory Board meetings shall not be construed as being an additional benefit.

2.12 (a) A group associate membership may be conferred upon a club or association upon payment of dues established for all such groups and shall confer one vote upon such group.

(b) A lifetime membership may be conferred without the payment of dues, by a majority vote of the Directors, as compensation for actions deemed to be especially beneficial to the organization and from which the conferee received or will receive no monetary gain and such membership shall confer the same rights and privileges as basic membership.

(c) Family membership may be granted to all members of a family living at the same address, except that such a membership shall allow only one vote per family.

(d) Business membership may be granted and shall confer only one vote on the business.

Qualifications

2.2 Any person who has paid such dues or fees as required by these by-laws, and who is not suspended, shall be qualified for membership.

Admissions

2.3 Qualified persons shall be admitted to membership upon making application unless the Board of Directors denies membership within 35 days thereafter. All dues paid by or on behalf of the applicant shall be returned to the applicant if the application is denied.

Application Fee

2.41 The board of directors, by resolution, may require an initial application cash fee. If the directors deem particular goods or services proffered to be of equal or greater value to the organization, such goods and services may be accepted in lieu of cash. Such fee shall be considered the dues for the first year.

Dues

2.42 The annual dues shall be a cash amount determined by resolution of the board of directors, except that donated materials or services may be accepted in lieu of cash at the discretion of the Directors.

- 2 -

Assessments

2.43 Members of the organization shall be non-assessable.

Property of Dues

2.43 2.44 Dues paid to or materials donated to the organization become the property of the organization and any sellable or individual interest of any member therein terminates on such payment.

Membership Record

2.5 The organization shall keep a membership record containing the names and addresses of each member. The membership record shall be kept at the organization's principal office or in the custody of an officer appointed by the Directors until a permanent office is established.

Nontransferability of Membership

2.6 Membership in this organization is nontransferable and nonassignable.

Right to Inspect Records

2.7 All records of this organization, except the membership records, shall be open to inspection on the written demand of any member at any reasonable time for a purpose reasonably related to his interest as such.

Termination of Membership

2.8 Membership may be terminated by a majority vote of the Directors for just cause and in good faith. Just cause shall include acts which would be deemed offensive by a reasonable person, including but not limited to the following: criminal conviction while a member, lewd or lascivious conduct, harassment, discriminatory acts based upon race, religion, gender, sexual orientation or physical disability, misappropriation of corporation funds, public inflammatory statements not appropriate to the conducting of the corporation's business. The Board of Directors must give notice to the member whose membership is being considered for termination. The notice to the member must include the reasons for proposed termination. The member will be given an opportunity to be heard by the Board of Directors, either orally or in writing, not less than five days before the effective date of the termination. Notice shall be mailed by first class or registered mail to the last known address shown on the corporations records.

ARTICLE III MEETINGS OF GENERAL MEMBERSHIP

Place

3.1 Meetings of the general membership shall be held at the principal office of the organization or such other place as may be designated from time to time by the Board of Directors.

Regular General Meetings

3.2 Members shall meet as determined by the Board of Directors, but at least one regular meeting shall be held annually at a time and place determined by the Board of Directors to complete the election of directors.

Special Meetings

3.3 Special meetings of the members shall be called only by the president, by the vice-president if the president is unavailable, or by a majority of the Directors.

- 3 -

Notice

3.4 Written notice of the time and place of meetings shall be delivered personally to each member or sent to him by United States Mail, postage prepaid, or by telegram, at least ten [10] days prior to such meeting, except that notice of meetings which are scheduled to take place at pre-established regular intervals and at a specifically designated location, may be dispensed with, provided all members have been previously advised of that schedule. Adherence to these rules shall constitute due and timely notice.

Contents of Notice

3.5 Meeting notices shall specify the place, the date and time of day of the meeting.

Consent of Absentees

3.6 [a] Transactions enacted at any duly called and noticed meeting of members are valid and binding upon members absent from such meeting so long as a quorum, as herein defined, is present.

Quorum

3.7 A quorum of the general membership shall consist of twenty-five percent [25%] of the membership, except that when a timely notice has been sent to all the members and specifies the time, place and subject(s) of a meeting, and the subject matter has been agreed upon in advance by a two-thirds majority of the Directors sitting at a duly called Board meeting, a quorum shall consist of the members present as to the subject(s) specified in that notice and no other subject(s).

Lack of Quorum

3.8 Members at a duly called meeting may open discussion, but no binding decisions shall be made or business transacted unless a quorum is present.

Loss of Quorum

3.9 The members present at a duly called meeting at which a quorum is present may continue to do business until adjournment, notwithstanding withdrawal of enough member to leave less than a quorum.

Precedence of Voting

3.9.1 When a question is placed before a duly called and noticed meeting of general members at which at least twenty-five percent of the membership is present, the resultant vote shall have precedence over a vote on the exact same question at a meeting of the Directors, except that no contractual agreements then in force or obligations due and payable may be reversed or altered by that vote. Any question on which the general membership is asked to vote shall first have been approved and recorded at a meeting of the Board of Directors prior to the meeting of the general membership.

Termination of Meetings

3.9.2 A meeting may be terminated by a majority vote of those present, regardless of the wishes of the presiding officer.

Voting at General Meetings

3.10 Voting at a duly called meeting of the members shall be by voice vote, provided however that election of directors shall be conducted as provided in section 4.2. No voting or action by proxy or cumulative voting of the members shall be authorized.

Conduct of Meetings

3.11 Meetings of members shall be presided over by the president, or in his absence, by the vice-president, except that, having opened a meeting, the president may delegate that authority to another director for the remainder of that particular meeting.

5

Compensation

4.6 The Board of Directors shall serve without compensation

Removal

4.7 [a] The entire Board of Directors, or any individual Director, may be removed from office at any time by vote of a majority of members casting ballots at a duly called election. A petition signed by thirty percent of the members in good standing of the organization and presented to the Recording Secretary shall be sufficient to invoke such an election within thirty-five (35) days of its presentation.

[b] Three consecutive absences of a Director from duly called meetings of the Board of Directors may be considered cause for removal, at the discretion of the remaining Directors.

Vacancies

4.8 [a] The Directors by majority vote may appoint a general member to the Board during any current year to complete a term vacated or unfilled for any reason except as described in 4.8 (b). Such appointment must be made at a regularly scheduled meeting or by the e-mail method described in article 4.9 (b). The appointee may serve during that year, but must then receive a successful confirmation vote at the next following election in order to continue such term as remains after that election. A successful confirmation vote shall consist of no less than the number of favorable votes received by the winning nominee who receives the least number of votes in that election.

[b] If all the Directors are removed, resign, or otherwise vacate their Board membership, the general membership may appoint a chairman to gather names of nominees and to conduct an election following the rules set out in section 4.2 [b].

Meetings

4.9 [a] The President shall call all regular meetings of the Board of Directors. Any one Director can demand that the President call a meeting of the Board. If the President fails to do so within thirty days, the meeting may be called by the Vice-president, or a majority of the Board.

[b] The President may request a vote by mail on a single specific matter, in lieu of calling a meeting, providing no director objects to using this procedure for the particular instance. A vote by mail shall require that all the Directors be advised by mail of the question at hand, that a response be received from all of the Directors and that no less than two-thirds of the responses be favorable. A vote for or against the question shall be considered acceptance of the voting procedure without recourse.

[c] In all matters on which the Board of Directors must vote, the Director chairing the particular meeting may vote only to break a tie.

Board Quorum

4.10 A quorum shall consist of fifty percent (50%) of the Directors then in office.

4.11 Regularly scheduled meetings of the Board of Directors shall be governed by Robert's Rules of Order. A Parliamentarian shall be appointed to research and advise the Directors on questions of procedure covered by these Rules.

4.13 By a vote of at least two-thirds, the Board of Directors, at a regularly scheduled meeting, may confer Advisory Group status on any person they deem to be of special value to the Board for whatever reason. To continue serving Advisory status, an appointee must have his term renewed by a favorable vote of two thirds of the Directors within twenty-four to twenty-six months after appointment, but not sooner. Failure of the Board of Directors to renew an Advisor's term in office shall cause his group status to lapse. These rules shall apply for each subsequent reappointment.

4.

- 3.12 The Recording Secretary of the organization shall act as such at all meetings of members, provided that if the Recording Secretary is absent, the presiding officer shall appoint another person to act as Recording Secretary of that meeting.

ARTICLE IV: DIRECTORS

Qualifications

4.1 A Director must be an active member of the organization and any active member thereof is qualified to be a Director. For the purpose of these bylaws the term 'Director' shall refer only to those elected by the membership of the organization or to Board appointees while they remain in office.

4.2 [a] Members may submit written nominations to the Recording Secretary of the corporation at any time between May 25 and August 25 of each year. Directors, including the original directors, shall be eligible for re-election without limitation on the number of terms they may serve. Nomination must include the signature of the nominator as well as the nominee's signed acceptance of his nomination. Both the nominee and the nominator must be members in good standing of the organization.

[b] Ballots shall be mailed to all members in good standing within five business days after the close of nominations, listing the qualified nominees, providing a return envelope and indicating a date no earlier than twenty business days after close of nominations by which completed ballots must be received by the Recording Secretary. The ballot shall also offer for confirmation, the name of any director who was appointed, as defined in section 4.2[e], to complete a vacated term during the period since the most recent prior election.

[c] Ballots shall be uncovered and counted at a duly called meeting no sooner than twenty days after close of nominations.

[d] The number of director positions indicated on the ballot shall be filled by the like number of candidates receiving the greatest number of votes and the candidates so elected shall take office on November 1 of that year, except that no candidate who receives a favorable vote from less than fifty percent of the total ballots received shall become a Director.

[e] A reasonable means shall be devised that will verify that the voter is a member in good standing, while maintaining a secret ballot system for the election.

[f] In order to qualify as a Director a candidate in an annual election must receive a favorable vote on at least fifty percent of the ballots returned in that election.

Number of Directors

4.3 There shall be fifteen Directors.

Terms of office

4.4 Terms of office of Directors shall be three years, with director terms expiring each year. Terms of office for directors in office at time of adoption of these amended bylaws shall not be changed. The additional six Director's terms shall be such that two of the new Director's terms shall expire on October 31, 2001, two shall expire October 31, 2002 and two shall expire October 31, 2003.

Duties of Directors

4.5 It shall be the duty of the Directors to:

[a] perform any and all duties imposed on them collectively or individually by law, by the constitution of this organization, or by these by-laws.

[b] cause an accounting to be maintained of all receipts and disbursements of the corporation.

[c] cause a record of membership names and addresses maintained which shall include the current addresses of the Directors. Notices mailed to the Director's addresses of record shall be valid notices thereto.

6.
ARTICLE V: OFFICERS

Selection of Officers

5.0 At the first Board of Directors meeting following the annual election, the Directors shall choose the Officers of the organization from among themselves. Any position in dispute shall be settled by secret polling of the Directors.

5.01 Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as the President or Vice-President of the Board of Directors.

President

5.1 The President of Clovis Botanical Garden Committee Inc. shall be the chief presiding officer of the organization and shall, in general, supervise the affairs of the Organization as determined by the Board of Directors. The President is authorized to approve expenditures up to an amount determined from time to time by resolution of the Directors. Larger expenditures must be approved by a regular or special meeting of the Board or a vote by mail as described in section 4.9. The President shall perform all duties incident to his office and such duties as may be required by law, by the Constitution of this organization, by these by-laws, or which may be assigned to by him from time to time by the Board of Directors or by the members and accepted by him..

Vice-president

5.2 The Vice-president shall preside over any duly called meeting at which the President is absent or at the request of the President.

Recording Secretary

5.3 The Recording Secretary shall:

[a] Retain a copy of the by-laws as amended or otherwise officially altered to date.

[b] Record the minutes of all meetings of the Directors and members of the organization at which there is a quorum present and maintain a copy of the minutes available for reference as needed. The minutes shall include the name and place of meeting when not held at the Organization's regular place of meeting, the names of those attending, and the proceedings thereof.

[c] Receive ballots, oversee the count and recording at a General Meeting.

Treasurer

5.4 The Treasurer shall:

[a] Have charge or custody of, and be responsible for, all funds and securities of the organization, and shall deposit in a timely manner all such funds in the name of the organization in such banks, trust funds or depositories as shall be selected by the Board of Directors.

[b] Receive and deposit all money due and payable to the organization from whatever source and give receipt for money due and received where required or requested

[c] Disburse, or cause to be disbursed, the funds of the Organization as directed by the President or Board of Directors, taking such vouchers as may be required by Board resolution. All disbursement checks shall require the signature of two directors one of which shall be that of the President or Vice-president.

[d] Maintain an up-to-date accounting record of all financial transactions of the Organization.

[e] Provide to the Board of Directors at each regularly scheduled meeting a list of the bills paid during the preceding month and the resulting bank balance(s) and provide any other financial information deemed to be helpful.

7.

Duties Not Assigned by the Bylaws

5.5 Necessary duties not assigned by these bylaw or by resolution of the Board of Directors shall be the responsibility of the President or of any member to whom he assigns the duty, providing the assignment is made known to and accepted by the Directors and formally accepted by the member so assigned; such duties may include maintaining membership records, maintaining communications with members and other organizations, developing meeting agendas, and sending timely dues notices as required.

Paid Staff

5.6 The Officers of the Corporation shall serve as an Executive Committee to review the activities and job descriptions of paid staff and make periodic reports thereon to the Board of Directors. Executive position job descriptions shall be reviewed at least annually and any proposed changes shall be brought before the Board.

Contracts

5.7 Contracts that will place a financial or other material obligation or benefit on the organization shall not take effect without approval of the Board of Directors. The President, or in his absence, the Vice President, shall sign all contracts approved by the Board. The President or a Director delegated by the Board shall attend any negotiations expected to offer the Board a material obligation or benefit. The Board shall appoint an alternate Director to substitute in the absence of the designated attendee.

ARTICLE VI: BYLAWS CERTIFICATION AND INSPECTION

6 The original of this document as amended to date, bearing the signatures of all the Directors of record at time of its adoption, shall be retained in the principal office of the Organization and a copy shall be available to any member within a reasonable period after his request to examine it.

ARTICLE VII: REPORTS AND FISCAL YEAR**Annual Report and Financial Statement**

7.1 The Board of Directors shall cause a written annual report and fiscal year financial statement to be prepared and submitted by mail to the members before the end of February of each year.

Fiscal Year

7.2 The fiscal year of the organization shall end on October 31st of each year.

ARTICLE VIII: CONSTRUCTION

8.1 As used in these Bylaws:

- [a] The present tense includes the past and future tenses, and the future tense includes the present.
- [b] The masculine gender includes the feminine and neuter.
- [c] The singular number includes the plural and the plural number includes the singular.

- [d] The word "shall" is mandatory and the word "may" is permissive.
- [e] The words "Directors" and "Board," as used in these By-laws in relation to any power or duty requiring collective action, mean "Board of Directors."

ARTICLES OF INCORPORATION

AGENDA ITEM NO. 11.

OF

CLOVIS BOTANICAL GARDEN COMMITTEE INC.

I

The name of this corporation is CLOVIS BOTANICAL GARDEN COMMITTEE INC.

II

An existing unincorporated association by the name of CLOVIS BOTANICAL GARDEN COMMITTEE is being incorporated by the filing of the articles.

III

(A) This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

(B) The specific purpose of this corporation is to promote and raise funds for and manage or assist in the management of a botanical garden and other similar projects within the City of Clovis, State of California, for the enjoyment and education of the public.

IV

The name and address in the State of California of this corporation's initial agent for service of process is:

GORDON A. RUSSELL
1909 HARVARD AVENUE
CLOVIS, CALIFORNIA 93612

V

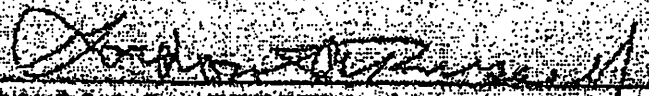
(A) This corporation is organized and operated exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.

(B) Notwithstanding any other provision of the articles of incorporation, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code, or (b) by a corporation contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code.

(C) No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501 (c) (3) of the Internal Revenue Code.

Dated: June 9, 1994


GORDON A. RUSSELL, Incorporator

I hereby declare that I am the person who executed the foregoing articles of incorporation, which execution is my act and deed.


GORDON A. RUSSELL, Incorporator

SPRING 2021 SUPPLEMENTAL AGREEMENT TO CLOVIS BOTANICAL GARDEN LAND TENURE AGREEMENT

This Spring 2021 Supplemental Agreement to the Clovis Botanical Gardens Land Tenure Agreement (“Spring 2021 Supplement”) is entered into effective after final approval and execution (“Effective Date”) between the City of Clovis, a California Municipal Corporation (“City”) and the Clovis Botanical Garden Committee, a California Nonprofit Corporation (“Committee”), pursuant to the following recitals which are a substantive part of this Spring 2021 Supplement:

RECITALS

- A. On June 28, 2010, City and Committee entered into a Land Tenure Agreement (“Agreement”), whereby City allowed Committee the use of a 4.16 acre site located on the east side of Clovis Avenue, north of Alluvial Avenue for a Botanical Garden (“Premises”).
- B. The Agreement specifies allowable uses for the Premises, with restrictions on the number of special events involving entertainment and alcohol use.
- C. City and Committee desire to supplement the terms of the Agreement to allow Committee to hold certain special events on the Premises with entertainment and alcohol sales (collectively “Events” and each, an “Event”) during the Spring of 2021, as further described in the Operational Plan attached as **Attachment 3** and incorporated by this reference.

NOW, THEREFORE, City and Committee agree as follows:

AGREEMENT

1. Additional Allowable Uses. Notwithstanding the restrictions set forth in Sections 3 (Use of Premises) and 23 (Fund Raising Activities and Special Events), Committee may hold the following Events with the following requirements during the Spring of 2021:
 - a. Number and timing of events. Up to eight (8) one-day Events on Thursday evenings with food trucks, alcohol sales, and live entertainment, beginning April 8, 2021 through May 27, 2021. The hours of the Events shall be between 5:00 p.m. and 9:00 p.m. The exact dates will be covered by an Administrative Use Permit (“AUP”), and each Event shall require an Alcohol Beverage Control (“ABC”) Daily License, as further described herein.
 - b. Food trucks. Each Event will be allowed to have up to six (6) food trucks. The use of food trucks will be approved through an AUP.
 - c. Site Plan. Committee shall submit a site plan for review and approval by the Director of Planning and Development Services through the AUP process for the Events detailing specific placement of vendor and event booths, entertainment, food trucks, and parking.
 - d. AUP. Committee shall obtain an AUP from the Planning and Development

Services Department prior to utilizing any food trucks on the Premises, as provided for in Clovis Municipal Code (“CMC”) Chapters 5.34 and 9.62. A one-time AUP may be issued covering all eight (8) Events. Application for the AUP shall be made not less than sixty (60) days before the first scheduled event. Committee shall pay City permit fees.

e. Tents and Canopies. Committee shall comply with Fire Department standards for Tents and Canopies, and shall obtain a Tents and Canopies Permit from the Clovis Fire Department. A one-time Tents and Canopies Permit may be issued covering all eight (8) Events. An inspection shall be required prior to each Event. Application for the Tents and Canopies Permit shall be made not less than twenty (21) days prior to the first scheduled Event. Committee shall pay Fire Department permit fees but will not be charged for each event inspection unless a follow up inspection is required.

f. ABC requirements. Committee, and any person, business, or organization hired by Committee to sell or serve alcohol, shall obtain any required ABC permits and comply with all applicable California Alcohol Beverage Control Act rules and regulations, including obtaining an ABC Daily License for each Event. Application for the ABC Daily License shall be made not less than 30 days before each Event. Committee shall pay ABC License fees. No Department fees will be due unless the Department needs to take action on the License after issuance.

g. Vendor Requirements. Committee, and any person, business, or organization hired by Committee to sell or serve food, including food trucks, and/or alcohol (“Vendor”) shall comply with the following requirements. Committee shall be responsible for verifying each Vendor is in compliance with these requirements before each Event.

i. Food safety. All applicable Fresno County Department of Public Health rules and regulations.

ii. Fire Safety. All Clovis Fire Department approvals and certifications for fire safety, including clearance on fire suppression devices (e.g., fire extinguishers, kitchen systems, propane connections, etc.).

iii. City Business Tax Certificate. Each Vendor shall obtain and maintain during the time such Vendor participates in any Event a valid City of Clovis Business Tax Certificate and pay all applicable fees.

h. Public outreach. Prior to this Supplement being presented to the City Council for consideration, Committee shall facilitate an area outreach to potentially affected residents utilizing a minimum 600-foot radius. Committee shall consult with the Planning and Development Services Department and the City Clerk’s office regarding the scope and timing of the outreach. Committee shall provide any additional outreach required by the City Clerk’s office prior to each Event.

i. COVID-19. Committee shall comply with all State and County health protocols regarding COVID-19 in effect at the time of each Event.

j. Violations. Violations of the terms of this Spring 2021 Supplement or any permit issued pursuant to this Spring 2021 Supplement is grounds for the City to immediately close down any Event or prohibit any of the Events from happening. City shall attempt to work with Committee to solve any violations prior to closing or prohibiting any Event. The remedies specified in this section are in addition to the remedies provided for in any permits issued or the Municipal Code.

2. Agreement remains in effect. Except as set forth in this Spring 2021 Supplement, all provisions of the Agreement shall continue in full force and effect. Allowance of the Events during the Spring of 2021 shall not be considered precedent setting. Any future deviations from allowable uses under the Agreement will require either another supplemental agreement covering a specified period of time, or an amendment to the Agreement.

CLOVIS BOTANICAL GARDEN
COMMITTEE

CITY OF CLOVIS

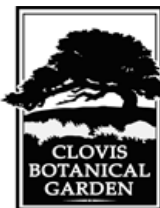
By: _____
[Name] _____
[Title] _____
[Date] _____

By: _____
[Name] _____
[Title] _____
[Date] _____

Proposal for Food Trucks in the Garden 2021



Pat Wynne
Carole Bence
September 2020



Food Trucks at the Clovis Botanical Garden Spring 2021 --- Operational Plan

Goals

- To provide a fundraiser for garden operation, maintenance, and improvement projects
- To provide an event to gather community families
- To provide a quality concert series featuring local musicians
- To expand public awareness of the garden within the community
- To provide a premier destination for food trucks in the natural setting of the garden

General Plan

The Clovis Botanical Garden will partner with Fresno Street Eats to orchestrate a fundraising activity at the garden.

Dates: Thursday evenings from April 8th to May 27th. (A total of 8 events)

Time: 5:00 to 9:00 PM

Anticipated Participation: 75 to 100 individuals who will come-and-go throughout the event from the community and nearby neighborhood, as well as visitors to the adjacent park and those frequenting the Dry Creek Trail.

Food: 4-6 Food Trucks coordinated **by Fresno Street Eats** will be located along the garden's service drive (See map, page 2).

Beverages: Soft drinks, water, and beer featuring local brewers will be sold under the green tent near the garden's entrance, as well as in the pavilion. (See map, page 2)

Entertainment: Local musicians will perform under the white tent coordinated by CBG for 2+ hours, approximately 6:00 to 8:30PM.

Seating and Tables: Tables and chairs will be provided under the white tent and in the pavilion.

Restrooms: Guests will utilize facilities at Dry Creek Park or the porta-potty on garden site near the pavilion.

Parking: The parking lot shared by the garden and Dry Creek park has 47 parking spaces. Approximately 30-40 cars can also park along Clovis Avenue. It is anticipated that many will walk or cycle to the event from nearby residential areas. We anticipate that few will be utilizing the parking lot for activities at this time. (See map page 3.)

Security: A security guard will be hired by CBG. Additionally, garden volunteers and Mike Oz of Fresno Street Eats will have staff on hand.

Public Notification: CBG will send public notification letters to all residents within a 600 ft. radius of the garden to garner public opinion/approval in October. A meeting in November will be held within 1-2 weeks of the mailing and individuals may also provide input via email.

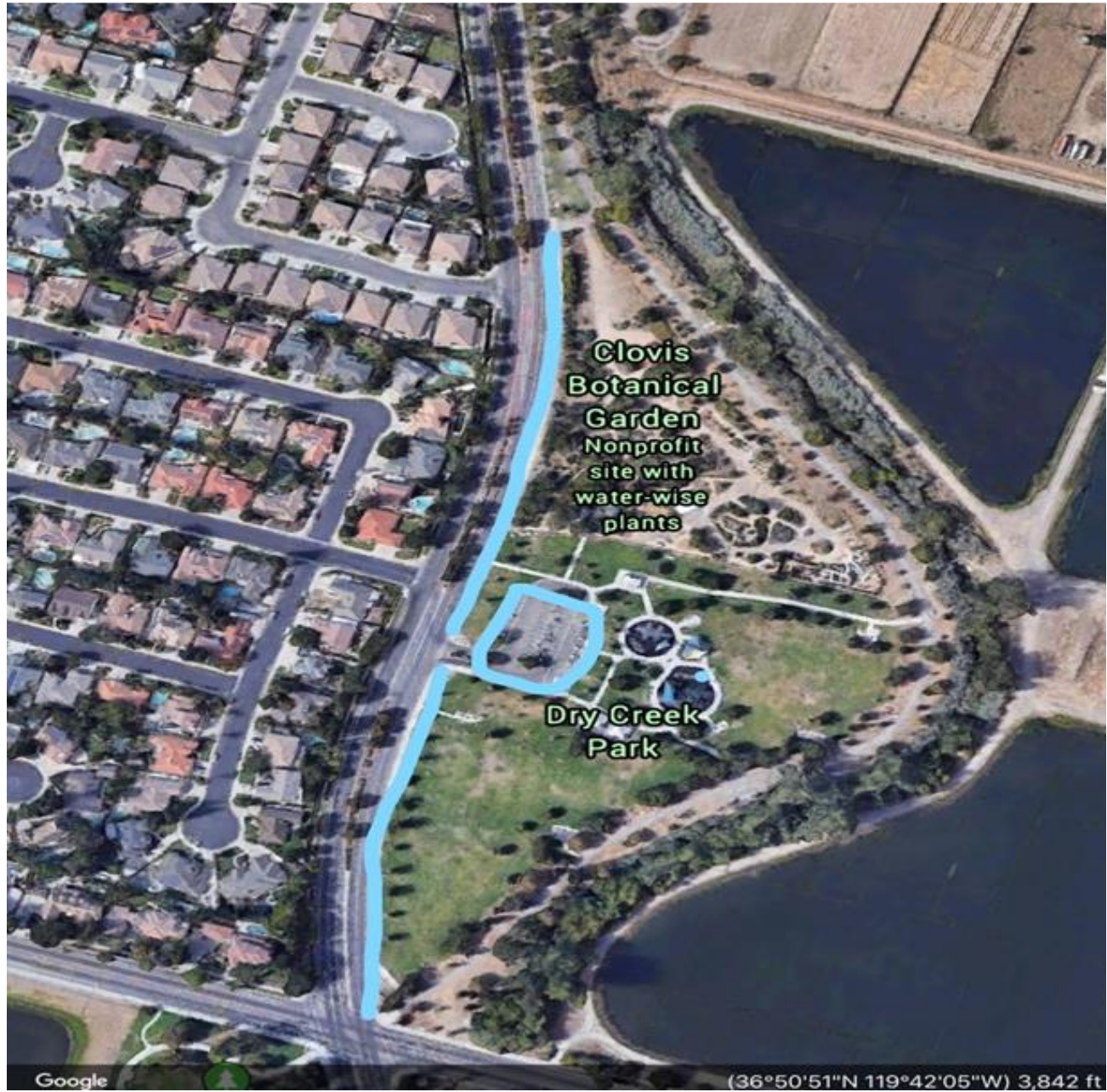
Clovis City Council presentation for approval: January 2021

Permits: CBG will ensure all required permits for these events are in place.



CLOVIS BOTANICAL GARDEN **PARKING** (Highlighted in Light Blue)

- Parking Lot with 47 spaces shared with Dry Creek Park
- Parking along east side of Clovis avenue.
- Approximately 80 parking spaces.





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 14, 2020

SUBJECT: Consider Approval - Res 20-____, Final Amendments to the 2019-20 Budget in conformance with the Budget Ordinance, and Receive and File - Year-end report for all funds as of June 30, 2020.

Staff: Jay Schengel, Finance Director

Recommendation: Approve

ATTACHMENTS: 1. Res. 20-____, Final Amendments to the 2019-20 Budget in conformance with the Budget Ordinance.

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council approve Resolution 20-____, final amendments to the 2019-20 budget in conformance with the budget ordinance, and receive and file the year-end report for all funds as of June 30, 2020.

EXECUTIVE SUMMARY

Each fiscal year, after the year end closing entries are completed, an analysis is prepared comparing actual fund balances against those projected during the budget process and presented to Council for adoption during the June 2020 budget hearings. The following is the summary of the actual results compared to estimates for the 2019-20 fiscal year end.

BACKGROUND

During the preparation of the 2020-21 budget, estimates were made for 2019-20 revenues and expenditures to establish the estimated June 30, 2020 fund balances that are expected to be available for appropriation in the 2020-21 fiscal year. This report compares the variances between actual revenues and expenditures versus the estimates established during the budget process.

The basis for this report is different from the information presented in the Comprehensive Annual Financial Report (CAFR), which compares actual data against the Council approved

budget, as amended from time to time during the year. The Council adopted budget, as amended, is normally higher than the estimated budget used during the budget process. All departments were within or close to their estimates to close.

General Fund

The “available for appropriation” General Fund balance at June 30, 2020 is \$4.1 million which is \$2.0 million more than projected during the preparation of the 2020-21 budget. Revenues were approximately \$1.0 million more than projected and expenditures were approximately \$1.0 million less than projected during the preparation of the 2020-21 budget.

General Fund expenditures, when taking into account encumbrances and reappropriations, finished the year \$1.0 million or 1.3% lower than projected at the time of budget preparation, with most of the savings achieved in the Police Department at \$0.6 million; the Fire Department at \$0.3 million; the Public Utilities Department at \$0.05 million and the City Manager Department at \$0.05 million. The remaining departments were within their estimates prepared during the budget process. Savings in the Police Department were mainly due to salary savings resulting from the lag between staff retiring and filling the vacant positions. The savings in the other departments were due to savings in professional services and other services. Expenditures in the General Fund were originally budgeted to end the year at \$74.8 million and ended the year at \$73.8 million after accounting for encumbrances and reappropriations.

The expenditure savings in the General Fund is mostly related to one-time events and will not result in continued annual savings.

Revenues in the General Fund finished the year at \$1.0 million or 1.4% more than projected at the time of budget preparation. The increase was primarily due to sales tax. The State rolled out a new reporting system at the end of 2018 which resulted in delayed payments received in fiscal year 2019-20. Revenues were estimated to end the year at \$74.2 million and ended the year at \$75.2 million.

Due to the impact of the COVID-19 pandemic in March 2020, the budget for the 2019-20 fiscal year was adjusted to reflect an anticipated reduction in General Fund revenues by approximately \$2.8 million mainly in sales tax, transient occupancy tax (TOT), card room permits, and business licenses. For sales tax, we estimated a 7% reduction from the impact of COVID-19 from the working budget, but actually experienced a 2% reduction. For TOT, we anticipated a 25% reduction, and experienced a decline of 24%. Card room permits were reduced from the working budget by 36% in response to the pandemic, and ended the fiscal year at an actual decline of 29%. Business licenses were reduced by 11% of the working budget but the actual reduction was at 2%. Property tax revenue was not adjusted downward due to the pandemic but did experience a decline of 2% due to property owners choosing to delay their 2nd installment payment of property taxes. The chart below highlights major General Fund revenue categories that were impacted by the pandemic comparing estimates made during the budget process to actual revenues received for 2019-20:

**GENERAL FUND REVENUE & ADJUSTMENTS DUE TO COVID-19
FY 19-20 ACTUALS**

	WORKING BUDGET FY 19-20	BUDGET COVID-19 ADJ FY 19-20	EST TO CLOSE BUDGET FY 19-20	ACTUAL REVENUES FY 19-20	EST TO CLOSE TO ACTUAL POSITIVE/(NEG) VARIANCE
SALES AND USE TAX	\$ 22,519,000	\$ (1,599,000)	\$ 20,920,000	\$ 22,071,000	\$ 1,151,000
TRANSIENT OCCUPANCY	2,550,000	(626,000)	1,924,000	1,938,000	14,000
CARD ROOM PERMITS	564,000	(202,000)	362,000	400,000	38,000
BUSINESS LICENSE	3,571,000	(383,000)	3,188,000	3,489,000	301,000
PROPERTY TAX	28,879,000	-	28,879,000	28,393,000	(486,000)
Subtotal	\$ 58,083,000	\$ (2,810,000)	\$ 55,273,000	\$ 56,291,000	\$ 1,018,000

Under current Council policy, the emergency reserve was set at a minimum level with the goal to increase the amount as soon as possible. The City's General Fund Emergency Reserve is set at a minimum of 15% of budgeted expenditures, with the goal to reach a more prudent reserve of 25% of budgeted expenditures. The emergency reserve was increased from \$12.8 million to a little over \$12.8 million, or 16.9% of 2019-20 budgeted expenditures at June 30, 2020 to meet the goal of increasing the reserve to 25%.

Enterprise Funds

This analysis is conducted for the enterprise operating funds and is prepared on a budgetary basis including encumbrances and reappropriations.

The Community Sanitation Fund, including Refuse and Street Cleaning activities, ended the 2019-20 fiscal year with an available balance of \$12.7 million. This balance is \$3.7 million more than originally anticipated mainly due to deferred capital expenditures.

The Sewer Enterprise Fund ended the 2019-20 fiscal year with an available balance of \$24.8 million which was \$1.2 million more than anticipated mainly due to savings in expenditures mainly in services, materials and supplies. Of the available balance, \$10.0 million of rate stabilization funds are included to assist with meeting bond covenants if necessary.

The Water Enterprise Fund finished the 2019-20 fiscal year with an ending available balance of \$27.3 million, which was \$1.1 million more than anticipated. Revenues were slightly more than anticipated but most of the difference was due to savings in expenditures mainly in services, materials and supplies.

The Transit Enterprise Fund ended the 2019-20 fiscal year with an available balance of \$0.1 million. This balance is close to what was originally anticipated during budget preparation.

The Planning and Development Services Enterprise Fund ended the 2019-20 fiscal year with an available balance of \$9.0 million which is close to what was anticipated as a result of slightly greater than expected revenues offset by a small increase in expenditures mainly in services, materials and supplies.

Other Operating Funds

The Housing and Community Development Fund (HCD) took over the housing activities of the former Redevelopment Agency. The HCD Fund ended with a \$1.6 million balance which was \$0.3 million more than anticipated mainly due a deferral of project expenditures.

The internal service funds, which provide services primarily to other City operations and funds, ended the 2019-20 fiscal year as reported below:

- The Liability and Property Fund ended with a balance of \$2.1 million, which is close to what was projected.
- The Fleet Maintenance Fund ended with a balance of \$11.4 million which is \$0.7 million more than projected due to deferred capital expenditures.
- The Employee Benefits Fund ended with a balance of \$8.8 million which is \$1.5 million more than what was projected mainly due to retirement and workers compensation expenditure savings.
- The General Government Service Fund ended with a balance of \$13.1 million which is \$3.9 million more than anticipated. This is a result of expenditure savings which were due to the carryover of capital projects to next year.

Budget Resolution

The report is normally for information only; however, this year there is a need to make final budget adjustments to conform to the requirements of the Budget Ordinance. As indicated earlier, the above analysis was a comparison of actual results against the “Estimate to Close Budget” that was developed in conjunction with preparation of the 2020-21 budget. The following action contained in the attached Resolution is needed to bring the working budget into legal compliance.

The amounts listed below were analyzed against the Council approved budget as amended. All of these overages were taken into account in the “Estimate to Close” budget.

<u>Fund</u>	
General – City Clerk.....	\$ 1,000
General – City Attorney.....	25,000

The City Clerk budget exceeded the budget due to unanticipated employee benefit costs and the City Attorney budget exceeded the budget due to unanticipated legal expenses.

The amounts listed below were analyzed against the Council approved budget as amended. The differences in these transfers were analyzed and are appropriate as described.

<u>Additional Amount</u>	<u>From</u>	<u>To</u>	<u>Purpose</u>
\$ 454,000	Successor Agency	General Fund	Reimbursement
800,000	General Govt Svcs	Fleet Maintenance	For purchase of Fire truck #45

The budget amendment resolution includes the schedule of transfers to allow for transfers described above to be brought into budgetary compliance.

FISCAL IMPACT

The General Fund budget will be increased by \$26,000; \$1,000 for the City Clerk Department and \$25,000 for the City Attorney Department. The transfer amount of \$1,254,000 will bring the City into compliance with the adopted budget.

REASON FOR RECOMMENDATION

The budget report is a status report and no action is required; however, action is required by the Council to approve the Resolution amending the 2019-20 budget for expenditures and transfers.

ACTIONS FOLLOWING APPROVAL

The report will be filed and the budget amendment for expenditures and transfers will be posted.

Prepared by: Gina Daniels, Assistant Finance Director

Reviewed by: City Manager *[Signature]*

RESOLUTION NO. 20-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING FINAL AMENDMENTS TO THE FISCAL YEAR 2019-20 ANNUAL BUDGET AMENDING THE SCHEDULE OF TRANSFERS AND EXPENDITURES BY DEPARTMENT AND ASSIGNING GENERAL FUND UNALLOCATED FUND BALANCE TO THE CONTINGENCY RESERVE

WHEREAS, the City Council adopted the fiscal year 2019-20 Annual Budget on June 10, 2019; and

WHEREAS, the annual audit has been completed and an analysis has been prepared of the actual results of the 2019-20 fiscal year end and there are two departments that exceeded the amended budget for 2019-20; and

WHEREAS, the adjustments are for unanticipated expenditures in those departments and the City Council finds that it is necessary to appropriate the funds for the budget amendments; and

WHEREAS, the working budget included transfers for loans from the sewer developer fund to the sewer service fund and from the water service fund to the water developer fund to cover debt service costs as sewer service fees and water developer fees exceeded estimates and those transfers may be increased and reversed respectively; and

WHEREAS, the Council finds it necessary to transfer funds to cover general services, and the purchase of a Fire truck; and

WHEREAS, the changes to the budgets for the General Fund are necessary to be in conformance with the City’s Budget Ordinance; and

WHEREAS, there is additional revenue or available fund balance to make the appropriations and transfers.

NOW, THEREFORE BE IT RESOLVED, the City of Clovis approves the budget amendments as shown in the “Summary of Expenditures by Department”, “Summary of Expenditures by Fund”, and “Summary of Transfers” as attached as 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 14, 2020 by the following vote, to wit.

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

DATED: December 14, 2020

Mayor

City Clerk

SUMMARY OF EXPENDITURES BY DEPARTMENT 2019-20

Department	
City Clerk	\$ 1,000
City Attorney	<u>25,000</u>
Total	<u>\$ 205,100</u>

SUMMARY OF EXPENDITURES BY FUND 2019-20

Fund	
General	<u>\$ 26,000</u>
Total	<u>\$ 26,000</u>

SUMMARY OF TRANSFERS BY FUND 2019-20

Transfer In

Fund	
General Fund	\$ 454,000
Fleet Maintenance	<u>800,000</u>
Total	<u>\$ 1,254,000</u>

Transfer Out

Fund	
Successor Agency	\$ 454,000
General Government Services	<u>800,000</u>
Total	<u>\$ 1,254,000</u>

ATTACHMENT A OF ATTACHMENT 1



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Finance Department
 DATE: December 14, 2020
 SUBJECT: Consider Approval - 2019-20 Comprehensive Annual Financial Report

Staff: Jay Schengel, Finance Director

Recommendation: Approve

ATTACHMENTS: 1. 2019-20 Comprehensive Annual Financial Report (CAFR)
 2. Statement on Auditing Standards Letter

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council receive and file the 2019-20 Comprehensive Annual Financial Report (CAFR).

EXECUTIVE SUMMARY

Financial reports are a primary objective source of information to most persons concerned about a government's financial condition. Taxpayers are interested in the amount of revenues and expenditures. Investors and bond-rating agencies are interested in the ability of a jurisdiction to meet its debt obligations. For the City Council, the financial reports provide an opportunity to determine compliance with budgetary appropriations as well as the status of the government's assets and liabilities and the financial condition of the City.

The City of Clovis' financial report was audited and received an unqualified opinion from The Pun Group LLP, a firm of independent, licensed certified public accountants, which means the financial statements for the fiscal year ending June 30, 2020 are free of material misstatement and are fairly presented in conformity with Generally Accepted Accounting Principles (GAAP).

BACKGROUND

2019-20 Comprehensive Annual Financial Report - The Comprehensive Annual Financial Report has been prepared in conformance with the financial reporting model as prescribed by the Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments*.

Two Kinds of Financial Statements - Two distinct forms of information are provided in the basic financial statements:

Government-wide statements. These are consolidated financial statements for all of a city's operations on a full accrual basis of accounting. They are not presented on a fund basis; instead, fiscal operations are organized into two major activities: governmental and business-type. They will have a "net position" focus, and exclude interfund transactions (such as internal serviced funds) and fiduciary funds. Expenses (which may include allocated "indirect costs") are shown both gross and net of related revenues such as fees and grants (see page 31).

Fund statements. In meeting stewardship and accountability concerns, financial statements are also presented on a fund basis - but not using the same basis of accounting as the government-wide statements for governmental funds (see pages 32-43).

Because there are differences in the basis of accounting and scope of transactions, there are significant differences between these two financial statements - but they are not obvious. For this reason, a detailed reconciliation between them is required as part of the audited basic financial statements (see page 34).

Basic Financial Statements - The Comprehensive Annual Financial Report is presented in two sections: Introductory and Financial. The introductory section includes the transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes: the independent auditors' report; management's discussion and analysis; the basic financial statements, which include the government-wide statements, fund financial information; required supplemental information; the combining and individual fund statements and schedules; schedules of revenues, expenditures and changes in fund balances-budget and actual; the various combining statements; the statistical section; the auditors' reports on the internal control structure and compliance with applicable laws and regulations; and the appropriations limit schedule. The Financial section normally includes the Single Audit section, but federal guidance for auditing the CARES Act Provider Relief Funds was not released timely enough to be able to issue with this years CAFR. The Single Audit will be presented to Council separately before the annual due date of March 31, 2021.

The CAFR includes all funds of the City. In addition to the City's funds, the Clovis Successor Agency, a private purpose trust fund separate from the City, is reported in the CAFR.

The City's auditors, The Pun Group LLP, have audited the figures submitted in the CAFR and their opinion letter is included on pages 13 - 14. The auditors have prepared the Statement on Auditing Standards (SAS114) letter (attachment 2) that was submitted subsequent to the completion of the financial report.

This is the thirty-third year that the City's Finance Department has prepared the Comprehensive Annual Financial Report. The previous thirty-two reports prepared by the Finance Department (1987-88 through 2018-19) were submitted to the Government Finance

Officers Association (GFOA) for consideration of the GFOA Certificate of Achievement Program. The City subsequently received the Certificate of Achievement for Excellence in Financial Reporting presented by the GFOA for each of these years. We believe the report for 2019-20 continues to meet the requirements of the Certificate of Achievement Program and will be submitted to GFOA for review

FISCAL IMPACT

This information provided in the Comprehensive Annual Financial Report is important to the Council, public, and financial institutions to affirm that the City's financial activity is accounted for in accordance with generally accepted accounting principles (GAAP). In addition, the CAFR includes all necessary disclosures to provide an understanding of the City's financial activities and fiscal condition.

REASON FOR RECOMMENDATION

The Comprehensive Annual Financial Report is formally being submitted to the Council.

ACTIONS FOLLOWING APPROVAL

After receipt by the Council, the CAFR will be distributed to interested parties, other agencies, financial institutions, bond-rating services, and copies will be made available for public review. In addition, the CAFR will be submitted to the Government Finance Officers Association (GFOA) for consideration of the GFOA Certificate of Achievement Program.

Prepared by: Gina Daniels, Assistant Finance Director

Reviewed by: City Manager LS

CITY OF
CLOVIS

CALIFORNIA



*Comprehensive
Annual
Financial
Report*

For the Fiscal Year ended
June 30, 2020

**COMPREHENSIVE ANNUAL
FINANCIAL REPORT**

**FOR THE FISCAL YEAR ENDED
JUNE 30, 2020**

**CITY OF CLOVIS
CALIFORNIA**



DREW BESSINGER, MAYOR

**JOSE FLORES, MAYOR PRO-TEM
LYNNE ASHBECK, COUNCILMEMBER
VONG MOUANOUTOUA, COUNCILMEMBER
ROBERT WHALEN, COUNCILMEMBER**

LUKE SERPA, CITY MANAGER

Prepared by City of Clovis Finance Department

Jay Schengel, Finance Director

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CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

November 11, 2020

To the Honorable Mayor, Members of the City Council, and Citizens of the City of Clovis:

It is with pleasure that I present to you the City of Clovis Comprehensive Annual Financial Report. This report has been formatted to comply with the financial reporting model as prescribed by the Governmental Accounting Standards Board (GASB). These statements have been audited in accordance with Generally Accepted Auditing Standards (GAAS) by a firm of licensed certified public accountants as required by State law. Pursuant to that requirement, we hereby issue the comprehensive annual financial report of the City of Clovis of the fiscal year ended June 30, 2020.

This report consists of management's representations concerning the finances of the City of Clovis. Consequently, management assumes full responsibility for the completeness and reliability of all of the information presented in this report. To provide a reasonable basis for making these representations, management of the City of Clovis has established a comprehensive internal control framework that is designed both to protect the government's assets from loss, theft, or misuse and to compile sufficient reliable information for the preparation of the City of Clovis' financial statements in conformity with Generally Accepted Accounting Principles (GAAP). Because the cost of internal controls should not outweigh their benefits, the City of Clovis' comprehensive framework of internal controls has been designed to provide reasonable rather than absolute assurance that the financial statements will be free from material misstatements. As management, we assert that, to the best of our knowledge and belief, this financial report is complete and reliable in all material respects.

The City of Clovis' financial statements have been audited by The Pun Group LLP. The goal of the independent audit was to provide reasonable assurance that the financial statements of the City of Clovis for the fiscal year ended June 30, 2020, are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditor concluded, based upon the audit, that there was reasonable basis for rendering an unmodified opinion that the City of Clovis' financial statements for the fiscal year ended June 30, 2020, are fairly presented in conformity with GAAP. The independent auditor's report is presented as the first component of the financial section of this report.

GAAP require that management provide a narrative introduction, overview and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement MD&A and should be read in conjunction with it. The City of Clovis' MD&A can be found immediately following the report of the independent auditors.

Profile of the Government

The City of Clovis, incorporated in 1912, as a general law City of the State of California, is located near the middle of the state in the San Joaquin Valley. The Central Valley is considered to be a national and world leader in the agricultural industry. The City of Clovis currently occupies over 25 square miles and serves a population of 119,175.

The City of Clovis operates under the council-manager form of government. Policy-making and legislative authority are vested in a governing council consisting of the mayor and four other members. The council is elected on a non-partisan basis. Council members serve four-year staggered terms, with two council members elected in one election and three elected in another election, separated by two years. The mayor is selected from among the council members by the council members and serves a two-year term. All five members of the governing board are elected at large. The council is responsible, among other things, for passing ordinances, adopting the budget, appointing committees, and hiring the City's manager and attorney. The City manager is responsible for carrying out the policies and ordinances of the governing council, for overseeing the day-to-day operations of the government, and for appointing the heads of the various departments.

The City of Clovis provides a full range of services, including police and fire protection; the construction, maintenance, and cleaning of streets and other infrastructure; planning and development services; water service; refuse collection, disposal, and recycling services; sewer service; storm drainage; transit services; recreation activities and cultural events; and general administration.

The annual budget serves as the foundation for the City's financial planning and control. All departments of the City are required to submit requests for appropriations to the City manager during the second week of March each year. The City manager uses these requests along with input from the council to develop a proposed budget. By the second Monday in May the proposed budget is presented to the City council for review. The council is required to hold public hearings on the proposed budget and to adopt a final budget by no later than June 30, the close of the City of Clovis' fiscal year. The appropriated budget is prepared by fund and department. The City manager may make transfers of appropriations between departments within a specific fund of up to \$5,000 and up to \$2,500 from reserves. Transfers in excess of those amounts require council action. Budget-to-actual comparisons are provided in this report for each individual governmental fund for which an appropriated annual budget has been adopted. For the general fund, the budget-to-actual comparison is presented on page 35 as part of the basic financial statements. For all other governmental funds with appropriated annual budgets, other than the general fund, this comparison is presented in the governmental fund subsection of this report, which starts on page 88.

Factors Affecting Financial Condition

The information presented in the financial statements is perhaps best understood when it is considered from the broader perspective of the specific environment within which the City of Clovis operates.

Local economy. The local economy experienced unprecedented declines due to the Covid-19 pandemic and related business closure orders. Property values experienced a small increase from the prior year but trends in the future are uncertain. Sales taxes had declines from budgeted projections that were expected once the impact of the business closure orders were realized. However, building activity is continuing to beat the 10-year average and is expected to remain that way for the next year. The City's unemployment rate was at 3.2% in February of 2020 but has been severely impacted by the pandemic. In June of 2020 the City's unemployment increased to 12.1%, which was lower than the Fresno County rate of 14.6% and the State of California average of 14.9% though higher than the national average of 11.2%.

The City experienced a 1.9% growth in population in 2020 compared to the 10-year average growth rate of 2.1%. The City is seeing demand for refilling vacant big box stores with At Home opening in the old K-Mart location and Hobby Lobby opening in the vacant Toys-R-Us location on Shaw Avenue. In addition, two hotels were completed and two more are under construction plus an additional hotel received land use approval. This will more than double the room count in the City in the next few years. Clovis Community Hospital began construction on another bed tower and completed construction on additional medical offices and a heart and lung institute. This expansion continues to be one of the biggest job creation projects in Fresno County in recent years. Also, California Health Sciences University has completed its first building that will house a medical doctoral program near the hospital. The City is seeing a boost in office and industrial development with Cabinet Connections, a cabinet manufacturer completing construction of a factory in Clovis, along with many other small professional offices, such as an engineering consulting firm and industrial users developing in the City's business parks. The County of Fresno is also moving 2,000 employees into the City of Clovis. This activity demonstrates the City is moving forward with job generation despite the pandemic and continues to grow.

Major employers include Alorica with over 700 employees, Clovis Community Hospital with over 1,900 employees, Wawona Frozen Foods with over 500 employees, Anlin Industries with 400 employees and the largest employer, Clovis Unified School District with over 5,200 employees. Of the 55,000 total jobs in Clovis, 11,100 jobs are generated by the top ten employers.

The expansion to the Dry Creek Industrial Park added 44 lots on 30 acres bringing the total park to approximately 64 lots on 60 acres. Demand has been high for the space in the park by professional and industrial users and is expected to add to employment growth in the City as buildings are now underway with many completed. The California Health Sciences University opened its permanent campus at the City's Central Valley Research and Technology Park with plans for 2,000 students and several hundred employees. The School will offer additional areas of discipline as it expands. The City has sold 13 acres to an industrial developer and the developer has received entitlements to construct approximately 400,000 square feet of space and another industrial developer has received building permits to construct 400,000 of industrial space in the Clovis Industrial Park.

The City of Clovis is part of the Fresno/Clovis Metropolitan Area. This includes the City of Clovis, City of Fresno and developed areas of the County of Fresno in and around the cities of Clovis and Fresno. The population of Fresno County is 1,023,358 as of January 1, 2020. There are approximately 450,900 jobs in Fresno County. The county-wide unemployment rate is 14.6%, which is a significant increase from last year. Normally the area experiences higher rates than other counties since Fresno County has a high agricultural employment sector but the pandemic also contributed to this increase for both the County and City. The City of Clovis has an unemployment rate of 12.1% with 48,300 employed out of a workforce of 55,000.

Long-term financial planning. As part of the City of Clovis land use planning process, the City's completed General Plan is at the top of the City's land use regulation hierarchy. It is the foundation for most of the Council's budgeting decisions in terms of capital facilities, staffing, programs, utility infrastructure, and levels of service; it establishes a land use pattern for lands beyond the City limit; it provides the vision and guidance for capital improvements and the development of City infrastructure; and it is used to create development impact fees and provides the basis for environmental analysis of the growth of the City. The plan is intended to guide development for a period of ten years and will be the basis of the City's annual 5 year operating and capital forecast.

Part of the previous General Plan was the construction of a wastewater treatment plant to serve the needs of the new growth area. The plant is expected to accommodate growth through 2023 when construction of phase two of the facility is anticipated. The wastewater treatment plant creates approximately 2.4 million gallons of disinfected recycled water each day and distributes this water through a "purple pipe" distribution system for landscape irrigation throughout the east side of the City. The reuse of this water will help conserve and manage a limited water supply. The City also obtained long-term financing for the purchase of various fire vehicles, police vehicles and for the installation of LED lighting in City facilities. The City considers long-term financing appropriate to provide funding for larger Community Improvement Projects.

Also, to finance current growth, the City has in place a variety of user and developer fees to pay for streets, parks, water wells and lines, and sewer lines. The City reviews these fees on an annual basis to assure that the fee structure is in line with the cost of construction. The Water and Sewer Funds have approved annual increases of 3% into the future if necessary. The Community Sanitation Fund has approved annual increases of 4% into the future if needed. For fiscal year 2019/20, the City implemented a 3% increase in water rates, a 4% increase in recycling and green-waste rates and a 2% increase in refuse and disposal rates. Sewer will not have a rate increase and \$3.65, half of the \$7.30 bond surcharge, will continue to be rebated.

Structurally Balanced Budget Policy. Prior to the economic recession, in fiscal year 2006/07, the City Council utilized the emergency reserve when budgetary demand for services exceeded available resources. However, in the fall of 2007 when the decline in building activity began, the Council acted quickly to cut costs and services in an attempt to balance the budget. Although it was necessary in 2007/08 to utilize additional funds from the emergency reserve, the efforts of the Council to develop a "structurally balanced budget" has paid off and the reserve has been rebuilt from 5.5% of expenditures in 2007/08 to 14.0% of the 2020/21 general fund budgeted expenditures. The Council is determined to maintain a

structurally balanced budget where current estimated expenditures are within projected current revenues in order to provide budgetary stability for all operating budgets.

Assigned for Emergencies. The City currently has a policy to assign a portion of its fund balance for emergencies. These emergencies can range from major catastrophic incidents to significant economic downturns. The City Council annually considers an increase in the fund balance assigned for emergencies whenever there is unexpected or one-time revenue or expenditure savings are realized. The use of the assigned fund balance must be approved by 4/5ths of the Council.

Awards and Acknowledgements

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Clovis for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019. This was the thirty first consecutive year that the City has received this prestigious award. In order to be awarded a Certificate of Achievement, the City published an easily readable and efficiently organized CAFR. This report satisfied both GAAP and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current CAFR continues to meet the Certificate of Achievement Program requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

In addition, the City also received the GFOA's Distinguished Budget Presentation Award for its annual budget document dated July 1, 2020. In order to qualify for the Distinguished Budget Presentation Award, the governments' budget document was judged to be proficient in several categories, including as a policy document, a financial plan, an operations guide, and a communications device.

The preparation of this report has been accomplished with the efficient and dedicated service of the City's Finance Department. I would like to express my appreciation to everyone who assisted in its preparation, especially, Gina Daniels, Jeff Blanks, Susan Evans, Calvin Campbell, Elena Mendrin, and Jose Reynoso.

Respectfully submitted,



Jay Schengel, CPA
Finance Director



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**City of Clovis
California**

For its Comprehensive Annual
Financial Report
For the Fiscal Year Ended

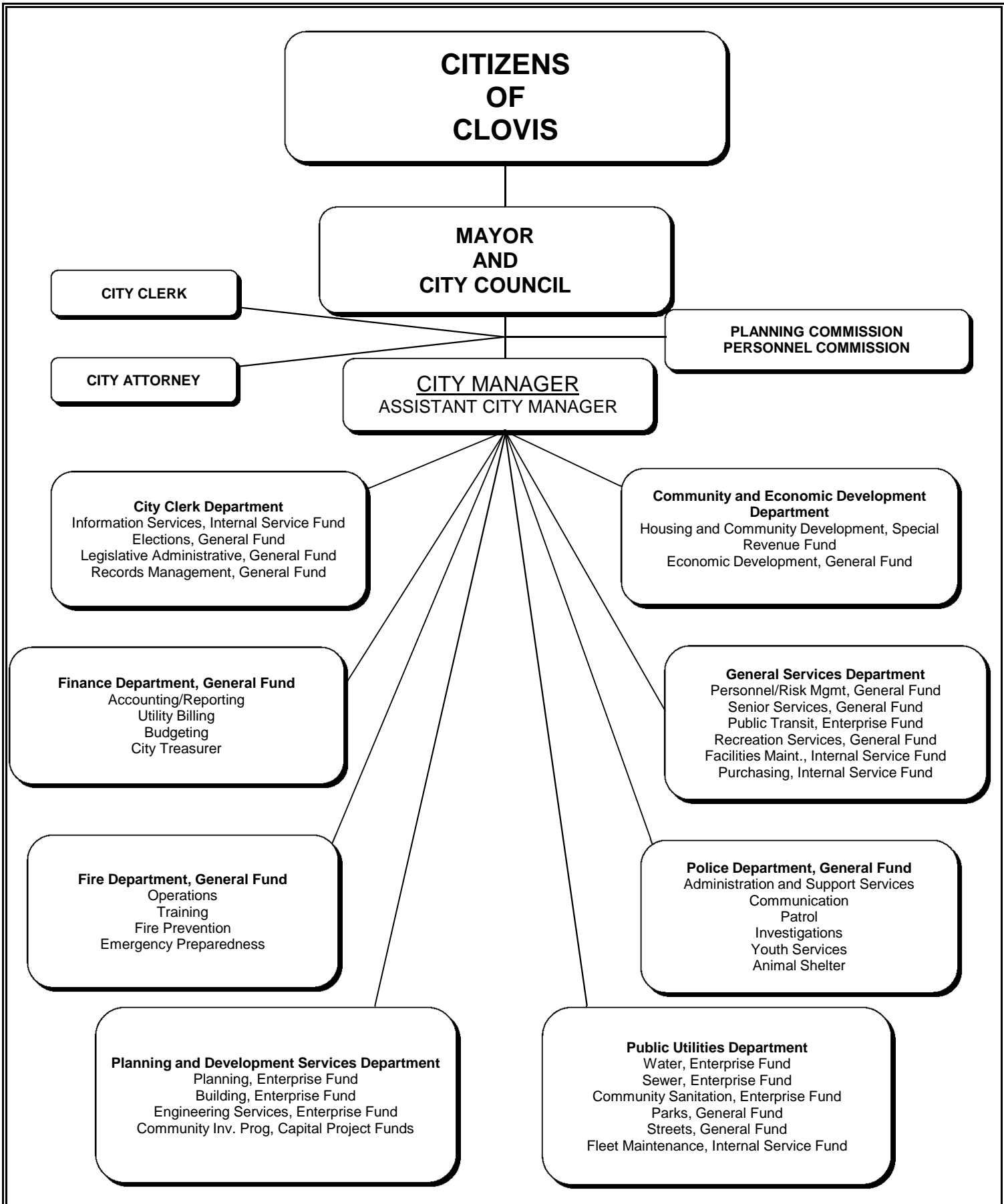
June 30, 2019

Christopher P. Morill

Executive Director/CEO

CITY OF CLOVIS ORGANIZATION CHAR

AGENDA ITEM NO. 13.



CITY OF CLOVIS
LIST OF PRINCIPAL OFFICIALS
JUNE 30, 2020

<u>Title</u>	<u>Name</u>
<i>City Manager</i>	<i>Luke Serpa</i>
<i>Assistant City Manager/City Clerk</i>	<i>John Holt</i>
<i>Community & Economic Development Director</i>	<i>Andrew Hausssler</i>
<i>Finance Director/City Treasurer</i>	<i>Jay Schengel</i>
<i>Fire Chief</i>	<i>John Binaski</i>
<i>General Services Director</i>	<i>Shonna Halterman</i>
<i>Planning & Development Services Director</i>	<i>Dwight Kroll</i>
<i>Police Chief</i>	<i>Curt Fleming</i>
<i>Public Utilities Director</i>	<i>Scott Redelfs</i>

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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of City Council
of the City of Clovis
Clovis, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Clovis, California (the "City"), as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of June 30, 2020, and the respective changes in financial position, and, where applicable, cash flows, and the respective budgetary comparison schedule for the General Fund, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, Budgetary Comparison Schedules, and Schedules of Changes in Net Pension Liability and Related Ratios, and Schedule of Pension Contributions be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements as a whole. The Introductory Section, Combining and Individual Nonmajor Fund Financial Statements, Budget Comparison Schedules, and Statistical Section, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Combining and Individual Nonmajor Fund Financial Statements and the Budgetary Comparison Schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

The Introductory and Statistical Sections have not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 11, 2020 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.



San Diego, California
November 11, 2020

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Management's Discussion and Analysis

This discussion and analysis of the City of Clovis' financial performance provides an overview of the City's financial activities for the fiscal year ended June 30, 2020. Please read it in conjunction with the accompanying transmittal letter, the basic financial statements and the accompanying notes to those financial statements.

Financial Highlights

The City's government-wide total assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources (net position) at the close of the fiscal year by \$849 million, which is 4% more than 2019. Of this amount, \$55 million is in unrestricted net position, which is available to meet the City's ongoing commitments to citizens and creditors.

The City's General Fund, including Landscape Maintenance, Parking and Business Improvement (PBIA), and Supplemental Law Enforcement, ended the year with a fund balance of \$24 million, which represents a net increase of \$1 million from the previous year. The unassigned balance of \$4 million is available for carryover to fund future general fund expenditures.

During the year, previously approved rate increases of 4% were implemented for recycling and green waste programs along with a 2% increase in the refuse collection and disposal program. A 3% increase in the Water Fund was also implemented during the 2020 fiscal year. In addition, Council voted to rebate the sewer bond charge at a rate of one-half times the rate previously charged for a total rebate of \$3.65 per month.

Overview of the Financial Statements

This annual report consists of a series of financial statements. These statements include all activities of the City of Clovis, using the integrated approach as prescribed by GASB Statement No. 34. The Statement of Net Position and Statement of Activities provide information about the activities of the City as a whole and present a longer-term view of the City's finances. Fund financial statements tell how these services are financed in the short term as well as what remains for future spending. Fund financial statements also report the City's operations in more detail than the government-wide statements by providing information about the City's most significant funds. The remaining statements provide financial information about activities for which the City acts solely as a trustee or agent for the benefit of those outside the Government.

Reporting the City as a Whole

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of the City's finances. These statements include all assets and liabilities of the City using the *accrual basis of accounting*, which is similar to the accounting method used by most private sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid out.

The *statement of net position* presents information on all the City's assets and liabilities, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as one indicator of whether the City's financial position is improving or deteriorating.

The *statement of activities* presents information showing how the City's net position changed in the most recent fiscal year. All changes of net position are reported as soon as the underlying event giving rise to the change occurs. Thus, revenues and expenses are reported on this statement for some items that will result in cash flows in future fiscal periods (e.g. earned but unused vacation leave).

The government-wide financial statements of the City are divided as follows:

Governmental Activities: Most of the City's basic services are included here such as public safety, transportation (street and roads), community development, culture and recreation and general government. These services are primarily financed by property and sales taxes and federal and state grants.

Business-type Activities: The City charges fees to customers to cover the costs of services provided. The City's utilities, water, sewer, community sanitation (refuse and street cleaning), planning and development services as well as public transit services are included here.

The government-wide financial statements can be found on pages 30-31 of this report.

Fund financial statements. The fund financial statements provide more detailed information about the City's most significant funds, not the City as a whole. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Some funds are required to be established by State Law or by bond covenants. Management establishes other funds to control and manage money for particular purposes or to show the City is meeting legal responsibilities for using certain taxes, grants, and other money. All the funds of the City can be classified into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental Funds. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on the near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. These funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other financial assets that can readily be converted to cash. Such information is useful in evaluating a government's near-term financing requirements.

Because the focus of the governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for the governmental funds with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide reconciliation between governmental funds and governmental activities. This reconciliation explains the relationship (or differences) between the fund statements and the government-wide statements.

The City of Clovis maintains seven individual governmental funds. Information is presented separately in the governmental funds' balance sheet and in the governmental funds' statement of revenues, expenditures, and changes in fund balances for the General Fund and the Local Transportation Fund, both of which are considered to be major funds. Data from the other five funds are combined into a single aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements elsewhere in this report.

The City adopts an annual appropriated budget for the General Fund. A budgetary comparison statement has been provided for the General Fund to demonstrate compliance to this budget. The basic governmental fund financial statements can be found on pages 32-35 of this report.

Proprietary funds. The City has two different types of proprietary funds, enterprise funds and internal service funds. Enterprise funds are used to report the same functions represented as business-type activities in the government-wide financial statements. The City utilizes enterprise funds to account for those activities that are supported primarily by user charges to external users, and includes community sanitation, sewer disposal, water, transit and planning and development services. Internal service funds are used to account for activities that are supported by user charges primarily to the City's other programs and activities and include employee benefits, general services, self-insurance and fleet services. Because all of these services predominantly benefit governmental rather than business-type functions, they have been included within governmental activities in the government-wide financial statements.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for each of the enterprise funds since they are all major funds. All of the internal service funds are combined into a single, aggregated presentation in the fund financial statements. Individual fund data for the internal service funds is provided in the form of combining statements elsewhere in this report. The basic proprietary fund financial statements can be found on pages 36-41 of this report.

Fiduciary funds. Fiduciary funds are used to account for resources held for the benefits of parties outside the city. Fiduciary funds are **not** reflected in the government-wide financial statements because the City cannot use these funds to finance its operations. The basic fiduciary fund financial statements can be found on pages 42-43 of this report.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund statements. The notes to the financial statements can be found on pages 44-79 of this report.

Government-wide Financial Analysis

Below is a table showing the City's net position for the fiscal year ended June 30, 2020, with comparative data for the fiscal year ended June 30, 2019.

City of Clovis' Net Position

	Governmental activities		Business-type activities		Total	
	2020	2019	2020	2019	2020	2019
Current and other assets	\$ 130,467,241	\$ 123,262,714	\$ 155,706,120	\$ 139,358,314	\$ 286,173,361	\$ 262,621,028
Capital and intangible assets	607,938,513	585,768,735	284,178,463	284,593,783	892,116,976	870,362,518
Total assets	738,405,754	709,031,449	439,884,583	423,952,097	1,178,290,337	1,132,983,546
Deferred Outflows of Resources	21,375,842	27,119,431	5,136,458	182,946	26,512,300	27,302,377
Long-term liabilities outstanding	172,820,490	196,682,015	156,492,503	129,792,832	329,312,993	326,474,847
Other liabilities	10,483,166	7,455,340	10,821,450	8,246,024	21,304,616	15,701,364
Total liabilities	183,303,656	204,137,355	167,313,953	138,038,856	350,617,609	342,176,211
Deferred Inflows of Resources	1,989,139	2,130,191	2,773,768	2,221,017	4,762,907	4,351,208
Net Position:						
Net investment in capital assets	587,763,941	562,740,281	168,488,757	162,937,537	756,252,698	725,677,818
Restricted	38,522,175	33,325,828	493	934	38,522,668	33,326,762
Unrestricted	(51,797,315)	(66,182,775)	106,444,070	120,936,699	54,646,755	54,753,924
Total net position	\$ 574,488,801	\$ 529,883,334	\$ 274,933,320	\$ 283,875,170	\$ 849,422,121	\$ 813,758,504

As of June 30, 2020, the City's government-wide total assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources (net position) by \$849 million. Governmental activities finished the year with a positive net position balance of \$574 million, an increase of \$45 million, or 8%, over 2019. Of that increase, \$25 million relates to the prior period adjustment, while \$20 million relates to year-over-year change (which would be an increase of 4% over 2019). Business-type activities finished the year with a positive balance of \$275 million, a decrease of \$9 million, or 3%, over 2019. This difference represents a \$25 million decrease related to the prior period adjustment, and a \$34 million increase relating to year-over-year change (which would be an increase of 12% over 2019). Net position, as noted earlier, may serve over time as a useful indicator of the City's financial position.

Of the total net position, \$756 million, or 89%, is the City's net investment in capital assets (e.g. land, buildings and improvements, machinery and equipment and the road network) less any related debt used to acquire those assets that is still outstanding. The City's investment in capital assets increased \$31 million, restricted net position increased by \$5 million and unrestricted net position remained unchanged, accounting for the increase in total net position of \$36 million. This is primarily due to the City's investment in the road network, buildings and related improvements, and machinery and equipment.

The majority of the City's long-term liabilities relate to the City's net pension liability and the acquisition of capital assets. Some of those assets include the City's corporation yard, fire stations, police vehicles and sewer and water infrastructure including the surface water treatment plant and the sewer treatment-water reuse facility. These capital assets are utilized to provide services to citizens and are not available for future spending. The repayment of the debt on these assets must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Restricted net position is \$39 million, which represents 5% of the total net position. Restricted net position represents those resources that are subject to external restrictions on how they may be used. These restrictions are established by bond covenants or restrictions on the use of funds by state or federal regulations.

Unrestricted net position represents those resources which may be used to meet the City's ongoing commitments to citizens and creditors. Government-wide unrestricted net position is \$55 million, or 6% of the total net position, which is no change from the previous year. Governmental activities have a negative \$(52) million unrestricted net position, which is an increase of \$14 million compared to last year. Business-type activities have \$106 million in unrestricted net position, a decrease of \$14 million, or 12%, compared to last year.

Governmental activities. Governmental activities account for \$574 million, or 68%, of the total Government-wide net position. This is an increase of \$45 million, or 8%, over June 30, 2019. Donated and constructed assets increased by \$25 million while the amounts available for debt service, street and road construction and community development increased by \$5 million. Additionally, the amount accumulated during the year for normal activities, unrestricted net position, increased by \$14 million.

The following lists key components of this increase:

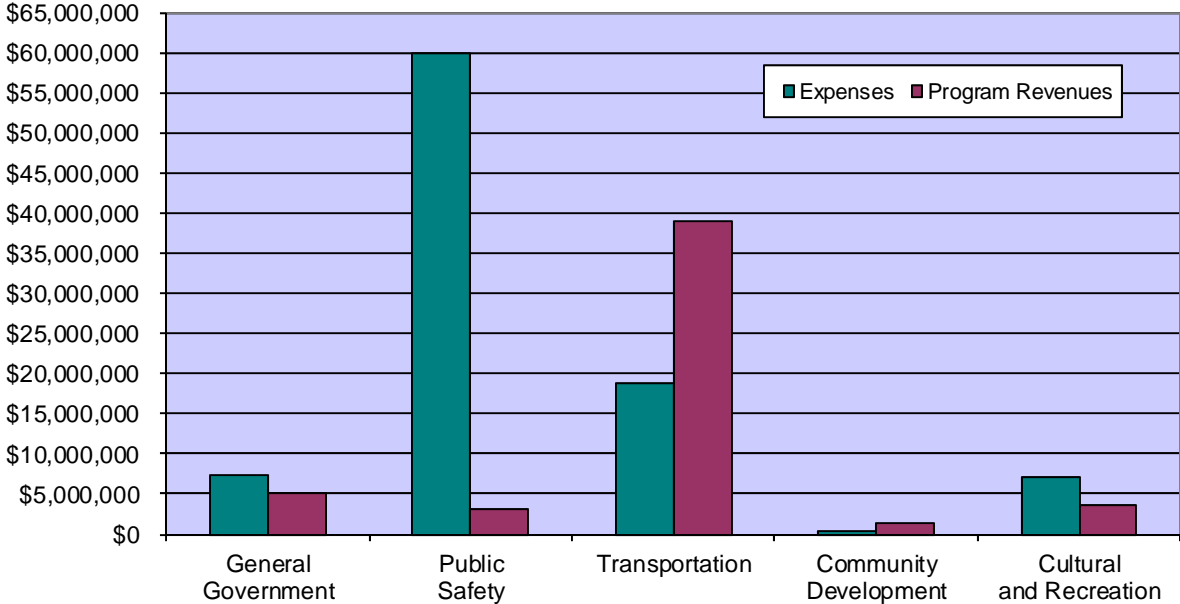
**City of Clovis'
Changes in Net Position**

	Governmental activities		Business-type activities		Total	
	2020	2019	2020	2019	2020	2019
Revenues:						
Program revenues:						
Charges for services	\$ 28,166,526	\$ 29,395,585	\$ 81,770,047	\$ 79,669,525	\$ 109,936,573	\$ 109,065,110
Operating grants and contributions	762,540	393,171	4,542,409	5,462,374	5,304,949	5,855,545
Capital grants and contributions	23,438,840	32,240,993	2,102,274	7,301,993	25,541,114	39,542,986
General revenues:						
Property taxes	28,520,413	26,667,913			28,520,413	26,667,913
Sales taxes	22,393,757	21,597,179			22,393,757	21,597,179
Business Lic/Franchise	6,008,671	5,788,765			6,008,671	5,788,765
Other taxes	2,743,490	2,895,987			2,743,490	2,895,987
Grants and contributions not restricted to specific programs		503,692			0	503,692
Unrestricted investment earnings	3,037,361	1,476,382	4,898,573	2,734,008	7,935,934	4,210,390
Total revenues	115,071,598	120,959,667	93,313,303	95,167,900	208,384,901	216,127,567
Expenses:						
General government	\$7,436,381	7,729,961			\$7,436,381	7,729,961
Public safety	59,875,617	55,860,055			59,875,617	55,860,055
Transportation	18,884,463	14,883,165			18,884,463	14,883,165
Community development	285,557	751,389			285,557	751,389
Cultural and recreation	7,114,673	8,117,581			7,114,673	8,117,581
Interest and other charges	694,111	754,919			694,111	754,919
Community Sanitation			21,743,550	20,204,394	21,743,550	20,204,394
Sewer			19,465,478	18,737,639	19,465,478	18,737,639
Water			18,551,314	17,463,133	18,551,314	17,463,133
Transit			7,008,077	6,961,315	7,008,077	6,961,315
Planning & Development Services			11,662,063	10,443,146	11,662,063	10,443,146
Total expenses	94,290,802	88,097,070	78,430,482	73,809,627	172,721,284	161,906,697
Increase in net position before transfers	20,780,796	32,862,597	14,882,821	21,358,273	35,663,617	54,220,870
Transfers	(250,000)	(1,180,000)	250,000	1,180,000	0	0
Increase in net position	20,530,796	31,682,597	15,132,821	22,538,273	35,663,617	54,220,870
Net position-beginning	529,883,334	498,200,737	283,875,170	261,336,897	813,758,504	759,537,634
Prior period adjustments (Note V.F.)	24,074,671		(24,074,671)		0	0
Net position - ending	\$ 574,488,801	\$ 529,883,334	\$ 274,933,320	\$ 283,875,170	\$ 849,422,121	\$ 813,758,504

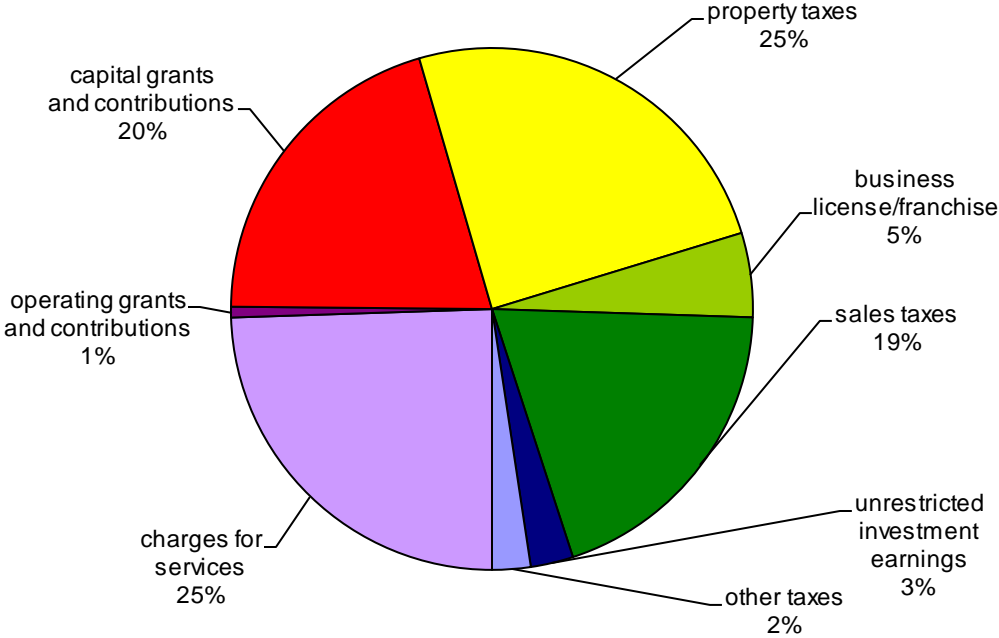
Total governmental revenues for the year were \$115 million, which is \$6 million, or 6%, less than in 2019. The majority of this decrease is attributable to capital grants and contributions and represents increases in funding for streets and roads. Taxes, including property, sales, business license/franchise, and other taxes, account for \$60 million, or 52%, of the City's governmental activities revenue and increased \$3 million, or 5%, from 2019. Property taxes increased by \$2 million due to higher property values and the shift of former redevelopment tax increment to the City. Sales taxes only increased \$0.8 million mainly due to the State's delay in funds not previously received as a result of their new reporting system. Business taxes and Other taxes had a nominal change.

Total governmental expenses for the year were \$94 million, an increase of \$6 million, or 7%, from 2019. Public Safety, which includes police and fire, accounts for \$60 million, or 64%, of the total governmental activities expenses. Public Safety expenses increased \$4 million, or 7%, from 2019 primarily due to increases in salary and benefit costs and the increased costs of services, materials and supplies. Community development expenses decreased nominally from 2019. General government expenses were \$7 million, a decrease of 4% from 2019 resulting from the decrease in services, supplies and materials. Transportation expenses were \$19 million, or greater by 27% when compared to 2019. Cultural and Recreation expenses were \$7 million, a decrease of 12% when compared to 2019.

Expenses and Program Revenues-Governmental Activities



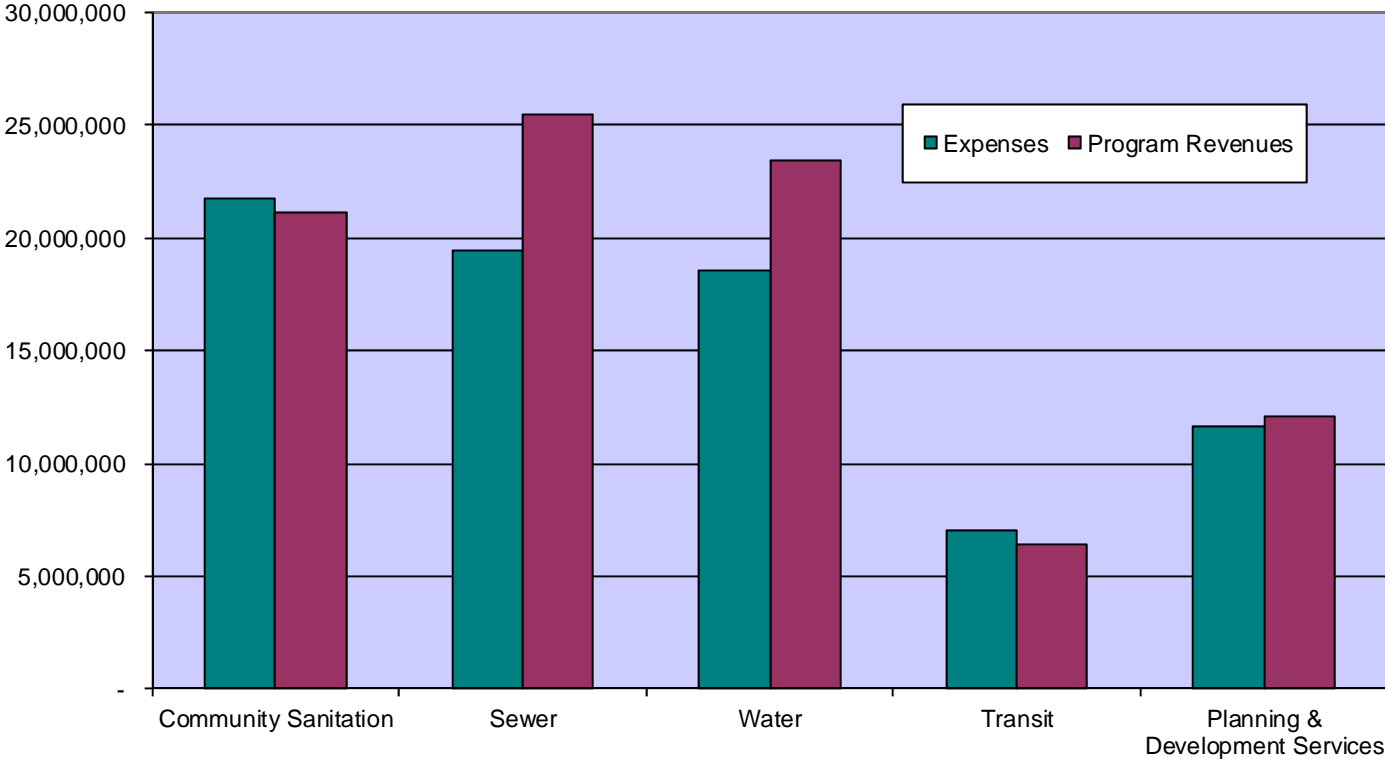
Revenues by Source-Governmental Activities



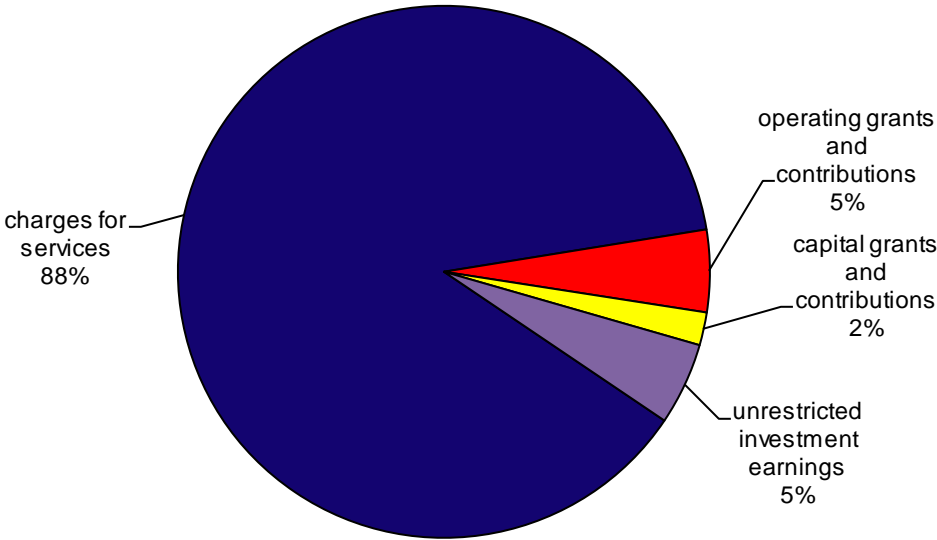
Program revenues that include charges for services and grants specific to certain programs were \$52 million, or 46% of the total governmental activity revenue. The amounts necessary to fully fund the governmental activity programs are made up of “general” revenues such as taxes, interest, and grants and contributions.

Business-type Activities. Business-type activities account for \$274 million, or 32% of the total Government-wide net position. This is a decrease of \$9 million, or 3%, from June 30, 2019. The component, “Net Investment in Capital Assets” accounts for \$168 million, or 61% of the total net position, and is an increase of \$6 million from 2019. The amount of restricted net position represents less than 1% of the total net position. The amount of net position that is unrestricted, \$106 million, or 39%, decreased \$14 million from 2019. Charges for current services were \$82 million, or 88% of the total business-type activity revenue, and increased \$2 million from 2019. Grants and contributions of \$7 million represent \$2 million in contributions of sewer and water mains from developers and \$5 million in state transit assistance.

Expenses and Program Revenues-Business-type Activities



Revenues by Source-Business-type Activities



Included in charges for current services are development fees relating to the construction of capital improvements for sewer disposal and water operations. The revenues generated by these development fees are normally accumulated until such time as there are sufficient reserves to construct or acquire capital assets or to pay debt service on previously incurred debt. Debt service payments of principal are not considered a program expense and are, therefore, not reflected in this chart.

Financial Analysis of the City’s Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. Fund balance is defined in five categories: nonspendable, restricted, committed, assigned and unassigned. Nonspendable fund balances cannot be spent because of their form. Restricted fund balance has limitations imposed externally by creditors, grantors, contributors, or laws and regulations of other governments. Committed fund balance has self-imposed limitations set in place prior to the end of the period. Assigned fund balance is the amount left available for appropriation at the City’s discretion within the fund’s purpose.

All of the City’s governmental funds ended the year with positive fund balances. The ending fund balance for all funds is \$58 million, which is an \$3 million increase from the previous year. Of the total fund balance, \$4 million or 7% is unassigned, which, within the limitations of the fund’s purpose, is available for spending at the City’s discretion. The remainder of the fund balance is not available for new spending because it is either in a form not able to be spent or has already been restricted, assigned or committed for the following: (in millions)

Capital Projects	\$18.2
Community Development	13.5
Debt service	0.4
Landscape Maintenance	5.7
Parking and Business Improvement	<0.1
Law Enforcement	<0.1
Services materials and supplies	0.9
Capital Outlay	1.7
Emergencies	12.8

The general fund is the chief operating fund of the City. As of June 30, 2020, the *total* fund balance (including all categories) of the general fund was \$23.7 million, an increase of \$0.8 million from June 30, 2019. The total fund balance of \$23.7 million includes restricted balances of \$5.8 million, assigned balances of \$13.8 million, and an unassigned balance of \$4.1 million.

The general fund *restricted* balances of \$5.8 million increased by \$0.8 million over 2019 due to an increase in the amount restricted for the landscape maintenance. The *assigned* balance for unforeseen expenditures stayed relatively static, which represents 17.6% of the 2020 actual expenditures in order to reach the 20%-25% level established by Council policy. The *unassigned* fund balance decreased \$0.3 million when compared to June 30, 2019. The \$4.1 million unassigned portion is the amount carried over to offset the impact of revenue shortfall that may occur in the next year due to economic uncertainty and is \$0.1 million more than the amount projected at the time the 2020/21 budget was prepared.

Revenues exceeded expenditures by \$3.2 million excluding landscape maintenance where revenues exceeded expenditures by a little under \$0.7 million. The revenue category "Other taxes" came in under budgeted amounts by \$0.8 million, revenue "From other agencies" came in over budgeted amounts by \$0.6 million, "Property taxes" came in near the budgeted amount, "Business license/Franchise fee" came in \$0.2 million under budgeted amounts, "Sales taxes," came in under budget by \$0.4 million; "Licenses and permits" came in near the budgeted amount; and "Other revenues" came in under budget by less than \$0.1 million. The decrease in "Other taxes" was primarily due to Covid-19. This revenue includes Transient Occupancy Tax on hotels which due to shelter in place orders was severely impacted. The increase in "From other agencies" revenue represents reimbursements from the State for fire assistance. The decrease in "Business license/Franchise fee" stems from the impact of Covid-19. "Sales taxes" also decreased from budget due to Covid-19.

Several departments experienced expenditure savings including "Manager", \$0.3 million, "General Services", \$0.2 million, "Finance", \$0.4 million, "Police", \$2.2 million, "Fire", \$0.8 million and "Public Utilities", \$0.7 million. Most of the expenditure savings in the departments were savings achieved by staffing vacancies, savings in services and supplies and postponed capital expenditures. Most savings attributed to "projects" that were not commenced before the end of the fiscal year are included in the "Assigned for Services, Materials and Supplies" or the "Assigned for Capital" amount and will be spent in the next fiscal year.

The local transportation fund, used to account for all street construction projects, incurred less than budgeted expenditures as a result of several large projects awarded towards the

end of the fiscal year and limited staff resources. The ending fund balance of \$18.1 million is \$2.0 million more than June 30, 2019.

Proprietary funds. As indicated in the description of proprietary funds, there are two types of funds, enterprise and internal service funds. All of the City’s enterprise funds ended the year with positive unrestricted net position with the exception of the Transit Fund. This deficit balance is attributable to the liability of CalPERS pension funds. This liability is long-term in nature, not requiring current resources, and is not being funded separately from PERS at this time.

All the internal service funds finished with positive unrestricted net position. The current liability for workers’ compensation claims is \$9.7 million. The City funds the current year workers’ compensation expenditures with charges to City programs. The City has also funded approximately \$2.5 million of the accrued liability through charges to City programs in prior years. The balance of the liability is of a long-term nature, not requiring current resources, and therefore has not been funded.

General Fund Budgetary Highlights

Throughout the fiscal year it was necessary to adjust the original General Fund budget. The Statement of Revenues, Expenditures, and Change in Fund Balance-Budget to Actual, General Fund, on page 35 shows the original budget and final budget. Below is a summary of the primary amendments:

\$	25,000	City Attorney-unanticipated legal expenses
\$	1,000	City Clerk-Unanticipated employee benefit costs

Capital Assets and Debt Administration

Capital Assets. The City’s capital assets for its governmental and business-type activities as of June 30, 2020, amount to \$892 million (net of depreciation/amortization), an increase of \$22 million over 2019. Capital assets include land, buildings and improvements, machinery and equipment, and road network and intangible capacity rights for water and sewer.

Major capital asset additions this year include the following:

Road network improvements and land acquisitions	\$ 13 million
Land	\$ 7 million
Machinery and equipment	\$ 4 million

During the year the City made improvements to various streets and received developer donated infrastructure. The sewer system improvements include the City’s share of capital projects for the Fresno-Clovis regional waste water treatment plant. Additional information on the City’s capital assets can be found in note IV.E on pages 60-61.

CITY OF CLOVIS'
Capital Assets
(net of depreciation)

	Governmental activities		Business-type activities		Total	
	2020	2019	2020	2019	2020	2019
Land	\$ 258,271,675	\$ 251,365,470	\$ 37,884,361	\$ 37,349,873	\$ 296,156,036	\$ 288,715,343
Buildings and improvements	85,126,964	86,722,063	214,920,507	215,169,809	300,047,471	301,891,872
Machinery and equipment	16,199,669	12,773,690	4,164,050	3,785,770	20,363,719	16,559,460
Road network	248,340,205	234,907,512			248,340,205	234,907,512
Intangibles			27,209,545	28,288,331	27,209,545	28,288,331
Total	\$ 607,938,513	\$ 585,768,735	\$ 284,178,463	\$ 284,593,783	\$ 892,116,976	\$ 870,362,518

Long-term Debt. The City's long-term debt as of June 30, 2020, was \$134 million, with governmental activities accounting for \$20 million, or 15%, and business-type activities accounting for \$114 million, or 85%.

CITY OF CLOVIS'
Outstanding Bonds, Capitals Leases, Loans, Notes from Direct Placements and Contracts

	Governmental activities		Business-type activities		Total	
	2020	2019	2020	2019	2020	2019
Capital leases	\$ 9,413,687	\$ 11,284,736			\$ 9,413,687	\$ 11,284,736
Loans payable	2,768,484	2,745,885			2,768,484	2,745,885
Notes from Direct Placements	7,992,401	8,997,833			7,992,401	8,997,833
Revenue bonds			\$ 109,265,726	\$ 114,115,888	109,265,726	114,115,888
Contracts payable			4,505,029	5,502,287	4,505,029	5,502,287
Total	\$ 20,174,572	\$ 23,028,454	\$ 113,770,755	\$ 119,618,175	\$ 133,945,327	\$ 142,646,629

General obligation debt are direct obligations of the City and are backed by the full faith and credit of the City requiring voter approval, and may have a tax rate set to cover repayment. State statues limit the amount of general obligation debt to 15% of the City's total assessed valuation. The City of Clovis' debt limit is \$1.7 billion. The City currently has no general obligation debt outstanding. Detailed information on the City's long-term debt activity can be found in Note F. of the notes to the financial statements.

Economic Factors and Next Year's Budgets and Rates

The City is closely watching the national economy and keeping up with the state's budget issues and the impact these have on Clovis. During the budget development process for the 2020/21 fiscal year, the City was able to increase general fund expenditures by \$2 million compared to the estimated 2019/20 expenditures. This increase is mostly made up of negotiated salary increases, increased costs to provide employee benefits and general price increases impacting the cost of services, and supplies.

Economic forecasts for the Central Valley and Fresno were severely impacted by the onset of the COVID-19 pandemic and related business closures. Taxable sales were projected to increase by nearly 5.6% compared to the previous year but, due to Covid-19, sales taxes did not meet the budgeted amount. The City of Clovis experienced a 1.9% growth in population in 2020 compared to the 10-year average growth rate of 2.1%. The City's unemployment rate was at 3.2% in February 2020; however, due to the pandemic, by June 2020 the

unemployment for the City had increased to 12.1%. This rate was lower than the Fresno County rate of 14.6% and the State of California average of 14.9%, though still higher than the national average of 11.2%.

Residential building activity has continued to be greater than the 10-year average and is expected to remain robust over the next year, despite the pandemic impacts. The City is seeing demand for refilling vacant big box stores with At-Home opening in the old K-Mart location and Hobby Lobby opening in the vacant Toys-R-Us location on Shaw Avenue. In addition, two hotels were completed and two more are under construction plus an additional hotel received land use approval. This will more than double the room count in the City in the next few years. Clovis Community Hospital began construction on another bed tower and completed construction on additional medical offices and a heart and lung institute. This expansion continues to be one of the biggest job creation projects in Fresno County in recent years. Also, California Health Sciences University has completed its first building that will house a medical doctoral program near the hospital. The City is seeing a boost in office and industrial development with Cabinet Connections, a cabinet manufacturer completing construction of a factory in Clovis, along with many other small professional offices, such as an engineering consulting firm and industrial users developing in the City's business parks. The County of Fresno is also moving 2,000 employees into the City of Clovis. This activity demonstrates the City is moving forward with job generation despite the pandemic and continues to grow.

Total city-wide expenditures, excluding capital expenditures, were projected to increase approximately 5% due primarily to increased operational costs.

At June 30, 2020, the General Fund has an assigned fund balance of \$13.7 million, or 17.8% of budgeted expenditures, set aside for unforeseen emergencies. The City continues to monitor the impacts of the COVID-19 pandemic on the economy and the City's budget and adjust its strategies to address those impacts.

The Council determined that it was necessary for the Community Sanitation Fund to implement a rate increase of 4% for the green waste and recycling programs and to implement a rate increase of 4% for the refuse collection and disposal program for the 2020/21 fiscal year. Furthermore, the Council determined that a 3% increase was necessary for the Water Fund. The Sewer Fund will have no rate increase, and the full \$7.30 bond surcharge, will be rebated.

Requests for Information

This financial report is designed to provide our citizens, taxpayers, customers, investors and creditors with a general overview of the City of Clovis' finances and to demonstrate the City's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact the Finance Director, City of Clovis, 1033 Fifth Street, Clovis, CA, 93612.

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**City of Clovis
Statement of Net Position
June 30, 2020**

	Primary Government		
	Governmental Activities	Business-type Activities	Total
ASSETS			
Cash and investments	\$ 105,771,295	\$ 140,856,649	\$ 246,627,944
Receivables	5,808,475	10,196,499	16,004,974
Internal balances	(2,137,295)	2,137,295	
Due from other governments	18,098,171	2,515,184	20,613,355
Inventories	782,000		782,000
Prepaid items	1,301,896		1,301,896
Assets held for resale	253,956		253,956
Restricted assets:			
Cash and investments	588,743	493	589,236
Capital assets, not being depreciated	258,271,675	37,884,361	296,156,036
Capital assets (net of accumulated depreciation)	349,666,838	219,084,557	568,751,395
Intangible assets (net of accumulated amortization)		27,209,545	27,209,545
Total assets	<u>738,405,754</u>	<u>439,884,583</u>	<u>1,178,290,337</u>
DEFERRED OUTFLOWS OF RESOURCES			
Pension related deferred outflows	21,375,842	4,974,621	26,350,463
Deferred loss on bond refunding		161,837	161,837
	<u>21,375,842</u>	<u>5,136,458</u>	<u>26,512,300</u>
LIABILITIES			
Accounts payable	7,668,053	5,277,886	12,945,939
Unearned revenue	2,815,113	5,543,564	8,358,677
Noncurrent liabilities:			
Due within one year	31,468,445	11,414,400	42,882,845
Due in more than one year	141,352,045	145,078,103	286,430,148
Total liabilities	<u>183,303,656</u>	<u>167,313,953</u>	<u>350,617,609</u>
DEFERRED INFLOWS OF RESOURCES			
Pension related deferred inflows	1,989,139	692,980	2,682,119
Deferred gain on bond refunding		2,080,788	2,080,788
	<u>1,989,139</u>	<u>2,773,768</u>	<u>4,762,907</u>
NET POSITION			
Net investment in capital assets	587,763,941	168,488,757	756,252,698
Restricted for:			
Debt service	1,001,622	493	1,002,115
Streets and roads	18,209,060		18,209,060
Community development	13,580,125		13,580,125
Landscape maintenance	5,731,368		5,731,368
Unrestricted (deficit)	(51,797,315)	106,444,070	54,646,755
Total net position	<u>\$ 574,488,801</u>	<u>\$ 274,933,320</u>	<u>\$ 849,422,121</u>

The notes to the financial statements are an integral part of this statement.

**City of Clovis
Statement of Activities
For the Year Ended June 30, 2020**

Function/Programs	Program Revenues			Net (Expense) Revenue and Changes in Net Position			
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		Total
					Governmental Activities	Business-type Activities	
Primary government:							
Governmental activities:							
General government	\$ 7,436,381	\$ 5,068,736	\$ 6,836	\$ 304,670	\$ (2,360,809)	\$ (2,360,809)	\$ (2,360,809)
Public safety	59,875,617	2,523,741	360,318		(56,686,888)	(56,686,888)	(56,686,888)
Transportation	18,884,463	17,191,846	5,034	21,887,202	20,199,619	20,199,619	20,199,619
Community development	285,557	935,059	358,094	121,482	1,129,078	1,129,078	1,129,078
Cultural and recreation	7,114,673	2,447,144	32,258	1,125,486	(3,509,785)	(3,509,785)	(3,509,785)
Interest and other charges	694,111				(694,111)	(694,111)	(694,111)
Total governmental activities	<u>94,290,802</u>	<u>28,166,526</u>	<u>762,540</u>	<u>23,438,840</u>	<u>(41,922,896)</u>	<u>0</u>	<u>(41,922,896)</u>
Business-type activities:							
Community sanitation	21,743,550	21,115,935		750,099	\$ (627,615)	\$ (627,615)	(627,615)
Sewer disposal	19,465,478	24,673,230		1,352,175	5,957,851	5,957,851	5,957,851
Water	18,551,314	22,031,633	4,517,679		4,832,494	4,832,494	4,832,494
Transit	7,008,077	1,920,311	24,730		(570,087)	(570,087)	(570,087)
Planning & Development Services	11,662,063	12,028,938	4,542,409	2,102,274	391,605	391,605	391,605
Total business-type activities	<u>78,430,482</u>	<u>81,770,047</u>	<u>4,542,409</u>	<u>2,102,274</u>	<u>9,984,248</u>	<u>9,984,248</u>	<u>9,984,248</u>
Total primary government	<u>\$ 172,721,284</u>	<u>\$ 109,936,573</u>	<u>\$ 5,304,949</u>	<u>\$ 25,541,114</u>	<u>(41,922,896)</u>	<u>9,984,248</u>	<u>(31,938,648)</u>
General revenues:							
Property taxes					28,520,413		28,520,413
Sales taxes					22,393,757		22,393,757
Business License/Franchise Fees					6,008,671		6,008,671
Other taxes					2,743,490		2,743,490
Unrestricted investment earnings					3,037,361	4,898,573	7,935,934
Transfers					(250,000)	250,000	0
Total general revenues and transfers					<u>62,453,692</u>	<u>5,148,573</u>	<u>67,602,265</u>
Changes in net position					20,530,796	15,132,821	35,663,617
Net position-beginning					529,883,334	283,875,170	813,758,504
Prior period adjustments (Note V.F.)					24,074,671	(24,074,671)	
Net position-ending					<u>\$ 574,488,801</u>	<u>\$ 274,933,320</u>	<u>\$ 849,422,121</u>

AGENDA ITEM NO. 13.

The notes to the financial statements are an integral part of this statement.

**City of Clovis
Balance Sheet
Governmental Funds
June 30, 2020**

	<u>Major Funds</u>		<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
	<u>General</u>	<u>Local Transportation</u>		
ASSETS				
Cash and investments	\$ 18,867,248	\$ 33,802,355	\$ 12,234,377	\$ 64,903,980
Cash with agents-restricted		24,000		24,000
Receivables	1,890,002	369,636	3,352,617	5,612,255
Due from other governments	4,758,365	12,622,315	656,074	18,036,754
Assets held for resale			253,956	253,956
Total assets	<u>\$ 25,515,615</u>	<u>\$ 46,818,306</u>	<u>\$ 16,497,024</u>	<u>\$ 88,830,945</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 1,362,854	\$ 3,872,042	\$ 767,675	\$ 6,002,571
Due to other governments	324,069			324,069
Deposits and other liabilities	149,001	23,900,891	9,200	24,059,092
Unearned revenue	5,950	907,581		913,531
Total liabilities	<u>1,841,874</u>	<u>28,680,514</u>	<u>776,875</u>	<u>31,299,263</u>
Fund balances:				
Restricted for:				
Capital projects		18,137,792	71,268	18,209,060
Community development			13,500,002	13,500,002
Debt service			436,879	436,879
Landscape maintenance	5,731,368			5,731,368
Parking and business improvement	77,592			77,592
Law enforcement	2,531			2,531
Assigned for:				
Services, materials and supplies	938,000			938,000
Capital			1,712,000	1,712,000
Emergencies	12,810,000			12,810,000
Unassigned, reported in:				
General fund	4,114,250			4,114,250
Total fund balances	<u>23,673,741</u>	<u>18,137,792</u>	<u>15,720,149</u>	<u>57,531,682</u>
Total liabilities and fund balances	<u>\$ 25,515,615</u>	<u>\$ 46,818,306</u>	<u>\$ 16,497,024</u>	

Reconciliation of the Governmental Fund Balances to the Governmental Activities Net Position

Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds. (Net of \$82,307,808 of internal service fund capital assets)	525,630,705
Internal service funds are used by management to charge the costs of fleet management, employee benefits, liability and property insurance and general services to individual funds. The assets and liabilities of the internal service funds are included in governmental activities in the statement of net position. (Net of \$2,137,295 allocated to business-type activities)	82,915,515
Long-term liabilities, including compensated absences, and net pension liability, are not due and payable in the current period and therefore are not reported in the funds.	(91,589,101)
Net Position of Governmental Activities	<u>\$ 574,488,801</u>

The notes to the financial statements are an integral part of this statement.

City of Clovis
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2020

	Major Funds		Other Governmental Funds	Total Governmental Funds
	General	Local Transportation		
REVENUES				
Property taxes	\$ 28,520,413			\$28,520,413
Sales taxes	22,393,757			22,393,757
Business license/Franchise fee	6,008,671			6,008,671
Other taxes	2,743,490			2,743,490
Licenses and permits	526,291			526,291
Fines and forfeitures	188,334			188,334
Use of money and property	540,747	\$ 999,344	\$ 374,624	1,914,715
From other agencies	3,319,599	20,805,076	1,882,774	26,007,449
Charges for current services	6,008,833	86,325	1,693,186	7,788,344
Other revenues	5,852,484	333,423	37	6,185,944
Total revenue	76,102,619	22,224,168	3,950,621	102,277,408
EXPENDITURES				
Current:				
General government	6,930,929			6,930,929
Public safety	54,300,092			54,300,092
Transportation	4,438,270			4,438,270
Community development	71		330,176	330,247
Cultural and recreation	7,040,642			7,040,642
Capital outlays	118,849	20,270,964	3,446,638	23,836,451
Total expenditures	72,828,853	20,270,964	3,776,814	96,876,631
Excess (deficiency) of revenues over (under) expenditures	3,273,766	1,953,204	173,807	5,400,777
OTHER FINANCING SOURCES (USES)				
Transfers in	454,000			454,000
Transfers out	(2,960,000)		(150,000)	(3,110,000)
Total other financing sources (uses)	(2,506,000)	0	(150,000)	(2,656,000)
Net change in fund balances	767,766	1,953,204	23,807	2,744,777
Fund balances-beginning	22,905,975	16,184,588	15,696,342	54,786,905
Fund balances-ending	\$ 23,673,741	\$ 18,137,792	\$ 15,720,149	\$ 57,531,682

The notes to the financial statements are an integral part of this statement.

City of Clovis
Reconciliation of the Statement of Revenues,
Expenditures, and Changes in Fund Balances of Governmental Funds
To the Government-Wide Statement of Activities
For the Year Ended June 30, 2020

Amounts reported for governmental activities in the statement of activities (page 31) are different because:

Net change in fund balances-total governmental funds (page 33)	\$ 2,744,777
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.	12,290,003
The net effect of donations and miscellaneous transactions involving capital assets (i.e., sales and trade-ins) is to increase net position.	11,179,926
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	(8,734,566)
Internal service funds are used by management to charge the costs of fleet maintenance, employee benefits, liability and property insurance and general services to individual funds. The net revenue of certain activities of internal service funds is reported with governmental activities. Net of \$1,352,212 allocated to business-type activities.	3,050,656
Change in net position of governmental activities (page 31)	<u>\$ 20,530,796</u>

The notes to the financial statements are an integral part of this statement.

City of Clovis
Statement of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
General Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Property taxes	\$ 28,559,000	\$ 28,559,000	\$ 28,520,413	\$ (38,587)
Sales taxes	22,829,000	22,829,000	22,393,757	(435,243)
Business license/Franchise fee	6,239,000	6,239,000	6,008,671	(230,329)
Other taxes	3,563,000	3,563,000	2,743,490	(819,510)
Licenses and permits	554,500	554,500	526,291	(28,209)
Fines and forfeitures	189,500	189,500	188,334	(1,166)
Use of money and property	196,400	196,400	540,747	344,347
From other agencies	2,615,800	2,760,563	3,319,599	559,036
Charges for current services	5,742,300	5,792,300	6,008,833	216,533
Other revenues	5,942,000	5,942,000	5,852,484	(89,516)
Total revenues	76,430,500	76,625,263	76,102,619	(522,644)
EXPENDITURES				
Council	348,200	348,200	329,120	19,080
Clerk	240,900	241,900	241,497	403
Attorney	933,900	958,900	958,578	322
Manager	1,963,500	1,963,500	1,671,307	292,193
General services	2,308,680	2,319,880	2,112,839	207,041
Finance/Treasurer	3,493,929	3,493,929	3,049,000	444,929
Police	40,050,614	40,184,177	38,004,722	2,179,455
Fire	17,005,985	17,171,385	16,414,220	757,165
Public utilities	10,702,371	10,702,371	10,047,570	654,801
Total expenditures	77,048,079	77,384,242	72,828,853	4,555,389
Excess (deficiency) of revenues over expenditures	(617,579)	(758,979)	3,273,766	4,032,745
OTHER FINANCING SOURCES (USES)				
Transfers In			454,000	(454,000)
Transfers Out	(2,960,000)	(2,960,000)	(2,960,000)	
Total other financing sources (uses)	(2,960,000)	(2,960,000)	(2,506,000)	(454,000)
Net change in fund balance	(3,577,579)	(3,718,979)	767,766	3,578,745
Fund balance-beginning	22,905,975	22,905,975	22,905,975	
Fund balance-ending	\$ 19,328,396	\$ 19,186,996	\$ 23,673,741	\$ 3,578,745

The notes to the financial statements are an integral part of this statement.

**City of Clovis
Statement of Net Position
Proprietary Funds
June 30, 2020**

	Business-Type Activities-Enterprise Funds						Governmental Activities Internal Service Funds
	Major Enterprise Funds			Nonmajor			
	Community Sanitation	Sewer Disposal	Water	Planning & Development Services	Transit	Totals	
ASSETS							
Current assets:							
Cash and investments	\$ 16,027,373	\$ 39,535,685	\$ 67,211,676	\$ 15,361,604	\$ 2,720,311	\$ 140,856,649	\$ 40,867,315
Receivables	3,581,157	3,330,518	3,213,728	53,483	17,613	10,196,499	196,220
Due from other governments			19,850	6,516	2,488,818	2,515,184	61,417
Inventories						0	782,000
Prepaid items						0	1,301,896
Total current assets	<u>19,608,530</u>	<u>42,866,203</u>	<u>70,445,254</u>	<u>15,421,603</u>	<u>5,226,742</u>	<u>153,568,332</u>	<u>43,208,848</u>
Noncurrent assets:							
Cash with fiscal agent-bond accounts		442	51			493	564,743
Total restricted assets	<u>0</u>	<u>442</u>	<u>51</u>	<u>0</u>	<u>0</u>	<u>493</u>	<u>564,743</u>
Capital assets:							
Land	19,076,813	4,660,812	14,146,736			37,884,361	8,872,400
Buildings and improvements	7,416,623	171,389,411	129,406,238			308,212,272	95,064,693
Machinery and equipment	3,113,606	839,517	1,583,371	55,081	5,718,364	11,309,939	50,553,426
Less accumulated depreciation	<u>(3,045,680)</u>	<u>(52,808,469)</u>	<u>(40,711,988)</u>	<u>(25,027)</u>	<u>(3,846,490)</u>	<u>(100,437,654)</u>	<u>(72,182,711)</u>
Total capital assets (net of accumulated depreciation)	<u>26,561,362</u>	<u>124,081,271</u>	<u>104,424,357</u>	<u>30,054</u>	<u>1,871,874</u>	<u>256,968,918</u>	<u>82,307,808</u>
Intangible assets		39,869,925	10,118,786			49,988,711	
Less accumulated amortization		<u>(20,234,548)</u>	<u>(2,544,618)</u>			<u>(22,779,166)</u>	
Total intangible assets (net of accumulated amortization)		<u>19,635,377</u>	<u>7,574,168</u>			<u>27,209,545</u>	
Total noncurrent assets	<u>26,561,362</u>	<u>143,717,090</u>	<u>111,998,576</u>	<u>30,054</u>	<u>1,871,874</u>	<u>284,178,956</u>	<u>82,872,551</u>
Total assets	<u>46,169,892</u>	<u>186,583,293</u>	<u>182,443,830</u>	<u>15,451,657</u>	<u>7,098,616</u>	<u>437,747,288</u>	<u>126,081,399</u>
DEFERRED OUTFLOWS OF RESOURCES							
Pension related deferred outflows	1,281,946	294,380	922,921	1,686,716	788,658	4,974,621	1,316,753
Deferred loss on bond refunding			161,837			161,837	
Total deferred outflows of resources	<u>1,281,946</u>	<u>294,380</u>	<u>1,084,758</u>	<u>1,686,716</u>	<u>788,658</u>	<u>5,136,458</u>	<u>1,316,753</u>

	Business-Type Activities-Enterprise Funds				Governmental Activities Internal Service Funds	
	Major Enterprise Funds		Nonmajor			
	Community Sanitation	Sewer Disposal	Water	Planning & Development Services	Transit	Totals
LIABILITIES						
Current liabilities:						
Accounts payable	1,300,252	2,425,904	1,460,261	67,758	20,417	5,274,592
Claims and judgments payable					0	0
Due to other governments					3,294	3,294
Accrued compensated absences	92,800	28,000	74,200	131,200	33,200	359,400
Deposits and other liabilities			2,821,469	2,923,688		5,745,157
Unearned revenue				340,023	5,203,541	5,543,564
Capital leases-current					0	0
Direct placements-current					0	0
Loans payable-current		2,210,000	2,050,000			4,260,000
Revenue bonds-current		1,049,843				1,049,843
Contracts payable-current		5,713,747	6,405,930	3,462,669	5,260,452	22,235,850
Total current liabilities	1,393,052	5,713,747	6,405,930	3,462,669	5,260,452	22,235,850
Noncurrent liabilities:						
Claims and judgments payable					0	0
Accrued compensated absences	255,310	76,841	204,206	361,089	91,295	988,741
Capital leases					0	0
Direct placements					0	0
Loans payable		86,174,429	18,831,297			105,005,726
Revenue bonds (net of discount/premium)		3,455,186				3,455,186
Contracts payable						4,284,640
Landfill closure	4,284,640					4,284,640
Net pension liability	8,077,203	1,854,811	5,815,086	10,627,570	4,969,140	31,343,810
Total noncurrent liabilities	12,617,153	91,561,267	24,850,589	10,988,659	5,060,435	145,078,103
Total liabilities	14,010,205	97,275,014	31,256,519	14,451,328	10,320,887	167,313,953
DEFERRED INFLOWS OF RESOURCES						
Pension related deferred inflows	178,579	41,008	128,566	234,965	109,862	692,980
Deferred gain on bond refunding, net		2,080,788				2,080,788
Total deferred inflows of resources	178,579	2,121,796	128,566	234,965	109,862	2,773,768
NET POSITION						
Net investment in capital assets	26,561,362	48,746,402	91,279,065	30,054	1,871,874	168,488,757
Restricted for debt service		442	51			493
Unrestricted (deficit)	6,701,692	38,734,019	60,864,387	2,422,026	(4,415,349)	104,306,775
Total net position	\$33,263,054	\$ 87,480,863	\$ 152,143,503	\$ 2,452,080	\$ (2,543,475)	\$ 272,796,025
Adjustments to reflect the consolidation of internal service fund activities related to enterprise funds.						2,137,295
Net position of business-type activities						\$ 274,933,320

The notes to the financial statements are an integral part of this statement.

City of Clovis
Statement of Revenues, Expenses, and Changes in Net Position
Proprietary Funds
For the Year Ended June 30, 2020

	Business-Type Activities-Enterprise Funds						Governmental Activities Internal Service Funds
	Major Enterprise Funds			Nonmajor			
	Community Sanitation	Sewer Disposal	Water	Planning & Development Services	Transit	Totals	
Operating revenues:							
Charges for services	\$ 20,594,909	\$ 24,173,599	\$ 21,466,661	\$ 11,738,502	\$ 190,014	\$ 78,163,685	\$ 51,941,874
From other agencies				24,730	1,540,686	1,565,416	217,522
Other revenues	41,720	359,747	71,825			473,292	1,680,509
Total operating revenues	<u>20,636,629</u>	<u>24,533,346</u>	<u>21,538,486</u>	<u>11,763,232</u>	<u>1,730,700</u>	<u>80,202,393</u>	<u>53,839,905</u>
Operating expenses:							
Salaries and benefits	6,535,073	1,450,418	4,561,255	7,775,164	3,539,336	23,861,246	17,553,822
Services, materials and supplies	11,901,269	7,352,158	7,486,663	1,871,583	2,071,390	30,683,063	25,741,004
Administration	2,971,200	2,362,600	2,750,233	2,004,300	974,500	11,062,833	1,428,716
Depreciation/amortization	336,008	5,025,446	2,877,984	11,016	422,851	8,673,305	5,573,740
Total operating expenses	21,743,550	16,190,622	17,676,135	11,662,063	7,008,077	74,280,447	50,297,282
Operating income (loss)	<u>(1,106,921)</u>	<u>8,342,724</u>	<u>3,862,351</u>	<u>101,169</u>	<u>(5,277,377)</u>	<u>5,921,946</u>	<u>3,542,623</u>
Nonoperating revenues (expenses):							
Interest income	606,330	1,329,351	2,400,906	514,541	47,445	4,898,573	1,160,264
Interest expense		(3,274,856)	(875,179)			(4,150,035)	(694,110)
State transit funding					4,517,679	4,517,679	
Legal settlement			246,012			246,012	
Gain (loss) on sale of capital assets			(1,107)		(4,733)	(5,840)	(2,558,685)
Total nonoperating revenue (expense)	606,330	(1,945,505)	1,770,632	514,541	4,560,391	5,506,389	(2,092,531)
Income before contributions and transfers	(500,591)	6,397,219	5,632,983	615,710	(716,986)	11,428,335	1,450,092
Capital contributions		750,099	1,352,175			2,102,274	92,776
Transfers in	150,000			300,000		450,000	3,660,000
Transfer out	(50,000)	(50,000)	(50,000)		(50,000)	(200,000)	(800,000)
Changes in net position	(400,591)	7,097,318	6,935,158	915,710	(766,986)	13,780,609	4,402,868
Total net position-beginning	39,867,614	81,808,196	149,674,817	9,699,233	2,040,227	(23,499,264)	104,149,206
Prior period adjustments (Note V.F.)	(6,203,969)	(1,424,651)	(4,466,472)	(8,162,863)	(3,816,716)	(23,499,264)	104,149,206
Total net position-ending	<u>\$ 33,263,054</u>	<u>\$ 87,480,863</u>	<u>\$ 152,143,503</u>	<u>\$ 2,452,080</u>	<u>\$ (2,543,475)</u>	<u>\$ 15,132,821</u>	<u>\$ 85,052,818</u>

AGENDA ITEM NO. 13.

1,352,212
\$ 15,132,821

Adjustment to reflect the consolidation of internal service fund activities related to enterprise funds.
Change in net position of business-type activities (page 31)

The notes to the financial statements are an integral part of this statement.

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City of Clovis
Statement of Cash Flows
Proprietary Funds
For the Year Ended June 30, 2020

	Business-Type Activities-Enterprise Funds					Governmental Activities- Internal Service Funds
	Major Enterprise Funds			Nonmajor		
	Community Sanitation	Sewer Disposal	Water	Planning & Development Services	Transit	Totals
CASH FLOW FROM OPERATING ACTIVITIES						
Receipts from customers and users	\$ 20,367,605	\$ 23,412,906	\$ 21,127,571	\$ 11,805,880	\$ 2,101,331	\$ 78,815,293
Receipts for interfund services	(13,969,434)	(9,918,011)	(10,009,563)	(3,101,081)	(3,034,373)	(40,032,462)
Payments to suppliers	(5,745,562)	(1,251,439)	(3,987,539)	(6,724,058)	(3,076,984)	(20,785,582)
Payments to employees	41,720	359,747	317,837	24,730	1,540,686	2,284,720
Other revenues	694,329	12,603,203	7,448,306	2,005,471	(2,469,340)	20,281,969
Net cash provided/(used) by operating activities						\$ 52,031,396
						(28,230,001)
						(16,730,936)
						1,840,730
						8,911,189
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES						
Transfers-in from other funds	150,000			300,000		450,000
Transfers-out to other funds	(50,000)	(50,000)	(50,000)		(50,000)	(200,000)
Transportation funding-State			(19,850)	474	3,359,482	3,340,106
Net cash provided by noncapital financing activities	100,000	(50,000)	(69,850)	300,474	3,309,482	3,590,106
						2,860,000
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES						
Acquisition and construction of capital assets	(1,891,957)	(2,450,455)	(1,498,249)		(327,445)	(6,168,106)
Principal paid on loans, bonds, and capital leases		(3,715,947)	(2,131,474)			(5,847,421)
Interest paid on loans, bonds and capital leases		(3,415,085)	(854,070)			(4,269,155)
Proceeds from capital leases						0
Proceeds from sale of capital assets					6,555	6,555
Net cash used by capital and related financing activities	(1,891,957)	(9,581,487)	(4,483,793)	0	(320,890)	(16,278,127)
						1,158,951
						(10,287,488)
CASH FLOWS FROM INVESTING ACTIVITIES						
Interest and dividends on investments	606,330	1,329,351	2,400,907	514,542	47,445	4,898,575
Net cash provided by investing activities	606,330	1,329,351	2,400,907	514,542	47,445	4,898,575
Net change in cash and cash equivalents	(491,298)	4,301,067	5,295,570	2,820,487	566,697	12,492,523
Cash and cash equivalents-beginning of year	16,518,671	35,235,060	61,916,157	12,541,117	2,153,614	128,364,619
Cash and cash equivalents-end of year	\$ 16,027,373	\$ 39,536,127	\$ 67,211,727	\$ 15,361,604	\$ 2,720,311	\$ 140,857,142
						\$ 41,432,058

AGENDA ITEM NO. 13.

Reconciliation of operating income (loss) to net cash provided/(used) by operating activities:

Operating income/(loss)	\$ (1,106,921)	\$ 8,342,724	\$ 3,862,351	\$ 101,169	\$ (5,277,377)	\$ 5,921,946	\$ 3,542,623
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:							
Depreciation/amortization expense	336,008	5,025,446	2,877,984	11,016	422,851	8,673,305	5,573,740
Landfill closure expense	244,800					244,800	
Legal settlement	(227,304)	(760,693)	246,012	218	1,370	246,012	7,776
(Increase)/decrease in accounts receivable			(339,090)			(1,325,499)	
(Increase)/decrease in due from other governments						0	(57,301)
(Increase)/decrease in inventories						0	28,000
(Increase)/decrease in deferred outflows - pension	(1,281,946)	(294,380)	(922,921)	(1,686,716)	(788,658)	(4,974,621)	25,327,223
(Increase)/decrease in prepaid items						0	(1,297,423)
Increase/(decrease) in accounts payable	658,235	(203,253)	109,253	22,568	11,517	598,320	99,142
Increase/(decrease) in due to other governments					(911)		
Increase/(decrease) in accrued compensated absences	19,644	22,191	19,458	38,150	(11,276)	88,167	(981,999)
Increase/(decrease) in unearned revenue				67,160	1,910,858	1,978,018	81,746
Increase/(decrease) in claims and judgments payable						0	110,000
Increase/(decrease) in deposits			118,080	752,234		870,314	
Increase/(decrease) in net pension liability	1,873,234	430,160	1,348,613	2,464,707	1,152,424	7,269,138	(22,051,030)
Increase/(decrease) in deferred inflows - pension	178,579	41,008	128,566	234,965	109,862	692,980	(1,471,308)
Total adjustments	1,801,250	4,260,479	3,585,955	1,904,302	2,808,037	14,360,023	5,368,566
Net cash provided/(used) by operating activities	\$ 694,329	\$ 12,603,203	\$ 7,448,306	\$ 2,005,471	\$ (2,469,340)	\$ 20,281,969	\$ 8,911,189

Noncash investing, capital, and financing activities:

During the year the Sewer Disposal Fund, an enterprise fund, received \$750,099 in donated assets.

During the year the Water Fund, an enterprise fund, received \$1,352,175 in donated assets.

The notes to the financial statements are an integral part of this statement.

City of Clovis
Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2020

	Redevelopment Successor Agency Private- purpose Trust Fund	Agency Funds
ASSETS		
Cash and investments	\$ 968,945	\$ 3,368,857
Cash with agent-restricted	1,068,969	
Receivables	1,452	2,803
Prepaid items	169,392	
Capital Assets (net of accumulated depreciation)	10,897,054	
Total assets	13,105,812	\$ 3,371,660
LIABILITIES		
Accrued payroll		\$ 3,014,221
Accounts payable	227,245	
Agency funds payable		274,913
Due to bondholders		82,526
Tax Allocation Bonds Payable	11,928,883	
Total liabilities	12,156,128	\$ 3,371,660
NET POSITION		
Held in trust for Redevelopment Successor Agency Fund	\$ 949,684	

The notes to the financial statements are an integral part of this statement.

City of Clovis
Statement of Changes in Fiduciary Net Position
For the Year Ended June 30, 2020

	Redevelopment Successor Agency Private-purpose Trust Fund
ADDITIONS	
Property Taxes	\$ 2,042,436
Total additions	2,042,436
DEDUCTIONS	
Services, materials and supplies	53,000
Administration	47,000
Depreciation/amortization	77,103
Interest and other fiscal charges	579,069
Transfers out	454,000
Total deductions	1,210,172
Change in net position	832,264
Net position-Beginning	117,420
Net position-Ending	\$ 949,684

The notes to the financial statements are an integral part of this statement.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

I. Summary of significant accounting policies

A. Reporting entity

The City of Clovis, California (City) was incorporated on February 27, 1912 as a general law city of the State of California, and as such can exercise the powers specified by the constitution and laws of the State of California. The City is governed by an elected five-member City Council under the administration of an appointed City Manager. The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. Blended components units, although legally separate entities, are, in substance, part of the government's operations.

1. Blended component units

Although the following are legally separate from the City, they have been "blended" as though they are part of the City because the component unit's governing body is substantially the same as the City's and there is a financial benefit or burden relationship between the City and the component unit; management of the City has operational responsibilities for the component unit; and/or the component units provide services entirely, or almost entirely, to the City or otherwise exclusively, or almost exclusively, benefits the City, even though it does not provide services directly.

The Clovis Municipal Development Corporation (Corporation) was established by the Clovis City Council in January 1985 to handle the City's and the Clovis Community Development Agency's development of property. There were no assets, liabilities, equity or activity to report for the current or prior fiscal years.

The Clovis Public Financing Authority (Authority) was established by the Clovis City Council in July 1991 to facilitate the issuance of the City's debt. There were no assets, liabilities, equity or other activity to report for the current or prior fiscal years.

B. Government-wide and fund financial statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of the primary government and its components units. The effects of interfund activity have been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function of a segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

C. Measurement focus, basis of accounting, and financial statement presentation

The statement of net position reports separate sections for Deferred Outflows of Resources, and Deferred Inflows of Resources, when applicable.

Deferred Outflows of Resources – This amount represents outflows of resources (consumption of net position) that apply to future periods and that, therefore, will not be recognized as an expense until that time.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Deferred Inflows of Resources – This amount represents inflows of resources (acquisition of net position) that apply to future periods and that, therefore, are not recognized as a revenue until that time.

The government-wide and proprietary fund financial statements are reported using the “*economic resources*” measurement focus and the accrual basis of accounting. Fiduciary fund financial statements are reported using the accrual basis of accounting but do not have a measurement focus since agency funds and private-purpose funds are the only fiduciary funds the City reports. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirement imposed by the provider have been met.

Governmental fund financial statements are reported using the “*current financial resources*” measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of “the end of the current fiscal period.” Expenditures generally are recorded when a liability is incurred. However, debt service expenditures as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, licenses and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The City reports the following major governmental funds:

The general fund is the government’s primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The local transportation fund accounts for the City’s share of Transportation Development Act (SB 325) funds allocated by the State that are restricted to expenditures for capital street improvements and maintenance and for the deposits by developers for special street improvement projects.

The City reports the following major proprietary funds:

The community sanitation fund accounts for the activities of the City’s refuse collection and disposal operations, landfill operations and street sweeping operations.

The sewer disposal fund accounts for the activities of the City’s sanitary sewer system operations.

The water fund accounts for the activities of the City’s water production and distribution operations.

The planning and development services fund accounts for the activities of the City’s engineering operations.

Additionally, the City reports the following fund types:

Internal service funds account for general liability and property damage insurance, fleet management services, retirement, workers’ compensation, and health, unemployment and Medicare insurance, facility maintenance and enhancement, telecommunication and information technology, and other general services provided to other departments or agencies of the City on cost reimbursement bases.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Agency funds account for assets held by the City as an agent for special senior activities, certain special assessments collected and distributed on behalf of the districts, payroll taxes collected and distributed to other governments and collections from the State of California for assets forfeited.

Private-purpose trust funds are used to account for the assets of the former Clovis Community Development Agency during the wind down period.

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements. The exception to this general rule is payments-in-lieu of taxes. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the proprietary fund's principal ongoing operations. The principal operating revenues of the community sanitation enterprise fund, of the sewer enterprise fund, of the water enterprise fund and of the City's internal service funds are charges to customers for sales and services. The sewer enterprise fund and the water enterprise fund also recognize as operating revenue the portion of developer fees intended to recover the cost of connecting new customers to the system. Operating expenses for enterprise funds and internal service funds include the cost of sales and services, administrative expenses and depreciation on capital assets: All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Assets, liabilities, and net position or equity

1. Cash and investments

The City maintains a cash and investment pool that is available for use by all funds. This pool utilizes investments authorized by the Government Code and is further defined by the City's investment policy that is reviewed annually by the City Council.

Highly liquid market investments with maturities of 1 year or less at the time of purchase are stated at amortized cost. All other investments are stated at fair value. Market value is used as fair value for the securities for which market quotations are readily available.

Authorized investments include deposits in the State of California administered Local Agency Investment Fund, insured certificates of deposits, collateralized certificates of deposits, commercial paper, bankers acceptances, medium term notes, money market mutual funds and securities backed by the U.S. Government. All investments are stated at fair value.

Interest income earned as a result of pooling is distributed to the appropriate funds based on month end cash balances in each fund. Interest income from cash and investments with fiscal agents and deferred compensation is credited directly to the related fund.

For purposes of the statement of cash flows, the City considers short term and highly liquid investments (including restricted assets) to be cash and cash equivalents.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

The City invests its excess cash principally in U.S. Government Securities, U.S. Treasuries and the State of California Local Agency Investment Fund (LAIF). Investments in the LAIF are available for withdrawal on demand.

The City is also required to deposit funds with fiscal agents under the provisions of Revenue Bonds, Contracts and/or Lease Agreements. These funds are invested by the fiscal agent in instruments generally more restrictive than the City's investment policy.

U.S. GAAP defines fair values, establishes a framework for measuring fair value and establishes disclosures about fair value measurement. Investments, unless otherwise specified, recorded fair value in the Statement of Net Position/Balance Sheet, are categorized based upon the level of judgment associated with the inputs used to measure their fair value. Levels of inputs are as follows:

Level 1 – Inputs are unadjusted, quoted prices for identical assets and liabilities in active markets at the measurement date.

Level 2 – Inputs, other than quoted prices included in Level 1, that are observable for the assets or liabilities through corroboration with market data at the measurement date.

Level 3 – Unobservable inputs that reflect management's best estimate of what market participants would use in pricing the assets or liabilities at the measurement date.

2. Receivables

Billed but unpaid services provided to individuals or non-governmental entities are recorded as "receivables." Services provided to other governmental entities are recorded as "due from other governments." The City's utility enterprise funds include an estimated amount for services rendered but not yet billed as of June 30, 2020, determined by prorating the July 2020 bi-monthly billing.

The City has not experienced any material write-off of receivables; and therefore, an "allowance for bad debts" is not included on the City's balance sheet or statement of net position.

3. Interfund receivables/payables

During the course of operations, interfund receivables and payables transactions arise. These receivables and payables are classified as "due from other funds" or "due to other funds" on the fund financial statements. On the government-wide statement of net position, the "internal balances" represents the amounts receivable/payable between business-type activities and governmental activities. All other interfund transactions have been eliminated on the statement of net position.

4. Inventories

Inventories, consisting of fuel and vehicle parts, are valued at cost.

5. Capital assets/intangible assets

Capital assets, which include property, plant, equipment, and infrastructure assets (roadways), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$10,000, and an estimated useful life of at least three years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated assets are recorded at estimated acquisition value at the date donated. Intangible assets are valued at historical cost.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Intangible assets include the purchase of sewer capacity rights and water entitlement rights. The City purchased sewer capacity rights from the City of Fresno at the Fresno Regional Waste Water Treatment Plant. The total amount of \$39,869,925 is reported in the City's Sewer Disposal Enterprise Fund. The City purchased water entitlement rights from the Fresno Irrigation District for surface water. The total amount of \$10,118,786 reported in the City's Water Enterprise Fund.

Donated assets include developer donated land as well as the improvements on the land including streets, curbs and gutters, sidewalks, street lighting and landscaping. Included in the total amount of capital grants and contributions on the government-wide statement of activities is \$11,179,926 of developer donated assets.

Property, plant and equipment of the primary government is depreciated over the estimated useful lives using the straight-line method, half-year convention. Estimated useful lives are as follows:

Distribution Systems	50 years
Roadways	50
Buildings	20-40
Vehicles	5-20
Other Equipment	3-10

Amortization of intangibles is computed over 40 years using the straight-line method, half-year convention. As the life of the rights have a life of 40 years.

6. Compensated absences

The liability for vested leave (vacation, compensated time off, holiday) earned but not used in governmental funds is expensed and established as a liability and is reported in the government-wide statement of net position in the governmental activities column. Vested leave of proprietary funds is recorded as an expense and liability of those funds as the benefits accrue. No liability is recorded for non-vesting leave such as sick leave.

7. Long-term liabilities

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are expensed when incurred.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts not withheld from the actual debt proceeds received are reported as debt service expenditures. Discounts withheld from the debt proceeds are reported as other financing uses.

8. Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the plans and additions to/deductions from the plans' fiduciary net position have been determined on the same basis as they are reported by the plans. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with benefit terms. Plan investments are reported at fair value.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

The following timeframes are used for pension plan reporting:

CalPERS

Valuation Date	June 30, 2018
Measurement Date	June 30, 2019
Measurement Period	July 1, 2018 to June 30, 2019

Gains and losses related to changes in total pension liability and fiduciary net position are recognized in pension expense systematically over time. The first amortized amounts are recognized in pension expense for the year the gain or loss occurs. The remaining amounts are categorized as deferred outflows and deferred inflows of resources related to pensions and are to be recognized in future pension expense. The amortization period differs depending on the source of the gain or loss. The difference between projected and actual earnings is amortized straight-line over 5 years. All other amounts are amortized straight-line over the average expected remaining service lives of all members that are provided with benefits (active, inactive, and retired) as of the beginning of the measurement period.

9. Fund balances

In the fund financial statements, governmental funds report components of fund balance based on constraints on the specific purposes for which amounts can be spent. “Nonspendable” fund balance is not in a spendable form or has a requirement to maintain intact. “Restricted” fund balance has externally enforceable limitations on its use such as restrictions from outside parties such as creditors, grantors, contributors, laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation. “Committed” fund balance is constrained by limits imposed by the government’s highest level of decision-making and can only be removed or modified by a formal action by that authority. “Assigned” fund balance is limited by City Council, the City Manager or the designated department head as delegated by City Council. “Unassigned” fund balance is the residual net resources.

The general fund is the only fund that reports a positive unassigned fund balance amount. In other governmental funds, it is not appropriate to report a positive unassigned fund balance amount. However, in governmental funds other than the general fund, if expenditures incurred for specific purposes exceed the amounts that are restricted, committed or assigned to those purposes, it may be necessary to report a negative unassigned fund balance in that fund.

The City will spend the funds restricted for their purpose within those funds first followed by assigned funds for their intended purposes prior to spending any unassigned funds. The City Council has established a target of a minimum unassigned fund balance for any operational fund is 10% of the budgeted expenditures with the goal for unassigned fund balance of up to 15% of budgeted expenditures unless capital borrowing or extraordinary fiscal conditions require higher levels of unassigned fund balance be maintained.

The local transportation fund is the City’s only major special revenue fund. This fund accounts for the capital street projects paid for out of the City’s share of Transportation Development Act (SB 325) funds allocated by the state, 1/2 cent sales tax for transportation, Special Gas Tax Select Street funds, and federal funding sources under the Federal Intermodal Surface Transportation Efficiency Act. In addition, funds are transferred from the Developer Trust Fund as reimbursements are made for developer-financed projects.

10. Net Position

In the government-wide financial statements and proprietary fund financial statements, net position is classified as follows:

Net Investment in Capital Assets – This component of net position consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of debt, net of deferred refunding, that are attributable to the acquisition, construction, or improvement of those assets.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Restricted – This component of net position consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets.

Unrestricted – This component of net position is the amount of the assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position.

When expenses are incurred for purposes for which both restricted and unrestricted components of net position are available, the City’s policy is to apply the restricted component of net position first, then the unrestricted component of net position as needed.

11. Use of estimates

The preparation of financial statements in conformity with generally accepted accounting principles in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

12. Implementation of New GASB Pronouncements

The requirements of the following accounting standards are effective for the purpose of implementation, if applicable to the City, for the year ended June 30, 2020. The financial statements included herein apply the requirements and provisions of these statements, including necessary retroactive adjustments to financial statement classifications and presentations.

New and Upcoming Governmental Accounting Standards Implementation

GASB Statement No. 95

In May 2020, GASB issued Statement No. 95, Postponement of the Effective Dates of Certain Authoritative Guidance. The primary objective of this Statement is to provide temporary relief to governments and other stakeholders in light of the COVID-19 pandemic. That objective is accomplished by postponing the effective dates of certain provisions in Statements and Implementation Guides that first became effective or are scheduled to become effective for periods beginning after June 15, 2018, and later. Application of this statement did not have a material effect on the City’s financial statements for the fiscal year ending June 30, 2020.

Upcoming Governmental Accounting Standards Implementation

GASB Statement No. 84

In January 2017, GASB issued Statement No. 84, Fiduciary Activities. This Statement establishes criteria for identifying fiduciary activities of all state and local governments. The focus of the criteria generally is on (1) whether a government is controlling the assets of the fiduciary activity and (2) the beneficiaries with whom a fiduciary relationship exists. Separate criteria are included to identify fiduciary component units and postemployment benefit arrangements that are fiduciary activities. Application of this statement is effective for the City’s fiscal year ending June 30, 2021.

GASB Statement No. 87

In June 2017, GASB issued Statement No. 87, Leases. This Statement increases the usefulness of governments’ financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments’ leasing activities. Application of this statement is effective for the City’s fiscal year ending June 30, 2022.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

GASB Statement No. 89

In June 2018, GASB issued Statement No. 89, Accounting for Interest Cost Incurred before the End of a Construction Period. This Statement establishes accounting requirements for interest cost incurred before the end of a construction period. Such interest cost includes all interest that previously was accounted for in accordance with the requirements of paragraphs 5–22 of Statement No. 62, Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements, which are superseded by this Statement. This Statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statements prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund. Application of this statement is effective for the City’s fiscal year ending June 30, 2022.

GASB Statement No. 90

In August 2018, GASB issued Statement No. 90, Majority Equity Interests— An Amendment of GASB Statements No. 14 and No. 61. This Statement improves the consistency and comparability of reporting a government’s majority equity interest in a legally separate organization and to improve the relevance of financial statement information for certain component units. It defines a majority equity interest and specifies that a majority equity interest in a legally separate organization should be reported as an investment if a government’s holding of the equity interest meets the definition of an investment. A majority equity interest that meets the definition of an investment should be measured using the equity method, unless it is held by a special-purpose government engaged only in fiduciary activities, a fiduciary fund, or an endowment (including permanent and term endowments) or permanent fund. Those governments and funds should measure the majority equity interest at fair value. Application of this statement is effective for the City’s fiscal year ending June 30, 2021.

GASB Statement No. 91

In May 2019, GASB issued Statement No. 91, Conduit Debt Obligations. The primary objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement achieves those objectives by clarifying the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitments and voluntary commitments extended by issuers and arrangements associated with conduit debt obligations; and improving required note disclosures. Application of this statement is effective for the City’s fiscal year ending June 30, 2023.

GASB Statement No. 92

In January 2020, GASB issued Statement No. 92, Omnibus 2020. The primary objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. Application of this statement is effective for the City’s fiscal year ending June 30, 2022.

GASB Statement No. 93

In March 2020, GASB issued Statement No. 93, Replacement of Interbank Offered Rates. Some governments have entered into agreements in which variable payments made or received depend on an interbank offered rate (IBOR)—most notably, the London Interbank Offered Rate (LIBOR). As a result of global reference rate reform, LIBOR is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate. The objective of this Statement is to address those and other accounting and financial reporting implications that result from the replacement of an IBOR. Application of this statement is effective for the City’s fiscal year ending June 30, 2022.

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Notes to Financial Statements
For the Year Ended June 30, 2020

GASB Statement No. 94

In March 2020, GASB issued Statement No. 94, Public-Private and Public-Public Partnerships and Availability Payment Arrangements. The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. Application of this statement is effective for the City's fiscal year ending June 30, 2023.

GASB Statement No. 96

In May 2020, GASB issued Statement No. 96, Subscription-Based Information Technology Arrangements. This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. Application of this statement is effective for the City's fiscal year ending June 30, 2023.

GASB Statement No. 97

In June 2020, GASB issued Statement No. 97, Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans – An Amendment of GASB Statements No. 14 and No. 84, and a Supersession of GASB Statement No. 32. The primary objectives of this Statement are to (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform; (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit (OPEB) plans, and employee benefit plans other than pension plans or OPEB plans (other employee benefit plans) as fiduciary component units in fiduciary fund financial statements; and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code (IRC) Section 457 deferred compensation plans (Section 457 plans) that meet the definition of a pension plan and for benefits provided through those plans. Application of this statement is effective for the City's fiscal year ending June 30, 2022.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

II. Reconciliation of government-wide and fund financial statements

A. Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net position

The governmental fund balance sheet includes a reconciliation between *fund balance-total governmental funds* and *net position-governmental activities* as reported in the government-wide statement of net position. One element of that reconciliation explains that “long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.” The details of this (\$4,181,235) difference are as follows:

Pension related items of \$94,571,063 (net of \$7,163,197 reported in Internal Service Funds)	\$ 87,407,866
Accrued compensated absences of \$4,437,722 (net of \$256,487 reported in Internal Service Funds)	<u>4,181,235</u>
Net adjustment to reduce <i>fund balance-total governmental funds</i> to arrive at <i>net position-governmental activities</i>	<u><u>\$ 91,589,101</u></u>

B. Explanation of certain differences between the governmental fund statement of revenues, expenditures, and changes in fund balances and the government-wide statement of activities

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between *net changes in fund balances-total governmental funds and changes in net position of governmental activities* as reported in the government-wide statement of activities. One element of that reconciliation explains “Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.”

The details of this \$12,290,003 difference are as follows:

Capital Outlay	\$ 23,836,451
Depreciation expense (net of \$5,573,740 reported in Internal Service Funds)	<u>(11,546,448)</u>
Net adjustment to increase <i>net changes in fund balance-total governmental funds</i> to arrive at <i>changes in net position-governmental activities</i>	<u><u>\$ 12,290,003</u></u>

Another element of that reconciliation states that “The net effect of various miscellaneous transactions involving capital assets (i.e., sales, trade-ins, and donations) is to increase net position.” Donated capital assets increase net position in the statement of activities, but do not appear in the governmental funds because they are not financial resources.

The details of this \$23,836,451 difference are as follows:

General government capital asset additions	\$ 42,914,826
Internal service fund capital asset additions	(7,898,449)
Donated capital asset additions	<u>(11,179,926)</u>
Net capital outlay	<u><u>\$ 23,836,451</u></u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Another element of that reconciliation states that “Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds.” The details of this \$387,124 difference are as follows:

Pension related items (Net of \$790,774 reported in Internal Service Funds)	\$	8,347,442
Compensated absences (Net of \$32,111 reported in Internal Service Funds)		387,124
Net adjustment to decrease <i>net changes in fund balance-total governmental funds</i> to arrive at <i>changes in net position-governmental activities</i>	\$	8,734,566

III. Stewardship, compliance, and accountability

A. Budgetary information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. All annual appropriations lapse at fiscal year-end.

On or before the second week of March of each year, all departments of the City submit request for appropriations to the City Manager so that a budget may be prepared. On or before the third Monday in May, the proposed budget is presented to the City council for review. The council holds public hearings and a final budget must be adopted no later than June 30.

The appropriated budget is prepared by fund and department. The City Manager may make transfers of appropriations between departments within a specific fund of up to \$5,000 and up to \$2,500 from any established reserves. Transfers in excess of those amounts require council action. No action is required at any level lower than the department level. The legal level of budgetary control is the department level. During the year, supplementary appropriations approved by the council were necessary for some departments.

B. Deficit fund equity

Government-Wide Financial Statements

At June 30, 2020, deficit unrestricted net position was reported for governmental activities in the amount of \$(51,797,315). The deficit is the result of reporting net pension liabilities of \$113,957,766 in the government-wide financial statements. City management believes the present cash aggregate position of the General Fund is adequate to meet current needs.

Proprietary Funds

The Transit Fund has a deficit net position of \$(2,543,475) as of June 30, 2020. The deficit is the result of reporting net pension liabilities of \$4,969,140 in the proprietary fund financial statements. City management believes the present cash aggregate position of the Transit Fund is adequate to meet current needs.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

IV. Detailed notes on all funds

A. Cash and investments

Cash and investments as of June 30, 2020 are classified in the accompanying financial statements as follows:

Primary Government:	
Cash and investments	\$ 246,627,944
Cash and investments - restricted	589,236
Fiduciary funds:	
Cash and investments	4,337,802
Cash and investments with agent - restricted	1,068,969
Total cash and investments	\$ 252,623,951

Fair value of cash and investments based on quoted market prices. The City categorizes its fair value measurements within the fair value hierarchy established by GASB Statement No. 72. This hierarchy recognizes three tiers, outlined as follows:

- Level 1: Investments reflect prices quoted in active markets;
- Level 2: Investments reflect prices that are based on a similar observable asset either directly or indirectly, which may include inputs in markets that are not considered to be active; and,
- Level 3: Investments reflect prices based upon unobservable sources.

The table below presents the fair value measurements of investments recognized in the accompany statements of net position at June 30, 2020:

	Fair Value	Measurement Input
Cash on hand	\$ 8,186	N/A
Deposit with financial institution	8,232,438	
Investments:		
Money Market Funds	39,396,328	N/A
Certificates of Deposit	11,240,000	N/A
U.S. Agency Securities	118,385,974	Level 2
Local Agency Investment Fund (LAIF)	73,702,820	N/A
Held by Bond Trustee:		
Money Market Funds	1,658,205	N/A
Total	\$ 252,623,951	

Investment securities classified in Level 2 of the fair value hierarchy are valued using prices determined by the use of matrix pricing techniques maintained by the pricing vendors for these securities. Matrix pricing is used to value securities based on the securities' relationship to benchmark quoted prices.

Investments Authorized by the California Government Code and the City's Investment Policy. The table below identifies the investment types that are authorized for the City of Clovis by the California Government Code (or the City of Clovis investment policy, where more restrictive). The table also identifies certain provisions of the California Government Code (or the City of Clovis Investment Policy, where more restrictive) that address interest rate risk, credit risk and concentration of credit risk. This table does not address investments of debt proceeds held by bond trustee that are governed by the provisions of debt agreements of the City of Clovis, rather than the general provisions of the California Government Code or the City of Clovis' investment policy.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Authorized Investment Type	Maximum Maturity	Maximum Percentage of Portfolio or Amount*	Maximum Investment or One Issuer or Amount
U.S. Treasury Obligations	3 years	None	None
U.S. Agency Securities	3 years	None	None
Bankers Acceptances	180 days	30%	30%
Commercial Paper	270 days	15%	10%
Negotiable Certificates of Deposit	3 years	30%	Legal Limit
Repurchase Agreements	1 year	None	None
Medium-Term Notes	3 years	30%	None
Qualified Mutual Funds	N/A	\$2,000,000	\$2,000,000
Money Market Accounts	N/A	\$10,000,000	\$10,000,000
Local Agency Investment Fund (LAIF)	N/A	None	None

* Excluding amounts held by bond trustee that are not subject to California Government Code restrictions.

Investments Authorized by Debt Agreements. Investment of debt proceeds held by bond trustee are governed by provisions of the debt agreements, rather than the general provisions of the California Government Code or the City of Clovis' investment policy. The table below identifies the investment types that are authorized for investments held by bond trustee. The table also identifies certain provisions of these debt agreements that address interest rate risk, credit risk, and concentration of credit risk.

Authorized Investment Type	Maximum Maturity	Maximum Percentage of Portfolio	Maximum Investment or One Issuer
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Bankers Acceptances	180 days	30%	30%
Commercial Paper	270 days	15%	10%
Qualified Mutual Funds	N/A	None	None
Money Market Accounts	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None

Disclosures Relating to Interest Rate Risk. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the City of Clovis manages its exposure to interest rate risk is by purchasing a combination of shorter term and longer term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flow and liquidity needed for operations. The City of Clovis monitors the interest rate risk inherent in its portfolio by measuring the weighted average maturity of its portfolio. The City of Clovis investment policy states that no investment can have a maturity in excess of three years unless approved by the City Manager.

Authorized Investment Type	Maximum Maturity	Maximum Percentage of Portfolio	Maximum Investment or One Issuer
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Bankers Acceptances	180 days	30%	30%
Commercial Paper	270 days	15%	10%
Qualified Mutual Funds	N/A	None	None
Money Market Accounts	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Investments with Fair Values Highly Sensitive to Interest Rate Fluctuations. The City of Clovis' investments do not include any investments that are highly sensitive to interest rate fluctuations (to a greater degree than already indicated in the information provided above).

Disclosures Relating to Credit Risk. Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the City of Clovis' investment policy, or debt agreements, and the actual rating as of year-end for each investment type.

Investment Type Rating	Amount	Minimum Rating Required	Ratings as of Year End	
			AAA	Not Rated
Money Market	\$ 39,396,328	N/A		\$ 39,396,328
Certificates of Deposit	11,240,000	N/A		11,240,000
U.S. Agency Securities	118,385,974	N/A	\$ 118,385,974	
LAIF	73,702,820	N/A		73,702,820
Held by Bond Trustee:				
Money Market Funds	1,658,205	N/A		1,658,205
Total	\$ 244,383,327		\$ 118,385,974	\$ 125,997,353

Concentration of Credit Risk. The investment policy of the City of Clovis contains no limitations on the amount that can be invested in any one issuer beyond that stipulated by the California Government Code. Investments in any one issuer (other than U.S. Treasury securities and external investment pools) that represent 5% or more of total City of Clovis' investments are as follows:

Issuer	Investment Type	Reported Amount	Percent of Total Invested
FFCB	Federal Agency Securities	\$ 29,960,000	26.5%
FHLMC	Federal Agency Securities	8,500,000	7.5%
FHLB	Federal Agency Securities	51,500,000	45.6%
FAMCMTN	Federal Agency Securities	23,000,000	20.4%

Custodial Credit Risk. Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the broker or dealer to a transaction, a government will not be able to recover the value of its investments or collateral securities that are in the possession of another party. The California Government Code and the City of Clovis' investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provisions for deposits: The California Government Code requires that a financial institution secure deposits made by state or local government units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure City deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

As of June 30, 2020, no City of Clovis' deposits with financial institutions in excess of federal depository insurance limits were held in uncollateralized accounts. In addition, as of June 30, 2020, no investments were held by the same broker dealer (counterparty) that was used by the City of Clovis to purchase the securities.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Disclosures Relating to Interest Rate Risk. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. As of year-end, the average life-month end maturity of the investments contained in the LAIF investment pool is approximately 191.

Investment in State Investment Pool. The City's investments with Local Agency Investment Fund (LAIF) at June 30, 2020 included a portion of the pooled funds invested in Structured Notes and Assets-Backed Securities. These investments included the following:

Structured Notes are debt securities (other than asset-backed securities) whose cash flow characteristics (coupon rate, redemption amount, or stated maturity) depend upon one or more indices and/or that have embedded forwards or options.

Asset-Backed Securities, the bulk of which are mortgage-backed securities, entitle their purchasers to receive a share of the cash flows from a pool of assets such as principal and interest repayments from a pool of mortgages (such as CMO's) or credit card receivables.

As of June 30, 2020, the City had \$73,702,820 invested in LAIF, which had invested 2.21% of the pool investment funds in Structured Notes and Asset-Backed Securities and 1.16% of pool investment funds in Short-term Asset-Backed Commercial Paper.

The fair value of the City's position in the LAIF pool is the same as the value of the pool shares.

The Pooled Money Investment Board provides oversight to the State Treasurer's pooled investment program. The purpose of the board is to design and administer an effective cash management and investment program, using all monies flowing through the State Treasurer's Office bank accounts and keeping all available funds invested in a manner consistent with the goals of safety, liquidity, and yield. The Pooled Money Investment Board is comprised of the State Treasurer as chair, the State Controller, and the Director of Finance. The investment program is not registered with the Securities and Exchange Commission as an investment company.

The State Treasurer's Office reports its investments at fair value. The fair value of securities in the State Treasurer's pooled investment program generally is based on quoted market prices. The value of the deposits in the State Treasurer's pooled investment program, including the Local Agency Investment Fund, is equal to the dollars deposited in the program.

Certain funds have elected to participate in the pooled investment program even though they have the authority to make their own investments. Others may be required by legislation to participate in the program; as a result, the deposits of these funds or accounts may be considered involuntary. However, these funds or accounts are part of the State's reporting entity. The remaining participation in the pool, the Local Agency Investment Fund, is voluntary.

B. Property taxes

Secured property taxes become a lien on the property as of January 1 and are levied in two equal installments: the first due November 1 and delinquent on December 11, and the second due February 1 and delinquent April 11. Property taxes on unsecured property are due on the lien date of March 1 and become delinquent on September 1. The County of Fresno is responsible for the assessment, collection and apportionment for all jurisdictions within the County, including the City of Clovis.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

C. Receivables

Receivables as of June 30, 2020 for the City's individual major funds and nonmajor, internal service, and fiduciary funds in the aggregate, are as follows:

	General	Local Transportation	Nonmajor & Other Funds	Total Governmental Funds	Internal Service Funds	Fiduciary Funds
Interest	\$ 65,032	\$ 109,367	\$ 37,099	\$ 211,498	\$ 121,884	\$ 2,420
Taxes	626,566			626,566		787
Loans		75,910	3,315,518	3,391,428	54,548	
Accounts	1,198,404	184,359		1,382,763	19,788	1,048
	<u>\$ 1,890,002</u>	<u>\$ 369,636</u>	<u>\$ 3,352,617</u>	<u>\$ 5,612,255</u>	<u>\$ 196,220</u>	<u>\$ 4,255</u>

	Community Sanitation	Sewer Disposal	Water	Planning & Development Services	Transit	Total Proprietary Funds
Interest	\$ 54,130	\$ 123,746	\$ 219,153	\$ 48,978	\$ 9,387	\$ 455,394
Loans		20,537	8,663			29,200
Accounts	3,527,027	3,186,235	2,985,912	4,505	8,226	9,711,905
	<u>\$ 3,581,157</u>	<u>\$ 3,330,518</u>	<u>\$ 3,213,728</u>	<u>\$ 53,483</u>	<u>\$ 17,613</u>	<u>\$ 10,196,499</u>

D. Interfund receivables, payables and transfers

Interfund balances for the purpose of the government-wide financial statements have been eliminated. The composition of interfund balances in the fund level statements as of June 30, 2020, is as follows:

Interfund transfers:

Transfers In	Transfers Out	Purpose	Amount
Enterprise Fund	Capital Project Fund	development capital cost	\$ 150,000
Internal Service Fund	General Fund	fleet replacement costs	2,660,000
General Services	Enterprise Fund	capital project	200,000
General Fund	Successor Agency	capital project	454,000
Enterprise Fund	General Fund	operating cost	300,000
	Total transfers		<u>\$ 3,764,000</u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

E. Capital assets and intangible assets

Summary of change in capital assets for the year ended June 30, 2020 was as follows:

	Beginning Balance	Additions	Retirements/ Adjustments	Ending Balance
Government activities:				
Capital assets, not being depreciated:				
Land	\$ 251,365,470	\$ 9,516,205	\$ (2,610,000)	\$ 258,271,675
Capital assets, being depreciated:				
Buildings and improvements	134,008,899	3,180,726	(1,060,389)	136,129,236
Machinery and equipment	47,849,101	6,425,113	(795,406)	53,478,808
Road network	363,134,698	23,792,782		386,927,480
Total capital assets being depreciated	544,992,698	33,398,621	(1,855,795)	576,535,524
Less accumulated depreciation for				
Buildings and improvements	(47,286,836)	(3,801,422)	85,986	(51,002,272)
Machinery and equipment	(35,075,411)	(2,958,677)	754,949	(37,279,139)
Road network	(128,227,186)	(10,360,089)		(138,587,275)
Total accumulated depreciation	(210,589,433)	(17,120,188)	840,935	(226,868,686)
Total capital assets, being depreciated, net	334,403,265	16,278,433	(1,014,860)	349,666,838
Governmental activities capital assets, net	\$ 585,768,735	\$ 25,794,638	\$ (3,624,860)	\$ 607,938,513
	Beginning Balance	Additions	Retirements	Ending Balance
Business-type activities:				
Capital assets, not being depreciated:				
Land	\$ 37,349,873	\$ 534,488		\$ 37,884,361
Capital assets, being depreciated:				
Buildings and improvements	301,883,932	6,328,340		308,212,272
Machinery and equipment	10,418,185	1,139,647	(247,893)	11,309,939
Total capital assets being depreciated	312,302,117	7,467,987	(247,893)	319,522,211
Less accumulated depreciation for				
Buildings and improvements	(86,714,123)	(6,577,642)		(93,291,765)
Machinery and equipment	(6,632,415)	(748,972)	235,498	(7,145,889)
Total accumulated depreciation	(93,346,538)	(7,326,614)	235,498	(100,437,654)
Total capital assets, being depreciated, net	218,955,579	141,373	(12,395)	219,084,557
Intangible assets, being amortized	49,720,806	267,905		49,988,711
Less accumulated amortization	(21,432,475)	(1,346,691)		(22,779,166)
Business-type activities intangible assets, net	28,288,331	(1,078,786)		27,209,545
Business-type activities capital assets, net	\$ 284,593,783	\$ (402,925)	\$ (12,395)	\$ 284,178,463

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Depreciation/amortization expense was charged to functions as follows:

Governmental activities depreciation expense:	
General government	\$ 64,923
Public safety	56,771
Transportation	10,443,966
Community Development	58,506
Cultural and recreation	922,282
Capital assets held by the government's internal service funds are charged to the various functions based on their usage of the asset	5,573,740
Total governmental activities depreciation expense	\$ 17,120,188
Business-type activities depreciation/amortization:	
Community Sanitation	\$ 336,008
Sewer Disposal	5,025,446
Water	2,877,984
Planning & Development Services	11,016
Transit	422,851
Total business-type activities depreciation/amortization expense	\$ 8,673,305

Donated assets to governmental activities consisted of \$11,179,926 of which the majority is donated to the City by developers for streets. Donated assets to business-type activities consisted of \$2,102,274, which represents sewer and water infrastructure donated by developers.

Fiduciary funds capital assets

	Beginning Balance	Additions	Retirements	Ending Balance
Capital assets, not being depreciated:				
Land	\$ 9,087,336			\$ 9,087,336
Capital assets, being depreciated:				
Buildings and improvements	2,687,521			2,687,521
Total capital assets being depreciated	2,687,521			2,687,521
Less accumulated depreciation for				
Buildings and improvements	(800,700)	\$ (77,103)		(877,803)
Total accumulated depreciation	(800,700)	(77,103)		(877,803)
Total capital assets, being depreciated, net	1,886,821	(77,103)		1,809,718
Fiduciary funds capital assets, net	\$ 10,974,157	\$ (77,103)		\$ 10,897,054

Depreciation expense for the year ended June 30, 2020 was \$77,103.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

F. Long-term debt

Summary of changes in long-term debt for the year ended June 30, 2020 was as follows:

				Classification		
	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Due in One Year	Due in more than One Year
Governmental Activities:						
Capital leases	\$ 11,284,736		\$ (1,871,049)	\$ 9,413,687	\$ 1,890,167	\$ 7,523,520
Loans payable	2,745,885	\$ 372,241	(349,642)	2,768,484	328,578	2,439,906
Direct placements	8,997,833		(1,005,432)	7,992,401	1,040,270	6,952,131
Deposits & other liabilities	25,476,317	10,312,246	(11,310,133)	24,478,430	24,478,430	
Claims and judgments	9,662,000	3,384,332	(3,274,332)	9,772,000	2,548,000	7,224,000
Compensated absences*	4,018,486	2,189,102	(1,769,866)	4,437,722	1,183,000	3,254,722
Net pension liability*	105,421,195	8,536,571		113,957,766		113,957,766
Total governmental activities	<u>\$ 167,606,452</u>	<u>\$ 24,794,492</u>	<u>\$ (19,580,454)</u>	<u>\$ 172,820,490</u>	<u>\$ 31,468,445</u>	<u>\$ 141,352,045</u>
	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Due in One Year	Due in more than One Year
Business-Type Activities:						
Revenue bonds	\$ 102,110,000		\$ (4,100,000)	\$ 98,010,000	\$ 4,260,000	\$ 93,750,000
Less deferred amounts: (Discounts)/premiums	12,005,888		(750,162)	11,255,726		11,255,726
Total bonds payable	114,115,888		(4,850,162)	109,265,726	4,260,000	105,005,726
Contracts payable	5,502,287		(997,258)	4,505,029	1,049,843	3,455,186
Landfill closure	4,039,840	\$ 244,800		4,284,640		4,284,640
Compensated absences	1,259,974	979,564	(891,397)	1,348,141	359,400	988,741
Deposits & other liabilities	4,874,843	1,987,829	(1,117,515)	5,745,157	5,745,157	
Net pension liability*	29,075,563	2,268,247		31,343,810		31,343,810
Total business-type activities	<u>\$ 158,868,395</u>	<u>\$ 5,480,440</u>	<u>\$ (7,856,332)</u>	<u>\$ 156,492,503</u>	<u>\$ 11,414,400</u>	<u>\$ 145,078,103</u>

* The beginning liability balance includes the associated prior period adjustments (Note VF).

Internal service funds predominantly serve the governmental funds. Accordingly, long-term liabilities for them are included as part of the above totals for governmental activities. At year end \$256,487 of internal service funds compensated absences are included in the above amounts. Included in deposits and other liabilities in business-type activities are utility customer deposits of \$2,543,034 and miscellaneous deposits and other liabilities of \$3,202,123. For the governmental activities, accrued compensated absences are generally liquidated by the general fund. In addition, in prior years the employee benefit fund has been used to liquidate pension liabilities.

Governmental activities long-term debt

1. Capital leases

The City has entered into multiple lease agreements for financing the acquisition of a fire station, fire trucks, fire equipment, communication equipment, refuse replacement trucks, police vehicles, and new and replacement landfill equipment. These lease agreements qualify as capital leases for accounting purposes. These leases are secured by the right to any proceeds from the sale of the leased property. These leases have interest rates varying from 1.86% to 4.95% and the final payment on these leases is scheduled for May 2036.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Capital leases at June 30, 2020, consisted of the following:

	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Classification	
					Due in One Year	Due in more than One Year
2007 fire station #1	\$ 1,277,907		\$ (496,033)	\$ 781,874	\$ 516,072	\$ 265,802
2011 solar project	1,745,939		(109,618)	1,636,321	115,111	1,521,210
2011 fire truck	142,258		(69,946)	72,312	72,312	0
2013 animal shelter	2,270,869		(129,785)	2,141,084	135,028	2,006,056
2014 safety vehicle	369,987		(71,277)	298,710	72,612	226,098
2014 CAD dispatch	162,970		(80,292)	82,678	82,678	0
2015 network & AV	123,622		(82,061)	41,561	41,561	0
2015 PD/fire comm tower	1,223,921		(176,430)	1,047,491	180,594	866,897
2015 solar project	1,741,692		(79,715)	1,661,977	82,513	1,579,464
2016 safety vehicle	740,014		(250,531)	489,483	255,991	233,492
2018 safety vehicle	465,121		(111,139)	353,982	114,498	239,484
2019 safety vehicle	1,020,436		(214,222)	806,214	221,197	585,017
Total capital leases	\$ 11,284,736	\$ 0	\$ (1,871,049)	\$ 9,413,687	\$ 1,890,167	\$ 7,523,520

Governmental Activities

Year ending June 30,	Leases Payable		
	Principal	Interest	Total
2021	\$ 1,890,167	\$ 323,849	\$ 2,214,016
2022	1,262,471	263,546	1,526,017
2023	1,029,123	225,776	1,254,899
2024	814,786	193,112	1,007,898
2025	638,860	168,463	807,323
2026-2030	2,380,139	539,819	2,919,958
2031-2035	1,329,517	111,712	1,441,229
2036-2040	68,624	1,194	69,818
Total	\$ 9,413,687	\$ 1,827,471	\$ 11,241,158

The following is an analysis of the land, structures, and equipment leased as of June 30, 2020:

Land, structures and equipment	\$ 15,644,874
Less accumulated depreciation	<u>(8,205,918)</u>
Total	<u>\$ 7,438,956</u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

2. Loans payable

Loans payable at June 30, 2020, consisted of the following:

	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Classification	
					Due in One Year	Due in more than One Year
R&T park loan payable	\$ 100,592		\$ (49,538)	\$ 51,054	\$ 51,054	\$ 0
2010 energy loan payable	53,150		(53,150)	0		
2011 energy loan payable	536,676		(69,961)	466,715	72,115	394,600
2012 energy loan payable	56,928		(22,771)	34,157	22,771	11,386
2014 energy loan payable	40,317		(7,903)	32,414	7,983	24,431
2016 energy loan payable	108,956		(19,227)	89,729	19,227	70,502
2017 energy loan payable	9,231		(9,231)	0		
2019 energy loan payable	1,840,035		(98,181)	1,741,854	108,196	1,633,658
2020 energy loan payable		164,400	(6,850)	157,550	16,442	141,108
2020 energy loan payable		207,841	(12,830)	195,011	30,790	164,221
Total loans payable	\$ 2,745,885	\$ 372,241	\$ (349,642)	\$ 2,768,484	\$ 328,578	\$ 2,439,906

The annual debt service requirements for the loans payable outstanding at June 30, 2020, are as follows:

Governmental Activities

Year ending June 30,	Loans Payable		
	Principal	Interest	Total
2021	\$ 328,578	\$ 31,701	\$ 360,279
2022	269,485	27,576	297,061
2023	261,519	24,153	285,672
2024	264,966	20,707	285,673
2025	253,886	17,091	270,977
2026-2030	780,232	48,482	828,714
2031-2035	609,818	16,912	626,730
Total	\$ 2,768,484	\$ 186,622	\$ 2,955,106

The following is an analysis of the assets acquired with the proceeds as of June 30, 2020:

Buildings and improvements	\$ 2,446,360
Less accumulated depreciation	(769,908)
Total	\$ 1,676,452

Research and Technology Park loan payable

In April 2001, the City entered into an agreement with the California infrastructure and economic development bank for improvements at the City's Research and Technology Park. The agreement has an interest rate of 3.06% and the final payment is scheduled for August 2021. The City has pledged Building B at 1033 Fifth Street as collateral on the lease. In September 2002, the City received the first draw down of this loan. The balance outstanding as of June 30, 2020, was \$51,054.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

2010 Energy project loan payable

In January 2010, the City entered into an agreement with the California Energy Commission for the purchase of lighting efficiency upgrades and heating, ventilating, and air conditioning equipment replacement. The agreement has an interest rate of 1.0% and the final payment was made December 2019. The balance outstanding as of June 30, 2020, was \$0.

2011 Energy project loan payable

In April 2011, the City entered into an agreement with the California Energy Commission for the installation of solar panels on City properties including public safety headquarters and fire station #1 and #5. The agreement has an interest rate of 3.0% and the final payment is scheduled for June 2026. The balance outstanding as of June 30, 2020, was \$466,715.

2012 PG&E Energy loan payable

In April 2012, the City entered into an agreement with Pacific Gas & Electric for the retrofit of 436 street lights with LED fixtures. The agreement has an interest rate of 0% and the final payment is scheduled for December 2021. The balance outstanding as of June 30, 2020, was \$34,157.

2014 PG&E Energy loan payable

In October 2014, the City entered into an agreement with Pacific Gas & Electric for the retrofit of LED street lights. The agreement has an interest rate of 1% and the final payment is scheduled for June 2024. The balance outstanding as of June 30, 2020, was \$32,414.

2016 PG&E Energy loan payable

In May 2017, the City entered into an agreement with Pacific Gas & Electric as "On Bill Financing" for the retrofit of LED lighting at the Corp Yard. The agreement has an interest rate of 0% and the final payment is scheduled for February 2025. The balance outstanding as of June 30, 2020, was \$89,729.

2017 PG&E Energy loan payable

In September 2017, the City entered into an agreement with Pacific Gas and Electric to provide and install LED lighting at Clovis Rotary Skate Park at Letterman Park. The agreement has an interest rate of 0% and the final payment was made June 2020. The balance outstanding as of June 30, 2020, was \$0.

2019 Energy project loan payable

In July 2018, the City entered into an agreement with the California Energy Commission for the installation of LED lighting in City buildings. The agreement has an interest rate of 1.0% and the final payment is scheduled for June 2034. The balance outstanding as of June 30, 2020, was \$1,741,854.

2020 PG&E Energy loan payable

In January 2020, the City entered into an agreement with Pacific Gas & Electric as "On Bill Financing" for the retrofit of LED lighting at the Surface Water Treatment Plant. The agreement has an interest rate of 0% and the final payment is scheduled for January 2030. The balance outstanding as of June 30, 2020, was \$157,550.

2020 PG&E Energy loan payable

In January 2020, the City entered into an agreement with Pacific Gas & Electric as "On Bill Financing" for the retrofit of LED lighting at the Corp Yard Buildings "B" – "G." The agreement has an interest rate of 0% and the final payment is scheduled for October 2027. The balance outstanding as of June 30, 2020, was \$195,011.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

3. Notes from Direct Placements

The City has entered into a direct placement agreement for financing the acquisition of a fleet yard. The direct placement is secured by the right to any proceeds from the sale of the fleet yard property. The direct placement has an interest rate of 3.10% and the final payment on these leases is scheduled for March 2027.

Notes from direct placements at June 30, 2020, consisted of the following:

	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Classification	
					Due in One Year	Due in more than One Year
2014 corp yard	\$ 8,997,833		\$ (1,005,432)	\$ 7,992,401	\$ 1,040,270	\$ 6,952,131
Total direct placements	<u>\$ 8,997,833</u>	<u>\$ 0</u>	<u>\$ (1,005,432)</u>	<u>\$ 7,992,401</u>	<u>\$ 1,040,270</u>	<u>\$ 6,952,131</u>

Year ending June 30,	Direct Placements		Total
	Principal	Interest	
2021	\$ 1,040,270	\$ 239,702	\$ 1,279,972
2022	1,072,014	207,208	1,279,222
2023	1,102,231	173,741	1,275,972
2024	1,140,950	139,272	1,280,222
2025	1,172,817	103,656	1,276,473
2026-2027	2,464,119	96,076	2,560,195
Total	<u>\$ 7,992,401</u>	<u>\$ 959,655</u>	<u>\$ 8,952,056</u>

The following is an analysis of the land, structures, and equipment of the direct placement as of June 30, 2020:

Land, structures and equipment	\$ 2,057,359
Less accumulated depreciation	<u>(462,906)</u>
Total	<u>\$ 1,594,453</u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Business-type activities long-term debt

1. Revenue bonds

Revenue bonds at June 30, 2020, consisted of the following:

	Balance 7/1/2019	Additions	Reductions	Balance 6/30/2020	Classification	
					Due in One Year	Due in more than One Year
2013 wastewater bonds	\$ 10,090,000		\$ (535,000)	\$ 9,555,000	\$ 555,000	\$ 9,000,000
2015 wastewater bonds	21,140,000		(165,000)	20,975,000	170,000	20,805,000
2017 wastewater bonds	49,310,000		(1,435,000)	47,875,000	1,485,000	46,390,000
2014 water bonds	21,570,000		(1,965,000)	19,605,000	2,050,000	17,555,000
Total revenue bonds	\$ 102,110,000	\$ 0	\$ (4,100,000)	\$ 98,010,000	\$ 4,260,000	\$ 93,750,000

The annual debt service requirements for the revenue bonds outstanding at June 30, 2020, are as follows:

Year ending June 30,	Revenue Bonds		Total
	Principal	Interest	
2021	\$ 4,260,000	\$ 4,647,219	\$ 8,907,219
2022	4,475,000	4,443,393	8,918,393
2023	4,695,000	4,217,769	8,912,769
2024	4,940,000	3,979,894	8,919,894
2025	6,040,000	3,709,144	9,749,144
2026-2030	31,625,000	13,336,702	44,961,702
2031-2035	20,715,000	7,341,144	28,056,144
2036-2038	21,260,000	2,194,941	23,454,941
Total	\$ 98,010,000	\$ 43,870,206	\$ 141,880,206

The following is an analysis of the improvements made with the proceeds of these bonds through June 30, 2020:

Land, structures and equipment	\$ 140,291,752
Less accumulated depreciation	<u>(44,513,232)</u>
Total	<u>\$ 95,778,520</u>

2013 wastewater revenue bonds

In July 2013, The City issued wastewater revenue refunding bonds in the amount of \$12,500,000. The net proceeds of \$12,698,281 (after the original issue premium of \$596,726 and payment of \$398,445 in underwriting fees, insurance, and other issuance costs) from the bonds were used to refund the \$13,745,000 aggregate principal amount outstanding on the City's 1998 wastewater bonds. The aggregate debt service payments of the new debt are \$2,519,935 less than the old debt. The bonds have interest rates varying from 0.75% to 4.73% and the final payment is scheduled for August 2028. The issuance of the new debt and refunding of the old debt resulted in an economic gain (the difference between the net present value of the old debt and new debt service payments) of approximately \$644,000.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

2015 wastewater revenue bonds

In August 2015, The City refinanced the 2005 wastewater revenue bonds and issued 2015 wastewater revenue bonds in the amount of \$21,600,000. The net proceeds of \$22,881,723 (after the original issue premium of \$1,652,032 and payment of \$370,309 in underwriting fees, insurance, and other issuance costs) from the bonds were used to refund the \$24,885,000 aggregate principal amount outstanding on the City's 2005 wastewater bonds. The aggregate debt service payments of the new debt are \$10,852,200 less than the old debt. The bonds have interest rates varying from 2.0% to 3.75% and the final payment is scheduled for August 2035. The issuance of the new debt and refunding of the old debt resulted in an economic gain (the difference between the net present value of the old debt and new debt service payments) of approximately \$4,410,265.

2017 wastewater revenue bonds

In August 2017, The City refinanced the 2007 wastewater revenue bonds and issued 2017 wastewater revenue bonds in the amount of \$50,710,000. The net proceeds of \$59,836,790 (after the original issue premium of \$9,687,427 and payment of \$560,637 in underwriting fees, insurance, and other issuance costs) from the bonds were used to refund the \$59,620,000 aggregate principal amount outstanding on the City's 2007 wastewater bonds. The aggregate debt service payments of the new debt are \$18,669,931 less than the old debt. The bonds have interest rates varying from 2.0% to 5.0% and the final payment is scheduled for August 2038. The issuance of the new debt and refunding of the old debt resulted in an economic gain (the difference between the net present value of the old debt and new debt service payments) of approximately \$8,750,978.

2014 water refunding revenue bond

In July 2013, The City issued water revenue refunding bonds in the amount of \$31,810,000. The net proceeds of \$33,780,909 (after the original issue premium of \$2,427,739 and payment of \$456,830 in underwriting fees, insurance, and other issuance costs) from the bonds were used to refund the \$33,895,000 aggregate principal amount outstanding on the City's 2003 water revenue bonds. The aggregate debt service payments of the new debt are \$4,614,844 less than the old debt. The issuance of the new debt and refunding of the old debt resulted in an economic gain (the difference between the present value of the old debt and new debt service payments) of approximately \$2,651,000.

2. Contracts payable

Contracts payable at June 30, 2020, consisted of the following:

	Balance			Balance 6/30/2020	Classification	
	7/1/2019	Additions	Reductions		Due in One Year	Due in more than One Year
1993 wastewater renovation	\$ 5,502,287		\$ (997,258)	\$ 4,505,029	\$ 1,049,843	\$ 3,455,186
Total contracts payable	<u>\$ 5,502,287</u>	<u>\$ 0</u>	<u>\$ (997,258)</u>	<u>\$ 4,505,029</u>	<u>\$ 1,049,843</u>	<u>\$ 3,455,186</u>

1993 wastewater renovation

The City has entered into a contract with the City of Fresno to purchase capacity rights in the form of participation in the cost of sewer system improvements. These improvements include the renovation and expansion of the Fresno Clovis Regional Wastewater Treatment Plant. The 1993 contract is for the City's share of the 1993 renovation of the Fresno Clovis Regional Wastewater Treatment Plant. The underlying City of Fresno 1993 Revenue Bonds on which the City of Clovis' contract payable amount is based have interest rates varying from 3.50%-6.25% and the final payments are scheduled for September 2023. The City's \$12,423,873 share of the renovation is capitalized as an intangible asset in the Sewer Disposal Fund, an enterprise fund, as disclosed in Note I. D. 5.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

The 1993 waste water renovation contract debt service requirements to maturity are as follows:

Year ending June 30,	Contracts Payable		Total
	Principal	Interest	
2021	\$ 1,049,843	\$ 183,166	\$ 1,233,009
2022	1,099,612	132,117	1,231,729
2023	1,151,729	80,087	1,231,816
2024	1,203,845	27,087	1,230,932
Total	<u>\$ 4,505,029</u>	<u>\$ 422,457</u>	<u>\$ 4,927,486</u>

Fiduciary funds long-term debt

1. Tax allocation bonds payable

2008 Tax allocation bonds

The former Clovis Community Development Agency issued tax allocation bonds in the amount of \$19,100,000 in April 2008. The interest rates on the 2008 tax allocation bonds vary from 3.00% to 4.75% and the final payment is scheduled for August 2037. Bonds outstanding at January 31, 2012 were \$17,445,000 and were transferred to the Successor Agency on February 1, 2012 due to the dissolution of the Agency. The balance outstanding at June 30, 2020 is \$12,065,000 and is held in the City's Redevelopment Successor Agency Private-purpose Trust Fund.

Tax allocation bonds at June 30, 2020, consisted of the following:

	Balance 7/1/2019	Additions	Reductions	Classification		
				Balance 6/30/2020	Due in One Year	Due in more than One Year
2008 tax allocation bonds	\$ 12,835,000		\$ (770,000)	\$ 12,065,000	\$ 805,000	\$ 11,260,000
Less (discounts) on bonds	(144,085)		7,968	(136,117)		(136,117)
Total tax allocation bonds	<u>\$ 12,690,915</u>	<u>\$ 0</u>	<u>\$ (762,032)</u>	<u>\$ 11,928,883</u>	<u>\$ 805,000</u>	<u>\$ 11,123,883</u>

The annual debt service requirements for the tax allocation bonds outstanding at June 30, 2020, are as follows:

Year ending June 30,	Tax Allocation Bonds		
	Principal	Interest	Total
2021	\$ 805,000	\$ 535,251	\$ 1,340,251
2022	845,000	498,951	1,343,951
2023	880,000	461,001	1,341,001
2024	915,000	421,511	1,336,511
2025	960,000	379,181	1,339,181
2026-2030	5,495,000	1,173,597	6,668,597
2031-2035	1,260,000	370,026	1,630,026
2036-2038	905,000	65,669	970,669
Total	<u>\$ 12,065,000</u>	<u>\$ 3,905,187</u>	<u>\$ 15,970,187</u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

G. Landfill closure

The City has recorded liabilities for landfill closure, post-closure maintenance and for landfill corrective action in the Community Sanitation Fund, an enterprise fund. The State of California performs an annual analysis to determine estimated total cost of the landfill closure, post-closure care costs, total capacity and remaining life. The City's landfill closure liability, based on landfill capacity used to date, is recorded based on the information provided by their analysis. The landfill corrective action liability is based on the estimated cost of known or reasonably foreseeable corrective action that may be required at the facility.

The City is currently estimating at June 30, 2020 that the capacity of the landfill used is approximately 35%, the estimated remaining life is approximately 37 years and the estimated remaining cost to be recognized is \$18,562,885. The estimated capacity remaining is 6,421,731 cubic yards and the estimated landfill closure liability is \$4,284,640. The current estimated cost of known and/or reasonably foreseeable corrective action is \$2,488,940 and the City currently has \$1,000,000 set aside for this purpose. These estimates are based on a closure and post-closure maintenance plan and corrective action plan. The estimates have been adjusted for inflation and other factors such as technology and laws and regulations.

H. Pension Plans

General Information about the Pension Plan

Plan Description

The City contributes to the California Public Employees' Retirement System (CalPERS), an agent multiple-employer public employee defined benefit pension plan. CalPERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute and City ordinance. A full description of the pension plan regarding number of employees covered, benefit provisions, assumptions (for funding, but not accounting purposes), and membership information are listed in the June 30, 2019 Annual Actuarial Valuation Report. This report and CalPERS' audited financial statements are publicly available reports that can be obtained at CalPERS' website under Forms and Publications.

Benefit Provided

CalPERS provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. A classic miscellaneous member becomes eligible for Service Retirement upon attainment of age 55 with at least 5 years of credited service. PEPRAs miscellaneous members become eligible for service retirement upon attainment of age 62 with at least 5 years of service. A classic safety member becomes eligible for Service Retirement upon attainment of age 50 with at least 5 years of credited service. PEPRAs safety members become eligible for service retirement upon attainment of age 57 with at least 5 years of service. The service retirement benefit is a monthly allowance equal to the product of the benefit factor, years of service, and final compensation. The final compensation is the monthly average of the member's highest 36 or 12 consecutive months' full-time equivalent monthly pay. Retirement benefits for classic miscellaneous employees are calculated as 2.7% of the average final 12 months compensation. Retirement benefits for PEPRAs miscellaneous employees are calculated as 2% of the highest average annual compensation over a three-year period. Retirement benefits for classic safety employees are calculated as 3% of the average highest 12 months compensation. Retirement benefits for PEPRAs safety employees are calculated as 2.7% of the average highest 36 months compensation.

Participants are eligible for non-industrial disability retirement if they become disabled and have at least 5 years of credited service. There is no special age requirement. The standard non-industrial disability retirement benefit is a monthly allowance equal to 1.8 percent of final compensation, multiplied by service. Industrial disability benefits are not offered to miscellaneous employees. The City provides industrial disability retirement benefits to safety employees. The industrial disability retirement benefit is a monthly allowance equal to 50 percent of highest compensation.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

An employee's beneficiary may receive the basic death benefit if the employee dies while actively employed. The employee must be actively employed with the City to be eligible for this benefit. An employee's survivor who is eligible for any other pre-retirement death benefit may choose to receive that death benefit instead of this basic death benefit. The basic death benefit is a lump sum in the amount of the employee's accumulated contributions, where interest is currently credited at 7.375 percent per year, plus a lump sum in the amount of one month's salary for each completed year of current service, up to a maximum of six months' salary. For purposes of this benefit, one month's salary is defined as the member's average monthly full-time rate of compensation during the 12 months preceding death.

Benefit terms provide for annual cost-of-living adjustments to each employee's retirement allowance. Beginning the second calendar year after the year of retirement, retirement and survivor allowances will be annually adjusted by 2 percent applied to the original retirement allowance.

Employees Covered by Benefit Terms

At June 30, 2019, the measurement date, the following employees were covered by the benefit terms:

	Plans	
	Miscellaneous	Safety
Active employees	473	160
Transferred and terminated employees	645	61
Retired Employees and Beneficiaries	307	184
Total	1,425	405

Contributions

For the measurement period ended June 30, 2019, contributions were as follows:

	Miscellaneous	Safety	Aggregate Total
Contributions - employer	\$ 4,051,371	\$ 5,912,775	\$ 9,964,146

Section 20814(c) of the California Public Employees' Retirement Law ("PERL") requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. The total plan contributions are determined through CalPERS' annual actuarial valuation process. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The employer is required to contribute the difference between the actuarially determined rate and the contribution rate of employees. The contributions for the measurement period were as follows:

Actuarial Methods and Assumptions Used to Determine Total Pension Liability

For the measurement period ended June 30, 2019, the total pension liability was determined by rolling forward the June 30, 2018 total pension liability. The June 30, 2019 total pension liability was based on the following actuarial methods and assumptions:

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Actuarial Cost Method	Entry Age Normal
Actuarial Assumptions:	
Discount Rate	7.15%
Inflation	2.50%
Salary Increases	Varies by Entry Age and Service
Investment Rate of Return	7.375% Net of Pension Plan Investment and Administrative Expenses; includes Inflation
Mortality Rate Table	Derived using CalPERS' Membership Data for all Funds
Post Retirement Benefit Increase	Contract COLA up to 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.50% thereafter

The Experience Study report can be obtained at CalPERS' website under Forms and Publications.

Discount Rate

In Fiscal Year 2016-17, the financial reporting discount rate was lowered from 7.65 percent to 7.15 percent. In December 2016, the CalPERS Board approved lowering the funding discount rate from 7.50 percent to 7.00 percent, which is to be phased-in over a three-year period (7.50 percent to 7.375 percent, 7.375 percent to 7.25 percent, and 7.25 percent to 7.00 percent) beginning with the June 30, 2016, valuation reports. The funding discount rate includes a 15 basis-point reduction for administrative expenses, and the remaining decrease is consistent with the change in the financial reporting discount rate.

Long-term Expected Real Rates of Return by Asset Class

The table below reflects long-term expected real rates of return by asset class. The rates of return were calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These geometric rates of return are net of administrative expenses.

Asset Class ¹	Assumed Asset Allocation	Real Return Years 1 - 10 ²	Real Return Years 11+ ³
Global Equity	50.00%	4.80%	5.98%
Global Fixed Income	28.00%	1.00%	2.62%
Inflation Assets	0.00%	0.77%	1.81%
Private Equity	8.00%	6.30%	7.23%
Real Estate	13.00%	3.75%	4.93%
Liquidity	1.00%	0.00%	-0.92%

¹ In the Basic Financial Statements, Fixed Income is included in Global Debt Securities; Liquidity is included in Short-Term Investments; Inflation Assets are included in both Global Equity Securities and Global Debt Securities.

² An expected inflation of 2.00% used for this period.

³ An expected inflation of 2.92% used for this period.

Pension Expense

The Net Pension Expense for the year ended June 30, 2020 is itemized as follows:

	Net Pension Expense
Miscellaneous Plan	\$ 5,972,604
Safety Plan	6,153,107
	\$ 12,125,711

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Changes in the Net Pension Liability

The following table shows the changes in net pension liability recognized over the measurement period.

Miscellaneous Plan

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2018 (Valuation Date)	\$ 203,333,421	\$ 145,205,546	\$ 58,127,875
Changes Recognized for the Measurement Period:			
Service Cost	5,057,577		5,057,577
Interest on the total pension liability	14,655,898		14,655,898
Changes of assumptions	0		0
Differences between expected and actual experience	3,417,850		3,417,850
Contributions from the employer		4,051,371	(4,051,371)
Contributions from employees		4,994,620	(4,994,620)
Net investment income		9,653,940	(9,653,940)
Benefit payments, including refunds of employee contributions	(8,604,933)	(8,604,933)	0
Administrative expense		(103,622)	103,622
Other miscellaneous Income/(Expense) ¹		337	(337)
Net Changes during July 1, 2018 to June 30, 2019	<u>\$ 14,526,392</u>	<u>\$ 9,991,713</u>	<u>\$ 4,534,679</u>
Balance at June 30, 2019 (Measurement Date)	<u>\$ 217,859,813</u>	<u>\$ 155,197,259</u>	<u>\$ 62,662,554</u>

Safety Plan

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2018 (Valuation Date)	\$ 216,405,147	\$ 140,036,264	\$ 76,368,883
Changes Recognized for the Measurement Period:			
Service Cost	5,508,075		5,508,075
Interest on the total pension liability	15,548,223		15,548,223
Changes of assumptions	0		0
Differences between expected and actual experience	3,526,827		3,526,827
Contributions from the employer		5,912,775	(5,912,775)
Contributions from employees		3,219,394	(3,219,394)
Net investment income		9,280,425	(9,280,425)
Benefit payments, including refunds of employee contributions	(10,456,706)	(10,456,706)	0
Administrative expense		(99,933)	99,933
Other miscellaneous Income/(Expense) ¹		325	(325)
Net Changes during July 1, 2018 to June 30, 2019	<u>\$ 14,126,419</u>	<u>\$ 7,856,280</u>	<u>\$ 6,270,139</u>
Balance at June 30, 2019 (Measurement Date)	<u>\$ 230,531,566</u>	<u>\$ 147,892,544</u>	<u>\$ 82,639,022</u>

¹ During Fiscal Year 2017-18, as a result of Governmental Accounting Standards Board Statement (GASB) No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other than Pensions (GASB 75), CalPERS reported its proportionate share of activity related to postemployment benefits for participation in the State of California's agent OPEB plan. Accordingly, CalPERS recorded a one-time expense as a result of the adoption of GASB 75.

Additionally, CalPERS employees participate in various State of California agent pension plans and during Fiscal Year 2018-19, CalPERS recorded a correction to previously reported financial statements to properly reflect its proportionate share of activity related to pensions in accordance with GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68).

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of the Plan as of the measurement date, calculated using the discount rate of 7.15 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.15 percent) or 1 percentage-point higher (8.15 percent) than the current rate:

	Plan's Net Pension Liability/(Asset)		
	Discount Rate - 1%	Current Discount	Discount Rate + 1%
	(6.15%)	Rate (7.15%)	(8.15%)
Miscellaneous Plan	\$ 92,582,939	\$ 62,662,554	\$ 37,951,944
Safety Plan	\$ 114,661,404	\$ 82,639,022	\$ 56,305,572
Aggragate Total	\$ 207,244,343	\$ 145,301,576	\$ 94,257,516

Pension Plan Fiduciary Net Position

Detailed information about the plan's fiduciary net position is available in the separately issued CalPERS financial report.

Deferred Outflows and Deferred Inflows of Resources Related to Pensions

Deferred Outflows of Resources

	Deferred employer pension contributions made after measurement date	Changes in assumptions	Differences between actual versus expected experience	Total pension-related deferred outflows
Miscellaneous Plan	\$ 4,995,706	\$ 1,286,686	\$ 3,662,873	\$ 9,945,265
Safety Plan	6,966,114	4,864,495	4,574,589	16,405,198
Total	\$ 11,961,820	\$ 6,151,181	\$ 8,237,462	\$ 26,350,463

Deferred Inflows of Resources

	Changes in assumptions	Investment earnings less than expected earnings	Total pension-related deferred inflows
Miscellaneous Plan	\$ 565,018	\$ 820,386	\$ 1,385,404
Safety Plan	498,819	797,896	1,296,715
Total	\$ 1,063,837	\$ 1,618,282	\$ 2,682,119

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

Amortization of deferred outflows/(inflows) of resources

Amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized in future pension expense as follows:

Measurement Period Ended June 30	Deferred Outflows/(Inflows) of Resources	
	Miscellaneous Plan	Safety Plan
2020	\$ 3,099,340	\$ 4,189,179
2021	(102,781)	2,317,009
2022	421,597	901,896
2023	145,999	734,285
	\$ 3,564,155	\$ 8,142,369

Payable to Pension Plan

At June 30, 2020, the City reported a payable of \$0 for the outstanding amount of contributions to the pension plan required for the year ended June 30, 2020.

I. Tax Abatements

The City has not entered into any tax abatement agreements as of June 30, 2020. However, the County of Fresno (County) has provided certain tax abatements that affect the property tax revenues of the City.

The County provides property tax abatements through the California Land Conservation (Williamson) Act of 1965. The program enrolls land in Williamson Act or Farmland Security Zone contracts within established agricultural preserves, whereby the land is restricted to agricultural or qualified recreational uses in exchange for reduced property tax assessments. The Williamson Act Program is administered according to the statute and the County’s Interim Program Guidelines adopted by the County’s Board of Supervisors. The County’s Assessor administers the property tax reduction that parcels enrolled in the program receive. Parcels enrolled in the Williamson Act Program are assessed for property tax purposes at a rate consistent with their actual use, rather than the market value of the property. The minimum contract term for the Williamson Act is ten years and for the Farmland Security Zone is twenty years. Both, the Williamson Act and the Farmland Security Zone contracts automatically renew until a notice of non-renewal or a certificate of cancellation is recorded. Under the non-renewal process, the annual tax assessment gradually increases over a defined period of time until the assessment reflects the market value of the property. Under the cancellation process, a onetime cancellation fee is assessed based upon a certain percentage of the unrestricted, current fair market value of the property.

For the fiscal year ended June 30, 2020, the County’s Williamson Act Program tax abatements were \$44,897,687. The City’s affected portion of property tax revenues (approximately 1.9%) is, therefore, \$853,056.

V. Other information

A. Self insurance

The City is self-insured for general liability, automobile liability, workers' compensation, group dental and group vision programs. The City is responsible for all claims up to \$2,000 per occurrence for automobile liability, \$5,000 per occurrence for property, \$250,000 per occurrence for workers' compensation, and \$100,000 per occurrence on general liability. The dental and vision programs have no individual per occurrence stop-loss and no aggregate annual stop-loss. Excess insurance for all amounts in excess of the self-insured retention in the workers' compensation program is purchased from Local Agency Workers' Compensation Excess JPA (LAWCX). Consistent with the LAWCX Memorandum of Coverage, LAWCX provides coverage for the City above its self-insured retention of \$250,000 up to \$5,000,000. LAWCX purchases excess insurance which covers the pool for losses from \$5,000,000 to statutory limits.

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

The City is a member of the Central San Joaquin Valley Risk Management Authority (RMA) for the purpose of pooling general liability coverage under a retrospectively rated Memorandum of Coverage. Deposit premiums to the RMA are based on actuarially determined claims costs, including incurred but not reported claims, and expenses. Premiums are accrued based on the ultimate cost determined by the experience to date of the pool's member cities. The risk pool covers the City above its self-insured retention of \$100,000 up to \$1,000,000. The Authority purchases excess insurance which covers the pool for losses from \$1,000,001 to \$29,000,000. Pool Members may receive rebates when declared by RMA or, in the event excess liability claims against RMA exceed available resources, may be required to make additional contributions through a retrospective adjustment process.

The City accounts for the self-insurance programs in the Self-Insurance Fund and Employee Benefits Fund, both internal service funds. Charges to user departments are reported as interfund transactions.

Incurred but not reported claims have been accrued as a liability for the workers' compensation and dental programs as required in the amount of \$3,889,600 based on previous claims experience and actuarial studies.

There were no reductions in insurance coverage from the prior year and there were no settlements that exceeded insurance coverage for the past three fiscal years. Following is a reconciliation of the changes in the City's aggregate liabilities for claims for the current and prior fiscal year:

	Workers' Compensation	Dental	Total
Balance, 06/30/18	\$ 8,729,000	\$ 48,000	\$ 8,777,000
Claims provision	3,410,375	369,948	3,780,323
Claims paid	(2,525,375)	(369,948)	(2,895,323)
Balance, 06/30/19	9,614,000	48,000	9,662,000
Claims provision	3,170,723	213,609	3,384,332
Claims paid	(3,060,723)	(213,609)	(3,274,332)
Balance, 06/30/20	<u>\$ 9,724,000</u>	<u>\$ 48,000</u>	<u>\$ 9,772,000</u>

B. Deferred compensation

The City has established a deferred compensation plan in accordance with Internal Revenue Code Section 457. The plan, available to all full time employees, permits them to defer a portion of their salary until future years. Participation in the plan is optional. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency. All amounts deferred under the plan and all income attributable to those amounts are solely the property and rights of the plan participants.

Semi-monthly the City forwards all contributions to the plan administrator, the ICMA Retirement Corporation. Plan participants may choose from investment options which are managed by the plan trustee. The City has no liability for losses under the plan. As of January 1, 1998 ICMA Retirement Corporation amended the agreement with the City to comply with IRC Section 457 regulations. The assets and related liabilities are not reported on the City's financial statements in accordance with Governmental Accounting Standards Board Statement No. 32 - "Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans."

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

C. Postretirement benefits

The City allows its retirees who retire under provisions of a regular service retirement and who have five years of service the opportunity to continue enrollment in the City's health insurance program until age 65. The retirees have the same choice of insurance plans as those of current employees. The retirees are pooled together separately from the active employee pool and pay the full cost of the insurance premiums without cost to the City.

D. Contingent liabilities

The City participates in a number of federally assisted grant programs, including those from the U.S. Department of Housing and Urban Development, U.S. Department of Justice, U.S. Department of Transportation, U.S. Department of Labor, U.S. Department of Health and Human Services and the U.S. Department of Homeland Security. Receipts from these grant programs are subject to audit to determine if the monies were expended in accordance with the appropriate statutes, grant terms and regulations. The City believes no significant liabilities will result.

Although the outcome of other lawsuits and claims is not determinable, it is the opinion of the City Attorney that the resolution of these matters will not have a material adverse effect on the financial condition of the City.

F. Prior Period Adjustments

A prior period adjustment of \$24,074,671 was made to increase the governmental activities' beginning net position. This was due to a reclassification that was made to better allocate the pension obligation amongst all contributing funds.

Beginning net position of the governmental activities is summarized as follows:

Governmental Activities	
Net position at July 1, 2019, as previously stated	\$ 529,883,334
Net pension liability prior period adjustment	<u>24,074,671</u>
Net position at July 1, 2019, as previously stated	<u><u>\$ 553,958,005</u></u>

A prior period adjustment of \$1,014,109 was made to increase the internal service funds beginning net position. This was due to a reclassification that was made to better allocate the compensated absences amongst all contributing funds.

A prior period adjustment of \$103,135,097 was made to increase the internal service funds beginning net position. This was due to a reclassification that was made to better allocate the pension obligation amongst all contributing funds.

Beginning net position of the internal service funds is summarized as follows:

Internal Service Funds	
Net position at July 1, 2019, as previously stated	\$ (23,499,264)
Compensated absences prior period adjustment	1,014,109
Net pension liability prior period adjustment	<u>103,135,097</u>
Net position at July 1, 2019, as previously stated	<u><u>\$ 80,649,942</u></u>

CITY OF CLOVIS
Notes to Financial Statements
For the Year Ended June 30, 2020

A prior period adjustment of \$(24,074,671) was made to decrease the business-type activities beginning net position. This was due to a reclassification that was made to better allocate the pension obligation amongst all contributing funds.

Beginning net position of the business-type activities is summarized as follows:

Business-type activities	
Net position at July 1, 2019, as previously stated	\$ 283,875,170
Net pension liability prior period adjustment	<u>(24,074,671)</u>
Net position at July 1, 2019, as previously stated	<u>\$ 259,800,499</u>

G. Subsequent events

In July 2020 the City entered into a direct placement in the amount of \$2,340,000. The direct placement is to finance 21 police vehicles and a fire truck. The direct placement has an interest rate of 1.7%. The City will make semiannual payments to repay the loan and the maturity date is June 2025.

As part of its budget process, the State of California allocated \$1,471,470 of Coronavirus Relief Funds to the City. Allocations to the City started in July 2020. Further, the County of Fresno allocated an additional \$612,223 in CARES Act funding to the City in September 2020.

In December 2019, a novel strain of coronavirus spread around the world, resulting in business and social disruption. The coronavirus was declared a Public Health Emergency of International Concern by the World Health Organization on January 30, 2020. The operations and business results of the City could potentially be adversely affected by this global pandemic. The extent to which the coronavirus may impact business activity or investment results will depend on future developments, which are highly uncertain and cannot be predicted, including new information which may emerge concerning the severity of the coronavirus and the actions required to contain the coronavirus. While the disruption is currently expected to be temporary, there is considerable uncertainty surrounding the duration of this disruption. Therefore, the related financial impact on the City and the duration cannot be estimated at this time.

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REQUIRED SUPPLEMENTARY INFORMATION
Schedule of Changes in Net Pension Liability and Related Ratios

California Public Employees' Retirement System (CalPERS) - Miscellaneous Plan
Last Ten Fiscal Years

Measurement period	2018-19	2017-18	2016-17
Total pension liability			
Service Cost	\$ 5,057,577	\$ 4,786,244	\$ 4,581,081
Interest on the total pension liability	14,655,898	13,670,020	12,863,057
Changes of assumptions	0	(1,271,290)	10,936,836
Difference between expected and actual experience	3,417,850	2,414,711	812,258
Benefit pmts, including refunds of employee contributions	(8,604,933)	(7,837,606)	(6,970,312)
Net change in total pension liability	14,526,392	11,762,079	22,222,920
Total pension liability - beginning	203,333,421	191,571,342	169,348,422
Total pension liability - ending (a)	<u>\$ 217,859,813</u>	<u>\$ 203,333,421</u>	<u>\$ 191,571,342</u>
Plan fiduciary net position			
Contributions - employer	\$ 4,051,371	\$ 3,326,932	\$ 3,204,896
Contributions - employee	4,994,620	4,295,547	4,080,143
Net investment income	9,653,940	11,445,035	13,602,008
Benefit pmts, including refunds of employee contributions	(8,604,933)	(7,837,606)	(6,970,312)
Net Plan to plan resource movement	0	(337)	
Administrative expense	(103,622)	(209,719)	(178,420)
Other miscellaneous income/(expense) ¹	337	(398,260)	
Net change in fiduciary net position	9,991,713	10,621,592	13,738,315
Plan fiduciary net position - beginning ²	145,205,546	134,583,954	120,845,639
Plan fiduciary net position - ending (b)	<u>\$ 155,197,259</u>	<u>\$ 145,205,546</u>	<u>\$ 134,583,954</u>
Plan net pension liability - ending (a) - (b)	<u>\$ 62,662,554</u>	<u>\$ 58,127,875</u>	<u>\$ 56,987,388</u>
Plan fiduciary net position as a percentage of the total pension liability	<u>71.24%</u>	<u>71.41%</u>	<u>70.25%</u>
Covered payroll ³	<u>\$ 28,646,712</u>	<u>\$ 26,661,340</u>	<u>\$ 25,396,835</u>
Plan net pension liability/(asset) as a % of covered payroll	<u>218.74%</u>	<u>218.02%</u>	<u>224.39%</u>

¹ During Fiscal Year 2018-19, as a result of Governmental Accounting Standards Board Statement (GASB) No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other than Pensions (GASB 75), CalPERS reported its proportionate share of activity related to postemployment benefits for participation in the State of California's agent OPEB plan. Accordingly, CalPERS recorded a one-time expense as a result of the adoption of GASB 75. Additionally, CalPERS employees participate in various State of California agent pension plans and during Fiscal Year 2017-18, CalPERS recorded a correction to previously reported financial statements to properly reflect its proportionate share of activity related to pensions in accordance with GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68).

² Includes any beginning of year adjustment

³ Includes one year's payroll growth using 2.75 percent payroll growth assumption for fiscal years ended June 30, 2018-19; 3.00 percent payroll growth assumption for fiscal years ended June 30, 2014-17.

Notes to Schedule of Changes in Net Pension Liability and Related Ratios:

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes which occurred after the June 30, 2017 valuation date. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate. In 2017, the discount rate was reduced from 7.65 percent to 7.15 percent. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5 percent (net of administrative expense) to 7.65 percent (without a reduction for pension plan administrative expense.) In 2014, amounts reported were based on the 7.5 percent discount rate.

REQUIRED SUPPLEMENTARY INFORMATION
Schedule of Changes in Net Pension Liability and Related Ratios, Continued

California Public Employees' Retirement System (CalPERS) - Miscellaneous Plan
 Last Ten Fiscal Years

Measurement period	2015-16	2014-15	2013-14
Total pension liability			
Service Cost	\$ 4,019,807	\$ 3,839,364	\$ 3,770,553
Interest on the total pension liability	12,118,925	11,339,870	10,627,308
Changes of assumptions		(2,825,475)	
Difference between expected and actual experience	898,210	265,438	
Benefit pmts, including refunds of employee contributions	(6,395,433)	(5,572,456)	(5,099,721)
Net change in total pension liability	10,641,509	7,046,741	9,298,140
Total pension liability - beginning	158,706,913	151,660,172	142,362,032
Total pension liability - ending (a)	<u>\$ 169,348,422</u>	<u>\$ 158,706,913</u>	<u>\$ 151,660,172</u>
Plan fiduciary net position			
Contributions - employer	\$ 2,918,817	\$ 3,275,626	\$ 3,096,889
Contributions - employee	4,002,625	3,097,353	2,553,852
Net investment income	705,624	2,655,292	17,261,431
Benefit pmts, including refunds of employee contributions	(6,395,433)	(5,572,456)	(5,099,721)
Net Plan to plan resource movement			
Administrative expense	(72,943)	(134,636)	
Other miscellaneous income/(expense) ¹			
Net change in fiduciary net position	1,158,690	3,321,179	17,812,451
Plan fiduciary net position - beginning ²	119,686,949	116,365,770	98,553,319
Plan fiduciary net position - ending (b)	<u>\$ 120,845,639</u>	<u>\$ 119,686,949</u>	<u>\$ 116,365,770</u>
Plan net pension liability - ending (a) - (b)	<u>\$ 48,502,783</u>	<u>\$ 39,019,964</u>	<u>\$ 35,294,402</u>
Plan fiduciary net position as a percentage of the total pension liability	<u>71.36%</u>	<u>75.41%</u>	<u>76.73%</u>
Covered payroll ³	<u>\$ 24,405,359</u>	<u>\$ 22,815,330</u>	<u>\$ 21,224,617</u>
Plan net pension liability/(asset) as a % of covered payroll	<u>198.74%</u>	<u>171.03%</u>	<u>166.29%</u>

¹ During Fiscal Year 2018-19, as a result of Governmental Accounting Standards Board Statement (GASB) No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other than Pensions (GASB 75), CalPERS reported its proportionate share of activity related to postemployment benefits for participation in the State of California's agent OPEB plan. Accordingly, CalPERS recorded a one-time expense as a result of the adoption of GASB 75. Additionally, CalPERS employees participate in various State of California agent pension plans and during Fiscal Year 2017-18, CalPERS recorded a correction to previously reported financial statements to properly reflect its proportionate share of activity related to pensions in accordance with GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68).

² Includes any beginning of year adjustment

³ Includes one year's payroll growth using 2.75 percent payroll growth assumption for fiscal years ended June 30, 2018-19; 3.00 percent payroll growth assumption for fiscal years ended June 30, 2014-17.

Notes to Schedule of Changes in Net Pension Liability and Related Ratios:

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes which occurred after the June 30, 2017 valuation date. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate. In 2017, the discount rate was reduced from 7.65 percent to 7.15 percent. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5 percent (net of administrative expense) to 7.65 percent (without a reduction for pension plan administrative expense.) In 2014, amounts reported were based on the 7.5 percent discount rate.

REQUIRED SUPPLEMENTARY INFORMATION
Schedule of Changes in Net Pension Liability and Related Ratios, Continued

California Public Employees' Retirement System (CalPERS) - Safety Plan
 Last Ten Fiscal Years

Measurement period	2018-19	2017-18	2016-17
Total pension liability			
Service Cost	\$ 5,508,075	\$ 5,400,076	\$ 5,070,624
Interest on the total pension liability	15,548,223	14,583,496	13,834,596
Changes of assumptions	0	(626,378)	11,813,770
Difference between expected and actual experience	3,526,827	1,258,478	1,747,504
Benefit pmts, including refunds of employee contributions	(10,456,706)	(9,686,731)	(8,769,084)
Net change in total pension liability	14,126,419	10,928,941	23,697,410
Total pension liability - beginning	216,405,147	205,476,206	181,778,796
Total pension liability - ending (a)	<u>\$ 230,531,566</u>	<u>\$ 216,405,147</u>	<u>\$ 205,476,206</u>
Plan fiduciary net position			
Contributions - employer	\$ 5,912,775	\$ 5,062,611	\$ 4,872,316
Contributions - employee	3,219,394	3,107,991	2,967,546
Net investment income	9,280,425	11,067,806	13,334,234
Benefit pmts, including refunds of employee contributions	(10,456,706)	(9,686,731)	(8,769,084)
Net Plan to plan resource movement	0	(325)	
Administrative expense	(99,933)	(204,254)	(175,470)
Other miscellaneous income/(expense) ¹	325	(387,882)	
Net change in fiduciary net position	7,856,280	8,959,216	12,229,542
Plan fiduciary net position - beginning ²	140,036,264	131,077,048	118,847,506
Plan fiduciary net position - ending (b)	<u>\$ 147,892,544</u>	<u>\$ 140,036,264</u>	<u>\$ 131,077,048</u>
Plan net pension liability - ending (a) - (b)	<u>\$ 82,639,022</u>	<u>\$ 76,368,883</u>	<u>\$ 74,399,158</u>
Plan fiduciary net position as a percentage of the total pension liability	<u>64.15%</u>	<u>64.71%</u>	<u>63.79%</u>
Covered payroll ³	<u>\$ 18,354,740</u>	<u>\$ 17,992,455</u>	<u>\$ 16,912,791</u>
Plan net pension liability/(asset) as a % of covered payroll	<u>450.23%</u>	<u>424.45%</u>	<u>439.90%</u>

¹ During Fiscal Year 2017-18, as a result of Governmental Accounting Standards Board Statement (GASB) No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other than Pensions (GASB 75), CalPERS reported its proportionate share of activity related to postemployment benefits for participation in the State of California's agent OPEB plan. Accordingly, CalPERS recorded a one-time expense as a result of the adoption of GASB 75. Additionally, CalPERS employees participate in various State of California agent pension plans and during Fiscal Year 2017-18, CalPERS recorded a correction to previously reported financial statements to properly reflect its proportionate share of activity related to pensions in accordance with GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68).

² Includes any beginning of year adjustment

³ Includes one year's payroll growth using 2.75 percent payroll growth assumption for fiscal years ended June 30, 2018-19; 3.00 percent payroll growth assumption for fiscal years ended June 30, 2014-17.

Notes to Schedule of Changes in Net Pension Liability and Related Ratios:

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes which occurred after the June 30, 2017 valuation date. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate. In 2017, the discount rate was reduced from 7.65 percent to 7.15 percent. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5 percent (net of administrative expense) to 7.65 percent (without a reduction for pension plan administrative expense.) In 2014, amounts reported were based on the 7.5 percent discount rate.

REQUIRED SUPPLEMENTARY INFORMATION
Schedule of Changes in Net Pension Liability and Related Ratios, Continued

California Public Employees' Retirement System (CalPERS) - Safety Plan
 Last Ten Fiscal Years

Measurement period	2015-16	2014-15	2013-14
Total pension liability			
Service Cost	\$ 4,128,912	\$ 3,953,791	\$ 3,803,175
Interest on the total pension liability	13,060,555	12,319,585	11,633,302
Changes of assumptions		(3,070,074)	
Difference between expected and actual experience	1,309,944	936,342	
Benefit pmts, including refunds of employee contributions	(8,144,855)	(7,825,158)	(7,071,659)
Net change in total pension liability	10,354,556	6,314,486	8,364,818
Total pension liability - beginning	171,424,240	165,109,754	156,744,936
Total pension liability - ending (a)	<u>\$ 181,778,796</u>	<u>\$ 171,424,240</u>	<u>\$ 165,109,754</u>
Plan fiduciary net position			
Contributions - employer	\$ 4,263,677	\$ 4,110,362	\$ 3,752,858
Contributions - employee	2,806,615	2,157,404	1,915,171
Net investment income	611,274	2,616,436	17,731,050
Benefit pmts, including refunds of employee contributions	(8,144,855)	(7,825,158)	(7,071,659)
Net Plan to plan resource movement			
Administrative expense	(72,758)	(134,357)	
Other miscellaneous income/(expense) ¹			
Net change in fiduciary net position	(536,047)	924,687	16,327,420
Plan fiduciary net position - beginning ²	119,383,553	118,458,866	102,131,446
Plan fiduciary net position - ending (b)	<u>\$ 118,847,506</u>	<u>\$ 119,383,553</u>	<u>\$ 118,458,866</u>
Plan net pension liability - ending (a) - (b)	<u>\$ 62,931,290</u>	<u>\$ 52,040,687</u>	<u>\$ 46,650,888</u>
Plan fiduciary net position as a percentage of the total pension liability	<u>65.38%</u>	<u>69.64%</u>	<u>71.75%</u>
Covered payroll ³	<u>\$ 15,361,676</u>	<u>\$ 14,732,611</u>	<u>\$ 13,667,214</u>
Plan net pension liability/(asset) as a % of covered payroll	<u>409.66%</u>	<u>353.23%</u>	<u>341.33%</u>

¹ During Fiscal Year 2017-18, as a result of Governmental Accounting Standards Board Statement (GASB) No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other than Pensions (GASB 75), CalPERS reported its proportionate share of activity related to postemployment benefits for participation in the State of California's agent OPEB plan. Accordingly, CalPERS recorded a one-time expense as a result of the adoption of GASB 75. Additionally, CalPERS employees participate in various State of California agent pension plans and during Fiscal Year 2017-18, CalPERS recorded a correction to previously reported financial statements to properly reflect its proportionate share of activity related to pensions in accordance with GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68).

² Includes any beginning of year adjustment

³ Includes one year's payroll growth using 2.75 percent payroll growth assumption for fiscal years ended June 30, 2018-19; 3.00 percent payroll growth assumption for fiscal years ended June 30, 2014-17.

Notes to Schedule of Changes in Net Pension Liability and Related Ratios:

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes which occurred after the June 30, 2017 valuation date. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate. In 2017, the discount rate was reduced from 7.65 percent to 7.15 percent. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5 percent (net of administrative expense) to 7.65 percent (without a reduction for pension plan administrative expense.) In 2014, amounts reported were based on the 7.5 percent discount rate.

REQUIRED SUPPLEMENTARY INFORMATION

Schedule of Pension Contributions

California Public Employees' Retirement System (CalPERS) - Miscellaneous Plan
Last Ten Fiscal Years

	2019-20 ¹	2018-19 ¹	2017-18 ¹	2016-17 ¹	2015-16 ¹
Actuarially determined contribution ²	\$ 4,995,706	\$ 4,051,371	\$ 3,326,932	\$ 3,204,896	\$ 2,918,817
Contributions to actuarially determined contribution ²	(4,995,706)	(4,051,371)	(3,326,932)	(3,204,896)	(2,918,817)
Contribution deficiency (excess)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Covered payroll ³	\$ 29,506,113	\$ 28,646,712	\$ 26,661,340	\$ 25,396,835	\$ 24,405,359
Contributions as a percentage of covered payroll ³	16.93%	14.14%	12.48%	12.62%	11.96%
	2014-15 ¹	2013-14 ¹			
Actuarially determined contribution ²	\$ 3,275,626	\$ 3,096,889			
Contributions to actuarially determined contribution ²	(3,275,626)	(3,096,889)			
Contribution deficiency (excess)	\$ 0	\$ 0			
Covered payroll ³	\$ 22,815,330	\$ 21,224,617			
Contributions as a percentage of covered payroll ³	14.36%	14.59%			

¹ As prescribed in GASB 68, paragraph 46, the information presented in the Schedule of Plan Contributions should also be presented as of the employer's most recent fiscal year-end. The employer is responsible for determining this information as prescribed by the standard as this data is not available to CalPERS.

² Employers are assumed to make contributions equal to the actuarially determined contributions. However, some employers may choose to make additional contributions towards their unfunded liability. Employer contributions for such plans exceed the actuarially determined contributions.

³ Includes one year's payroll growth using 2.75 percent payroll assumption for fiscal year ended June 30, 2018; 3.00 percent payroll assumption for fiscal years ended June 30, 2014-17.

Valuation Date:

The actuarial methods and assumptions used to set the actuarially determined contributions for Fiscal Year 2018-19 were derived from the June 30, 2015 funding valuation report.

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry Age Normal Cost Method
Amortization method/Period	For details, see June 30, 2016 Funding Valuation Report
Asset valuation method	Market Value of Assets. For details, see June 30, 2016 Funding Valuation Report.
Inflation	2.75%
Salary increases	Varies by Entry Age and Service
Payroll Growth	3.00%
Investment rate of return	7.375%, net of pension plan investment & admin exps; includes inflation.
Retirement age	The probabilities of retirement are based on the 2014 CalPERS Experience study for the period from 1997 to 2011.
Mortality	The probabilities of mortality are based on the 2014 CalPERS Experience Study for the period from 1997 to 2011. Pre-retirement and Post-retirement mortality rates include 20 years of projected mortality improvement using Scale BB published by the Society of Actuaries.

REQUIRED SUPPLEMENTARY INFORMATION

Schedule of Pension Contributions, Continued

California Public Employees' Retirement System (CalPERS) – Safety Plan
Last Ten Fiscal Years

	2019-20 ¹	2018-19 ¹	2017-18 ¹	2016-17 ¹	2015-16 ¹
Actuarially determined contribution ²	\$ 6,966,114	\$ 5,912,775	\$ 5,062,611	\$ 4,872,316	\$ 4,263,677
Contributions to actuarially determined contribution ²	<u>(6,966,114)</u>	<u>(5,912,775)</u>	<u>(5,062,611)</u>	<u>(4,872,316)</u>	<u>(4,263,677)</u>
Contribution deficiency (excess)	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Covered payroll ³	\$ 18,905,382	\$ 18,354,740	\$ 17,992,455	\$ 16,912,791	\$ 15,361,676
Contributions as a percentage of covered payroll ³	36.85%	31.91%	28.14%	28.81%	27.76%
	2014-15 ¹	2013-14 ¹			
Actuarially determined contribution ²	\$ 4,110,362	\$ 3,752,858			
Contributions to actuarially determined contribution ²	<u>(4,110,362)</u>	<u>(3,752,858)</u>			
Contribution deficiency (excess)	<u>\$ 0</u>	<u>\$ 0</u>			
Covered payroll ³	\$ 14,732,611	\$ 13,667,214			
Contributions as a percentage of covered payroll ³	27.90%	27.46%			

¹ As prescribed in GASB 68, paragraph 46, the information presented in the Schedule of Plan Contributions should also be presented as of the employer's most recent fiscal year-end. The employer is responsible for determining this information as prescribed by the standard as this data is not available to CalPERS.

² Employers are assumed to make contributions equal to the actuarially determined contributions. However, some employers may choose to make additional contributions towards their unfunded liability. Employer contributions for such plans exceed the actuarially determined contributions.

³ Includes one year's payroll growth using 2.75 percent payroll assumption for fiscal year ended June 30, 2018; 3.00 percent payroll assumption for fiscal years ended June 30, 2014-17.

Valuation Date:

The actuarial methods and assumptions used to set the actuarially determined contributions for Fiscal Year 2018-19 were derived from the June 30, 2015 funding valuation report.

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry Age Normal Cost Method
Amortization method/Period	For details, see June 30, 2016 Funding Valuation Report
Asset valuation method	Market Value of Assets. For details, see June 30, 2016 Funding Valuation Report.
Inflation	2.75%
Salary increases	Varies by Entry Age and Service
Payroll Growth	3.00%
Investment rate of return	7.375%, net of pension plan investment & admin exps; includes inflation.
Retirement age	The probabilities of retirement are based on the 2014 CalPERS Experience study for the period from 1997 to 2011.
Mortality	The probabilities of mortality are based on the 2014 CalPERS Experience Study for the period from 1997 to 2011. Pre-retirement and Post-retirement mortality rates include 20 years of projected mortality improvement using Scale BB published by the Society of Actuaries.

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Nonmajor Governmental Funds

Special Revenue Funds

Special revenue funds are used to account for specific revenues that are legally restricted for particular purposes.

Off Highway Use Fund - This fund is used to account for the revenue received from the off-highway users fee since the fee can only be used for off-road facilities.

Housing & Community Development Fund - This fund is used to account for the revenue and expenses for the Community Development Block Grant operational activities.

Debt Service Funds

The debt service fund is used to account for the accumulation of resources and payment of bond principal and interest when the government is obligated in some manner for the payment.

1976 Fire and Sewer Bond Fund - This fund is used to account for the proceeds of the 1976 Fire and Sewer Bond sale and the annual debt service.

Capital Projects Funds

Capital projects funds are used to account for the acquisition and construction of major capital facilities other than those financed by proprietary funds and trust funds.

Park and Recreation Improvement Fund - This fund is used to account for capital improvements for parks, including acquisition of property. Revenues come from developer fees and grants.

Refuse Equipment Reserve Fund - This fund is used to account for the revenue generated by developer fees for the acquisition of equipment for refuse collection and disposal.

City of Clovis
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2020

AGENDA ITEM NO. 13.

	Special Revenue		Total
	Off Highway Use	Housing & Comm Development	
ASSETS			
Cash and investments	\$ 71,041	\$ 2,022,921	\$ 2,093,962
Receivables	227	3,320,569	3,320,796
Due from other governments		70,583	70,583
Assets held for resale		253,956	253,956
Total assets	<u>\$ 71,268</u>	<u>\$ 5,668,029</u>	<u>\$ 5,739,297</u>
LIABILITIES			
Accounts payable		\$ 209,536	\$ 209,536
Deposits and other liabilities			0
Total Liabilities	<u>\$ 0</u>	<u>209,536</u>	<u>209,536</u>
FUND BALANCES			
Restricted for:			
Capital projects	71,268		71,268
Community Development		5,458,493	5,458,493
Debt service			
Assigned for:			
Capital			
Total fund balances	<u>71,268</u>	<u>5,458,493</u>	<u>5,529,761</u>
Total liabilities and fund balances	<u>\$ 71,268</u>	<u>\$ 5,668,029</u>	<u>\$ 5,739,297</u>

**City of Clovis
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2020**

Debt Service		Capital Projects		Total Nonmajor Governmental Funds
1976 Fire and Sewer	Park and Recreation	Refuse Equipment	Total	
\$ 435,434	\$ 8,214,535	\$ 1,490,446	\$ 9,704,981	\$ 12,234,377
1,445	25,653	4,723	30,376	3,352,617
	585,491		585,491	656,074
			0	253,956
<u>\$ 436,879</u>	<u>\$ 8,825,679</u>	<u>\$ 1,495,169</u>	<u>\$10,320,848</u>	<u>\$ 16,497,024</u>
	\$ 558,139		\$ 558,139	\$ 767,675
	9,200		9,200	9,200
<u>\$ 0</u>	<u>567,339</u>	<u>\$ 0</u>	<u>567,339</u>	<u>776,875</u>
				71,268
436,879	6,546,340	1,495,169	8,041,509	13,500,002
				436,879
	1,712,000		1,712,000	1,712,000
<u>436,879</u>	<u>8,258,340</u>	<u>1,495,169</u>	<u>9,753,509</u>	<u>15,720,149</u>
<u>\$ 436,879</u>	<u>\$ 8,825,679</u>	<u>\$ 1,495,169</u>	<u>\$10,320,848</u>	<u>\$ 16,497,024</u>

City of Clovis
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended June 30, 2020

	Special Revenue		
	Off Highway Use	Housing & Comm Development	Total
REVENUES			
Use of money and property	\$ 2,489	\$ 61,815	\$ 64,304
From other agencies		479,576	479,576
Charges for current services			
Other revenues		11	11
Total revenue	<u>2,489</u>	<u>541,402</u>	<u>543,891</u>
EXPENDITURES			
Current:			
Community development		330,176	330,176
Capital outlays			
Total expenditures	<u>0</u>	<u>330,176</u>	<u>330,176</u>
Excess (deficiency) of revenues over (under) expenditures	<u>2,489</u>	<u>211,226</u>	<u>213,715</u>
OTHER FINANCING SOURCES (USES)			
Transfers out			0
Total other financing sources (uses)	<u>0</u>	<u>0</u>	<u>0</u>
Net change in fund balances	2,489	211,226	213,715
Fund balances-beginning	68,779	5,247,267	5,316,046
Fund balances-ending	<u>\$ 71,268</u>	<u>\$ 5,458,493</u>	<u>\$ 5,529,761</u>

City of Clovis
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended June 30, 2020

Debt Service	Capital Projects			Total Nonmajor Governmental Funds
1976 Fire and Sewer	Park and Recreation	Refuse Equipment	Total	
\$ 14,723	\$ 247,888	\$ 47,709	\$ 295,597	\$ 374,624
	1,403,198		1,403,198	1,882,774
	1,137,238	555,948	1,693,186	1,693,186
	26		26	37
<u>14,723</u>	<u>2,788,350</u>	<u>603,657</u>	<u>3,392,007</u>	<u>3,950,621</u>
				330,176
	3,446,638		3,446,638	3,446,638
<u>0</u>	<u>3,446,638</u>	<u>0</u>	<u>3,446,638</u>	<u>3,776,814</u>
<u>14,723</u>	<u>(658,288)</u>	<u>603,657</u>	<u>(54,631)</u>	<u>173,807</u>
		(150,000)	(150,000)	(150,000)
<u>0</u>	<u>0</u>	<u>(150,000)</u>	<u>(150,000)</u>	<u>(150,000)</u>
14,723	(658,288)	453,657	(204,631)	23,807
422,156	8,916,628	1,041,512	9,958,140	15,696,342
<u>\$ 436,879</u>	<u>\$ 8,258,340</u>	<u>\$ 1,495,169</u>	<u>\$ 9,753,509</u>	<u>\$ 15,720,149</u>

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
Local Transportation Capital Projects Fund
For the Year Ended June 30, 2020

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget- Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 999,344	\$ 999,344
From other agencies	13,648,300	13,648,300	20,805,076	7,156,776
Charges for services	1,150,000	1,150,000	86,325	(1,063,675)
Other revenues	0	0	333,423	333,423
Total revenues	<u>14,798,300</u>	<u>14,798,300</u>	<u>22,224,168</u>	<u>7,425,868</u>
EXPENDITURES				
Capital Outlay	26,884,320	36,544,320	20,270,964	16,273,356
Total expenditures	<u>26,884,320</u>	<u>36,544,320</u>	<u>20,270,964</u>	<u>16,273,356</u>
Excess (deficiency) of revenues over expenditures	(12,086,020)	(21,746,020)	1,953,204	23,699,224
Fund balance-beginning	16,184,588	16,184,588	16,184,588	
Fund balance-ending	<u>\$ 4,098,568</u>	<u>\$ (5,561,432)</u>	<u>\$ 18,137,792</u>	<u>\$ 23,699,224</u>

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
Off Highway Use Special Revenue Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 2,489	\$ 2,489
Total revenues	0	0	2,489	2,489
EXPENDITURES				
Total expenditures	0	0	0	0
Excess (deficiency) of revenues over expenditures	0	0	2,489	2,489
Fund balance-beginning	68,779	68,779	68,779	
Fund balance-ending	\$ 68,779	\$ 68,779	\$ 71,268	\$ 2,489

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
Housing and Community Development Special Revenue Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 61,815	\$ 61,815
From other agencies	1,399,000	1,399,000	479,576	(919,424)
Other revenues	0	0	11	11
Total revenues	1,399,000	1,399,000	541,402	(857,598)
EXPENDITURES				
Community development	2,363,400	3,134,812	330,176	2,804,636
Total expenditures	2,363,400	3,134,812	330,176	2,804,636
Excess (deficiency) of revenues over expenditures	(964,400)	(1,735,812)	211,226	1,947,038
Fund balance-beginning	5,247,267	5,247,267	5,247,267	
Fund balance-ending	\$ 4,282,867	\$ 3,511,455	\$ 5,458,493	\$ 1,947,038

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
1976 Fire and Sewer Debt Service Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 14,723	\$ 14,723
Total revenues	0	0	14,723	14,723
EXPENDITURES				
Total expenditures	0	0	0	0
Excess (deficiency) of revenues over expenditures	0	0	14,723	14,723
Fund balance-beginning	422,156	422,156	422,156	
Fund balance-ending	\$ 422,156	\$ 422,156	\$ 436,879	\$ 14,723

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
Park and Recreation Capital Project Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 247,888	\$ 247,888
From other agencies	281,000	281,000	1,403,198	1,122,198
Charges for current services	2,573,000	2,573,000	1,137,238	(1,435,762)
Other revenues	0	0	26	26
Total revenues	2,854,000	2,854,000	2,788,350	(65,650)
EXPENDITURES				
Capital outlays	2,807,611	5,906,611	3,446,638	2,459,973
Total expenditures	2,807,611	5,906,611	3,446,638	2,459,973
Excess (deficiency) of revenues over expenditures	46,389	(3,052,611)	(658,288)	2,394,323
Fund balance-beginning	8,916,628	8,916,628	8,916,628	
Fund balance-ending	\$ 8,963,017	\$ 5,864,017	\$ 8,258,340	\$ 2,394,323

City of Clovis
Schedule of Revenues, Expenditures, and Change in Fund Balance-Budget and Actual
Refuse Equipment Capital Project Fund
For the Year Ended June 30, 2020

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
REVENUE				
Use of money and property	\$ 0	\$ 0	\$ 47,709	\$ 47,709
Charges for current services	0	0	555,948	555,948
Total revenues	0	0	603,657	603,657
EXPENDITURES				
Total expenditures	0	0	0	0
Excess (deficiency) of revenues over expenditures	0	0	603,657	603,657
OTHER FINANCING SOURCES (USES)				
Transfers Out	0	0	(150,000)	(150,000)
Total other financing sources (uses)	0	0	(150,000)	(150,000)
Net change in fund balance	0	0	453,657	453,657
Fund balance-beginning	1,041,512	1,041,512	1,041,512	
Fund balance-ending	\$ 1,041,512	\$ 1,041,512	\$ 1,495,169	\$ 453,657

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Internal Service Funds

Internal service funds are used to account for the financing of goods or services provided by one department of the agency to other departments or agencies of the government and to other government units, on a cost reimbursement basis.

Self Insurance Fund - This fund is used to account for the cost of general liability and property damage insurance. It is funded by a charge to all operating departments.

Fleet Fund - This fund is used to account for rental charges to all operating departments for maintenance and replacement cost for equipment and vehicles.

Employee Benefit Fund - This fund is used to account for the cost of employee benefits including retirement, workers' compensation, health insurance, unemployment insurance and medicare insurance. It is funded by a charge to all operating departments.

General Services - This fund is used to account for the centralized support provided to other departments and for government facility enhancements and acquisitions.

City of Clovis
Combining Statement of Net Position
Internal Service Funds
June 30, 2020

AGENDA ITEM NO. 13.

	Self Insurance	Fleet	Employee Benefits	General Services	Total
ASSETS					
Current assets:					
Cash and investments	\$ 2,114,450	\$ 11,081,623	\$ 11,503,364	\$ 16,167,878	\$ 40,867,315
Receivables	25,805	32,268	83,600	54,547	196,220
Due from other governments			53,838	7,579	61,417
Inventories		782,000			782,000
Prepaid items		1,301,896			1,301,896
Total current assets	2,140,255	13,197,787	11,640,802	16,230,004	43,208,848
Noncurrent assets:					
Restricted cash and investments:					
Cash with fiscal agent-bond accounts				564,743	564,743
Total restricted assets	0	0	0	564,743	564,743
Capital assets:					
Land				8,872,400	8,872,400
Buildings and improvements		940,271		94,124,422	95,064,693
Machinery and equipment		41,619,285		8,934,141	50,553,426
Less accumulated depreciation		(27,267,601)		(44,915,110)	(72,182,711)
Total capital assets (net of accumulated depreciation)	0	15,291,955	0	67,015,853	82,307,808
Total noncurrent assets	0	15,291,955	0	67,580,596	82,872,551
Total assets	2,140,255	28,489,742	11,640,802	83,810,600	126,081,399
DEFERRED OUTFLOW OF RESOURCES					
Pension related deferred outflows	50,721	440,575	101,442	724,015	1,316,753
LIABILITIES					
Current liabilities:					
Accounts payable	1,490	427,613	231,697	680,613	1,341,413
Claims and judgements payable			2,548,000		2,548,000
Accrued compensated absences		22,300	3,800	42,200	68,300
Deposits and other liabilities				419,338	419,338
Unearned revenue				1,901,582	1,901,582
Capital leases-current		736,610		1,153,557	1,890,167
Direct placements-current				1,040,270	1,040,270
Loans payable-current				328,578	328,578
Total current liabilities	1,490	1,186,523	2,783,497	5,566,138	9,537,648
Noncurrent liabilities:					
Claims and judgements payable			7,224,000		7,224,000
Accrued compensated absences		61,344	10,633	116,210	188,187
Capital leases		1,284,091		6,239,429	7,523,520
Direct placements				6,952,131	6,952,131
Loans payable				2,439,906	2,439,906
Net pension liability	319,579	2,775,951	639,158	4,561,834	8,296,522
Total noncurrent liabilities	319,579	4,121,386	7,873,791	20,309,510	32,624,266
Total liabilities	321,069	5,307,909	10,657,288	25,875,648	42,161,914
DEFERRED INFLOW OF RESOURCES					
Pension deferred inflows	7,066	61,373	14,131	100,858	183,428
NET POSITION					
Net investment in capital assets		13,271,254		48,861,982	62,133,236
Restricted for debt service				564,743	564,743
Unrestricted (deficit)	1,862,841	10,289,781	1,070,825	9,131,384	22,354,831
Total net position	\$ 1,862,841	\$ 23,561,035	\$ 1,070,825	\$ 58,558,109	\$ 85,052,810

**Combining Statement of Revenues, Expenses, and Changes in Fund Net Position
Internal Service Funds
For the Year Ended June 30, 2020**

	Self Insurance	Fleet	Employee Benefits	General Services	Total
Operating revenues:					
Charges for services	\$2,789,400	\$10,027,440	\$ 26,975,934	\$12,149,100	\$ 51,941,874
From other agencies		20,000	899	196,623	217,522
Other revenues	230,999	79,052		1,370,458	1,680,509
Total operating revenues	<u>3,020,399</u>	<u>10,126,492</u>	<u>26,976,833</u>	<u>13,716,181</u>	<u>53,839,905</u>
Operating expenses:					
Salaries and benefits	222,361	2,133,867	12,212,529	2,985,065	17,553,822
Services, materials and supplies	2,363,128	4,008,889	13,522,888	5,846,099	25,741,004
Administration	47,300	958,900	76,100	346,416	1,428,716
Depreciation		2,617,099		2,956,641	5,573,740
Total operating expenses	<u>2,632,789</u>	<u>9,718,755</u>	<u>25,811,517</u>	<u>12,134,221</u>	<u>50,297,282</u>
Operating income (loss)	<u>387,610</u>	<u>407,737</u>	<u>1,165,316</u>	<u>1,581,960</u>	<u>3,542,623</u>
Nonoperating revenues (expenses):					
Interest income	54,511	394,867	193,654	517,232	1,160,264
Interest expense		(67,743)		(626,367)	(694,110)
Gain (loss) on sale of capital assets		20,747		(2,579,432)	(2,558,685)
Total nonoperating revenue (expense)	<u>54,511</u>	<u>347,871</u>	<u>193,654</u>	<u>(2,688,567)</u>	<u>(2,092,531)</u>
Income before contributions and transfers	442,121	755,608	1,358,970	(1,106,607)	1,450,092
Capital contributions		92,776			92,776
Transfers in		3,460,000		200,000	3,660,000
Transfer out				(800,000)	(800,000)
Changes in net position	442,121	4,308,384	1,358,970	(1,706,607)	4,402,868
Total net position-beginning	1,666,183	21,384,814	(110,318,847)	63,768,586	(23,499,264)
Prior period adjustments (Note V.F.)	(245,463)	(2,132,163)	110,030,702	(3,503,870)	104,149,206
Total net position-ending	<u>\$1,862,841</u>	<u>\$23,561,035</u>	<u>\$ 1,070,825</u>	<u>\$58,558,109</u>	<u>\$ 85,052,810</u>

City of Clovis
Statement of Cash Flows
Internal Service Funds
For the Year Ended June 30, 2020

	Self Insurance	Fleet	Employee Benefits	General Services	Total
CASH FLOW FROM OPERATING ACTIVITIES					
Receipts for interfund services	\$ 2,770,881	\$ 10,036,326	\$ 26,985,646	\$ 12,238,543	\$ 52,031,396
Payments to suppliers	(2,424,059)	(6,189,374)	(13,622,313)	(5,994,255)	(28,230,001)
Payments to employees	(191,900)	(1,857,171)	(12,154,065)	(2,527,800)	(16,730,936)
Other operating revenues	230,999	99,052	(52,939)	1,563,618	1,840,730
Net cash provided by operating activities	<u>385,921</u>	<u>2,088,833</u>	<u>1,156,329</u>	<u>5,280,106</u>	<u>8,911,189</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES					
Transfers-in from other funds		3,460,000		200,000	3,660,000
Transfers-out to other funds				(800,000)	(800,000)
Net cash provided by noncapital financing activities	<u>0</u>	<u>3,460,000</u>	<u>0</u>	<u>(600,000)</u>	<u>2,860,000</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES					
Acquisition and construction of capital assets		(5,793,537)		(2,104,912)	(7,898,449)
Principal paid on loans, bonds and capital leases		(717,115)		(2,509,006)	(3,226,121)
Interest paid on loans, bonds and capital leases		(67,743)		(626,367)	(694,110)
Proceeds from capital leases and loans				372,241	372,241
Proceeds from sale of property and equipment		147,258		1,011,693	1,158,951
Net cash (used in) capital and related financing activities	<u>0</u>	<u>(6,431,137)</u>	<u>0</u>	<u>(3,856,351)</u>	<u>(10,287,488)</u>
CASH FLOWS FROM INVESTING ACTIVITIES					
Interest and dividends on investments	54,511	394,867	193,653	517,232	1,160,263
Net cash provided by investing activities	<u>54,511</u>	<u>394,867</u>	<u>193,653</u>	<u>517,232</u>	<u>1,160,263</u>
Net change in cash and cash equivalents	440,432	(487,437)	1,349,982	1,340,987	2,643,964
Cash and cash equivalents-beginning of year	1,674,018	11,569,060	10,153,382	15,391,634	38,788,094
Cash and cash equivalents-end of year	<u>\$ 2,114,450</u>	<u>\$ 11,081,623</u>	<u>\$ 11,503,364</u>	<u>\$ 16,732,621</u>	<u>\$ 41,432,058</u>

Reconciliation of operating income/(loss) to net cash provided by operating activities:

Operating income/(loss)	\$ 387,610	\$ 407,737	\$ 1,165,316	\$ 1,581,960	\$ 3,542,623
Adjustments to reconcile operating income to net cash provided by operating activities:					
Depreciation/amortization expense		2,617,099		2,956,641	5,573,740
(Increase)/decrease in accounts receivable	(18,519)	8,886	9,712	7,697	7,776
(Increase)/decrease in due from other governments			(53,838)	(3,463)	(57,301)
(Increase)/decrease in inventories		28,000			28,000
(Increase)/decrease in deferred outflows - pension	(50,721)	(440,575)	26,542,534	(724,015)	25,327,223
(Increase)/decrease in prepaid items		(1,301,896)		4,473	(1,297,423)
Increase/(decrease) in accounts payable	(13,631)	52,311	(133,325)	193,787	99,142
Increase/(decrease) in accrued compensated absences		12,110	(1,016,567)	22,458	(981,999)
Increase/(decrease) in unearned revenue				81,746	81,746
Increase/(decrease) in claims and judgments payable			110,000		110,000
Increase/(decrease) in net pension liability	74,116	643,788	(23,826,898)	1,057,964	(22,051,030)
Increase/(decrease) in deferred inflows - pension	7,066	61,373	(1,640,605)	100,858	(1,471,308)
Total adjustments	<u>(1,689)</u>	<u>1,681,096</u>	<u>(8,987)</u>	<u>3,698,146</u>	<u>5,368,566</u>
Net cash provided by operating activities	<u>\$ 385,921</u>	<u>\$ 2,088,833</u>	<u>\$ 1,156,329</u>	<u>\$ 5,280,106</u>	<u>\$ 8,911,189</u>

Noncash investing, capital, and financing activities:

During the year the Fleet Maintenance Fund, an internal service fund, received \$92,776 in donated assets.

Fiduciary Funds

Agency funds are used to account for assets held by the government as an agent for individuals, private organizations, other governments and/or other funds.

Senior Citizens Memorial Fund - This fund is used to account for revenue and expenditures related to special programs within the Senior Services Program.

Blackhorse Assessment Fund - This fund is used to account for revenue and expenditures related to the maintenance within the Blackhorse III (95-1) Assessment District such as streets, curb & gutter, street lighting, sidewalks and gates.

Payroll Tax and Withholding Fund - This fund is used to account employee withholding deductions prior to submittal to state or federal agencies.

Temperance/Barstow Assessment Fund - This fund is used to account for the receipts and disbursements of the Temperance Barstow Assessment District.

Shepherd/Temperance Assessment Fund - This fund is used to account for the receipts and disbursements of the Shepherd Temperance Assessment District.

Asset Forfeiture Fund - This fund is used to account for the receipts and disbursements of money received from seized assets.

City of Clovis
Combining Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2020

	Agency Funds						Total
	Senior Citizen Memorial	Blackhorse Assessment	Payroll Tax and Withholdings	Temperance Barstow Assessment	Shepherd Temperance Assessment	Asset Forfeiture	
ASSETS							
Cash and investments	\$ 54,627	\$ 145,723	\$ 3,013,166	\$ 76,484	\$ 5,779	\$ 73,078	\$3,368,857
Receivables	175	1,236	1,055	247	16	74	2,803
Total assets	<u>\$ 54,802</u>	<u>\$ 146,959</u>	<u>\$ 3,014,221</u>	<u>\$ 76,731</u>	<u>\$ 5,795</u>	<u>\$ 73,152</u>	<u>\$3,371,660</u>
LIABILITIES							
Accrued payroll			\$ 3,014,221				\$3,014,221
Agency funds payable	\$ 54,802	\$ 146,959				\$ 73,152	274,913
Due to bondholders				\$ 76,731	\$ 5,795		82,526
Total liabilities	<u>\$ 54,802</u>	<u>\$ 146,959</u>	<u>\$ 3,014,221</u>	<u>\$ 76,731</u>	<u>\$ 5,795</u>	<u>\$ 73,152</u>	<u>\$3,371,660</u>

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City of Clovis
Combining Statement of Changes in Assets and Liabilities
Agency Funds
For the Year Ended June 30, 2020

	Beginning Balance	Additions	Deductions	Ending Balance
Senior Citizen Memorial				
Assets				
Cash and investments	\$ 51,670	\$ 3,950	\$ 993	\$ 54,627
Receivables	204	878	907	175
Total assets	\$ 51,874	\$ 4,828	\$ 1,900	\$ 54,802
Liabilities				
Agency funds payable	\$ 51,874	\$ 4,828	\$ 1,900	\$ 54,802
Total liabilities	\$ 51,874	\$ 4,828	\$ 1,900	\$ 54,802
Blackhorse Assessment				
Assets				
Cash and investments	\$ 143,493	\$ 82,642	\$ 80,412	\$ 145,723
Receivables	482	2,910	2,156	1,236
Total assets	\$ 143,975	\$ 85,552	\$ 82,568	\$ 146,959
Liabilities				
Agency funds payable	\$ 143,975	\$ 85,552	\$ 82,568	\$ 146,959
Total liabilities	\$ 143,975	\$ 85,552	\$ 82,568	\$ 146,959
Payroll Tax and Withholding				
Assets				
Cash and investments	\$ 1,667,638	\$ 3,013,166	\$ 1,667,638	\$ 3,013,166
Receivables	1,055			1,055
Total assets	\$ 1,668,693	\$ 3,013,166	\$ 1,667,638	\$ 3,014,221
Liabilities				
Accrued Payroll	\$ 1,668,693	\$ 3,013,166	\$ 1,667,638	\$ 3,014,221
Total liabilities	\$ 1,668,693	\$ 3,013,166	\$ 1,667,638	\$ 3,014,221

Temperance/Barstow Assessment

Assets	
Cash and investments	\$ 73,740
Receivables	292
Total assets	<u>\$ 74,032</u>
Liabilities	
Due to bondholders	\$ 74,032
Total liabilities	<u>\$ 74,032</u>

Shepherd/Temperance Assessment

Assets	
Cash and investments	\$ 5,602
Receivables	19
Total assets	<u>\$ 5,621</u>
Liabilities	
Due to bondholders	\$ 5,621
Total liabilities	<u>\$ 5,621</u>

Asset Forfeiture

Assets	
Cash and investments	\$ 23,448
Receivables	90
Total assets	<u>\$ 23,538</u>
Liabilities	
Agency funds payable	\$ 23,538
Total liabilities	<u>\$ 23,538</u>

Grand Total All Agency Funds

Assets	
Cash and investments	\$ 1,965,591
Receivables	2,142
Total assets	<u>\$ 1,967,733</u>
Liabilities	
Accrued payroll	\$ 1,668,693
Agency funds payable	219,387
Due to bondholders	79,653
Total liabilities	<u>\$ 1,967,733</u>

Cash and investments	\$ 4,149
Receivables	1,240
Total assets	<u>\$ 5,389</u>
Liabilities	
Due to bondholders	\$ 5,389
Total liabilities	<u>\$ 5,389</u>

Cash and investments	\$ 263
Receivables	76
Total assets	<u>\$ 339</u>
Liabilities	
Due to bondholders	\$ 339
Total liabilities	<u>\$ 339</u>

Cash and investments	\$ 50,055
Receivables	377
Total assets	<u>\$ 50,432</u>
Liabilities	
Agency funds payable	\$ 50,432
Total liabilities	<u>\$ 50,432</u>

Cash and investments	\$ 3,154,225
Receivables	5,481
Total assets	<u>\$ 3,159,706</u>
Liabilities	
Accrued payroll	\$ 3,013,166
Agency funds payable	140,812
Due to bondholders	5,728
Total liabilities	<u>\$ 3,159,706</u>

Cash and investments	\$ 1,405
Receivables	1,285
Total assets	<u>\$ 2,690</u>
Liabilities	
Due to bondholders	\$ 2,690
Total liabilities	<u>\$ 2,690</u>

Cash and investments	\$ 86
Receivables	79
Total assets	<u>\$ 165</u>
Liabilities	
Due to bondholders	\$ 165
Total liabilities	<u>\$ 165</u>

Cash and investments	\$ 425
Receivables	393
Total assets	<u>\$ 818</u>
Liabilities	
Agency funds payable	\$ 818
Total liabilities	<u>\$ 818</u>

Cash and investments	\$ 1,750,959
Receivables	4,820
Total assets	<u>\$ 1,755,779</u>
Liabilities	
Accrued payroll	\$ 1,667,638
Agency funds payable	85,286
Due to bondholders	2,855
Total liabilities	<u>\$ 1,755,779</u>

Cash and investments	\$ 76,484
Receivables	247
Total assets	<u>\$ 76,731</u>
Liabilities	
Due to bondholders	\$ 76,731
Total liabilities	<u>\$ 76,731</u>

Cash and investments	\$ 5,779
Receivables	16
Total assets	<u>\$ 5,795</u>
Liabilities	
Due to bondholders	\$ 5,795
Total liabilities	<u>\$ 5,795</u>

Cash and investments	\$ 73,078
Receivables	74
Total assets	<u>\$ 73,152</u>
Liabilities	
Agency funds payable	\$ 73,152
Total liabilities	<u>\$ 73,152</u>

Cash and investments	\$ 3,368,857
Receivables	2,803
Total assets	<u>\$ 3,371,660</u>
Liabilities	
Accrued payroll	\$ 3,014,221
Agency funds payable	274,913
Due to bondholders	82,526
Total liabilities	<u>\$ 3,371,660</u>

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Statistical Section

This part of the City of Clovis' Comprehensive Annual Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the government's overall financial health.

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Statistical Section

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<p>Financial Trends</p> <p style="padding-left: 40px;">These schedules contain trend information to help the reader understand how the government's financial performance and well-being have changed over time.</p>	111
<p>Revenue Capacity</p> <p style="padding-left: 40px;">These schedules contain information to help the reader assess the governments' most significant local revenue source, the property tax.</p>	119
<p>Debt Capacity</p> <p style="padding-left: 40px;">These schedules present information to help the reader assess the affordability of the government's current levels of outstanding debt and the government's ability to issue additional debt in the future.</p>	123
<p>Demographic and Economic Information</p> <p style="padding-left: 40px;">These schedules offer demographic and economic indicators to help the reader understand the environment within which the government's financial activities take place.</p>	129
<p>Operating Information</p> <p style="padding-left: 40px;">These schedules contain service and infrastructure data to help the reader understand how the information in the government's financial report relates to the services the government provides and the activities it performs.</p>	132

CITY OF CLOVIS
NET POSITION BY COMPONENT
LAST TEN FISCAL YEARS

(accrual basis of accounting)
(in thousands)

Fiscal Year Ended June 30,

	2011	2012	2013	2014	2015*	2016	2017	2018	2019	2020
Governmental activities:										
Net investment in capital assets	\$ 436,785	\$ 469,871	\$ 481,729	\$ 490,722	\$ 509,567	\$ 523,881	\$ 524,625	\$ 533,810	\$ 562,740	\$ 587,764
Restricted	33,283	21,302	19,810	24,266	23,997	25,843	20,681	27,826	33,325	38,522
Unrestricted	16,121	13,688	16,070	21,548	(67,159)	(67,081)	(54,927)	(63,435)	(66,182)	(51,797)
Total net position	\$ 486,189	\$ 504,861	\$ 517,609	\$ 536,536	\$ 466,405	\$ 482,643	\$ 490,379	\$ 498,201	\$ 529,883	\$ 574,489
Business-type activities:										
Net investment in capital assets	\$ 111,939	\$ 125,253	\$ 130,123	\$ 132,872	\$ 137,520	\$ 142,658	\$ 147,265	\$ 153,013	\$ 162,938	\$ 168,489
Restricted	5,269	5,292	4,794	3,365	3,377	906	953	25	1	0
Unrestricted	44,638	38,660	51,584	60,855	72,977	82,271	103,531	108,299	120,937	106,444
Total net position	\$ 161,846	\$ 169,205	\$ 186,501	\$ 197,092	\$ 213,874	\$ 225,835	\$ 251,749	\$ 261,337	\$ 283,876	\$ 274,933
Total Primary government:										
Net investment in capital assets	\$ 548,724	\$ 595,124	\$ 611,852	\$ 623,594	\$ 647,087	\$ 666,540	\$ 671,890	\$ 686,823	\$ 725,678	\$ 756,253
Restricted	38,552	26,594	24,604	27,631	27,374	26,748	21,634	27,851	33,326	38,522
Unrestricted	60,759	52,348	67,654	82,403	5,818	15,190	48,604	44,864	54,755	54,647
Total net position	\$ 648,035	\$ 674,066	\$ 704,110	\$ 733,628	\$ 680,279	\$ 708,478	\$ 742,128	\$ 759,538	\$ 813,759	\$ 849,422

*It should be noted that, due to the implementation of GASB 68 in fiscal year 2015, unrestricted net position in the Governmental Activities area was severely impacted, which is why the amount decreased by approximately \$88 million in one fiscal year (and remains negative through the current fiscal year)

CITY OF CLOVIS
CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(accrual basis of accounting)
(in thousands)

For the Fiscal Year Ended June 30,

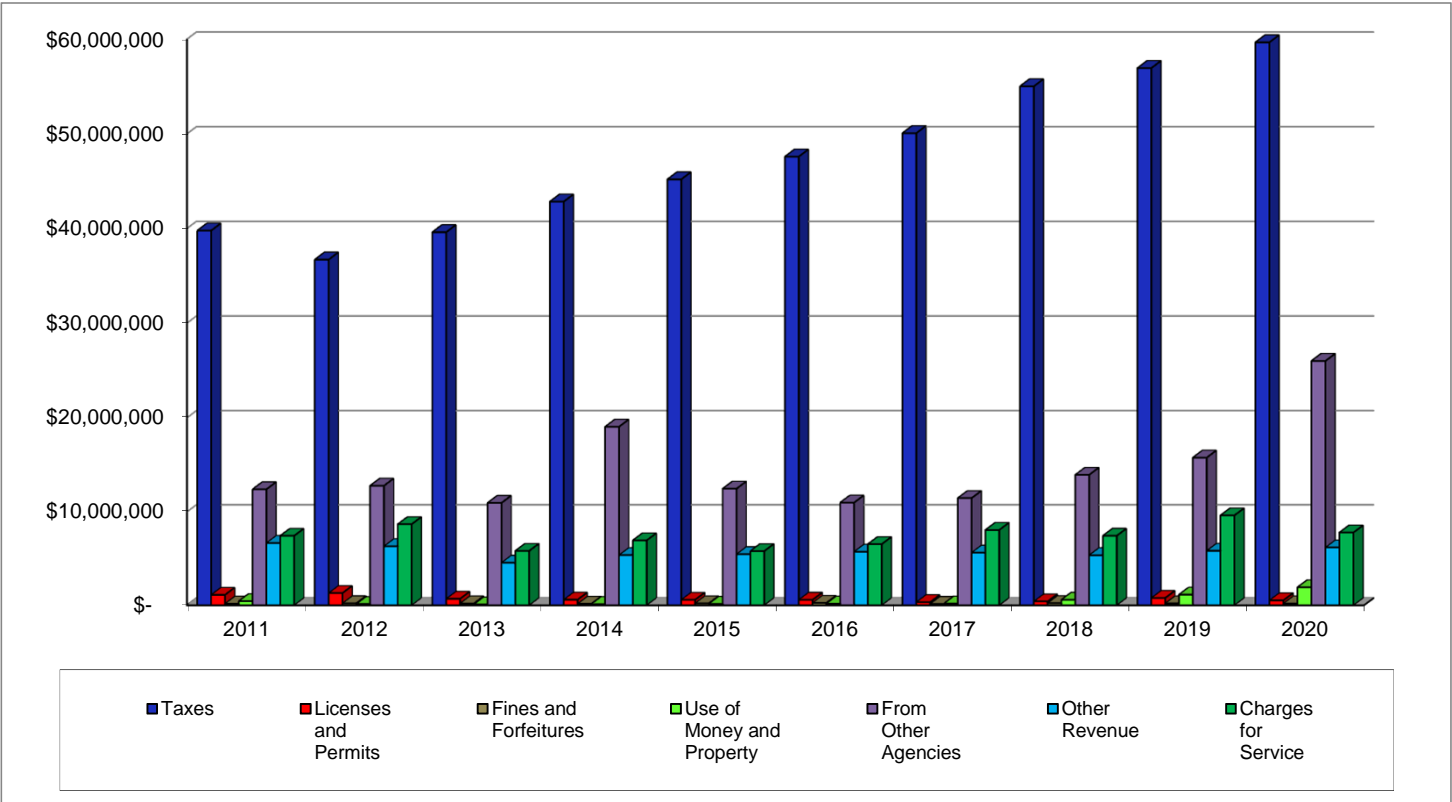
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Expenses:										
Governmental activities:										
General government	\$ 4,684	\$ 4,952	\$ 5,948	\$ 5,642	\$ 5,587	\$ 5,577	\$ 6,218	\$ 6,481	\$ 7,730	\$ 7,436
Public safety	33,331	35,185	37,106	38,736	39,460	42,027	46,258	54,529	55,860	59,876
Transportation	9,869	10,803	11,160	11,251	12,686	12,232	13,307	14,057	14,883	18,884
Community development	10,931	8,925	930	310	909	637	1,742	1,984	751	286
Cultural and recreation	5,585	5,435	5,790	6,370	6,272	6,196	6,703	7,212	8,118	7,115
Interest and other charges						925	886	805	755	694
Special assessment										
Total governmental activities expenses	64,400	65,300	60,934	62,309	64,914	67,593	75,114	85,068	88,097	94,291
Business-type activities:										
Refuse	13,097	13,617	14,057	14,857	15,654	16,207	16,574	18,502	20,205	21,744
Sewer	17,139	18,207	17,555	19,883	18,011	18,553	18,235	18,862	18,738	19,465
Water	13,352	14,114	14,587	13,626	14,486	14,487	15,604	16,807	17,463	18,551
Transit	4,226	4,419	4,749	4,946	4,884	5,016	5,098	6,280	6,961	7,008
Planning & Development Services			6,826	7,226	7,558	7,780	8,555	9,410	10,443	11,662
Street Cleaning										
Total business-type activities expenses	47,814	50,357	57,774	60,538	60,592	62,044	64,066	69,861	73,810	78,430
Total primary government expenses	112,214	115,657	118,708	122,847	125,506	129,637	139,180	154,929	161,907	172,721
Program revenues:										
Governmental activities:										
Charges for services:										
General Government	3,765	3,224	4,271	4,378	4,995	4,875	4,640	4,497	5,137	5,069
Public Safety	2,094	2,071	1,700	2,195	2,209	2,521	2,079	3,414	3,268	2,524
Transportation	7,637	8,586	6,818	9,916	6,788	6,061	7,411	7,901	15,897	17,192
Community development	6,153	7,961	578	352	1,231	301	865	307	456	305
Cultural and recreation	4,171	4,025	4,509	5,901	4,909	5,540	5,653	6,010	4,638	2,005
Special assessment										
Operating grants and contributions	1,524	1,963	1,100	527	639	737	630	381	393	23
Capital grants and contributions	21,427	22,262	15,859	15,292	20,516	16,638	11,537	18,216	32,241	23
Total governmental activities program revenues	46,771	50,092	34,835	38,561	41,287	36,673	32,815	40,726	62,030	52

AGENDA ITEM NO. 13.

**CITY OF CLOVIS
GENERAL GOVERNMENT REVENUES BY SOURCE
LAST TEN FISCAL YEARS**

Fiscal Year Ended June 30,	Taxes	Licenses and Permits	Fines and Forfeitures	Use of Money and Property	From Other Agencies	Charges for Service	Other Revenue	Total
2011	\$ 39,776,909	\$ 1,113,238	\$ 166,010	\$ 433,979	\$ 12,418,299	\$ 7,432,331	\$ 6,671,487	\$ 68,012,253
2012	36,715,550	1,305,849	208,227	125,071	12,799,825	8,676,798	6,318,419	66,149,739
2013	39,611,753	688,001	192,636	83,549	10,963,343	5,819,507	4,554,963	61,913,752
2014	42,837,215	593,886	148,495	122,725	19,056,135	6,945,717	5,368,776	75,072,949
2015	45,191,980	583,060	207,358	144,328	12,484,156	5,794,337	5,469,201	69,874,420
2016	47,591,661	584,412	253,841	170,213	10,990,248	6,544,320	5,730,691	71,865,386
2017	50,072,582	330,336	140,193	173,524	11,473,015	8,060,073	5,634,697	75,884,420
2018	55,019,558	412,460	227,831	585,707	13,962,855	7,442,164	5,358,986	83,009,561
2019	56,949,844	778,319	195,146	1,134,952	15,787,432	9,620,602	5,831,451	90,297,746
2020	59,666,331	526,291	188,334	1,914,715	26,007,449	7,788,344	6,185,944	102,277,408

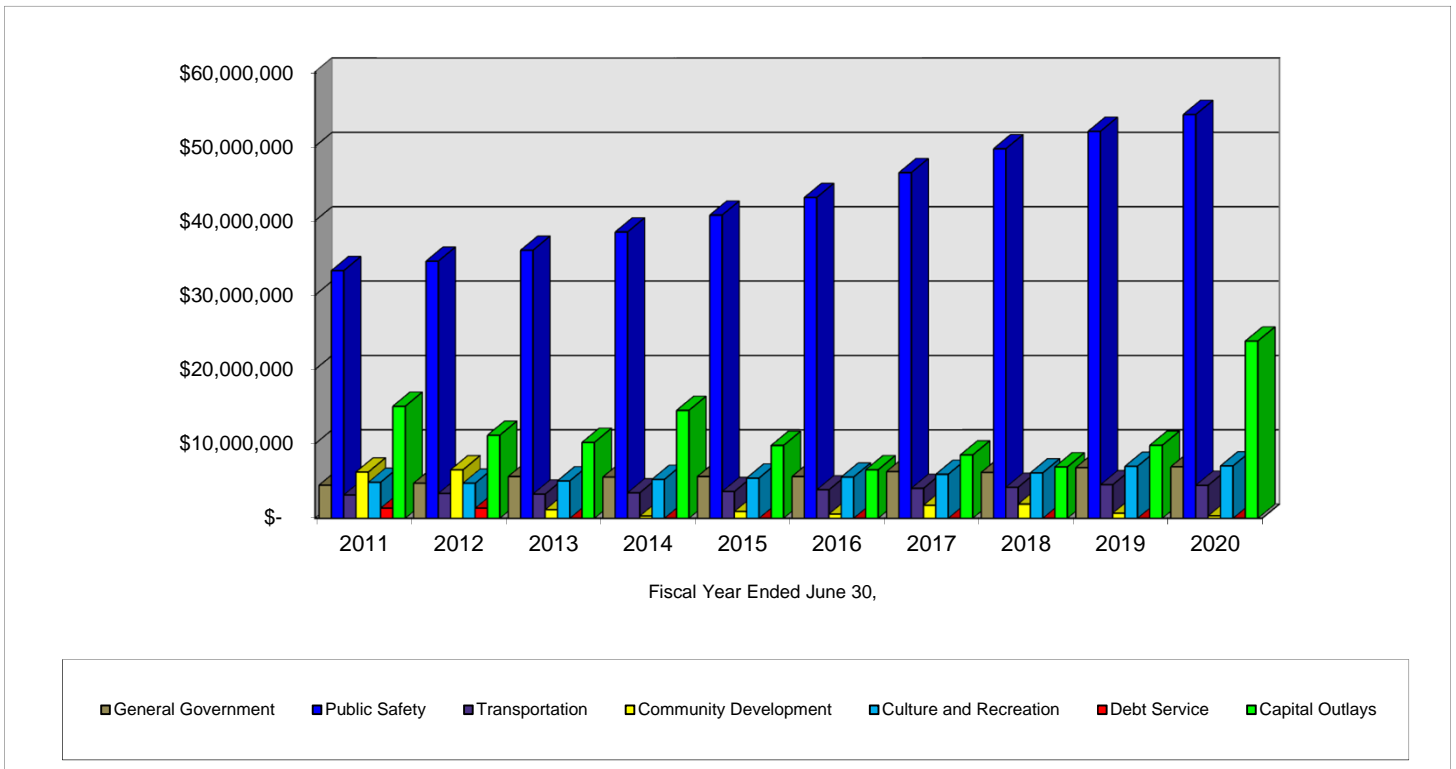
Note: Includes all governmental fund types (General, Special Revenue, Debt Service and Capital Projects Funds).



**CITY OF CLOVIS
GENERAL GOVERNMENT EXPENDITURES BY FUNCTION
LAST TEN FISCAL YEARS**

Fiscal Year Ended June 30.	General Government	Public Safety	Transportation	Community Development	Culture and Recreation	Debt Service	Capital Outlays	Total
2011	\$ 4,468,062	\$ 33,303,647	\$ 3,134,317	\$ 6,223,288	\$ 4,843,250	\$ 1,364,129	\$ 15,066,781	\$ 68,403,474
2012	4,726,595	34,576,576	3,333,681	6,514,706	4,719,477	1,364,378	11,167,421	66,402,834
2013	5,620,526	36,043,170	3,256,789	1,150,395	5,024,870	0	10,205,465	61,301,215
2014	5,546,340	38,498,881	3,430,068	302,091	5,235,028	0	14,510,295	67,522,703
2015	5,622,192	40,767,185	3,595,841	917,702	5,409,366	0	9,800,799	66,113,085
2016	5,620,922	43,136,838	3,828,619	577,483	5,541,908	0	6,523,827	65,229,597
2017	6,287,114	46,476,211	4,032,061	1,757,867	5,914,052	0	8,516,678	72,983,983
2018	6,163,620	49,688,800	4,169,509	1,913,909	6,108,769	0	6,907,009	74,951,616
2019	6,818,113	52,034,209	4,506,493	686,251	6,993,547	0	9,818,090	80,856,703
2020	6,930,929	54,300,092	4,438,270	330,247	7,040,642	0	23,836,451	96,876,631

Notes: Includes all governmental fund types (General, Special Revenue, Debt Service and Capital Projects Funds).



CITY OF CLOVIS
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)

	For the Fiscal Year Ended June 30, 2020				
	2011	2012	2013	2014	2015
Revenues:					
Property taxes	\$ 20,764,779	\$ 16,653,534	\$ 17,961,308	\$ 19,159,555	\$ 19,842,732
Sales taxes	13,329,533	14,076,648	15,284,968	16,916,615	18,037,581
Business license/Franchise	4,080,924	4,183,484	4,331,760	4,664,123	4,929,246
Other taxes	1,601,673	1,801,884	2,033,716	2,096,922	2,382,421
Licenses and permits	1,113,238	1,305,849	688,001	593,886	583,060
Fines and forfeitures	166,010	208,227	192,636	148,495	207,358
Use of money and property	433,979	125,071	83,549	122,725	144,328
From other agencies	12,418,299	12,799,825	10,963,343	19,056,135	12,484,156
Charges for current services	7,432,331	8,676,798	5,819,507	6,945,717	5,794,337
Other revenues	6,671,487	6,318,419	4,554,963	5,368,776	5,469,201
Total revenues	<u>68,012,253</u>	<u>66,149,739</u>	<u>61,913,751</u>	<u>75,072,949</u>	<u>69,874,420</u>
Expenditures					
Current:					
General government	4,468,062	4,726,595	5,620,526	5,546,340	5,622,192
Public safety	33,303,647	34,576,576	36,043,170	38,498,881	40,767,185
Transportation	3,134,317	3,333,681	3,256,789	3,430,068	3,595,841
Community development	6,223,288	6,514,706	1,150,395	302,091	917,702
Cultural and recreation	4,843,250	4,719,477	5,024,870	5,235,028	5,409,366
Debt service:					
Principal	550,000	575,000			
Interest and fiscal charges	814,129	789,378			
Bond issue costs					
Capital outlays	11,574,183	9,465,085	9,966,973	14,510,295	9,800,799
Total expenditures	<u>64,910,876</u>	<u>64,700,498</u>	<u>61,062,723</u>	<u>67,522,703</u>	<u>66,113,085</u>
Excess (deficiency) of revenues over (under) expenditures	<u>3,101,377</u>	<u>1,449,241</u>	<u>851,028</u>	<u>7,550,246</u>	<u>3,761,335</u>
Other financing sources (uses):					
Transfers in	1,388,000	1,531,696	30,000	18,995	
Transfers out	(2,487,000)	(1,599,696)	(1,265,000)	(1,256,080)	(1,211,000)
Total other financing sources (uses)	<u>(1,099,000)</u>	<u>(68,000)</u>	<u>(1,235,000)</u>	<u>(1,237,085)</u>	<u>(1,211,000)</u>
Extraordinary item-Dissolution of CCDA		(11,551,717)			
Net change in Fund balances	<u>\$ 2,002,377</u>	<u>\$ (10,170,476)</u>	<u>\$ (383,972)</u>	<u>\$ 6,313,161</u>	<u>\$ 2,550,335</u>
Debt service as a percentage of noncapital expenditures	2.6%	2.5%	0.0%	0.0%	0.0%

CITY OF CLOVIS
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)

	For the Fiscal Year Ended June 30, 2020				
	2016	2017	2018	2019	2020
Revenues:					
Property taxes	\$ 20,649,898	\$ 22,391,753	\$ 24,832,576	\$ 26,667,913	\$ 28,520,413
Sales taxes	19,119,633	19,675,483	20,425,341	21,597,179	22,393,757
Business license/Franchise	5,271,321	5,300,062	6,891,105	5,788,765	6,008,671
Other taxes	2,550,809	2,705,284	2,870,536	2,895,987	2,743,490
Licenses and permits	584,412	330,336	412,460	778,319	526,291
Fines and forfeitures	253,841	140,193	227,831	195,146	188,334
Use of money and property	170,213	173,524	585,707	1,134,952	1,914,715
From other agencies	10,990,248	11,473,015	13,962,855	15,787,432	26,007,449
Charges for current services	6,544,320	8,060,073	7,442,164	9,620,602	7,788,344
Other revenues	5,730,691	5,634,697	5,358,986	5,831,451	6,185,944
Total revenues	<u>71,865,386</u>	<u>75,884,420</u>	<u>83,009,561</u>	<u>90,297,746</u>	<u>102,277,408</u>
Expenditures					
Current:					
General government	5,620,922	6,287,114	6,163,620	6,818,113	6,930,929
Public safety	43,136,838	46,476,211	49,688,800	52,034,209	54,300,092
Transportation	3,828,619	4,032,061	4,169,509	4,506,493	4,438,270
Community development	577,483	1,757,867	1,913,909	686,251	330,247
Cultural and recreation	5,541,908	5,914,052	6,108,769	6,993,547	7,040,642
Debt service:					
Principal					
Interest and fiscal charges					
Bond issue costs					
Capital outlays	6,523,827	8,516,678	6,907,009	9,818,090	23,836,451
Total expenditures	<u>65,229,597</u>	<u>72,983,983</u>	<u>74,951,616</u>	<u>80,856,703</u>	<u>96,876,631</u>
Excess (deficiency) of revenues over (under) expenditures	<u>6,635,789</u>	<u>2,900,437</u>	<u>8,057,945</u>	<u>9,441,043</u>	<u>5,400,777</u>
Other financing sources (uses):					
Transfers in				156,000	454,000
Transfers out	(4,050,000)	(3,188,000)	(506,700)	(1,975,000)	(3,110,000)
Total other financing sources (uses)	<u>(4,050,000)</u>	<u>(3,188,000)</u>	<u>(506,700)</u>	<u>(1,819,000)</u>	<u>(2,656,000)</u>
Extraordinary item-Dissolution of CCDA					
Net change in Fund balances	<u>\$ 2,585,789</u>	<u>\$ (287,563)</u>	<u>\$ 7,551,245</u>	<u>\$ 7,622,043</u>	<u>\$ 2,744,777</u>
Debt service as a percentage of noncapital expenditures	0.0%	0.0%	0.0%	0.0%	0.0%

CITY OF CLOVIS
FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)

General Fund

Fiscal Year Ended June 30,	Nonspendable	Restricted	Assigned	Unassigned	Total
2011	\$ 855,000	\$ 2,984,719	\$ 6,565,000	\$ 544,966	\$ 10,949,685
2012	855,000	2,767,463	7,208,000	556,206	11,386,669
2013	855,000	2,383,432	7,883,000	1,135,539	12,256,971
2014	855,000	2,188,316	9,451,000	1,611,802	14,106,118
2015	855,000	2,368,439	10,000,000	3,702,156	16,925,595
2016	0	2,738,023	11,779,000	2,925,095	17,442,118
2017	0	3,189,504	12,152,000	708,019	16,049,523
2018	0	4,309,112	12,424,000	3,618,238	20,351,350
2019	0	4,960,824	13,512,000	4,433,151	22,905,975
2020	0	5,811,491	13,748,000	4,114,250	23,673,741

All Other Governmental Funds

Fiscal Year Ended June 30,	Nonspendable	Restricted	Assigned	Unassigned	Total
2011	\$ 9,010,607	\$ 20,907,638	\$ 3,187,900		\$ 33,106,145
2012	6,850,436	10,683,943	3,261,970		20,796,349
2013	7,155,675	8,795,952	3,351,955		19,303,582
2014	6,762,061	8,115,950	8,889,586		23,767,597
2015	6,865,628	6,349,429	10,283,400		23,498,457
2016	0	16,002,504	4,423,900		20,426,404
2017	7,528,473	18,886,282	258,000		26,672,755
2018	0	26,555,512	258,000		26,813,512
2019	0	27,613,930	4,267,000		31,880,930
2020	0	32,145,941	1,712,000		33,857,941

**CITY OF CLOVIS
 ASSESSED AND ESTIMATED ACTUAL VALUE OF PROPERTY
 LAST TEN FISCAL YEARS**

Fiscal Year Ended June 30,	Real Property		Personal Property		Exemptions	Net		Total
	Assessed Value	Estimated Actual Value	Assessed Value	Estimated Actual Value	Homeowners	Assessed	Estimated Actual	Direct Tax Rate
2011	\$ 7,201,539,162	\$ 7,201,539,162	\$ 215,795,027	\$ 215,795,027	\$ 104,977,700	\$ 7,312,356,489	\$ 7,417,334,189	0%
2012	7,133,083,317	7,133,083,317	205,900,352	205,900,352	104,273,160	7,234,710,509	7,338,983,669	0%
2013	7,024,285,314	7,024,285,314	201,775,479	201,775,479	101,603,300	7,124,457,493	7,226,060,793	0%
2014	7,507,886,552	7,507,886,552	198,810,435	198,810,435	103,378,700	7,603,318,287	7,706,696,987	0%
2015	8,158,612,400	8,158,612,400	204,592,938	204,592,938	101,969,400	8,261,235,938	8,363,205,338	0%
2016	8,696,361,855	8,696,361,855	213,125,102	213,125,102	100,450,200	8,809,036,757	8,909,486,957	0%
2017	9,179,714,485	9,179,714,485	214,596,488	214,596,488	99,120,700	9,295,190,273	9,394,310,973	0%
2018	10,033,990,678	10,033,990,678	221,666,625	221,666,625	97,686,900	10,157,970,403	10,255,657,303	0%
2019	10,593,683,186	10,593,683,186	212,862,653	212,862,653	96,576,100	10,709,969,739	10,806,545,839	0%
2020	11,401,543,797	11,401,543,797	213,768,044	213,768,044	96,322,900	11,518,988,941	11,615,311,841	0%

Note: Effective fiscal year 1981-82 and fiscal years thereafter, assessed value is 100% of market value.
 The rate applied to the assessed value for county wide property tax is 1%.

Source: Fresno County Auditor Controller/Treasurer Tax Collector FY2019-20 Tax Rate Book

**CITY OF CLOVIS
PROPERTY TAX RATES - DIRECT AND OVERLAPPING GOVERNMENT
LAST TEN FISCAL YEARS**

<u>Fiscal Year Ended June 30,</u>	<u>City of Clovis</u>	<u>Clovis Unified School District Bond</u>	<u>State Center General Obligation Bond</u>	<u>County Wide</u>	<u>Total</u>
2011	0.000000	0.186740	0.010050	1.000000	1.196790
2012	0.000000	0.155352	0.007070	1.000000	1.162422
2013	0.000000	0.155350	0.009358	1.000000	1.164708
2014	0.000000	0.155350	0.009602	1.000000	1.164952
2015	0.000000	0.155346	0.009308	1.000000	1.164654
2016	0.000000	0.155350	0.008064	1.000000	1.163414
2017	0.000000	0.155350	0.008480	1.000000	1.163830
2018	0.000000	0.398998	0.025934	1.000000	1.424932
2019	0.000000	0.155350	0.022966	1.000000	1.178316
2020	0.000000	0.155352	0.025786	1.000000	1.181138

Note: The basis for the tax rates is per \$100 assessed valuation.

Source: Fresno County Auditor Controller/Treasurer Tax Collector FY2019-20 Tax Rate Book

**CITY OF CLOVIS
PRINCIPAL PROPERTY TAX PAYERS
CURRENT YEAR AND TEN YEARS AGO**

Taxpayer	2020			2011		
	Taxable Assessed Value (1)	Rank	Percent of Total City Taxable Assessed Value	Taxable Assessed Value (1)	Rank	Percent of Total City Taxable Assessed Value
Fresno Community Hospital & Med CTR	\$ 95,010	1	0.83%			
Prindiville Dennis Trustee	50,104	2	0.44%	\$ 43,833	2	0.60%
Rlo LLC	45,011	3	0.39%			
Ltc West Inc	35,963	4	0.31%			
Winterfell Yosemite Gardens L P	27,076	5	0.24%			
Clovis-Herndno Center II LLC	27,034	6	0.23%			
Wal-Mart Real Estate Business Trust	26,446	7	0.23%			
GSF Sunnyside Clovis Investors L P	24,274	8	0.21%			
Copper Beech Townhome Communities	22,285	9	0.19%	20,603	5	0.28%
Clovis Apartment Group LLC	21,346	10	0.18%			
Regency Cahan-Clovis LLC				34,355	3	0.47%
Pelco				84,149	1	1.15%
Anlin Industries				20,951	4	0.29%
Brown Garold C Family LTD Partnership				16,823	8	0.23%
Vons Companies Inc				15,692	9	0.21%
Kaiser Foundation Health Plan Inc				17,235	7	0.24%
Burgess Smith & Wathen Parnership VII				15,325	10	0.21%
Winco Foods LLC				17,930	6	0.25%
	<u>\$ 374,549</u>		<u>3.25%</u>	<u>\$ 286,896</u>		<u>3.93%</u>

(1) Amounts in thousands

Source: City of Clovis-GIS
Fresno County Assessor

**CITY OF CLOVIS
PROPERTY TAX LEVIES AND COLLECTIONS
LAST TEN FISCAL YEARS**

<u>Fiscal Year Ended June 30,</u>	<u>Total Tax Levy</u>	<u>Current Tax Collections</u>	<u>Percent of Current Taxes Collected</u>	<u>Delinquent Tax Collections,</u>	<u>Total Tax Collections</u>	<u>Ratio of Total Tax Collections to Total Tax Levy</u>	<u>Current Delinquent Taxes</u>	<u>Ratio of Current Delinquent Taxes to Total Tax Levy,</u>
2011	\$ 9,158,780	\$ 8,702,520	95.0	\$ 448,065	\$ 9,150,585	99.9	\$ 243,624	2.660
2012	9,176,983	8,787,604	95.8	298,162	9,085,766	99.0	185,100	2.017
2013	9,209,497	8,867,999	96.3	270,584	9,138,583	99.2	150,299	1.632
2014	9,957,414	9,627,588	96.7	216,607	9,844,195	98.9	148,664	1.493
2015	10,824,263	10,592,809	97.9	202,176	10,794,985	99.7	155,869	1.440
2016	11,475,064	11,371,562	99.1	111,527	11,483,089	100.1	159,503	1.390
2017	12,116,560	11,966,405	98.8	160,797	12,127,202	100.1	169,390	1.398
2018	13,366,204	13,159,337	98.5	268,359	13,427,695	100.5	187,528	1.403
2019	14,248,564	13,928,737	97.8	138,109	14,066,846	98.7	196,915	1.382
2020	14,932,240	14,428,282	96.6	196,398	14,624,680	97.9	244,291	1.636

- Notes:
- Amounts include only General Fund tax collections.
 - ¹ Includes prior year delinquent tax collections.
 - ² The ratio of current delinquent taxes represents the Fresno County wide rate as the County of Fresno is unable to provide the City of Clovis' delinquent tax ratio.

Sources: Fresno County Assessor's Office
Fresno County Auditor Controller

**CITY OF CLOVIS
RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS**

<u>Fiscal Year Ended June 30.</u>	<u>Tax Allocation Bonds (1)</u>	<u>Special Assessment Bonds (1)</u>	<u>Lease Revenue Bonds (1)</u>	<u>Revenue Bonds (1)</u>	<u>Capital Leases (1)</u>	<u>Loans/Contracts Payable (1)</u>	<u>Notes/Direct Placements Payable (1)</u>	<u>Total</u>	<u>Debt Per AV</u>	<u>Debt Per Capita</u>
Governmental Activities										
2011	\$17,213,457	\$ 0	\$ 0	\$ 15,082,836	\$ 10,123,390	\$ 1,309,095	\$ 0	\$ 43,728,778	\$0.006	\$ 450
2012	0	0	0	14,447,032	10,099,702	2,343,196	0	26,889,930	0.004	273
2013	0	0	0	13,786,231	11,740,045	2,198,243	0	27,724,519	0.004	277
2014	0	0	0	0	26,255,248	2,120,278	0	28,375,526	0.004	278
2015	0	0	0	0	23,655,822	1,805,112	0	25,460,934	0.003	244
2016	0	0	0	0	26,850,329	1,724,379	0	28,574,708	0.004	274
2017	0	0	0	0	24,154,921	1,480,623	0	25,635,544	0.003	231
2018	0	0	0	0	22,066,356	1,195,510	0	23,261,866	0.002	204
2019	0	0	0	0	11,284,736	2,745,885	8,997,833	23,028,454	0.002	197
2020	0	0	0	0	9,413,689	2,768,483	7,992,401	20,174,573	0.002	169
Business-type Activities										
2011	\$ 0	\$ 0	\$ 0	\$153,136,546	\$ 0	\$ 12,818,719	\$ 0	\$165,955,265	\$0.023	\$1,707
2012	0	0	0	149,682,848	0	11,181,113	0	160,863,961	0.023	1,631
2013	0	0	0	146,013,411	0	10,503,598	0	156,517,009	0.022	1,565
2014	0	0	0	141,888,294	0	9,783,356	0	151,671,650	0.020	1,484
2015	0	0	0	137,462,213	0	9,018,510	0	146,480,723	0.018	1,404
2016	0	0	0	130,540,195	0	8,205,774	0	138,745,969	0.017	1,330
2017	0	0	0	125,639,953	0	7,350,311	0	132,990,264	0.014	1,201
2018	0	0	0	118,831,052	0	6,449,775	0	125,280,827	0.012	1,100
2019	0	0	0	114,115,888	0	5,502,287	0	119,618,175	0.011	1,022
2020	0	0	0	109,265,725	0	4,505,030	0	113,770,755	0.010	955
Total Primary Government										
2011	\$17,213,457	\$ 0	\$ 0	\$168,219,382	\$ 10,123,390	\$ 14,127,814	\$ 0	\$209,684,043	\$0.029	\$2,157
2012	0	0	0	164,129,880	10,099,702	13,524,309	0	187,753,891	0.026	1,904
2013	0	0	0	159,799,642	11,740,045	12,701,841	0	184,241,528	0.026	1,843
2014	0	0	0	141,888,294	26,255,248	11,903,634	0	180,047,176	0.024	1,762
2015	0	0	0	137,462,213	23,655,822	10,823,622	0	171,941,657	0.021	1,648
2016	0	0	0	130,540,195	26,850,329	9,930,153	0	167,320,677	0.021	1,604
2017	0	0	0	125,639,953	24,154,921	8,830,934	0	158,625,808	0.017	1,432
2018	0	0	0	118,831,052	22,066,356	7,645,285	0	148,542,693	0.015	1,304
2019	0	0	0	114,115,888	11,284,736	8,248,172	8,997,833	142,646,629	0.013	1,219
2020	0	0	0	109,265,725	9,413,689	7,273,513	7,992,401	133,945,328	0.012	1,124

(1) Presented net of original issuance discounts and premiums
Source: City of Clovis Finance Department

CITY OF CLOVIS
RATIO OF NET GENERAL OBLIGATION BONDED DEBT
TO ASSESSED VALUE AND NET GENERAL OBLIGATION BONDED DEBT PER CAPITAL
LAST TEN FISCAL YEARS

Fiscal Year	Estimated	Assessed	Gross Bonded	Less Debt	Net	Ratio of Net	Net
Ended	Population	Valuation	Debt (1)	Service Fund	Bonded Debt	Bonded Debt to	Bonded Debt
June 30,						Assessed Value	Per Capita
2011	97,218	\$ 7,201,539,162	\$ 0	\$ 0	\$ 0	0.00%	\$ 0
2012	98,611	7,133,083,317	0	0	0	0.00%	0
2013	99,983	7,024,285,314	0	0	0	0.00%	0
2014	102,188	7,507,886,552	0	0	0	0.00%	0
2015	104,339	8,158,612,400	0	0	0	0.00%	0
2016	108,039	8,696,361,855	0	0	0	0.00%	0
2017	110,762	9,179,714,485	0	0	0	0.00%	0
2018	113,883	10,157,970,403	0	0	0	0.00%	0
2019	117,003	10,709,969,739	0	0	0	0.00%	0
2020	119,175	11,518,988,941	0	0	0	0.00%	0

(1) Amount does not include special assessment bonds.

Source: Fresno County Auditor Controller/Treasurer Tax Collector

CITY OF CLOVIS
RATIO OF ANNUAL DEBT SERVICE EXPENDITURES
FOR GENERAL OBLIGATION BONDED DEBT
TO TOTAL GENERAL GOVERNMENTAL EXPENDITURES
LAST TEN FISCAL YEARS

Fiscal Year Ended June 30,	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service</u>	<u>Total General Governmental Expenditures (1)</u>	<u>Ratio of Debt Service to General Government Expenditures</u>
2011	\$ 0	\$ 0	\$ 0	\$ 68,403,474	0.0
2012	0	0	0	66,402,834	0.0
2013	0	0	0	61,301,215	0.0
2014	0	0	0	67,522,703	0.0
2015	0	0	0	66,113,085	0.0
2016	0	0	0	65,229,597	0.0
2017	0	0	0	72,983,983	0.0
2018	0	0	0	74,951,616	0.0
2019	0	0	0	80,856,703	0.0
2020	0	0	0	96,876,631	0.0

(1) Includes all governmental fund types (General, Special Revenue, Debt Service and Capital Projects Funds).

CITY OF CLOVIS
COMPUTATION OF DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT
JUNE 30, 2020

2019-2020 Assessed Valuation: \$ 11,615,311,841

<u>Direct and Overlapping Debt:</u>	<u>% Applicable*</u>	<u>Debt</u>
Direct Debt:		
City of Clovis Capital Leases	100.00%	\$ 9,413,687
City of Clovis Loans Payable	100.00%	2,768,484
City of Clovis Notes from Direct Placements	100.00%	7,992,401
Total Net Direct Debt		<u>20,174,572</u>
Total Net Direct and Direct Bonded Debt		<u>\$ 20,174,572</u>
Overlapping Bonded Debt:		
Fresno County General Fund Obligations	13.993%	\$ 4,638,680
Fresno County Pension Obligations	13.993%	31,907,223
State Center Community College District	12.855%	20,011,379
Clovis Unified School District	41.564%	143,480,310
Clovis Unified School District Certificates of Participation	41.564%	8,198,499
Clovis Memorial District General Fund Obligations	44.383%	1,540,090
Fresno Unified School District	2.162%	11,704,097
Fresno Unified School District General Fund Obligations	2.162%	289,384
Sanger Unified School District	0.519%	904,536
Sanger Unified School District Certificates of Participation	0.519%	203,837
Total Gross Overlapping Bonded Debt		<u>222,878,035</u>
Overlapping Tax Increment Debt:		
Total Gross Overlapping Tax Increment Debt	100.00%	12,065,000
Total Gross Overlapping Debt		<u>\$ 234,943,035</u>
Total Net Direct and Overlapping Bonded Debt		<u>\$ 255,117,607 (1)</u>

(1) Excludes tax and revenue anticipation notes, enterprise revenue, mortgage revenue and tax allocation bonds and non-bonded capital lease obligations.

Ratios to Assessed Valuation:

Total Overlapping Tax and Assessment Debt	2.02%
Total Direct and Direct Bonded Debt	0.17%
Combined Total Debt	2.20%

Ratios to Redevelopment Incremental Valuation \$903,706,908

Total Overlapping Tax Increment Debt	1.34%
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Share of Authorized and Unsold Bonds:

City of Clovis	\$ 2,000,000
	Hasn't changed since 1995.

Source: California Municipal Statistics & City of Clovis

*The percentage of overlapping debt applicable to the City is estimated using taxable assessed property value. Applicable percentages were estimated by determining the portion of the overlapping district's assessed value that is within the boundaries of the City divided by the district's total assessed value.

**CITY OF CLOVIS
LEGAL DEBT MARGIN INFORMATION
LAST TEN FISCAL YEARS**

Fiscal Year Ended June 30,	Debt Limit	Total Net Debt Applicable to Limit	Legal Debt Margin	Total Net Debt Applicable to the Limit As a Percentage of Debt Limit
2011	\$ 1,112,600,128	\$ 0	\$ 1,112,600,128	0%
2012	1,100,847,550	0	1,100,847,550	0
2013	1,083,909,119	0	1,083,909,119	0
2014	1,156,004,548	0	1,156,004,548	0
2015	1,254,480,801	0	1,254,480,801	0
2016	1,336,423,044	0	1,336,423,044	0
2017	1,409,146,646	0	1,409,146,646	0
2018	1,538,348,595	0	1,538,348,595	0
2019	1,620,981,876	0	1,620,981,876	0
2020	1,742,296,776	0	1,742,296,776	0

LEGAL DEBT MARGIN CALCULATION FOR FISCAL YEAR 2019

Assessed Valuations:

Assessed Value	\$ 11,518,988,941
Add back exempt property	96,322,900

Total Assessed Value	<u>\$ 11,615,311,841</u>
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Legal Debt Margin:

Debt Limitation-15 percent of total assessed value	\$ 1,742,296,776
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Debt applicable to Limitation:

Total bonded debt	\$ 0
Less: Amount in debt service funds available for payment of principal	<u>0</u>

Total debt applicable to Limitation	<u>0</u>
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Legal Debt Margin:	<u>\$ 1,742,296,776</u>
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CITY OF CLOVIS
REVENUE BOND COVERAGE
LAST TEN FISCAL YEARS

REFUSE DISPOSAL FUND

Fiscal Year Ended <u>June 30,</u>	Gross Revenues (1)	Operating Expenses (2)	Net Revenue Available for Debt Service	Debt Service Requirements (3)			Coverage
				Principal	Interest	Total	
2011	\$ 15,691,270	\$ 11,526,394	\$ 4,164,876	\$ 515,000	\$ 262,089	\$ 777,089	5.36
2012	16,515,045	11,747,301	4,767,744	540,000	235,299	775,299	6.15
2013	16,584,300	12,478,604	4,105,696	565,000	207,260	772,260	5.32
2014	16,106,761	13,524,511	2,582,250	595,000	177,763	772,763	3.34
2015	16,612,320	14,612,658	1,999,662	625,000	146,765	771,765	2.59
2016	16,684,608	15,578,895	1,105,713	655,000	114,268	769,268	1.44
2017	16,883,872	15,600,372	1,283,500	690,000	80,063	770,063	1.67
2018	18,030,852	16,042,168	1,988,684	725,000	12,511	737,511	2.70
2019	19,172,744	18,301,846	870,898	0	0	0	N/A
2020	19,786,605	19,599,590	187,015	0	0	0	N/A

SEWER SERVICE FUND

Fiscal Year Ended <u>June 30,</u>	Gross Revenues (4)	Operating Expenses (2)	Net Revenue Available for Debt Service	Debt Service Requirements (3)			Coverage
				Principal	Interest	Total	
2011	\$ 14,193,351	\$ 6,819,675	\$ 7,373,676	\$ 140,000	\$ 5,199,784	\$ 5,339,784	1.38
2012	16,378,861	7,806,516	8,572,345	1,385,000	5,162,329	6,547,329	1.31
2013	18,420,785	7,329,635	11,091,150	1,440,000	5,081,716	6,521,716	1.70
2014	18,219,581	8,360,501	9,859,080	1,345,000	4,902,681	6,247,681	1.58
2015	22,072,796	8,248,142	13,824,654	1,870,000	4,801,933	6,671,933	2.07
2016	21,366,761	8,813,564	12,553,197	1,930,000	4,575,379	6,505,379	1.93
2017	19,205,582	9,069,315	10,136,267	1,480,000	2,837,163	4,317,163	2.35
2018	21,721,290	9,450,348	12,270,942	2,185,000	4,006,507	6,191,507	1.98
2019	22,175,017	10,126,785	12,048,232	2,075,000	3,806,133	5,881,133	2.05
2020	25,862,697	11,165,176	14,697,521	2,135,000	3,749,252	5,884,252	2.50

WATER SERVICE FUND

Fiscal Year Ended <u>June 30,</u>	Gross Revenues (4)	Operating Expenses (2)	Net Revenue Available for Debt Service	Debt Service Requirements (3)			Coverage
				Principal	Interest	Total	
2011	\$ 13,936,677	\$ 9,231,283	\$ 4,705,394	\$ 1,440,000	\$ 1,786,880	\$ 3,226,880	1.46
2012	16,645,199	9,953,181	6,692,018	1,495,000	1,733,364	3,228,364	2.07
2013	22,908,215	10,460,126	12,448,089	1,555,000	1,676,634	3,231,634	3.85
2014	19,996,964	10,730,310	9,266,654	1,455,000	1,454,062	2,909,062	3.19
2015	19,133,751	10,860,381	8,273,370	1,630,000	1,367,074	2,997,074	2.76
2016	16,769,010	10,955,394	5,813,616	1,685,000	1,301,145	2,986,145	1.95
2017	18,717,047	11,977,373	6,739,674	1,755,000	1,232,816	2,987,816	2.26
2018	21,537,742	12,618,522	8,919,220	1,825,000	1,161,688	2,986,688	2.99
2019	27,118,081	13,346,057	13,772,024	1,890,000	1,087,826	2,977,826	4.62
2020	23,939,392	14,798,151	9,141,241	1,965,000	1,011,231	2,976,231	3.07

(1) Total revenues, including interest.

(2) Total operating expenses exclusive of depreciation.

(3) Includes principal and interest of revenue bonds only. It does not include the other debt reported in the refuse and sewer funds.

(4) Total revenues, including interest and capital contributed by developers. The amount contributed by developers is available for payment of annual debt service and is therefore included in gross revenue for the purposes of this schedule.

Note: This schedule does not represent legal bond covenants.

**CITY OF CLOVIS
DEMOGRAPHICS STATISTICS
LAST TEN FISCAL YEARS**

Fiscal Year Ended June 30,	City Population	% Change	City Unemployment Rate	Fresno County Population	City Population as % of County Population	Fresno County Unemployment Rate
2011	97,218	0.36	12.90	940,220	10.34	16.80
2012	98,611	1.43	11.70	945,711	10.43	15.20
2013	99,983	1.39	10.00	952,166	10.50	12.30
2014	102,188	2.21	8.50	964,040	10.60	10.40
2015	104,339	2.10	7.50	972,297	10.73	9.30
2016	108,039	3.55	7.20	984,541	10.97	9.30
2017	110,762	2.52	5.80	995,975	11.12	8.10
2018	113,883	2.82	4.40	1,007,229	11.31	7.60
2019	117,003	2.74	4.10	1,018,241	11.49	7.00
2020	119,175	1.86	12.10	1,023,358	11.65	14.60

Sources: County of Fresno
Labor market Info EDD

Note: Per capita income and total personal income information not available.

**CITY OF CLOVIS
PRINCIPAL EMPLOYERS
CURRENT YEAR AND TEN YEARS AGO**

Employer	2020			2011		
	Number of Employees	Rank	Percent of Total Employment*	Number of Employees		Percent of Total Employment*
Clovis Unified School District	5,263	1	9.57%	5,200	1	12.41
Clovis Community Hospital	1,994	2	3.63%	1,131	3	2.70
Alorica	720	3	1.31%	-		-
City of Clovis	671	4	1.22%	822	4	1.96
Wal-Mart	620	5	1.13%	239	9	0.57
Wawona Frozen Foods	540	6	0.98%	600	5	1.43
Anlin Industries	400	7	0.73%	-		-
Costco	354	8	0.64%	245	8	0.58
Target	325	9	0.59%	415	6	0.99
Savemart	234	10	0.43%	303	7	0.72
Lowe's	-	-	-	-		-
Pelco	-	-	-	1,512	2	3.61
Von's	-	-	-	188	10	0.45

* "Total Employment" as used above represents the total employment of all employers located within City limits based on a projection for June 2020.

Source: Employment Development Department or employer provided

**CITY OF CLOVIS
FULL-TIME CITY EMPLOYEES
LAST TEN FISCAL YEARS**

<u>Function</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
<u>Governmental Activities</u>										
General Government	36,550	38,050	39,050	43,150	41,850	43,850	44,850	46,850	46,650	47,100
Public Safety	146,000	148,000	152,000	156,000	163,000	168,000	175,000	175,000	176,000	179,000
Police	66,500	64,500	66,000	66,000	66,000	66,000	67,000	67,000	67,000	67,000
Fire	13,800	13,800	14,800	14,800	14,950	13,950	14,000	14,040	14,140	16,140
Transportation	41,500	40,000	0,500	0,400	1,000	1,000	1,000	1,000	0,850	0,850
Community Development	30,500	28,100	23,100	24,700	24,200	26,000	25,750	26,630	26,630	26,680
Culture & Recreation	26,525	26,525	26,525	27,525	29,225	30,225	31,225	31,235	30,435	32,835
Internal Service										
Total Governmental Activities	361,375	358,975	321,975	332,575	339,225	349,025	358,825	361,755	361,705	369,605
<u>Business-Type Activities</u>										
Refuse	41,860	41,860	41,860	42,560	44,310	44,310	43,960	45,060	49,060	51,160
Sewer	11,250	11,250	11,250	11,250	11,250	11,250	11,250	12,230	12,780	13,030
Water	34,600	34,600	34,600	34,300	34,300	35,300	36,850	37,890	39,040	40,040
Street Cleaning	4,790	4,790	4,790	4,790	6,790	6,790	6,790	6,740	6,740	6,740
Transit	22,125	22,525	22,525	22,525	24,125	25,325	25,325	25,325	25,325	25,425
Planning & Dev Services*			37,000	43,000	45,000	45,000	45,000	47,000	53,350	56,000
Total Business-Type Activities	114,625	115,025	152,025	158,425	165,775	167,975	169,175	174,245	186,295	192,395
Total Full-Time Employees	476,000	474,000	474,000	491,000	505,000	517,000	528,000	536,000	548,000	562,000

Source: City of Clovis

Notes: Decimals represent the portions of employees performing duties in two or more functions.
Internal Service Functions have been included in Governmental Activities.

*The Planning and Development Services Fund was created beginning July 1, 2012. Employees in this business-type activity were formerly in the governmental activities.

AGENDA ITEM NO. 13.

**CITY OF CLOVIS
CAPITAL ASSET STATISTICS
BY FUNCTION
LAST TEN FISCAL YEARS**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Public Safety										
Police:										
Stations	1	1	1	1	1	1	1	1	1	1
Fire:										
Fire stations	5	5	5	5	5	5	5	5	5	5
Public utilities:										
Streets (miles)	359	362	369	380	384	391	410	415	419	421
Streetlights	9,567	9,576	9,587	10,308	10,461	10,479	11,022	11,088	11,692	11,702
Cultural and recreation:										
Parks	54	55	58	59	62	63	64	66	67	69
Community centers	1	1	1	1	1	1	1	1	1	1
Water:										
Water mains (miles)	479	484	490	499	508	514	521	535	546	555
Sewer										
Sanitary sewers (miles)	356	358	361	367	373	379	385	396	405	413

Source: City of Clovis

**CITY OF CLOVIS
OPERATING INDICATORS BY FUNCTION
LAST TEN FISCAL YEARS**

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Police:										
Arrests	4,503	4,612	4,936	5,135	4,046	4,326	4,145	3,868	3,718	3,189
Parking citations issued	797	513	972	1,343	954	982	1,369	1,245	1,307	1,086
Fire:										
Number of emergency calls	6,970	8,945	9,958	8,290	10,098	10,069	9,661	9,974	10,399	10,662
Parks and recreation:										
Number of recreation classes	86	93	94	95	119	130	138	151	169	18
Number of facility rentals	18	13	13	13	32	32	32	48	68	25
Water:										
New connections	543	282	793	779	636	837	936	1,067	1,068	855
Average daily consumption (thousands of gallons)	21,918	22,453	23,917	23,840	20,684	16,883	19,083	20,849	19,929	21,682
Sewer:										
New connections	352	425	667	721	639	509	801	1,170	1,037	830
Average daily sewage treatment (thousands of gallons)	7,269	6,996	6,914	6,949	6,862	6,543	6,776	6,928	7,618	7,630

Source: City of Clovis

**CITY OF CLOVIS
BUILDING PERMIT VALUATIONS
LAST TEN YEARS**

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Valuation (in Thousands) *										
Residential	\$ 99,320	\$ 99,027	\$ 129,013	\$ 212,867	\$ 232,729	\$ 193,461	\$ 265,411	\$ 322,495	\$ 236,922	\$ 303,533
Non-residential	31,386	41,730	40,709	27,434	18,558	40,127	44,613	31,892	111,915	82,164
Total	\$ 130,706	\$ 155,097	\$ 196,675	\$ 315,967	\$ 323,641	\$ 311,769	\$ 320,472	\$ 365,519	\$ 368,131	\$ 385,697
New Dwelling Units *										
Single Family	409	376	522	703	794	697	925	1,046	848	891
Multiple Family	60	100	23	189	117	0	58	304	0	228
Total	469	476	545	892	911	697	983	1,350	848	1,119

* Prior Fiscal Year information updated to properly reflect historical quantities and values.

Source: City of Clovis Building Department

CITY OF CLOVIS
MISCELLANEOUS STATISTICS
June 30, 2020

Date of Incorporation	February 27, 1912
Form of Government	Council/Manager
Number of Employees (full-time and part-time)	671
Area (square miles)	25.5
Miles of Streets	421
Number of Street Lights	11,702
Fire Protection:	
Number of Stations	5
Number of Firefighters and Officers	67
Police Protection:	
Number of Police Officers and Other Sworn Personnel	179
Water Department:	
Number of Water Services	37,747
Miles of Water Mains	555
Sewers:	
Miles of Sanitary Sewers	413

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**REPORT ON COMPLIANCE AND OTHER MATTERS
AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS IN RELATION TO THE LOCAL TRANSPORTATION PURPOSE FUNDS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Independent Auditors' Report

To the Honorable Mayor and Members of City Council
of the City of Clovis
Clovis, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Clovis, California (the "City"), as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated November 11, 2020.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting ("internal control") as a basis for determining audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

To the Honorable Mayor and Members of City Council
of the City of Clovis
Clovis, California
Page 2

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, including the requirements of the California Public Utilities Code Section 142257 regulations as it applies to Local Transportation Purpose Funds noncompliance, with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with such provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported herein under the California Public Utilities Code Section 142257 regulations as applies to Local Transportation Purpose Funds and *Government Auditing Standards*.

Restriction on Use

This report is intended for the information of the management, City Council, and officials of applicable federal and state awarding agencies, and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "The PwC Group, LLP". The signature is written in a cursive, flowing style.

San Diego, California
November 11, 2020

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

To the Honorable Mayor and Members of City Council
of the City of Clovis
Clovis, California

We have performed the procedures enumerated below to the accompanying Appropriations Limit Schedule of the City of Clovis, California (City) for the year ended June 30, 2020. These procedures, which were agreed to by the City and the League of California Cities (as presented in the publication entitled *Agreed-upon Procedures Applied to the Appropriations Limitation Prescribed by Article XIII-B of the California Constitution*), were performed solely to assist you in meeting the requirements of Section 1.5 of Article XIII-B of the California Constitution. The City management is responsible for the Appropriations Limit Schedule. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or any other purpose.

The procedures performed and our findings are described below:

1. We obtained the completed worksheets used by the City to calculate its appropriations limit for the year ended June 30, 2020, and determined that the limit and annual calculation factors were adopted by resolution of City Council. We also determined that the population and inflation options were selected by a recorded vote of the City Council.

Finding: No exceptions were noted as a result of our procedures.

2. For the accompanying Appropriations Limit Schedule, we added the prior year's limit to the total adjustments, and agreed the resulting amount to the current year's limit.

Finding: No exceptions were noted as a result of our procedures.

3. We agreed the current year information presented in the accompanying Appropriations Limit Schedule to corresponding information in worksheets used by the City.

Finding: No exceptions were noted as a result of our procedures.

4. We agreed the appropriations limit presented in the accompanying Appropriations Limit Schedule to the appropriations limit adopted by the City Council.

Finding: No exceptions were noted as a result of our procedures.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the accompanying Appropriation Limit Schedule. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you. No procedures have been performed with respect to the determination of the appropriation limit for the base year, as defined by Article XIII-B of the California Constitution.

This report is intended solely for the information and use of the City Council and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

The Pun Group, LLP

San Diego, California
November 11, 2020

4365 Executive Drive, Suite 710, San Diego, California 92122

Tel: 858-242-5100 • Fax: 858-242-5150

www.pungroup.com

City of Clovis
Appropriations Limit Schedule
For the Year Ended June 30, 2020

	<u>Amount</u>	<u>Source</u>
A. Appropriations Limit FY 2019	\$ 267,913,796	Prior year
B. Calculation Factors:		
1) Population increase %	1.0273	State Department of Finance
2) Inflation increase %	<u>1.0793</u>	City Building Department
3) Total adjustment %	1.1088	(B1*B2)
C. Annual Adjustment Increase	29,139,615	[A*(B3-1)]
D. Other Adjustments:		
1) Loss responsibility (-)	-	N/A
2) Transfer to private (-)	-	N/A
3) Transfer to fees (-)	-	N/A
4) Assumed responsibility (+)	-	N/A
E. Total Adjustments	<u>29,139,615</u>	(C+D)
F. Appropriations Limit FY 2020	<u>\$ 297,053,411</u>	(A+E)

City of Clovis
Notes to Appropriations Limit Schedule
For the Year Ended June 30, 2020

Note 1 – Purpose of Limited Procedures Review

Under Article XIII B of the California Constitution (the Gann Spending Limitation Initiative), California governmental agencies are restricted as to the amount of annual appropriations from proceeds of taxes. Effective for years beginning on or after July 1, 1990, under Section 1.5 of Article XIII B, the annual calculation of the appropriations limit is subject to a limited procedures review in connection with the annual audit.

Note 2 – Method of Calculation

Under Section 10.5 of Article XIII B, for fiscal years beginning on or after July, 1990, the appropriations limit is required to be calculated based on the limit for the fiscal year 1986-87, adjusted for the inflation and population factors discussed in Notes 3 and 4 below.

Note 3 – Population Factors

A California governmental agency may use as its population factor either the annual percentage change of the jurisdiction's own population or the annual percentage change in population of the county where the jurisdiction is located. The factor adopted by the City for fiscal year 2020 represents the annual percentage change in population for the City.

Note 4 – Inflation Factors

A California governmental agency may use as its inflation factor either the annual percentage change in the 4th quarter per capita personal income (which percentage is supplied by the State Department of Finance) or the percentage change in the local assessment roll from the preceding year due to the change of local nonresidential construction. The factor adopted by the City for fiscal year 2020 represents the annual percentage change in the local assessment roll from the preceding year due to the change in local nonresidential construction.

Note 5 – Other Adjustments

A California government agency may be required to adjust its appropriations limit when certain events occur, such as the transfer of responsibility for municipal services to, or from, another government agency or private entity. The City had no such adjustments for fiscal year 2020.

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November 11, 2020

To the Honorable Mayor and Members of the City Council
of the City of Clovis
Clovis, California

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Clovis (the "City") for the year ended June 30, 2020, and have issued our report thereon dated November 11, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the scope and timing of our audit. We have communicated such information in our letter to you dated May 1, 2020. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the basic financial statements. No new accounting policies were adopted but the application of existing policies as to how the City allocates compensated absences, net pension liabilities, deferred outflows of resources related to pensions, and deferred inflows of resources related to pensions was changed during the year ended June 30, 2020. The change in allocation methodology resulted in prior period adjustments to financial statement amounts. These prior period adjustments are detailed in Note V-F to the financial statements. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

- Investments valuation
- Depreciation on capital assets
- Landfill post-closure obligation
- Claims payable
- Net pension liability

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

- Note I – Summary of Significant Accounting Policies
- Note II – Reconciliation of Government-Wide and Fund Financial Statements
- Note IV-H – Pension Plans
- Note V-F – Prior Period Adjustments

To the Honorable Mayor and Members of the City Council
of the City of Clovis
Clovis, California
Page 2

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 11, 2020.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the MD&A, Budgetary Comparison Schedules for General Fund and Major Special Revenue Funds, the Schedules of Changes of in Net Pension Liability and Related Ratios for CalPERS, and the Schedules of Pension Contributions for CalPERS, which are RSI that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

To the Honorable Mayor and Members of the City Council
of the City of Clovis
Clovis, California
Page 3

We were engaged to report on the Combining and Individual Fund Financial Statements and the Budgetary Comparison Schedules, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the Introductory and Statistical Sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the City Council and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

The PwC Group, LLP

San Diego, California



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Finance Department
 DATE: December 14, 2020
 SUBJECT: Receive and File – Financial Status Report First Quarter 2020-2021.

Staff: Jay Schengel, Finance Director

Recommendation: Receive and File

ATTACHMENTS: None.

CONFLICT OF INTEREST

None.

RECOMMENDATION

That Council receives and files the report.

EXECUTIVE SUMMARY

Each year at this time the Finance Department provides the Council with a report on the status of the revenue and expenditures through the first quarter of the fiscal year as a follow-up on the review of the prior year end status for the General Fund. The following information is provided for Council's review.

BACKGROUND

The 2020-2021 Annual Budget is not a status quo budget. In mid-March 2020, it became apparent that the spread of the novel Corona Virus was going to severely disrupt the global economy. During preparation of the 2020-2021 budget, significant cuts were made due to the potential impacts of the COVID-19 pandemic. The following chart details the major reductions that were made to revenues:

**GENERAL FUND REVENUE ADJUSTMENTS DUE TO COVID-19
FY 20-21**

	BUDGET BEGINNING FY 20-21	BUDGET COVID-19 ADJ FY 20-21	BUDGET FINAL FY 20-21
SALES AND USE TAX	\$ 23,529,000	\$ (5,254,000)	\$18,275,000
TRANSIENT OCCUPANCY	3,203,000	(1,673,000)	1,530,000
CARD ROOM PERMITS	647,000	(247,000)	400,000
BUSINESS LICENSE	3,721,000	(533,000)	3,188,000
Total	\$ 31,100,000	\$ (7,707,000)	\$23,393,000

Due to the anticipated financial impact of the Governor's shelter in place executive order on March 19, 2020, the General Fund forecasted revenues to be several million dollars less than forecasted expenditures for the fiscal year 2020-2021 budget. After significant budget cuts were made, the remaining revenue shortfall was balanced with the previous year's fund balance and the use of \$2.0 million in designated emergency reserves. The expenditure savings made at budget preparation included a hiring freeze on vacancies including twelve public safety positions and five general fund positions totaling \$2.6 million. In addition, services, materials and supplies were cut \$0.8 million.

Revenue categories such as sales and use tax, transient occupancy tax, card room permits and business license revenues were lowered by almost 25% in the 2020-2021 budget due to COVID-19 and the shelter in place order imposed in March 2020. Since May 2020, California has revised the shelter in place order several times defining which businesses may operate and how they may operate. Each revision has caused large disruptions and changes to vital revenue sources for the City of Clovis. During this unprecedented time, the Federal Government passed the Coronavirus Aide, Relief, and Economic Security Act (CARES Act), a stimulus bill pumping trillions of dollars into the economy in many forms including enhanced unemployment benefits. These actions at the federal and state level have made its way into the local economy.

In addition to the federal and state actions on the pandemic, on September 4, 2020, the Creek Fire erupted in the Sierra Forest near Shaver Lake. By September 22, the fire had destroyed more than 900 structures and forced the evacuation of over 30,000 people in Fresno and Madera Counties. The evacuees sought refuge with friends, family and in Clovis hotels. Thousands of fire fighters and contractors were sent to help contain the natural disaster. These individuals also stayed in local hotels and patronized local businesses. As of the writing of this staff report, the fire is 96% contained with full containment anticipated by December 31, 2020. The Creek Fire is the largest single fire in California's recorded history.

Taking into consideration the many uncertainties related to the current pandemic and natural disaster, the chart below details actual receipts for the first quarter 2020-2021. Please note that business license revenue has been excluded because it is billed on an annual basis and the renewal period will occur in the spring of 2021. Business license revenue is still expected to underperform due to the current market conditions. In addition, please note that \$950,000

of sales tax receipts received in the quarter relate to prior quarters in the prior fiscal year. The State rolled out its new reporting system at the end of 2018 resulting in continued payment delays. This has created difficulty with estimating sales tax receipts. The current pandemic has complicated the estimation of sales tax revenues further.

**GENERAL FUND REVENUE
FY 20-21 1ST QUARTER
COVID ADJUSTED BUDGET**

	1ST QTR FY 20-21 FINAL BUDGET	1ST QTR FY 20-21 ACTUALS	1ST QTR BUDGET VARIANCE
SALES AND USE TAX	\$ 4,570,000	\$ 6,480,000 *	\$ 1,910,000
TRANSIENT OCCUPANCY	380,000	613,000	233,000
CARD ROOM PERMITS	100,000	0	(100,000)
Total	\$ 5,050,000	\$ 7,093,000	\$ 2,043,000

* Includes \$950,000 of Sales Tax received from prior year

Each year during the preparation of the Five-Year Financial Forecast, we develop revenue estimates for the next budget year. Prior to the current pandemic, revenue estimates were prepared for fiscal year 2020-2021. When we compare first quarter actual receipts against these original estimates, we have the following variances for comparison purposes:

**GENERAL FUND REVENUE
FY 20-21 1ST QUARTER
PRE-COVID BUDGET**

	1ST QTR FY 20-21 BEG BUDGET	1ST QTR FY 20-21 ACTUALS	1ST QTR BUDGET VARIANCE
SALES AND USE TAX	\$ 5,820,000	\$ 6,480,000 *	\$ 660,000
TRANSIENT OCCUPANCY	860,000	613,000	(247,000)
CARD ROOM PERMITS	160,000	0	(160,000)
Total	\$ 6,840,000	\$ 7,093,000	\$ 253,000

* Includes \$950,000 of Sales Tax received from prior year

New residential construction, home sales, and home prices are strong. New single family residential development is happening at a pace that should meet or possibly exceed our estimated 750 units for 2020-2021, with 407 units issued this quarter compared to 215 units issued the same quarter last year. However, the first quarter units were substantially larger due to a push to issue the permits before the new code requirements went into effect. Staff believes the current development related revenue estimates are still appropriate and will continue to monitor them as the fiscal year progresses.

The impact of the regular property tax payment from the County normally received in January will be analyzed for discussion during the forecast.

Expenditures in the General Fund are at expected levels at this time in the fiscal year. Those often volatile accounts such as overtime in public safety and charges for fleet operations are all within budget parameters at this time. Staff will closely monitor expenditures such as overtime and may bring additional information to the Council in the coming months.

All non-General Fund operating departments are within budgetary limits as of September 30, 2020. The City management team continues to carefully monitor expenditures to ensure the City remains fiscally stable and within budget parameters.

The City of Clovis unemployment rate fell from 12.2% in June to 6.6% in October 2020, 3.4% above the pre-pandemic level of 3.2% in February.

As of December 6, 2020, the ICU bed capacity as reported by the State was at 6.3%, triggering a Regional Stay at Home Order that will be in place for three weeks. This Order instructs Californians to stay at home as much as possible, limiting interactions with other households while closing hair salons, barbershops, personal care services such as nail salons and massage parlors, movie theatres, bars, breweries, and cardrooms. This will certainly have an impact on our sales tax revenues especially as we approach the Christmas season, which historically is our largest quarter in sales. Consumer behavior showing increasing purchases online will help to offset the decrease in brick and mortar sales but to what extent is unknown. The closure of hotels, restaurants, and cardroom facilities will have a significant financial impact as well. Staff will be closely monitoring revenue results and adjusting estimates as necessary.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

This report is a Receive and File status report and no action is needed by the City Council.

ACTIONS FOLLOWING APPROVAL

The Finance Department will continue to monitor revenues and expenditures and will provide an update with the Mid-Year Review as part of the Five-Year Financial Forecast, which is presented to City Council in March.

Prepared by: Jay Schengel, Finance Director

Reviewed by: City Manager 



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Consider Approval - A Request to Approve an Amendment to the Agreement for Professional Legal Services as City Attorney, and Appointing Scott Cross as City Attorney effective January 1, 2021.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: 1. Current Agreement with Lozano Smith

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve an amendment to the current agreement with Lozano Smith for Professional Legal Services as City Attorney and authorizing the Mayor to execute the agreement. Staff is also recommending the City Council appoint Scott Cross as City Attorney effective January 1, 2021, due to David Wolfe's retirement.

EXECUTIVE SUMMARY

David Wolfe, Scott Cross and their firm, Lozano Smith, have provided legal services as City Attorney under contract with the City of Clovis since August 1992. Mr. Wolfe is requesting an amendment to the current agreement between the City of Clovis and Lozano Smith appointing Scott Cross as City Attorney effective January 1, 2021. The current three-year Agreement for Professional Services as City Attorney will expire on December 31, 2021.

David Wolfe has provided notice that he will be retiring from his position as City Attorney effective December 31, 2020. Mr. Wolfe has further indicated that he will continue to work for Lozano Smith in a support role through June 2021.

Scott Cross has acted as Assistant City Attorney since 2009. Scott Cross has exhibited a high degree of skill and legal expertise and is well qualified to be the City Attorney. Staff is recommending the City Council appoint Scott Cross as City Attorney effective January 1, 2021.

BACKGROUND

David Wolfe, Scott Cross and their firm, Lozano Smith, have provided legal services as City Attorney under contract with the City of Clovis since August 1992. Recently, David Wolfe provided notice to the City that he would be retiring from the position of City Attorney at the end of this year. Scott Cross has been with Lozano Smith for 19 years, has 17 years of City Attorney experience, and has been acting as Assistant City Attorney since 2009. Scott Cross is a highly experienced expert municipal lawyer who is well qualified to be City Attorney. Staff is recommending the City Council appoint Scott Cross as City Attorney effective January 1, 2021. Staff has confidence that he will carry forth the institutional knowledge that Lozano Smith has acquired with the same team of attorneys that has been performing the City's legal work for the last 28 years.

FISCAL IMPACT

None

REASON FOR RECOMMENDATION

The general performance and conduct of business by the City Attorney and the firm have been accomplished in a timely and cost-effective manner. More expensive specialized legal services outside the City Attorney's contract have been used very sparingly. Business conduct has been straightforward with the City's best interests considered and presented. Our experience has been that all business has been accomplished in a competent and ethical manner and is well respected in the legal community.

ACTIONS FOLLOWING APPROVAL

The City Clerk will proceed with execution and filing of the Agreement and the City Manager will provide administration and performance review of the City Attorney services and any other action as directed by the City Council.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager LS

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL LEGAL SERVICES AS CITY ATTORNEY

THIS FIRST AMENDMENT to the Agreement for Professional Services as City Attorney is made and entered into, effective January 1, 2021, between the CITY OF CLOVIS, a municipal corporation (hereinafter referred to as “City”) and LOZANO SMITH, a limited liability partnership (hereinafter referred to as “Attorney”). The term “City” shall also include all boards, commissions, and other bodies of the City.

WHEREAS, City and Attorney entered into an Agreement for Professional Services effective January 1, 2019 (“AGREEMENT”), under which City appointed David J. Wolfe as City Attorney under contract with Lozano Smith; and

WHEREAS, Mr. Wolfe is retiring and City wishes to appoint Scott G. Cross as City Attorney under contract with Lozano Smith, effective January 1, 2021.

NOW THEREFORE, City and Attorney agree as follows:

1. Amendment to Section 1 of Agreement. Section 1, SCOPE OF WORK AND DUTIES, of the Agreement is amended to replace David J. Wolfe with Scott G. Cross as the appointed Clovis City Attorney.

2. Other Terms Remain in Effect. All other terms of the Agreement shall remain in effect.

CITY

ATTEST

CITY OF CLOVIS

By: _____
Drew Bessinger, Mayor

By: _____
John Holt, City Clerk

Date: December ____, 2020

Date: December ____, 2020

ATTORNEY

LOZANO SMITH

By: Karen M Rezendes
Karen M. Rezendes, Managing Partner

Date: November 10, 2020

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CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: General Services Department
 DATE: December 14, 2020
 SUBJECT: Consider Approval – Fourth Amendment to City Manager Employment Agreement.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

ATTACHMENTS:

1. City Manager Employment Agreement dated June 19, 2017
2. First Amendment to City Manager Employment Agreement
3. Second Amendment to City Manager Employment Agreement
4. Third Amendment to City Manager Employment Agreement
5. Fourth Amendment to City Manager Employment Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

For City Council to approve the Fourth Amendment to City Manager Employment Agreement (Attachment 5), which sets forth the terms and conditions of the appointment of Luke Serpa as City Manager through June 30, 2022.

EXECUTIVE SUMMARY

The City Council appointed Luke Serpa as the City Manager effective July 1, 2017, and approved an employment agreement which sets forth the terms and conditions of that appointment along with a three-year contract (Attachment 1). The Council originally set the City Manager's annual salary at Step 1 of the City Manager's salary schedule that was in effect on July 1, 2017. In January 2019, the City Council approved a first amendment placing the City Manager at Step 2 of the salary schedule effective as of January 1, 2019 (Attachment 2). In December 2019, the City Council approved a second amendment placing the City Manager at Step 3 of the salary schedule effective as of January 1, 2020 (Attachment 3). In June 2020, the City Council approved a third amendment providing for a two-year extension of the City Manager agreement; effective July 1, 2020 through June 30, 2022 (Attachment 4). The City Council desires to place the City Manager at Step 4 of the salary schedule effective as of January 1, 2021 (Attachment 5).

BACKGROUND

The City Council appointed Luke Serpa as the City Manager effective July 1, 2017, and approved an employment agreement which sets forth the terms and conditions of that appointment along with a three-year contract. In June 2020, the contract was extended two more years to June 30, 2022.

City salary schedules provide for 5 step increases, each one at 5%. New City Employees who perform according to City standards would normally receive annual step increases until they have reached the highest step. After evaluating the City Manager's performance, the Council desires to provide Serpa with the equivalent of a third employee step increase, which amounts to a 5% adjustment in salary. Serpa's annual salary shall be \$248,484 effective as of January 1, 2021. Serpa shall also be entitled to receive cost of living adjustments made applicable to all executive management employees, including those that become effective fiscal years 2021/2022. The current salary range for the City Manager is \$214,656 to \$260,904.

FISCAL IMPACT

There are sufficient funds available in the Administration budget to accommodate the step increase. The overall increase from Step 3 to Step 4 for the City Manager position is \$11,832 per year.

REASON FOR RECOMMENDATION

City Manager employment agreements require approval by the City Council.

ACTIONS FOLLOWING APPROVAL

The Fourth Amendment will be executed by all parties and a personnel action form will be prepared consistent with the terms of the Employment Agreement as amended.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager 

**EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Agreement is entered into on June 19, 2017, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City’s former City Manager retired effective December 30, 2016.
- B. Serpa has served as Interim City Manager since January 1, 2017.
- C. Serpa desires to become the permanent City Manager and City desires to appoint Serpa as the City Manager, subject to the terms of this Agreement.

NOW, THEREFORE, City and Serpa agree as follows:

1. Employment. City employs Serpa as the City Manager, effective July 1, 2017. Serpa will be an at-will employee serving at the pleasure of the City Council subject to the terms and conditions set forth below. Serpa’s employment with the City as City Manager is at the mutual consent of both Serpa and the City. There are no express or implied agreements contrary to the foregoing.

2. Term. This Agreement shall be in effect for a period of three (3) years, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Serpa shall not be entitled to any additional compensation except as provided in Section 6.

3. Salary. Serpa shall be placed on Step 1 of the City Manager’s salary schedule that becomes effective July 1, 2017. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa’s December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.

4. Duties and Professional Conduct. Serpa shall have the powers and shall perform the duties prescribed in the Clovis Municipal Code for the City Manager. Serpa shall also perform such additional responsibilities as may be assigned by the City Council. Serpa shall adhere to the professional standards of conduct as prescribed by the International City/County Management Association.

5. Evaluation. Serpa shall receive a performance evaluation in December and June of each year, or more often as may be requested by the City Council. It shall be the responsibility of Serpa to schedule those evaluations. Failure to evaluate shall have no effect on the rights, duties, and obligations of the parties herein.

6. Termination and Severance.

a. Termination Without Cause. The majority of the entire City Council may terminate this Agreement at any time without cause by providing at least thirty (30) days written notice to Serpa. The provisions of the Clovis Municipal Code, § 2.2.109, pertaining to a 90-day waiting period after a Council election, shall not apply.

In the event of termination without cause, Serpa shall be entitled to severance compensation equal to Serpa's salary for the balance of the term of this Agreement, or three (3) months, whichever is less. Severance shall be paid in one lump sum and in the same manner as the customary payout of earned benefits.

b. Termination for Cause. The City may terminate this Agreement immediately for cause. If Serpa is terminated for cause, Serpa shall not be entitled to the severance benefits under this Section.

c. For Cause Defined. Cause shall be defined to include, but shall not be limited to, any of the following: (a) the refusal to follow the lawful directions of the Council; (b) failure to substantially perform any of the required duties of the City Manager; (c) repeated unexcused absences from the City Manager's office and duties; (d) violation of City policies; (e) conviction of a felony or a misdemeanor crime involving acts of moral turpitude under California law; (f) use or possession of illegal drugs; or (g) breach of this Agreement.

d. Termination Defined. Termination shall mean removal from office or a request that the City Manager resign. Termination shall not mean a reduction of benefits generally applicable to all management employees.

7. Notice of Resigning. Serpa shall provide to City at least sixty (60) days written notice of his intent to voluntarily resign as the City Manager.

8. Conviction of Crime Involving Abuse of Office. Regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement related to the termination shall be fully reimbursable to Clovis if Serpa is convicted of a crime involving an abuse of his office.

9. Benefits and Allowances. During this Agreement, Serpa shall continue to receive all of City's best miscellaneous executive management benefits for PERS retirement, annuities, deferred compensation, life and other insurance, expense and reimbursement allowances, medical, dental and vision plans, automobile allowances, sick leave, vacation, compensatory time off, credit union, worker's compensation and similar subsequent or replacement benefits, all in accordance with the terms and conditions thereof as adopted or approved by the City Council.

c. No Assignment. Serpa may not assign or transfer any rights granted or obligations assumed under this Agreement.

d. Modification. This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties.

e. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provision of the Agreement shall continue in full force and effect.

CITY

CITY MANAGER

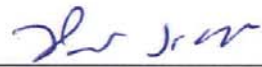
By: 

Bob Whalen, Mayor

By: 

Luke Serpa

APPROVED AS TO FORM



David J. Wolfe, City Attorney

COPY

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This First Amendment to the City Manager Employment Agreement ("First Amendment") is entered into effective January 1, 2019, between the City of Clovis ("City") and Luke Serpa ("Serpa"), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

A. City and Serpa entered into a City Manager Employment Agreement on June 19, 2017 ("Agreement"), under which City placed Serpa at Step 1 of the City Manager's salary schedule.

B. City desires to place Serpa on Step 2 of the City Manager's salary schedule

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

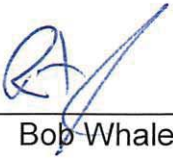
1. Section 3 of the Agreement is amended to read as follows:

3. Salary. Serpa shall be placed on Step 2 of the City Manager's salary schedule, effective as of January 1, 2019. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa's December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.

2. Except as set forth in this First Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY

By:



Bob Whalen, Mayor

CITY MANAGER

By:



Luke Serpa

101-6155

**EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Agreement is entered into on June 19, 2017, between the City of Clovis ("City") and Luke Serpa ("Serpa"), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City's former City Manager retired effective December 30, 2016.
- B. Serpa has served as Interim City Manager since January 1, 2017.
- C. Serpa desires to become the permanent City Manager and City desires to appoint Serpa as the City Manager, subject to the terms of this Agreement.

NOW, THEREFORE, City and Serpa agree as follows:

1. Employment. City employs Serpa as the City Manager, effective July 1, 2017. Serpa will be an at-will employee serving at the pleasure of the City Council subject to the terms and conditions set forth below. Serpa's employment with the City as City Manager is at the mutual consent of both Serpa and the City. There are no express or implied agreements contrary to the foregoing.
2. Term. This Agreement shall be in effect for a period of three (3) years, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Serpa shall not be entitled to any additional compensation except as provided in Section 6.
3. Salary. Serpa shall be placed on Step 1 of the City Manager's salary schedule that becomes effective July 1, 2017. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Serpa's December performance evaluation, City and Serpa may agree to a contract amendment implementing a salary step increase.
4. Duties and Professional Conduct. Serpa shall have the powers and shall perform the duties prescribed in the Clovis Municipal Code for the City Manager. Serpa shall also perform such additional responsibilities as may be assigned by the City Council. Serpa shall adhere to the professional standards of conduct as prescribed by the International City/County Management Association.
5. Evaluation. Serpa shall receive a performance evaluation in December and June of each year, or more often as may be requested by the City Council. It shall be the responsibility of Serpa to schedule those evaluations. Failure to evaluate shall have no effect on the rights, duties, and obligations of the parties herein.

6. Termination and Severance.

a. Termination Without Cause. The majority of the entire City Council may terminate this Agreement at any time without cause by providing at least thirty (30) days written notice to Serpa. ~~The provisions of the Clovis Municipal Code, § 2.2.109, pertaining to a 90-day waiting period after a Council election, shall not apply.~~

In the event of termination without cause, Serpa shall be entitled to severance compensation equal to Serpa's salary for the balance of the term of this Agreement, or three (3) months, whichever is less. Severance shall be paid in one lump sum and in the same manner as the customary payout of earned benefits.

b. Termination for Cause. The City may terminate this Agreement immediately for cause. If Serpa is terminated for cause, Serpa shall not be entitled to the severance benefits under this Section.

c. For Cause Defined. Cause shall be defined to include, but shall not be limited to, any of the following: (a) the refusal to follow the lawful directions of the Council; (b) failure to substantially perform any of the required duties of the City Manager; (c) repeated unexcused absences from the City Manager's office and duties; (d) violation of City policies; (e) conviction of a felony or a misdemeanor crime involving acts of moral turpitude under California law; (f) use or possession of illegal drugs; or (g) breach of this Agreement.

d. Termination Defined. Termination shall mean removal from office or a request that the City Manager resign. Termination shall not mean a reduction of benefits generally applicable to all management employees.

7. Notice of Resigning. Serpa shall provide to City at least sixty (60) days written notice of his intent to voluntarily resign as the City Manager.

8. Conviction of Crime Involving Abuse of Office. Regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement related to the termination shall be fully reimbursable to Clovis if Serpa is convicted of a crime involving an abuse of his office.

9. Benefits and Allowances. During this Agreement, Serpa shall continue to receive all of City's best miscellaneous executive management benefits for PERS retirement, annuities, deferred compensation, life and other insurance, expense and reimbursement allowances, medical, dental and vision plans, automobile allowances, sick leave, vacation, compensatory time off, credit union, worker's compensation and similar subsequent or replacement benefits, all in accordance with the terms and conditions thereof as adopted or approved by the City Council.

All leave balances accrued prior to Serpa's appointment as the Interim City Manager shall be frozen as to monetary value associated with his former position as Public Utilities Director. All leave accrued after appointment as Interim City Manager shall be credited at the monetary value associated with the City Manager position.

10. Professional Meetings. Serpa is expected to attend appropriate professional meetings at local and state levels and to periodically report to the City Council regarding meetings attended and shall be reimbursed for the expense of attending those meetings.

11. Expense Reimbursement. City shall reimburse Serpa for actual and necessary expenses incurred within the scope of employment in accordance with City's reimbursement schedules and policies.

12. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be personally served or shall be sufficiently given and deemed served upon the other party if sent by United States Postal Service, first class postage prepaid, and addressed as follows:

TO CITY: City Council
c/o City Attorney
City of Clovis
1033 Fifth Street
Clovis, CA 93612

TO EMPLOYEE: Luke Serpa
City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the US Postal Service.

13. General Provisions.

a. Governing Law and Venue. This Agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of the State of California. The parties also agree that, in the event of litigation, venue shall be the state courts located in Fresno County, California.

b. Entire Agreement. This Agreement contains the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied not contained in this Agreement.

c. No Assignment. Serpa may not assign or transfer any rights granted or obligations assumed under this Agreement.

d. Modification. This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties.

e. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provision of the Agreement shall continue in full force and effect.

CITY

CITY MANAGER

By: 

Bob Whalen, Mayor

By: 

Luke Serpa

APPROVED AS TO FORM



David J. Wolfe, City Attorney

City Council Report

City Manager Employment Agreement

January 14, 2019

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Second Amendment to the City Manager Employment Agreement (“Second Amendment”) is entered into effective January 1, 2020, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City and Serpa entered into a City Manager Employment Agreement on June 19, 2017 (“Agreement”), under which City placed Serpa at Step 1 of the City Manager’s salary schedule.
- B. On January 14, 2019, City and Serpa entered into a First Amendment to the Agreement, placing Serpa at Step 2 of the City Manager’s salary schedule.
- B. City desires to place Serpa on Step 3 of the City Manager’s salary schedule.

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

- 1. Section 3 of the Agreement is amended to read as follows:
 - 3. Salary. Serpa shall be placed on Step 3 of the City Manager’s salary schedule, effective as of January 1, 2020. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees.
- 2. Except as set forth in this Second Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY

By: 
Drew Bessinger, Mayor

CITY MANAGER

By: 
Luke Serpa

**THIRD AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Third Amendment to the City Manager Employment Agreement (“Third Amendment”) is entered into effective July 1, 2020, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. On June 19, 2017, City and Serpa entered into a three-year City Manager Employment Agreement (“Agreement”), for the period of July 1, 2017 through June 30, 2020, under which City placed Serpa at Step 1 of the City Manager’s salary schedule.
- B. On January 1, 2019, City and Serpa entered into a First Amendment to the Agreement, placing Serpa at Step 2 of the City Manager’s salary schedule.
- C. On January 1, 2020, City and Serpa entered into a Second Amendment to the Agreement, placing Serpa at Step 3 of the City Manager’s salary schedule.
- D. City and Serpa desire to amend the term of the Agreement by adding two additional years, extending it through June 30, 2022.

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

- 1. Section 2 of the Agreement is amended to read as follows:
 - 2. Term. This Agreement shall be in effect through June 30, 2022, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Serpa shall not be entitled to any additional compensation except as provided in Section 6.
- 2. Except as set forth in this Third Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY

CITY MANAGER

By: 
Drew Bessinger, Mayor

By: 
Luke Serpa

**FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Fourth Amendment to the City Manager Employment Agreement (“Fourth Amendment”) is entered into effective January 1, 2021, between the City of Clovis (“City”) and Luke Serpa (“Serpa”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. On June 19, 2017, City and Serpa entered into a three year City Manager Employment Agreement (“Agreement”), for the period of July 1, 2017 through June 30, 2020, under which City placed Serpa at Step 1 of the City Manager’s salary schedule.
- B. On January 1, 2019, City and Serpa entered into a First Amendment to the Agreement, placing Serpa at Step 2 of the City Manager’s salary schedule.
- C. On January 1, 2020, City and Serpa entered into a Second Amendment to the Agreement, placing Serpa at Step 3 of the City Manager’s salary schedule.
- D. On July 1, 2020, City and Serpa entered into a Third Amendment to the Agreement, extending the term of the Agreement by two additional years, through June 30, 2022
- E. City desires to place Serpa on Step 4 of the City Manager’s salary schedule.

NOW, THEREFORE, City and Serpa agree as follows:

AGREEMENT

- 1. Section 3 of the Agreement is amended to read as follows:
 - 3. Salary. Serpa shall be placed on Step 4 of the City Manager’s salary schedule, effective as of January 1, 2021. Serpa shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees.
- 2. Except as set forth in this Fourth Amendment, all other provisions of the Agreement, shall continue in full force and effect.

CITY
By: _____
Drew Bessinger, Mayor

CITY MANAGER
By: _____
Luke Serpa



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Consider – Possible Appointments to the North Kings Groundwater Sustainability Agency.

Staff: Scott Redelfs, Public Utilities Director
Recommendation: Consider

ATTACHMENTS: None

Public Utilities Director Scott Redelfs will give a verbal presentation on this item.

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 14, 2020

SUBJECT: Consider Approval – Res. 20-___, A Resolution of the City Council of the City of Clovis confirming an Addendum to the Director of Emergency Services' Order.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: 1. Resolution 20-___, A Resolution Adopting Emergency Order Addendum 2020-4B.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Emergency Services Director Addendum 2020-04B, the second addendum to Emergency Services Director Order 2020-04, related to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis.

BACKGROUND

On March 16, 2020, the City Council approved the following:

1. A request from the Director of Emergency Services for the City of Clovis that the City Council of the City of Clovis proclaim the existence or threatened existence of a local emergency (COVID-19); and
2. A Resolution of the City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).

On March 21, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-01: Declaration Closing Bars, Wineries, Breweries, Pubs, and Restaurants; and
2. Order 2020-02: Declaration Closing Gyms, Health Clubs, Trampoline Parks, Arcades, and Theaters; and
3. Order 2020-03: Declaration Establishing Emergency Telework Guidelines.

On March 30, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and
2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

On April 6, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-06 related to waiving late fees on business license payments and utility payments; and
2. Order 2020-07 related to waiving municipal code restrictions against parking a recreational vehicle under specific circumstances.

On April 13, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08 related to suspension of employee vacation caps during the declared emergency; and
2. Order 2020-09 related to waiving transit fares during the declared emergency; and
3. Order 2020-04A, an addendum to 2020-04 relating to emergency leave/pay for use by all City of Clovis employees during the declared emergency; and
4. Order 2020-10 related to closing play structures, exercise apparatus, and picnic shelters at City-owned parks; and
5. Order 2020-11 related to local enforcement of Governor's Executive Order pertaining to the statewide stay at home requirements; and
6. Order 2020-12 relating to enforcement of local emergency orders.

On April 20, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency.

On May 4, 2020, the City Council approved an emergency order as follows:

1. Order 2020–13 in order to add clarity to the City's roles and responsibilities under the governor's stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (City parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the City's enforcement responsibilities.

On June 1, 2020, the City Council approved an emergency order as follows:

1. Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.

On July 20, 2020, the City Council approved an emergency order as follows:

1. Order 2020–15 allowing Retail and Service to use Public and Private common areas.

On August 3, 2020, the City Council approved an emergency order as follows:

1. Order 2020–16 assisting local developers in Clovis by suspending the expiration of specified land use entitlements.

Staff is now bringing forth for Council to adopt by resolution Emergency Order 2020–4B, (Attachment A to Attachment 1) an addendum Emergency Order 2020-4, related to employee leave/pay during the emergency. The addendum provides paid administrative leave for employees who have exhausted their COVID-19 leave time and are required to quarantine due to a work-related COVID-19 exposure.

FISCAL IMPACT

Emergency Order 2020-04B will have a financial impact on the City due to providing paid administrative leave time for those employees who have exhausted their COVID leave time and are required to quarantine due to a workplace exposure.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

**CITY OF CLOVIS
RESOLUTION NO. 20-**

**EMERGENCY SERVICES DIRECTOR ORDER 2020 – 04B
SECOND ADDENDUM TO EMPLOYEE LEAVE/PAY ORDER 2020-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING
EMERGENCY ORDER 2020–4B, AN AMENDMENT TO EMERGENCY ORDER 2020-4,
RELATED TO EMPLOYEE ADMINISTRATIVE LEAVE PAY**

WHEREAS, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including now multiple confirmed cases within Fresno, Madera and Tulare Counties; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the Director of Emergency Services is empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to enact certain emergency orders and restrictions within the City; and

WHEREAS, life and property is deemed to be in peril and time is of the essence; and

WHEREAS, the City Council does hereby find that the above-described conditions of disaster or of extreme peril did warrant and necessitate the Director of Emergency Services’ orders and restrictions in response to the existence of a local emergency; and

WHEREAS, effective March 20, 2020, pursuant to Executive Order N-33-20, the Governor issued a Statewide stay at home/stay in place order, which encompasses and expands upon the orders of the Director of Emergency Services; and

WHEREAS, the City Council does hereby delegate to the Director of Emergency Services’ the authority to approve emergency order 2020-4B, and addendum to 2020-4 related to administrative leave pay for employees ordered by the City to quarantine due to a work-related COVID-19 exposure, if the employee has already exhausted their COVID leave balances.

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

1. The following order, restrictions, or declarations of the Director of Emergency Services, are hereby ratified and confirmed:
 - Order 2020-04B pertaining to employee administrative leave / pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; (attached hereto as **Attachment A to Attachment 1**).

BE IT FURTHER RESOLVED that the above-referenced Order shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis, or until termination of the declared local emergency, whichever occurs first.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 14, 2020, by the following vote, to wit:

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

Date: December 14, 2020

Drew Bessinger, Mayor

ATTEST:

John Holt, City Clerk

**CITY OF CLOVIS
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 04B
SECOND ADDENDUM TO EMPLOYEE LEAVE/PAY ORDER 2020-04**

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF CLOVIS AMENDING ORDER 2020-04 RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY DETERMINED AS NECESSARY TO SAFEGUARD LIFE AND PROPERTY AND CONTINUE ESSENTIAL SERVICES OF THE CITY OF CLOVIS

WHEREAS, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including those confirmed cases within Fresno, Tulare and Madera Counties; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, the California Department of Public Health (“DPH”), the Fresno County Health Department and the Governor’s Executive Orders establish guidelines for social distancing, elimination of non-essential gatherings and isolation for specific individuals, in order to prevent transmission of COVID-19 (“DPH Guidance”); and

WHEREAS, on March 18, 2020, the Federal government approved the Families First Coronavirus Responses Act (“FFCRA”); and

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to allow essential services necessary to protect life and property and at the same time safeguard the life and property of City employees as recommended in the DPH Guidance; and

WHEREAS, the City’s citizens’, including City of Clovis employees, health and safety is deemed to be in peril and time is of the essence; and

WHEREAS, in light of the foregoing, the Emergency Services Director issued the following:

- Emergency Order 2020-04 on March 25, 2020 relating to COVID-19 employee leave/pay issues, ratified by the City Council on March 30, 2020 with the adoption of Resolution 20-31.
- Emergency Order 2020-04A on April 8, 2020, amending Emergency Order 2020-04, ratified by the City Council on April 13, 2020 with the adoption of Resolution 20-42; and

WHEREAS, CalOSHA recently adopted temporary emergency regulations effective November 30, 2020 which will require employees of the City to quarantine if they are exposed to a COVID-19 positive person at the workplace; and

WHEREAS, the CalOSHA quarantine could result in a the loss of accrued leave to individuals otherwise able to work; and

WHEREAS, the Emergency Services Director desires to further amend Order 2020-04 to address impacts to City employees as a result of the CalOSHA mandatory quarantines.

THEREFORE, I, Luke Serpa, as Director of Emergency Services, declare effective as of 5:00 p.m., November 30, 2020, the following:

1. Section 12(a) of Emergency Order 2020-04 is amended to read as follows, until otherwise amended, modified or terminated by the Emergency Services Director of the City of Clovis:

12. Leave/Pay:

a. Any City Employee not currently ordered to work and who because of closure of City service or who is quarantined or isolated as the result of a federal, state or local directive, or CalOSHA regulation, and who is not able to Telework or is only able to Telework for a portion of their regular schedule, shall be eligible to receive COVID Leave and other leaves/pay as follows:

1) An Employee who is required to be quarantined by the City due to a City confirmed exposure at the worksite as defined by Title 8 Section 3205 and meets all of the criteria in items 1) i. – v. below shall receive paid administrative leave for the quarantine period.

- i. is required to quarantine;
- ii. does not test positive for COVID during the quarantine period;
- iii. is experiencing no symptoms of COVID;
- iv. is able and willing to work, but unable to because of the quarantine; and
- v. has previously exhausted the allocation of COVID Leave;

2) Unless section 12.a.1. is applicable, a Full-time Employee will receive 80 hours of COVID Leave to be used for those hours in which the employee is unable to

work or Telework. Thereafter, the Full-time Employee will be eligible to use sick leave or other accrued leave as applicable. Once the Full-time Employee has exhausted all available leaves, the Full-time employee may carry a one-time negative balance of up to a total of 80 hours of sick leave which will be credited back as the sick leave is accrued.


- 3) An Extra-help Employee will receive COVID Leave in an amount equal to the average work hours over a two work week period, but in no case will such average exceed 80 hours. Thereafter, the Extra-help Employee may utilize accrued sick leave for up to the maximum 48 hours accrued, or may use any accrued vacation time.

2. No other modification, additions or deletions with regard to Order 2020-04, as amended by Order 2020-04A, are being made at this time.

NOW, THEREFORE, BE IT RESOLVED, that this regulation shall remain in effect until such time as it is otherwise amended, replaced or terminated by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

DATE AND TIME: December 8, 2020 at 3:30 p.m.



 Luke Serpa, Director of Emergency Services

ATTEST:



 John Holt, City Clerk