



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

October 7, 2019

6:00 PM

Council Chamber

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

CALL TO ORDER

FLAG SALUTE - Councilmember Whalen

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation Recognizing Luna Pizzeria & Italian Restaurant's 50th Anniversary.
2. Presentation - Recognizing Members of the September 2019 Clovis Citizens Academy.
3. Presentation of Proclamation Recognizing Cristelle Rodriguez for her Success as a Wrestler at Buchanan High School.

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

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

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

- [4.](#) Administration - Approval - Minutes from the September 16, 2019 Council Meeting.
- [5.](#) Administration - Approval – Agreement Between City of Clovis and the Business Organization of Old Town for Fiscal Year 2019-2020.
- [6.](#) Administration - Receive and File – Business Organization of Old Town (BOOT) First Quarter Report, July through September 2019.
- [7.](#) Finance – Receive and File – Investment Report for the Month of June 2019.
- [8.](#) Finance – Receive and File – Treasurer's Report for the Month of June 2019.
- [9.](#) Finance - Approval – Res. 19-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #59) (T6200-North West Corner of Shepherd and Sunnyside.), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for November 18, 2019.
- [10.](#) General Services – Approval – Res. 19-____, Approving Side-Letters to the Clovis Police Officers' Association (CPOA) and Clovis Firefighters Association (CFFA) Memorandums of Understanding, and Amending the Management and Executive Management Benefit Summaries.
- [11.](#) General Services – Approval – Res. 19-____, Renewing Medical Plan Option for Eligible Retirees and Restating the Eligibility Requirements for Participation in the Plan.
- [12.](#) Planning and Development Services - Approval - A request to adopt a resolution authorizing the Director of Planning and Development Services to apply for, and receive Per Capita Grant Funds through the California Department of Parks and Recreation.
- [13.](#) Planning and Development Services – Approval - Res. 19-____, A request to adopt a resolution authorizing the Director of Planning and Development Services to apply for, and receive SB2 Planning Grants Program Funds from the State of California Department of Housing and Community Development.
- [14.](#) Planning and Development Services Department - Approval - Bid Award for CIP 16-10, Owens Mountain Parkway Extension, and; Authorize the City Manager to execute the contract on behalf of the City.
- [15.](#) Planning and Development Services - Approval - Final Acceptance for CIP 17-15, Armstrong Avenue Reconstruction.
- [16.](#) Planning and Development Services - Approval - Final Acceptance for CIP 19-01, Rubberized Cape Seal 2019.
- [17.](#) Planning and Development Services - Approval - Final Acceptance for CIP 19-02, Trail Pavement Maintenance 2019.

18. Planning and Development Services - Approval – Res. 19- ____, Final Map Tract 6273, located at the northwest corner of Ashlan Avenue and Armstrong Avenue (Joseph Crown Construction and Development, Inc.).

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

19. Consider Actions related to Annexation of Territory (Annexation #58 - PM18-11- North East Corner of Locan and Powers) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services)
- a. Consider Approval - Res. 19-____, A Resolution annexing territory (Annexation #58) (PM18-11-North East Corner of Locan and Powers) 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 #58) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services)
 - b. Consider Approval - Res. 19-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

Staff: Jay Schengel, Finance Director

Recommendation: Approve

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

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

20. Consider – Report on results of independent traffic study provided by DeBenedetto to evaluate Second Street access to the Landmark Commons and DeBenedetto sites.

Staff: Mike Harrison, City Engineer

Recommendation: Receive and File

CITY MANAGER COMMENTS

COUNCIL ITEMS

21. Consider - League of California Cities' Annual Resolutions set for Consideration at the Annual Conference on October 16-18, 2019

Staff: Luke Serpa, City Manager

Recommendation: Consider

COUNCIL COMMENTS

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

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:

Oct. 14, 2019 (Mon.) Joint Meeting with Clovis Unified School District (1680 David E. Cook Way)

Oct. 21, 2019 (Mon.)

Nov. 4, 2019 (Mon.)

Nov. 12, 2019 (Tue.)

Nov. 18, 2019 (Mon.)

CITY of CLOVIS PROCLAMATION

RECOGNIZING Luna Pizzeria & Italian Restaurant's 50th Anniversary

WHEREAS, The City of Clovis is proud to honor Luna Pizzeria & Italian Restaurant on the occasion of its 50th Anniversary; and

WHEREAS, Luna Pizzeria was founded in 1969 by Franco and Carmela Liberta, who migrated from Abruzzo, Italy to Clovis by way of New York; and

WHEREAS, Franco and Carmela planned to open a restaurant in Clovis but were told by locals that they will "never make it"; and

WHEREAS, despite warnings that their restaurant would fail, Luna Pizzeria & Italian Restaurant saw instant success; and

WHEREAS, Franco and Carmela worked hard and involved their children Maryellen, David, and Bert; and

WHEREAS, throughout the years, Luna Pizzeria & Italian Restaurant has been a staple in the Clovis community and has supported and sponsored hundreds of youth sports teams, various community groups, numerous events, and countless special occasions; and

WHEREAS, sons David and Bert and their families continue the Luna's tradition of hard work and a commitment to quality food that has remained the same for 50 years.

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

Luna Pizzeria & Italian Restaurant's 50th Anniversary

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 7th day of October, 2019.



Drew M. Bosman
Mayor

CITY of CLOVIS PROCLAMATION

RECOGNIZING Cristelle Rodriguez

WHEREAS, Cristelle Rodriguez is a Freshman at Buchanan High School in Clovis, California and has been Wrestling since the age of 9; and

WHEREAS, With the support of her parents, Saul and Jerri Rodriguez, and her coach Damani Buckley, Cristelle has had a highly successful career in the Sport of Wrestling; and

WHEREAS, Cristelle’s notable accomplishments are: First Female Wrestler in the Clovis Unified School District to ever win a CIF State Championship, and in 2018, she was on the USA Olympic Pan American Team in which she prevailed as Champion in the Schoolgirl division; and

WHEREAS, In May of this year, Cristelle competed in the Women’s Freestyle National Tournament in Texas where she was successful in qualifying for a World Team; and

WHEREAS, Cristelle is now in the Olympic Circuit and is striving daily to fulfill a long term goal of one day being on the Women’s Olympic Team.

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

Cristelle Rodriguez

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 7th day of October, 2019.



Drew M. Brown

Mayor

CLOVIS CITY COUNCIL MEETING

September 16, 2019

6:00 P.M.

Council Chamber

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

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

PRESENTATION

1. **6:04 P.M.** - PRESENTATION OF CERTIFICATES OF RECOGNITION TO STUDENTS RECEIVING AMERICAN LEGION BOYS AND GIRLS STATE AWARDS.

Councilmember Whalen presented Certificates of Recognition to Students Receiving American Legion Boys and Girls State Awards.

2. **6:11 P.M.** - PRESENTATION OF PROCLAMATION RECOGNIZING SEPTEMBER AS SUICIDE PREVENTION MONTH.

Councilmember Ashbeck presented a Proclamation Recognizing September as Suicide Prevention Month.

PUBLIC COMMENTS – 6:18 - None

CONSENT CALENDAR – 6:19

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

3. Administration – Approved – Minutes from the September 3, 2019 Council Meeting.
4. General Services - Approved – **Res. 19-112**, Authorizing Amendments to the Firefighter Classification.
5. General Services – Approved - **Res. 19-113**, Amending the City’s FY19-20 Classification and Compensation Plans to Adopt a Staff Analyst Classification and Salary Range; and Approved – **Res. 19-114**, Amending the City’s FY 19-20 Position Allocation Plan.
6. Planning and Development Services - Approved - Final Acceptance for CIP 16-24,
7. Public Utilities – Approved – **Res. 19-115**, Authorize the submittal of a grant application under the United States Bureau of Reclamation WaterSMART Grant Program to fund Big Dry Creek Reservoir Weather Station Network in a joint project with Fresno Metropolitan Flood Control District (FMFCD), and Authorize the Public Utilities Director to be the Contract Authority and enter into an agreement with FMFCD for the implementation of the Grant.
8. Public Utilities – Approved – Final Acceptance for CIP 17-29, Downtown Special Event Bollards - Phase 1.

PUBLIC HEARINGS

- 9. 6:21 - APPROVED - RES. 19-116, ADOPTION OF THE CITY OF CLOVIS 2018-2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Heidi Crabtree, Housing Program Coordinator, presented a report City of Clovis 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for expenditure of Community Development Block Grant Funds. The U. S. Department of Housing and Urban Development (HUD) requires the City to adopt the 2018-19 CAPER reporting on the expenditure of Community Development Block Grant Funds. Heidi Crabtree provided an update of projects completed over the past year.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Mouanoutoua, seconded by Councilmember Whalen, for the Council to adopt City of Clovis 2018-2019 Consolidated Annual Performance and Evaluation Report for expenditure of Community Development Block Grant Funds. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

- 10. 6:44 - RECEIVED AND FILED – A SUMMARY OF THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA).

Public Utilities Director Scott Redelfs and Assistant Public Utilities Director Paul Armendariz presented an informational summary report on the Sustainable Groundwater Management Act. The City of Clovis is a member of the North Kings Groundwater Sustainability Agency (NKGSA), which was created after the signing of the Sustainable Groundwater Management Act (SGMA) of 2014. The NKGSA is governed by a seven-member Board of Directors that has the final decision-making authority for the NKGSA. Directors are elected officials by their respective boards, councils, or commissions. Mayor Pro Tem Jose Flores was elected to serve on the NKGSA Board to represent the City of Clovis. SGMA requires public agencies that have water supply, water management, and/or land use responsibilities within a groundwater basin to manage and regulate the underlying groundwater in a sustainable manner. Under SGMA, basins must reach sustainability within 20 years of implementing their GSP to avoid intervention by the State Water Resources Control Board. For critically over-drafted high priority basins, including the Kings Groundwater Subbasin of which the NKGSA is a part, the deadline for achieving sustainability is 2040. The Executive Summary was included in the staff report from the draft GSP highlights each of the seven chapters in the plan that describes how the NKGSA will achieve sustainability.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. It was the consensus of Council to receive and file the update on SGMA.

CITY MANAGER COMMENTS 8:14

City Manager Luke Serpa reminded Council of the Salvation Army luncheon on Friday and the Taking It to the Streets event on Saturday.

COUNCIL COMMENTS 8:15

Councilmember Whalen commented on the recent Hall of Fame Dinner and congratulated Councilmember Ashbeck who acted as emcee that evening.

Councilmember Mouanoutoua requested staff look into possibly adding a light on Sierra Avenue, east of Willow Avenue, on south side.

Councilmember Flores commented on the success of Sudz in the City this past weekend and congratulated staff.

Mayor Bessinger indicated that he will be out of town next week, and he will miss the October 14, 2019 meeting.

CLOSED SESSION – 8:19

- 11. Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION
Workers Compensation Case in Regards to: Richard Collins
- 12. Government Code Section 54956.9(d)(2)
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation - One Potential Case

Mayor Bessinger adjourned the meeting of the Council to October 7, 2019

Meeting adjourned: **8:40 p.m.**

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community & Economic Development

DATE: October 7, 2019

SUBJECT: Administration - Approval – Agreement Between City of Clovis and the Business Organization of Old Town for Fiscal Year 2019-2020.

ATTACHMENTS: 1. Proposed Agreement Between the City of Clovis and Business Organization of Old Town for Fiscal Year 2019-2020

CONFLICT OF INTEREST

None

RECOMMENDATION

That the City Council approve the request to enter into an agreement between the City of Clovis and Business Organization of Old Town (BOOT).

EXECUTIVE SUMMARY

This agreement will serve as a mechanism for the City of Clovis to process payments to BOOT. This will enable BOOT to continue marketing Old Town as a destination for shopping, dining and community events.

The amount requested for funding has increased from \$45,000 to \$60,000.

BACKGROUND

Although many shopping areas exist in the City of Clovis, Old Town showcases as a turn-of-the century Central Business District, which reflects the unique diversity and positive image of our community. BOOT represents business owners and operators within Old Town Clovis. The City of Clovis and the former Clovis Community Development Agency has invested a great deal of financial assistance in regard to development, sustainability

and marketability of Old Town. In 1992, the Agency expanded its promotion of Old Town by entering into annual contracts with BOOT for the following:

- Old Town attractions (Farmer’s Market, Antiques and Collectibles Fairs, Old Town Christmas activities, etc.).
- Multi-media advertising (print, radio and television) for special events.
- Participation on the Tourism Committee regarding activities and opportunities in Old Town related to the patronage of retail and restaurants.

Attached is the proposed Agreement between the City of Clovis and Business Organization of Old Town for Fiscal Year 2019-2020. For performance of services described in Section 1, paragraphs (a) through (d), the City of Clovis, subject to the terms and conditions of this agreement, wishes to support BOOT by payment of a sum of \$60,000 during the fiscal year 2019-2020. Payment shall be made as follows: \$15,000 on September 30, 2019, \$15,000 on December 31, 2019, \$15,000 on March 31, 2020, and \$15,000 on June 30, 2020.

FISCAL IMPACT

It is expected that the entire contract will be paid using PBIA Funds. If a shortfall exists, other General Fund monies will be used.

REASON FOR RECOMMENDATION

Approval of this Agreement will allow the City of Clovis to continue its coordinated approach to promote Clovis as an ideal place to conduct business, reside, and promote tourism.

ACTIONS FOLLOWING APPROVAL

After approval, the City Manager will execute the agreement, and it will be administered by staff.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager LS

**AGREEMENT BETWEEN THE CITY OF CLOVIS
AND THE BUSINESS ORGANIZATION OF OLD TOWN
2019 – 2020 FISCAL YEAR
(JULY 1, 2019 THROUGH JUNE 30, 2020)**

JUL 25 9:48:22

WHEREAS, THE CITY OF CLOVIS recognizes the significant role Old Town Clovis has played in creating a favorable image for THE CITY OF CLOVIS; and

WHEREAS, THE CITY OF CLOVIS is committed to advancing economic growth with Old Town Clovis as a priority to ensure the future and well-being of the entire City of Clovis; and

WHEREAS, THE CITY OF CLOVIS has invested considerable time and effort to encourage new business to locate and expand in Old Town Clovis, thereby continuing the economic vitality of the Central Trading district; and

WHEREAS, THE CITY OF CLOVIS recognizes the success of Old Town Clovis is dependent on both private and public sector; and

WHEREAS, the Business Organization of Old Town Clovis (B.O.O.T.) represents many business owners and operators within the Central Business District who will be effected directly or indirectly by future business promotion efforts; and

WHEREAS, THE CITY OF CLOVIS seeks to strengthen its support of B.O.O.T.'S promotion of Old Town Clovis, thereby assuring its continued influence on economic growth in both Old Town Clovis and the City at large.

NOW THEREFORE, THE CITY OF CLOVIS and B.O.O.T. agree as follows:

1. B.O.O.T. agrees to assist THE CITY OF CLOVIS in promoting economic expansion in Clovis by providing the following services to THE CITY OF CLOVIS:
 - (a) Maintain a viable organization with membership reflective of the diversity of Old Town Clovis.
 - (b) Maintain Old Town Clovis promotional activity including, but not limited to the following:
 1. Twenty-one Farmers Markets (mid-May through September)
 - a. Commodity party nights (i.e. Peach Party, Pistachio Party, etc.), North American Pole Vault Championships, ArtHop and other special events built into the Farmers Market footprint.
 2. Year-Round Saturday Morning Farmers Market
 3. Two Antiques Fairs (March and September)
 4. Old Town Christmas Activities
 5. One Enchanted Evening
 6. Two Wine Walks (May and October)
 7. One Craft Beer Crawls (March)
 8. Two Glorious Junk Days (May and October)
 9. Car Show (April)
 10. One Farm to Table (October)

- (c) Maintain marketing strategies and advertising techniques to position the image of Clovis through Old Town Clovis' unique character.
 - (1) Promote and provide information to merchants of Old Town on activities that are conducted both within Old Town as well as outside of the Old Town area. Information on such activities shall be provided by the Tourism Committee.
 - (2) Participate on the Tourism Committee.
 - (3) Advertising and promotion of event activity in Old Town Clovis through a variety of mediums.
 - (4) Create additional events and participate on committees as requested, (examples of these additional events include, but are not limited to, the Local Organizing Committee for the Amgen Tour of California and the Centennial Planning Committee, Taking it to the Streets etc.).
 - (d) Submit quarterly status reports to THE CITY OF CLOVIS, no later than 15 days prior to payment, detailing the progress of B.O.O.T.'s promotional and marketing activities.
2. B.O.O.T. is required to obtain a yearly business license.
 3. For performance of services described in Section 1, paragraphs (a) through (d), THE CITY OF CLOVIS, subject to the terms and conditions of this agreement, wishes to support B.O.O.T. by payment of a sum of \$60,000 during the fiscal year 2019-2020. Payment shall be made as follows: \$15,000 on September 30, 2019, \$15,000 on December 31, 2019, \$15,000 on March 31, 2020 and \$15,000 on June 30, 2020.
 4. In an effort to assure collection of business license fees for businesses within the PBIA, THE CITY OF CLOVIS and B.O.O.T. will work toward full compliance of business license issues. B.O.O.T. will notify THE CITY OF CLOVIS when a new business moves into Old Town to determine if the business applied for a proper license. Likewise, THE CITY OF CLOVIS will alert B.O.O.T. of a new business applying for a license so that B.O.O.T. can send a welcome package to the new business and explain the PBIA and benefits of being located in Old Town Clovis.
 5. THE CITY OF CLOVIS Business Licensing Division will share reports regarding collection of business license fees for the PBIA.
 6. B.O.O.T. agrees to obey all laws and adhere to all rules, regulations, policies and procedures during day to day operations as well as during special event planning, management and execution. This includes, but is not limited to, request(s) for street closure, set-up and break down of special events, and use of maintenance of CITY OF CLOVIS equipment, utilities and resources.
 7. B.O.O.T. agrees to work towards informing and educating PBIA businesses about parking. This should include providing information about the importance of business owners and employees parking in designated areas, freeing up "prime" parking areas for customers.
 8. B.O.O.T. agrees to repair damage to landscape, hardscape, hardware and other city-owned property that occurs as a result from B.O.O.T. owned special events.
 9. It is understood and agreed that in the performance of this agreement, B.O.O.T. is an independent contractor. B.O.O.T. shall take out and maintain Workers Compensation,

State Disability, and other insurance coverage as required by law and shall in all other respects comply with applicable provisions of Federal, State, and local laws, rules and regulations.

- 10. B.O.O.T. shall indemnify, hold harmless and defend THE CITY OF CLOVIS, its officers, agent or employees from all claims for money, damages or other relief arising in any way from the performance of this agreement by B.O.O.T., its officers, agents, members or employees. B.O.O.T. shall take out and maintain for the full term of this agreement liability insurance providing protection for personal injury, wrongful death and property damage; such insurance to be in amounts and issued by carriers acceptable to THE CITY OF CLOVIS. B.O.O.T. shall provide THE CITY OF CLOVIS with Certificates of Insurance evidencing such coverage naming THE CITY OF CLOVIS as "additional insured". In respect to "special events" undertaken pursuant to this agreement, B.O.O.T. shall provide THE CITY OF CLOVIS with additional Certificates of Insurance showing THE CITY OF CLOVIS, its officers, agents and employees as additional named insured under the "special events" policy (ies) of insurance. All certificates shall show cross liability endorsements. All certificates shall expressly state that the policy (ies) may not be terminated, cancelled or modified without (30) days prior written notice actually received by THE CITY OF CLOVIS at its regular address, 1033 Fifth Street, Clovis, California 93612.
- 11. The funds provided B.O.O.T. by THE CITY OF CLOVIS pursuant to this agreement shall not be directly or indirectly used for any political purpose whatsoever. This prohibition includes, but is not limited to, campaigns, events, promotions, literature, lobbying or other activities for, against or on behalf of any state, local or federal legislation, issue, candidate(s) or action, whether partisan in nature or not.
- 12. As part of the annual financial audit of the books and records of B.O.O.T. by B.O.O.T.'s independent auditor, the audit shall include tests for compliance with this Agreement. The tests shall be performed in conformance with the generally accepted auditing standards. The auditor shall prepare a separate written report on the compliance with the provisions of this agreement. THE CITY OF CLOVIS reserves the right to review, during normal business hours, the books and records of B.O.O.T.'s expenditures which are related to the programs required by the provisions of this agreement.

DATED: _____

DATED: _____

THE CITY OF CLOVIS

BUSINESS ORGANIZATION OF OLD TOWN

BY: _____

BY: _____

APPROVED AS TO FORM:

(CLOVIS CITY ATTORNEY)



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community & Economic Development

DATE: October 7, 2019

SUBJECT: Administration - Receive and File – Business Organization of Old Town (BOOT) First Quarter Report, July through September 2019

ATTACHMENTS: 1. Business Organization of Old Town (B.O.O.T.) First Quarter Report, July through September 2019

CONFLICT OF INTEREST

None

RECOMMENDATION

That the City Council receive and file the B.O.O.T. First Quarter Report, July through September 2019.

EXECUTIVE SUMMARY

According to the 2019–2020 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council. The amount to be funded is \$15,000.

BACKGROUND

According to the 2019-2020 agreement between the City of Clovis and the Business Organization of Old Town, B.O.O.T. is to submit quarterly reports to the City Manager and City Council detailing progress of B.O.O.T.'s promotional and marketing activity. Attached, as Attachment "1", is the First Quarter Report covering July through September 2019 activities. The amount to be funded is \$15,000.

FISCAL IMPACT

The amount to be funded is \$15,000, which is called out in the 2019-2020 Budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2019-2020 agreement between the City of Clovis and the Business Organization of Old Town.

ACTIONS FOLLOWING APPROVAL

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

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager *JH*



Business Organization of Old Town Quarterly Agreement/Compliance Report 1st Quarter – July 1 through September 30, 2019

In accordance with the Agreement between City of Clovis/Community & Economic Development Department and the Business Organization of Old Town Clovis for the fiscal year 2019-2020, the following items have been accomplished to date.

Goal #1:

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

Objective:

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

Strategy:

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

Results:

- A membership and organization characteristic of Old Town Clovis. Currently membership is at 108.
- New Members are sought throughout the year and new businesses are invited to join.
- The 2020 campaign will start in November 2019. Members meet at a local restaurant on the 4th Wednesday of each month 6:30pm.
- Board of Directors meetings are the 4th Wednesday of each month at noon to discuss issues pertinent to the organization, i.e. status of B.O.O.T members, review finances and report on events.
- Board members represent our diverse merchant groups: office professional, property owners, restaurants, bars, antique, and gift and specialty stores. The 2019-2020 Board of Directors is as follows:
 - ◆ Cora Shipley, President (through 2020)
 - ◆ Tom Frost, Vice President (through 2019)

- ◆ Sheryl Michael, Treasurer (through 2020)
- ◆ Karen Chisum, Secretary (through 2020)
- ◆ Brian Smart, Director at Large (through 2019)
- ◆ Julie Glenn, Director at Large (through 2019)
- ◆ Ronnie Silva, Director at Large (through 2020)
- The Marketing and Event Committee continues to create new events and activities specifically designed to bring customers directly into the businesses.

Goal #2:

Maintain Old Town Clovis' promotional activities

Objective:

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

Strategy:

- Develop, operate, promote, maintain and pay for events that bring people to Old Town Clovis.
- Establish and maintain events that highlight Old Town Clovis locally, nationally and internationally.
- Meet all requirements set by City, State and other agencies for activities, events and attractions.
- Develop new events and activities like One Enchanted Evening, the Wine Walks and the Craft Beer Crawls to bring visitors directly into the businesses.
- Create and pay for multi-media advertising campaigns for general advertising such as generic "Shop Local in Old Town Clovis".
- Continue to evolve events so they continue to attract new people.
- Contract with entertainers that have a following and will bring new people to Old Town.

Results:

- Summer/Fall events included the Year Round Saturday Morning Farmers Market, Friday Night Farmers Market, the Peach Party, the North American Pole Vault Championships, the Pistachio Party, and the Fall Antiques Fair with the British Car Roundup. Higher than normal temperatures impacted the July, August & September events, but the cooling temperatures in late September helped increase attendance and sales. We added additional classic cars and international performers (Polynesian Dancers, Square Dancers, Belly Dancers, the Scottish Society...) to the Farmers Market to add extra value to each Friday night and bring in new customers to Old Town.

- Sudz in the City moved its event to Old Town which took place on Saturday, September 14th at the Centennial Plaza area. More than 1,800 people attended to taste craft beers, enjoy food trucks and 4 bands.
- On September 21st the City of Clovis put on "Taking it to the Streets," a taste of the town event, music at Centennial Plaza and 7 Parklettes were built by various organizations hi-lighting fun and interesting streetscapes.

Goal #3:

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

Objective:

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

Strategy:

- Archer & Hound was hired 3 years ago to handle all marketing for B.O.O.T.
- Secure multi-media advertising campaigns to promote Old Town Clovis along with event generated promotions.
- Submit calendar of events to community and online calendars.
- Use Twitter, Instagram, Pinterest and Facebook to promote Old Town Clovis in general, merchant businesses and specific events.
- Secure interview segments on radio and television.
- Contribute to the cost of the Clovis Appliance/General Electric ABC/30 Skycam at 5th and Pollasky when B.O.O.T. has sufficient funds (co-op advertising).
- Advertise antique events in focused publications that are regional and national in scope for our four annual antique events. Advertise in classified ad section of regional papers as well as Craigslist to further reach surrounding areas.
- Utilize cable tv advertising for antiques events.
- Print and distribute more than 30,000 event-specific postcards, as well as over 30,000 Calendar of Events cards. Merchants and B.O.O.T. staff go to out-of-the-area antique events to solicit dealers to come to Old Town antique shows. Merchants also distribute these very popular cards to customers.
- Ongoing outreach to businesses to locate to Old Town Clovis.
- Work with City of Clovis Police and Fire Department to create a safe atmosphere in Old Town.
- Work with City of Clovis department heads to create a clean, well maintained streetscape in Old Town.

Results:

- Archer & Hound used nontraditional advertising avenues for our summer events, including Digital Ads on Social Media and direct emails. They manage BOOT's social media postings which resulted in a consistent message and branding.

- Archer and Hound created many traditional TV opportunities with “stories” that were carried by local TV and Radio and Print.
- Facilitated wide exposure for Old Town Clovis, its events, character and appeal.
- Event generated advertising was assigned in cable TV, and Radio and social media to improve event attendance, vendor participation, as well as awareness of Old Town Clovis.
- The Clovis Appliance/General Electric skycam with ABC-30 Action News reaches approximately 700k people every week and approximately 400k monthly unique visitors online at abc30.com. Old Town Clovis is mentioned a minimum of 3 to 4 times per day on the news program during weather reports and if we have anything special going on in Old Town, i.e. Farmers Market, the camera will show the activity. B.O.O.T. contributes co-op advertising dollars when available.
- Stimulated customer and visitor traffic in Old Town, as evidenced by increase number of customers in town for all of our free events (weather and temperatures permitting).

Goal #4:

Provide information on activities to the Tourism Advisory Committee.

Objective:

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

Strategy:

- Participate as an active member of the Tourism Advisory Committee.
- Supply the Clovis Visitors Center with information regarding events, activities and leads for tour groups.
- Publish names and dates of tour groups through B.O.O.T. newsletter and email so businesses are prepared to show Old Town Clovis’ hospitality.
- Provide information to merchants of Old Town regarding activities conducted in and around Old Town through the B.O.O.T. e-Blast.
- A newsletter is emailed to those who sign up for the electronic newsletter on B.O.O.T.’s website. It is mailed to more than 10k subscribers.
- Communicate information to merchants on activities at the monthly B.O.O.T. membership meetings and through E-Blasts. Post events for all organizations in Clovis on B.O.O.T. Website and insure that if someone searches for an event, B.O.O.T.’s website is in the top results.
- Provide event information for visitclovis.com.
- Actively promote Old Town Clovis and Member Businesses on Facebook, Twitter, Instagram, Pinterest and B.O.O.T.’s website.

Results:

- Insured Old Town Clovis is recognized as a tourist destination.
- Businesses in Old Town showcased Old Town as a friendly and inviting throughout the spring and summer months.
- B.O.O.T. works directly with the Visitors Center to be sure they have current event information.

Goal #5:

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

Objective:

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

Strategy:

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

Results:

- Obtained General Liability Policy coverage period April 21, 2019 to April 21, 2020.
- State Fund Compensation Policy renewed for period April 1 2019 to April 1, 2020.
- Directors and Officers Policy will renew for period August 4, 2019 to August 4, 2020.
- Certificates of Insurance with Endorsements provided to the City of Clovis.

Goal #6:

Annual compliance audit

Objective:

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

Strategy:

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

Results:

- The annual compliance audit took place in August 2019. The audit was conducted by Craig Saunders, from Ryan, Saunders & Co. The agreement between the City of Clovis, Community and Economic Development Department and the Business Organization of Old Town for July 1, 2018 through June 30, 2019 was reviewed. The attached letter from Ryan, Saunders & Co. confirms contract compliance.

Financial Status:

- See Balance Sheet Attached

SUMMARY:

Old Town Clovis plays a significant role in creating a favorable image for the City of Clovis. Growth within Old Town Clovis is one of the more important priorities to ensure the future and well-being of Clovis' Redevelopment Project Area. In order to continue the economic vitality of the central trading district, considerable time and effort has been invested in an effort to encourage new businesses to locate and expand in Old Town Clovis.

UPDATES TO THE PBIA:

- The Business Organization of Old Town represents many business and property owners and operators, within the central business district, who will be affected directly or indirectly by future business promotion efforts and seeks to strengthen the promotion of Old Town Clovis, thereby assuring its continued influence on economic growth in both Old Town Clovis and the City as a whole.
- Centennial Plaza is a bustling area of town and the Plaza is used every Friday night for a concert band during the Farmers Market and other various events.
- The North end of Old Town is suffering in that several buildings are not occupied, there is not as much retail activity in this block. However, the old Corner Café has reopened after being closed for over 2 years and is now called Old Town Café.
- There are always changes taking place in Old Town Clovis. The following details most of these changes:
 - **New Businesses within the PBIA**
 - Old Town Café' opened in the old Corner Café location in the 3 week of September, 361 Pollasky Avenue
 - Clovis Foliage moved into the space previously occupied by The Urban Umbrella in the DeWitt Building, 453 Pollasky Avenue, #102
 - Tagua Fair Trade has moved into 453 Pollasky Avenue, #103 previously occupied by Tracy Arredondo Photography (Julie Glenn with Gold Canyon Candles is sharing this space)
 - Robins Nest Antiques retired and It's All About Me expanded into that space in the DeWitt Building, 453 Pollasky Avenue, #105
 - The Foundry Cooperative has opened in 516 Fifth Avenue
 - Baubles & Thread opened a women's boutique in the space occupied by Avon for many years, 429 Pollasky Avenue

2:47 PM

09/16/19

Cash Basis

Business Organization of Old Town

Profit & Loss

January 1 through September 16, 2019

AGENDA ITEM NO: 6.

	<u>Jan 1 - Sep 16, 19</u>
Income	
Bottle Shop Sales	3,249.00
City of Clovis / PBIA Funding	22,500.00
CVCB Line of Credit	5,000.00
Event Income	106,028.21
FM Annual Membership	10,647.63
Fm Art Hop Fees	1,540.00
Fm Weekly Income	58,058.60
HD Fees	1,686.34
Interest Income	2.57
Membership	8,125.00
Merchandise Sales	537.50
Misc. Income	550.00
Sponsorships	65,800.00
	<hr/>
Total Income	283,724.85
	<hr/>
Gross Profit	283,724.85
	<hr/>
Expense	
A&H Advertising	54,889.31
Accounting	2,070.00
Bank Fees	96.72
Bottle Shop	2,030.40
Business License & Taxes	1,956.00
Co-Op Advertising	1,955.57
Credit Card Fees	1,213.14
Donations	5,300.00
Dues & Subscriptions	2,571.07
Entertainment	17,885.00
Equipment Rentals	12,673.50
General Advertising	5,490.11
Glasses	3,186.00
Insurance	8,662.26
IOT Chef Fees	2,100.00
Labor	2,701.00
Line of Credit	8,463.85
Meetings	3,604.34
Merchandise Expense	3,447.68
Misc. Expense	2,078.23
Office Supplies	6,776.07
Payroll Expenses	112,533.23
Payroll Taxes	1,423.38
Postage	276.42
Printing	8,944.51
Rent	8,040.00
Security	2,270.50
Supplies	6,984.58
Telephone	3,503.07
Utilities	450.00
Wine	477.64
	<hr/>
Total Expense	294,053.58
	<hr/>
Net Income	<u><u>-10,328.73</u></u>

RYAN, SAUNDERS & CO.
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
CERTIFIED PUBLIC ACCOUNTANTS
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September 12, 2019

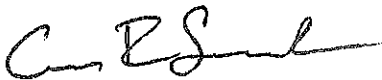
Board of Directors
Business Organization of Old Town Clovis

We have reviewed the agreement between the City of Clovis and the Business Organization of Old Town Clovis (B.O.O.T.) for the Parking and Business Improvement area for the period of July 1, 2018 through June 30, 2019.

In connection with our review of the agreement, nothing has come to our attention that caused us to believe that B.O.O.T. failed to comply with the terms and provisions contained in the agreement.

This report is intended solely for the information and use of the board of directors for the Business Organization of Old Town Clovis and the City of Clovis and should not be used for any other purpose.

Thank You



Craig R Saunders



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 7, 2019

SUBJECT: Finance – Receive and File – Investment Report for the Month of June 2019

ATTACHMENTS: 1. Distribution of Investments
2. Monthly Investment Transactions
3. Certificates of Deposit
4. Graph of June 30, 2019 Treasury Rates

Attached is the Investment Report for the month of June 2019. Shown in Attachment 1 is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Attachment 2 reflects the monthly investment transactions for the month of June 2019. Attachment 3 lists the certificates of deposit. Attachment 4 is a graph of Treasury rates on June 30, 2019.

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

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

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

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return may be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 2.29%. The rate of return for the City of Clovis portfolio is 2.14%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 93% of the Treasury bill rate.

In accordance with the Investment Policy, the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of June 2019 the average investment life of the City's investment portfolio is 0.89 years.

Current Investment Environment and Philosophy

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

On June 30, 2019, the Treasury yield curve declines from 6-month to 3-year notes, followed by a slight increase from 5-year to 10-year notes.

Certificates of Deposit (CD's)

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

Purchases and Maturities

- 1 government security totaling \$6,000,000.00 was purchased.
- 2 government securities totaling \$6,000,000.00 matured.
- 2 certificates of deposit totaling \$500,000 were purchased.
- 1 certificate of deposit totaling \$245,000 matured.

Market Environment

- During June, the federal funds rate remained at 2.25%-2.5%.
- On June 30, the yield curve declines from 6-month to 3-year notes, followed by a slight increase from 5-year to 10-year notes. See Attachment 4, Graph of Treasury Rates on June 30, 2019.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager *JH*

**City of Clovis
Distribution of Investments
As of June 30, 2019**

AGENDA ITEM NO: 7.

Attachment 1

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 6/30/2019</u>
<u>GOV'T SECURITIES</u>								
FNMA	3,002,400	3,002,400	2,997,600	1.125%	1.125%	07/26/16	07/26/19	26
FHLMCMTN	2,997,000	2,997,000	2,995,470	1.500%	1.500%	10/12/17	09/27/19	89
FHLB	2,498,750	2,498,750	2,495,200	1.625%	1.625%	11/16/17	10/30/19	122
FNMA	3,000,000	3,000,000	2,990,580	1.250%	1.250%	11/16/16	11/15/19	138
FHLMCMTN	3,000,000	3,000,000	2,990,400	1.300%	1.300%	11/28/16	11/27/19	150
FFCB	2,502,117	2,502,117	2,505,125	2.750%	2.750%	06/05/18	12/05/19	158
FFCB	994,500	994,500	996,270	1.400%	1.400%	03/30/17	02/24/20	239
FHLB	1,008,597	1,008,597	998,450	1.875%	1.875%	03/22/17	03/13/20	257
FNAMMTN	3,006,210	3,006,210	2,992,140	1.700%	1.700%	05/02/17	04/27/20	302
FNAMMTN	3,007,770	3,007,770	2,994,900	1.800%	1.800%	05/02/17	04/27/20	302
FFCB	1,990,555	1,990,555	1,988,980	1.320%	1.320%	08/31/17	05/07/20	312
FHLMCMTN	2,498,750	2,498,750	2,490,400	1.550%	1.550%	05/25/17	05/22/20	327
FFCB	2,500,000	2,500,000	2,493,150	1.670%	1.670%	06/01/17	06/01/20	337
FHLB	5,000,000	5,000,000	4,985,650	1.625%	1.625%	06/26/17	06/26/20	362
FAMCMTN	2,500,000	2,500,000	2,495,275	1.650%	1.650%	07/27/17	06/29/20	365
FHLB	2,500,000	2,500,000	2,492,925	1.640%	1.640%	07/27/17	06/29/20	365
FFCB	5,000,000	5,000,000	4,974,300	1.625%	1.625%	07/06/17	07/06/20	372
FHLB	2,455,547	2,455,547	2,493,675	2.750%	2.750%	06/01/18	08/28/20	425
FHLB	2,465,678	2,465,678	2,492,150	1.950%	1.950%	01/18/18	08/28/20	425
FHLB	2,500,000	2,500,000	2,487,150	1.800%	1.800%	03/16/18	09/18/20	446
FNAMMTN	2,500,000	2,500,000	2,499,125	1.600%	1.600%	09/18/17	10/13/20	471
FNMAD	2,442,365	2,442,365	2,485,750	2.100%	2.100%	12/22/17	10/28/20	486
FHLB	2,488,750	2,488,750	2,498,750	1.950%	1.850%	11/16/17	11/25/20	514
FFCB	3,000,000	3,000,000	3,000,060	1.500%	1.500%	03/01/18	12/22/20	541
FHLB	2,486,055	2,486,055	2,500,550	2.300%	2.300%	03/01/18	01/26/21	576
FHLMCMTN	2,497,500	2,497,500	2,500,425	2.150%	2.150%	01/26/18	01/26/21	576
FHLMCMTN	2,477,875	2,477,875	2,521,650	2.375%	2.375%	08/02/18	02/16/21	597
FHLMCMTN	2,258,140	2,258,140	2,299,747	2.750%	2.750%	06/01/18	03/29/21	638
FAMCMTN	2,502,236	2,502,236	2,520,950	2.750%	2.750%	06/28/18	04/19/21	659
FFCB	2,452,750	2,452,750	2,500,025	2.020%	2.020%	12/13/18	05/17/21	687
FHLB	2,568,983	2,568,983	2,584,275	3.625%	3.625%	06/28/18	06/11/21	712
FHLB	2,418,750	2,418,750	2,476,550	2.820%	2.820%	08/02/18	06/14/21	715
FHLMCMTN	2,471,750	2,471,750	2,495,450	1.500%	1.500%	02/22/19	06/30/21	731
FAMCMTN	3,000,000	3,000,000	3,039,660	2.750%	2.750%	09/06/18	08/17/21	779
FFCB	1,998,520	1,998,520	2,038,040	2.700%	2.700%	09/06/18	08/27/21	789
FFCB	2,490,878	2,490,878	2,553,175	2.850%	2.850%	10/05/18	09/20/21	813
FFCB	2,500,200	2,500,200	2,556,300	2.780%	2.780%	12/17/18	12/17/21	901
FFCB	2,498,750	2,498,750	2,508,300	2.800%	2.800%	01/24/19	01/24/22	939
FHLB	12,110,520	12,110,520	12,218,040	2.500%	2.500%	04/25/19	03/11/22	985
FFCB	5,979,668	5,979,668	6,034,321	2.280%	2.280%	03/28/19	03/28/22	1,002
FFCB	6,017,400	6,017,400	6,006,840	1.875%	1.875%	06/27/19	06/14/22	1,080
SECURITIES TOTAL	<u>\$ 123,588,962</u>	<u>\$ 123,588,962</u>	<u>\$124,187,773</u>					
LAIF		<u>\$ 65,000,000</u>	<u>\$ 65,000,000</u>					
MONEY MARKET (Rabo)		<u>\$ -</u>	<u>\$ -</u>					
Sweep Account (Union Bank)		<u>\$ 31,967,930</u>	<u>\$ 31,967,930</u>					
TOTAL CD'S		<u>\$ 12,670,000</u>	<u>\$ 12,713,242</u>					
TOTAL INVESTMENTS		<u>\$ 233,226,892</u>	<u>\$ 233,868,945</u>					

* Market values for securities obtained from US Bank.

**City of Clovis
Monthly Investment Transactions
As of June 30, 2019**

AGENDA ITEM NO: 7.

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
FFCB	Gov Security	Purchase	6,000,000	6,085,740	2.350%	06/19/19	06/20/22
Capitol One Bank	CD	Purchase	250,000	250,613	1.875%	06/27/19	06/14/22
Flagstar Bank	CD	Purchase	250,000	249,343	2.500%	06/13/19	06/13/22
FNMA	Gov Security	Maturity	3,000,000	3,000,000	1.250%	06/28/19	06/28/19
FFCB	Gov Security	Maturity	3,000,000	3,000,000	1.300%	06/06/19	06/06/19
Quantum National Bank	CD	Maturity	245,000	245,000	1.150%	06/21/19	06/21/19

PORTFOLIO DATA

Current Month (06/19)

	Book	Market
CD'S	\$ 12,670,000	\$ 12,713,242
Gov't Securities*	123,588,962	124,187,773
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	31,967,930	31,967,930
TOTAL	\$ 233,226,892	\$233,868,945

One Month Previous (05/19)

	Book	Market
CD'S	\$ 12,415,000	\$12,415,160
Gov't Securities*	123,585,272	123,972,130
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	24,639,055	24,639,055
TOTAL	\$ 225,639,327	\$ 226,026,345

Three Months Previous (03/19)

	Book	Market
CD'S	\$ 12,905,000	\$12,891,345
Gov't Securities*	122,139,088	121,959,354
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	10,995,694	10,995,694
TOTAL	\$ 211,039,782	\$ 210,846,393

Six Months Previous (12/18)

	Book	Market
CD'S	\$ 11,890,000	\$ 11,785,812
Gov't Securities*	111,184,545	110,572,430
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	8,707,423	8,707,423
TOTAL	\$ 196,781,968	\$ 196,065,665

One Year Previous (06/18)

	Book	Market
CD'S	\$ 12,484,000	\$ 12,354,163
Gov't Securities*	91,704,091	90,508,977
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	24,686,705	24,686,705
TOTAL	\$ 193,874,797	\$ 192,549,845

*Adjusted Quarterly for Premium/Discount Amortization

**City of Clovis
Certificates of Deposit
As of June 30, 2019**

Attachment 3

AGENDA ITEM NO: 7.

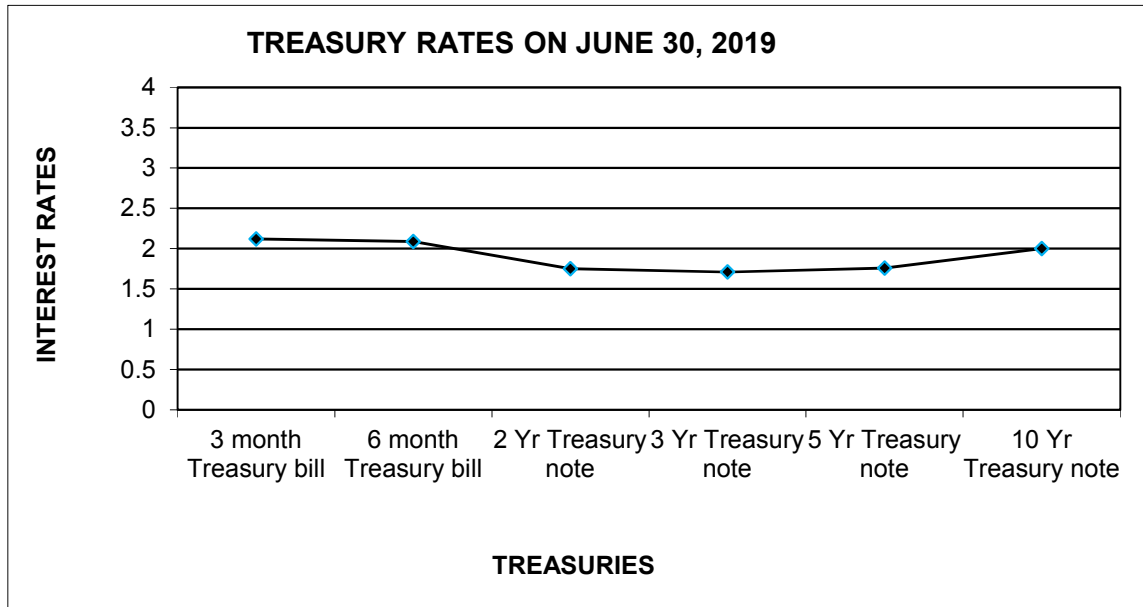
<u>Negotiable CDs</u>	<u>COST</u>	<u>MARKET PRICE</u>	<u>INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>MATURITY FROM 06/30/19</u>	<u>INTEREST FREQUENCY</u>
Discovery Bank	245,000	244,977.95	1.200%	07/01/16	07/01/19	1	SEMI-ANNUALLY
Northern Bank Trust	245,000	244,897.10	1.100%	07/12/16	07/12/19	12	QUARTERLY
Morgan Stanley Bank	250,000	249,817.50	1.700%	09/30/17	08/12/19	43	SEMI-ANNUALLY
Wex Bank	245,000	244,630.05	1.200%	08/12/16	08/12/19	43	SEMI-ANNUALLY
Fnb Of Mcgregor	245,000	244,588.40	1.100%	08/18/16	08/19/19	50	MONTHLY
Hamni Bank	250,000	249,970.00	2.100%	09/09/18	09/09/19	71	SEMI-ANNUALLY
Ally Bank	245,000	244,370.35	1.300%	09/15/16	09/16/19	78	MONTHLY
Atlantic	245,000	244,296.85	1.200%	09/30/16	09/30/19	92	MONTHLY
First Technology Fed Cr Un Mtn	250,000	249,710.00	1.800%	10/16/17	10/16/19	108	MONTHLY
Morton Community Bank	245,000	244,294.40	1.500%	12/15/16	12/16/19	169	SEMI-ANNUALLY
Sallie Mae	245,000	244,507.55	1.750%	01/11/17	01/13/20	197	SEMI-ANNUALLY
Stearns Bank	245,000	244,176.80	1.600%	02/10/17	02/10/20	225	MONTHLY
Crescent Bank	245,000	244,078.80	1.550%	02/15/17	02/14/20	229	MONTHLY
Pyramax Bank	245,000	244,140.05	1.600%	02/17/17	02/18/20	233	MONTHLY
American Express	245,000	244,468.35	1.900%	04/17/17	04/06/20	281	MONTHLY
First Bank	245,000	243,853.40	1.600%	04/17/17	04/20/20	295	MONTHLY
Ion Bank	245,000	243,858.30	1.600%	04/17/17	04/20/20	295	MONTHLY
Communitywide	250,000	249,480.00	1.950%	12/01/17	06/01/20	337	MONTHLY
Nthwt Dist Ch8	250,000	248,862.50	1.700%	06/16/17	06/16/20	352	MONTHLY
Tbk Bank Ssb	250,000	249,085.00	1.800%	06/23/17	06/23/20	359	MONTHLY
Amer Natl	250,000	248,775.00	1.700%	07/12/17	07/13/20	379	MONTHLY
Mb Financial Bank	250,000	248,957.50	1.800%	08/10/17	08/10/20	407	MONTHLY
East Boston Svgs Bk Boston Ma	250,000	248,822.50	1.800%	09/28/17	09/28/20	456	MONTHLY
Medallion Bk Salt Lake City Utah	250,000	248,975.00	1.850%	09/29/17	09/29/20	457	MONTHLY
Eagle Bank	250,000	250,982.50	2.500%	03/29/19	09/29/19	91	QUARTERLY
Illinois Cmnty	250,000	249,347.50	2.000%	11/28/17	11/30/20	519	MONTHLY
First Bank	250,000	249,990.00	2.300%	02/06/18	02/08/21	589	MONTHLY
Merchants Manufacturers	250,000	249,987.50	2.300%	02/16/18	02/16/21	597	MONTHLY
Merrick Bank	250,000	251,480.00	2.550%	03/09/18	03/09/21	618	MONTHLY
Towne Bank	250,000	252,240.00	2.700%	04/27/18	04/27/21	667	MONTHLY
Citibank	250,000	253,257.50	2.900%	05/22/18	05/24/21	694	MONTHLY
University Of Iowa Cmnty Fcu	250,000	253,277.50	2.900%	05/24/18	05/28/21	698	MONTHLY
B Bay Llc	250,000	253,827.50	3.000%	06/15/18	06/15/21	716	MONTHLY
Connectone Bk Englewood Cliffs	250,000	253,830.00	3.000%	06/15/18	06/15/21	716	MONTHLY
Bar Harbor Bank Trust	250,000	253,900.00	3.000%	06/29/18	06/29/21	730	MONTHLY
Spiritbank Na	250,000	250,070.00	3.000%	07/13/18	07/13/21	744	MONTHLY
Keesler Fed Cr Un	250,000	254,432.50	3.050%	02/20/19	08/30/21	792	QUARTERLY
Ubs Bank Usa	250,000	255,605.00	3.200%	11/07/18	11/08/21	862	MONTHLY
Mountain America Fd Credit	250,000	255,642.50	3.200%	11/15/18	11/15/21	869	MONTHLY
Saco Biddleford	250,000	250,275.00	2.600%	03/29/19	12/29/21	913	QUARTERLY
Jp Morgan Chase	250,000	251,195.00	3.000%	01/18/19	01/18/22	933	SEMI-ANNUALLY
Wells Fargo	250,000	254,740.00	3.000%	01/18/19	01/18/22	933	MONTHLY
Security First	250,000	251,272.50	3.000%	01/25/19	01/25/22	940	QUARTERLY
Bmo Harris Bank	250,000	250,120.00	3.000%	01/25/19	01/28/22	943	QUARTERLY
Goldman Sachs Bk USA Ny	245,000	248,501.05	2.800%	02/20/19	02/22/22	968	QUARTERLY
Tiaa FSB Jacksonville Fla	245,000	248,814.65	2.850%	02/28/19	02/22/22	968	QUARTERLY
Comenity Capital Bank	250,000	252,042.50	2.550%	04/30/19	04/29/22	1,034	QUARTERLY
Jefferson Financial Bank	250,000	251,107.50	2.650%	05/15/19	05/16/22	1,051	QUARTERLY
Synchrony Bank	250,000	251,355.00	2.450%	05/17/19	05/17/22	1,052	QUARTERLY
Flagstar Bank	250,000	251,715.00	2.500%	06/12/19	06/13/22	1,079	QUARTERLY
Capital One Bank	250,000	250,640.00	2.350%	06/19/19	06/20/22	1,086	QUARTERLY
Negotiable CD TOTAL	<u>\$ 12,670,000</u>	<u>\$ 12,713,242</u>					
CD TOTAL	<u>\$ 12,670,000</u>	<u>\$ 12,713,242</u>					

**CITY OF CLOVIS
FINANCE DEPARTMENT
JUNE 30, 2019 TREASURY RATES**

Attachment 4

Treasury Rates as of June 30, 2019

3 month Treasury bill	2.12
6 month Treasury bill	2.09
2 Yr Treasury note	1.75
3 Yr Treasury note	1.71
5 Yr Treasury note	1.76
10 Yr Treasury note	2.00



As indicated in the above graph, treasuries decline from 6-month to 3-year notes, followed by a slight increase from 5-year to 10-year notes



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 7, 2019

SUBJECT: Finance – Receive and File – Treasurer’s Report for the Month of June 2019

ATTACHMENTS:

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

Attached for the Council’s information is the Treasurer’s Report for the month ended June 30, 2019.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. Attachment 1 provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. Attachment 2 summarizes the investment activity for the month and distribution, by type of investment, held by the City. Attachment 3 lists all investments with original maturities exceeding one year as of the month ended June 30, 2019.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager JH

City of Clovis
Statement of Cash Balances
As of June 30, 2019

AGENDA ITEM NO: 8.

Previous Balance	\$	6,097,263.46
Deposits		21,218,829.78
Disbursements		(21,824,534.01)

Current Balance	\$	5,491,559.23

FUNDS	BALANCE
100 General Fund	\$ 11,245,774.18
201 Local Transportation	14,873,457.46
202 Parking and Business Improvements	103,466.55
203 Off Highway Use	68,353.88
205 Senior Citizen Memorial Trust	51,554.50
207 Landscape Assessment District	4,875,770.43
208 Blackhorse III (95-1) Assessment District	143,221.84
301 Park & Recreation Acquisition	8,858,228.59
305 Refuse Equipment Reserve	1,033,730.93
310 Special Street Deposit Fund	24,904,540.18
313 Successor Agency	746,832.78
314 Housing Successor Agency	1,936,898.97
402 1976 Fire Bond Redemption	25,475.23
404 1976 Sewer Bond Redemption Fund	394,073.93
501 Community Sanitation Fund	16,480,204.66
502 Sewer Service Fund	30,137,394.07
504 Sewer Capital Projects-Users	836,930.21
506 Sewer Capital Projects-Developer	4,061,568.39
507 Water Service Fund	49,291,917.98
508 Water Capital Projects-Users	4,435,682.61
509 Water Capital Projects-Developer	7,955,973.94
515 Transit Fund	2,147,526.52
540 Planning & Development Services	12,384,553.71
601 Property & Liability Insurance	1,707,714.90
602 Fleet Maintenance	11,501,310.94
603 Employee Benefit Fund	10,017,483.91
604 General Government Services	14,569,931.98
701 Curb & Gutter Fund	155,922.92
702 Sewer Revolving Fund	121,966.25
703 Payroll Tax & Withholding Fund	3,232,171.07
712 Temperance/Barstow Assmt Dist (98-1)	73,575.14
713 Shepherd/Temperance Assmt Dist (2000-1)	5,592.02
715 Supp Law Enforcement Serv	227,170.30
716 Asset Forfeiture	23,400.89
720 Measure A-Public Safety Facility Tax	14,045.84
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	72,473.93
747 Housing Successor Trust Fund	1,137.98

SUBTOTALS	\$ 238,718,451.01
999 Invested Funds	(233,226,891.78)

TOTAL	\$ 5,491,559.23

Attachment 1

City of Clovis
Summary of Investment Activity
For the month of June 30, 2019

AGENDA ITEM NO: 8.

<hr/> <hr/>	
Balance of Investments Previous Month End	\$ 229,917,635.28
<hr/>	
Time Certificates of Deposit Transactions	
Investments	500,000.00
Withdrawals	(245,000.00)
Total CD Changes	255,000.00
<hr/>	
Other Changes	
Government Securities	3,690.00
US Treasury Notes	0.00
Local Agency Investment Fund	0.00
Money Market	0.00
Sweep Account	3,050,566.50
Total Other Changes	3,054,256.50
Balance of Investments Current Month End	\$ 233,226,891.78

City of Clovis
Distribution of Investments
As of June 30, 2019

<hr/> <hr/>	
Insured CD's	12,670,000.00
Government Securities	123,588,961.97
US Treasury Notes	0.00
Local Agency Investment Fund	65,000,000.00
Money Market	0.00
Sweep Account	31,967,929.81
Investment Total	\$ 233,226,891.78

Attachment 2

City of Clovis
Original Maturities Exceeding One Year
As of June 30, 2019

AGENDA ITEM NO: 8.

<u>Institution</u>	<u>Face Value</u>	<u>Investment Balance At Amortized Cost</u>	<u>Maturity</u>	<u>Stated Rate</u>
FNMA/3135G0M91	3,000,000.00	3,002,400.00	7/26/2019	1.125%
FHLMCMTN/3134GB30	3,000,000.00	2,997,000.00	9/27/2019	1.500%
FHLB/3130ACLX0	2,500,000.00	2,498,750.00	10/30/2019	1.625%
FNMA/3135G0R62	3,000,000.00	3,000,000.00	11/15/2019	1.250%
FHLMCMTN/3134GAWD2	3,000,000.00	3,000,000.00	11/27/2019	1.300%
FFCB/3133EJRD3	2,500,000.00	2,502,117.00	12/5/2019	2.390%
FFCB/3133EFZT7	1,000,000.00	994,500.00	2/24/2020	1.400%
FHLB/313378J77	1,000,000.00	1,008,596.72	3/13/2020	1.875%
FNMA/3136G4NJ8	3,000,000.00	3,006,210.00	4/27/2020	1.700%
FNMA/3136G4NK5	3,000,000.00	3,007,770.00	4/27/2020	1.800%
FFCB/3133EGD69	2,000,000.00	1,990,555.00	5/7/2020	1.320%
FHLMC/3134GBQZ8	2,500,000.00	2,498,750.00	5/22/2020	1.550%
FFCB/3133EHKR3	2,500,000.00	2,500,000.00	6/1/2020	1.670%
FHLB/3130ABNQ5	5,000,000.00	5,000,000.00	6/26/2020	1.625%
FAMCMTN/3132X0UC3	2,500,000.00	2,500,000.00	6/29/2020	1.650%
FHLB/3130ABNM4	2,500,000.00	2,500,000.00	6/29/2020	1.640%
FFCB/3133EHQJ5	5,000,000.00	5,000,000.00	7/6/2020	1.625%
FHLB/3130ACBY9	2,500,000.00	2,455,546.50	8/28/2020	1.680%
FHLB/3130ABZN9	2,500,000.00	2,465,677.50	8/28/2020	1.800%
FHLB/3130ACD92	2,500,000.00	2,500,000.00	9/18/2020	1.600%
FNAMMTN/3136G4QB2	2,500,000.00	2,500,000.00	10/13/2020	1.850%
FNMA/3135G0Q97	2,500,000.00	2,442,365.00	10/28/2020	1.500%
FHLB/3130ACTL8	2,500,000.00	2,488,750.00	11/25/2020	1.950%
FFCB/3133EH4B6	3,000,000.00	3,000,000.00	12/22/2020	2.100%
FHLB/3130ADG30	2,500,000.00	2,486,055.00	1/26/2021	2.300%
FHLMC/3134GSBK0	2,500,000.00	2,497,500.00	1/26/2021	2.150%
FHLMCMTN/3137EAEL9	2,500,000.00	2,477,875.00	2/16/2021	2.375%
FHLMCMTN/3134GBTG7	2,300,000.00	2,258,140.00	3/29/2021	1.875%
FAMCMTN/3132X0T84	2,500,000.00	2,502,236.25	4/19/2021	2.650%
FFCB/3133EHJP9	2,500,000.00	2,452,750.00	5/17/2021	2.000%
FHLB/313373ZY1	2,500,000.00	2,568,982.50	6/11/2021	3.625%
FHLB/3130A8EN9	2,500,000.00	2,418,750.00	6/14/2021	1.640%
FHLMCMTN/3134G9UL9	2,500,000.00	2,471,750.00	6/30/2021	1.500%
FAMCMTN/3132X05D9	3,000,000.00	3,000,000.00	8/17/2021	2.750%
FFCB/3133EJYF0	2,000,000.00	1,998,520.00	8/27/2021	2.700%
FFCB/3133EJZU6	2,500,000.00	2,490,877.50	9/20/2021	2.850%
FFCB/3133EJ3B3	2,500,000.00	2,500,200.00	12/17/2021	2.800%
FFCB/3133EJ5Q8	2,500,000.00	2,498,750.00	1/24/2022	2.800%
FFCB/3133EKEW2	5,960,000.00	5,979,668.00	3/29/2022	2.280%
FHLB/313378WG2	6,000,000.00	6,034,800.00	3/11/2022	2.500%
FHLB/313378WG2	6,000,000.00	6,075,720.00	3/11/2022	2.500%
FFCB	6,000,000.00	6,017,400.00	6/14/2022	1.875%



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 7, 2019

SUBJECT: Finance - Approval – Res. 19-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #59) (T6200-North West Corner of Shepherd and Sunnyside.), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for November 18, 2019.

ATTACHMENTS: 1. Res. 19-____, Intention to Annex Territory to CFD
2. Annexation Map

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council approve Res. 19-____, A Resolution of Intention to Annex Territory (Annexation #59) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for November 18, 2019.

EXECUTIVE SUMMARY

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

BACKGROUND

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

To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6200-North West Corner of Shepherd and Sunnyside, is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for November 18, 2019, and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *JH*

RESOLUTION 19-___

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

CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 59

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

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

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

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 59 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 59 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

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

5. Hearing. Monday, November 18, 2019, at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

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

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

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

* * * * *

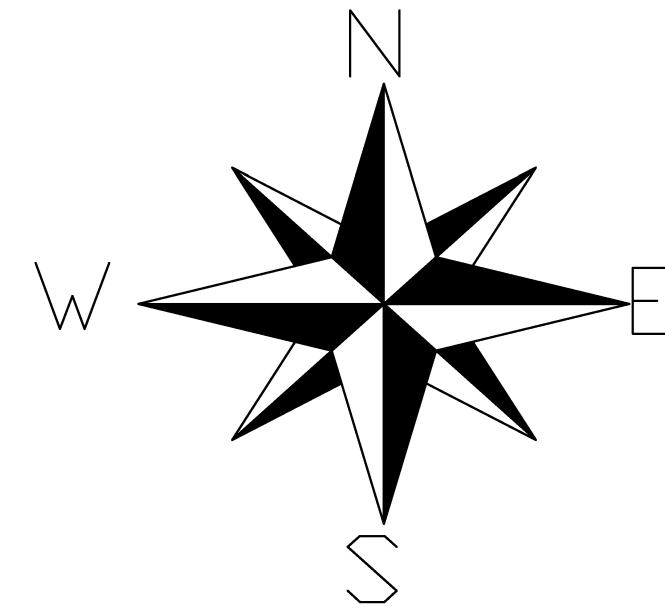
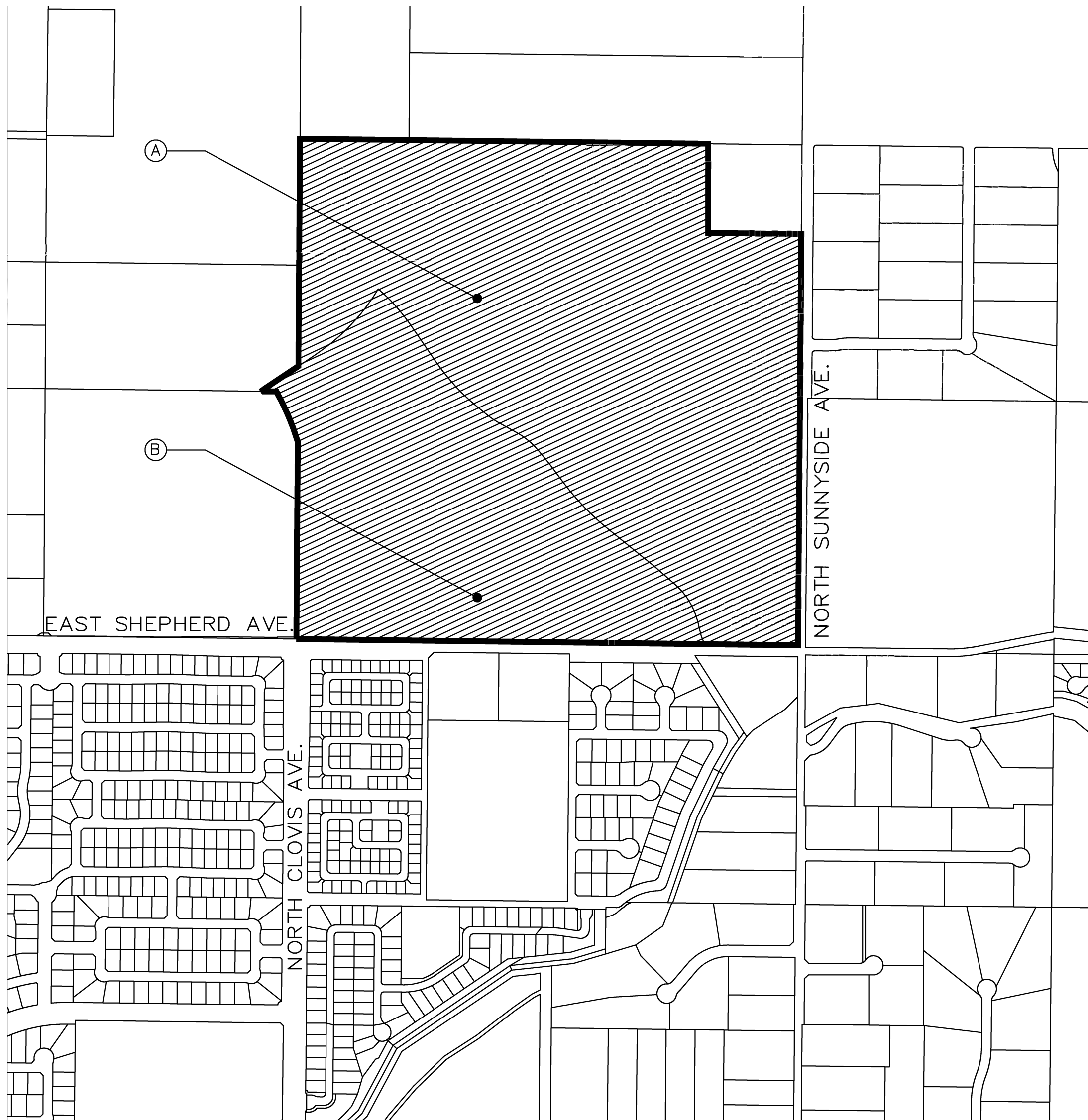
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019 by the following vote, to wit.

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

DATED: October 7, 2019

Mayor

City Clerk



LEGEND

- PARCEL
- ANNEXATION BOUNDARY
- Ⓐ APN 556-05-28S
- Ⓑ APN 556-05-27S

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ NOVEMBER, 2019. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 59 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 18TH DAY OF _____ NOVEMBER, 2019, BY ITS RESOLUTION NO. 19-_____.

JOHN HOLT
CITY CLERK
CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2019, AT THE HOUR OF _____ O'CLOCK ____M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

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

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

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

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

ANNEXATION MAP NO. 59

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

CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

ATTACHMENT 2





CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services

DATE: October 7, 2019

SUBJECT: General Services – Approval – Res. 19-____, Approving Side-Letters to the Clovis Police Officers’ Association (CPOA) and Clovis Firefighters Association (CFFA) Memorandums of Understanding, and Amending the Management and Executive Management Benefit Summaries.

ATTACHMENTS: 1. Res. 19-____, Side-Letters and Benefit Summaries

CONFLICT OF INTEREST
None

RECOMMENDATION
For the City Council to approve a resolution, approving side-letters to the CPOA and CFFA Memorandums of Understanding, and Amending the Management and Executive Management Benefit Summaries providing designated benefits to certain sworn lateral transfer employees in order to enhance the ability of the City to recruit the highest quality candidates.

EXECUTIVE SUMMARY
Staff is requesting approval of certain benefits for sworn safety employees and is defining those benefits in side-letters to the Clovis Police Officers’ Association (CPOA) and Clovis Firefighters Association (CFFA) Memorandums of Understanding and in the Benefit Summaries for management and executive management. The following benefits would be provided consistently across all the classifications for sworn lateral transfer employees who have a minimum of five (5) years of experience in a sworn safety position.

- Accrual of vacation leave at a level that takes into account their prior sworn safety service with a public agency.

- Credit upon hire of 40 hours of sick leave and 40 hours of comp time or management comp time without cash value.
- Upon successful completion of probation, credit of an additional 40 hours of sick leave and an additional 40 hours of comp time or management comp time without cash value.

BACKGROUND

Employee benefits are set forth in Memorandums of Understanding (MOU) for represented employees and in Benefit Summaries for management and executive management employees. Due to an oversight during recent negotiations, a side-letter to the 2016-2019 Clovis Police Officers’ Association (CPOA) Memorandum of Understanding providing additional benefits to lateral CPOA hires as an incentive for employment with the City of Clovis was not incorporated into the 2019-2022 CPOA MOU. After review, staff recommends a modified version of the previous side-letter be incorporated into the 2019-2022 CPOA MOU in order to preserve the incentive for those with previous law enforcement experience to transfer to the Clovis Police Department. For equity and consistency between sworn safety employees, it is recommended to provide the same benefit to Clovis Firefighters Association (CFFA) lateral hires and to sworn management lateral hires. Specific benefits are enumerated above and highlighted in the attachments.

FISCAL IMPACT

The fiscal impact could be anywhere between \$0 and \$68,500 depending on the percentage of new hires that are lateral transfers, the usage of the hours provided, and the number of absences that would require a backfill at the OT rate for that position. The expected fiscal impact is about \$22,000, assuming the benefit applies to approximately half of the new hires and they actually utilize 50% of those benefits. This would be included in the department’s budget.

REASON FOR RECOMMENDATION

It is to the City’s strong advantage to preserve the incentive for highly qualified and experienced law enforcement professionals to transfer to the Clovis Police Department. It is also recommended to extend those benefits to sworn firefighters and to sworn management employees who transfer from other public agencies for equity and consistency between sworn safety employees.

ACTIONS FOLLOWING APPROVAL

Personnel/Risk Management Personnel will finalize and post the side letters and benefit summaries on the City’s website. The new benefit will be applied as appropriate for any qualifying sworn lateral transfer employees hired after October 16, 2019.

Prepared by: Andy Soldo, Management Analyst

Reviewed by: City Manager *JH*

RESOLUTION 19-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING SIDE-LETTERS TO THE CLOVIS POLICE OFFICERS ASSOCIATION (CPOA) AND CLOVIS FIREFIGHTERS ASSOCIATION (CFFA) MEMORANDUMS OF UNDERSTANDING, AND AMENDING THE MANAGEMENT AND EXECUTIVE MANAGEMENT BENEFIT SUMMARIES

WHEREAS, the City maintains Memorandums of Understanding and Benefit Summaries that describe various employee benefits provided to different classes of employees of the City of Clovis; and

WHEREAS, the City desires to preserve the previous recruitment incentive for experienced law enforcement professionals to transfer to the Clovis Police Department with specified modifications; and

WHEREAS, the City desires for equity and consistency to provide the same level of benefit to transfers of sworn firefighters and sworn safety management.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis hereby adopts the side-letters to the Clovis Police Officers Association (CPOA) and Clovis Firefighters Association (CFFA) Memorandums of Understanding represented by Attachments A and B to this resolution and hereby amends the Management and Executive Management Benefit Summaries as represented in Attachments C and D to this Resolution.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 7, 2019

Mayor

City Clerk

Side-Letter Agreement to the 2019-2022 Memorandum of Understanding Between the City of Clovis and Clovis Police Officers Association (CPOA)

Lateral Police Officers

During the term of the 2019-2022 MOU between the City of Clovis and CPOA, lateral police officer candidates who have a minimum of five (5) or more years of sworn law enforcement experience will receive the following:

Received upon hire:

- 40 hours of sick leave
- 40 hours of no-cash-value compensation leave time
- Credit for time served at former agency(ies) toward Years of Service accrual for vacation time. Credited time is calculated per complete month at former employer. Per the CPOA MOU, vacation increases as per the following:

Years of Service	Accrual
1 through end of year 7	5 hours posted on each pay period to a maximum of 280 hours
8 through end of year 14	6 hours posted on each pay period to a maximum of 328 hours
15 through end of year 19	6.667 hours posted each pay period to a maximum of 360 hours
20 Years or more	8 hours posted on each pay period to a maximum of 360 hours

Received upon successful completion of the Field Training Program:

- 40 hours of sick leave
- 40 hours of no-cash-value compensation leave time

In the event a lateral officer leaves employment with the City for any reason prior to completing their probation period, the sick leave and compensation leave time provided above shall have no cash-out value.

For the CITY:

For the ASSOCIATION:

Luke Serpa, City Manager

Jordan Hunter, CPOA President

Date: _____

Date: _____

ATTEST: _____
John Holt, City Clerk

DATE: _____

Side-Letter Agreement to the 2019-2022 Memorandum of Understanding Between the City of Clovis and Clovis Firefighters Association (CFFA)

Lateral Firefighters

During the term of the 2019-2022 MOU between the City of Clovis and CFFA, lateral firefighter candidates who have a minimum of five (5) or more years as a full-time sworn firefighter will receive the following:

Received upon hire:

- 40 hours of sick leave
- 40 hours of no-cash-value compensation leave time
- Credit for time served at former agency(ies) toward Years of Service accrual for vacation time. Credited time is calculated per complete month at former employer.

Per the CFFA MOU, vacation increases as per the following:

<u>Years of Service</u>	<u>40 Hour Week Employees</u>	<u>56 Hour Week Employees</u>
Year 1 Thru End Of Year 7	5 hours posted on each pay period to a maximum of 280	7 hours posted on each pay period to a maximum of 392
Year 8 Thru End Of Year 14	6 hours posted on each pay period to a maximum of 328	8.4 hours posted on each pay period to a maximum of 459.2
Year 15 Thru End Of Year 19	6.7 hours posted on each pay period to a maximum of 360	9.333 hours posted on each pay period to a maximum of 504
20+ years	8 hours posted on each pay period to a maximum of 360	11.2 hours posted on each pay period to a maximum of 504

Received upon successful completion of the probationary period and eligible to act as Engineer:

- 40 hours of sick leave
- 40 hours of no-cash-value compensation leave time

In the event a lateral firefighter leaves employment with the City for any reason prior to completing their probation period, the sick leave and compensation leave time provided above shall have no cash-out value.

For the CITY:

For the ASSOCIATION:

Luke Serpa, City Manager

Tim Lesmeister, CFFA President

Date: _____

Date: _____

ATTEST: _____
John Holt, City Clerk

DATE: _____



MANAGEMENT EMPLOYEES BENEFITS SUMMARY

October 16, 2019

The following is a summary of the benefits available to management employees of the City of Clovis. For more information on any of the benefits listed below, contact the Personnel/Risk Management Division at (559) 324-2725.

1. PAID VACATION

Vacation is provided to allow employees paid time away from work to rest, recreate and return to work with renewed vigor and a fresh perspective. Increases in vacation accrual rates provide reinforcement for and recognition of length of service. Paid vacation time will accrue as follows per pay period/work days per year/maximum accrual. However, sworn Police and Fire command staff that enter City employment with a minimum of five (5) or more years of prior sworn law enforcement or sworn fire service experience with a public agency will accrue vacation leave at the level commensurate with their years of public service for benefit accrual purposes.

Years of Service	40 hour week Employees	56 hour week Employees
0 to 7 th anniversary	5 hrs./15 days/280 hrs. Max.	7 hrs./15 days/392 hrs. Max.
8 th to 14 th anniversary	6 hrs./18 days/328 hrs. Max.	8.4 hrs./18 days/459.2 hrs. Max.
15 th to 19 th anniversary	6.7hrs./20 days/360 hrs. Max.	9.3 hrs./20 days/504 hrs. Max.
20 th anniversary plus	8 hrs./24 days/424 hrs. Max.	11.2 hrs./24 days/593.6 hrs. Max.

2. PAID SICK LEAVE and SICK LEAVE INCENTIVE

a. In order to ensure that employees have the opportunity to tend to their health issues and provide incentive for judicious use of sick leave benefit, the City provides sick leave and a sick leave incentive program.

b. The sick leave incentive benefit compensates employees up to 50% of a calendar year’s unused accrual based on usage after an accumulation of 20 days of sick leave. The incentive is paid automatically on December 1st of each year.

Annual Sick Leave Incentive - 40 Hour Week Employees		
Hours Used During Preceding 12 Month Period	Number of Cash-out Hours Available	Percent of Cash-Out
-0-	96	50%
.1 to 8	88	45%
8 to 16	80	40%
16 to 24	72	35%
24 to 32	64	30%
32 to 40	56	25%

Annual Sick Leave Incentive 56 Hour Week Employees		
Hours Used During Preceding 12 Month Period	Number of Cash-out Hours Available	Percent of Cash-Out
-0-	134.4	50%
.1 to 11.2	123.2	45%
11.2 to 22.4	112	40%
22.4 to 33.6	100.8	35%
33.6 to 44.8	89.6	30%
44.8 to 56	78.4	25%

c. Managers who retire from the City with a normal retirement have the choice to cash-out up to 25% of their sick leave balance on their date of retirement. The cash-out may be applied to the deferred compensation plan, or may be received in cash. The balance of unused sick leave hours after the cash-out will be certified to PERS for the benefit known as “Credit for Unused Sick Leave.”

d. One-half (½) the annual accrual of sick leave per calendar year may be used to attend to an illness of a child, parent, spouse, registered domestic partner, sibling, parent-in-law, a grandparent, or a grandchild. (Labor Code 233(a)). Leave taken under Labor Code 233(a) will count toward the satisfaction of leave rights under AB1522.

e. Up to 24 hours or three (3) days of sick leave may be used by an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes of:

- Seeking medical attention for injuries cause by domestic violence or sexual assault.
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.
- To obtain psychological counseling related to an experience of domestic violence or sexual assault.
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

3. PAID HOLIDAYS

a. The City recognizes 10 scheduled paid holidays and one (1) paid floating holiday to be used at the mutual agreement of the employee and their supervisor. A four (4) hour floating holiday for all managers is available to be used on either the workday before Christmas Day or the workday before New Year’s Day, subject to the needs of the City.

b. On July 1st of each year, the Deputy Police Chief and Police Captains and Lieutenants shall be provided with 100 hours of holiday time in lieu of paid leave time off for holidays observed by the City. Up to 100 hours may be cashed-out each year at the employee’s option. 56/40 hour week Battalion Chiefs are provided with 200/142.86 hours of holiday time and are allowed to cash out up to 200/142.86 hours each year. The Deputy Fire Chief is provided with 100 hours each year. On July 1 of each year, the safety managers will notify finance of the number of holiday hours they intend to cash out or use so that it may be reported to PERS as earned in accordance with PERS requirements. Holiday hours must be used or cashed within the fiscal year unless an extension for use has been approved by the City Manager. If available carry over

hours are available from previous years, the Deputy Fire Chief may cash out up to 142.86 hours of holiday time each year.

c. If an employee leaves employment with the City prior to June 30, an amount equal to the pro-rata holiday time that has been unearned will be deducted from the final paycheck.

4. MANAGEMENT LEAVE

a. In recognition of the effort and contributions required of Management employees beyond the “normal” workday, the City provides additional leave time. Management employees receive 56 hours of management leave per fiscal year (posted July 16th). On June 30 of each year, remaining balances of management leave will automatically be cashed out to the employee. By request, up to 40 hours of unused management leave may be carried over until December 31st. Management leave cannot accumulate to an amount greater than 56 hours, except for hours carried over. After December 31st, balances exceeding the 56 hours will be reduced to the normal maximum of 56 hours.

b. Fifty-six (56) hour per week Fire Management employees will receive 78.4 hours of management leave. By request, they may carry over fifty-six (56) hours of unused management leave until December 31st. For these employees Management Leave cannot accumulate to an amount greater than 78.4 hours, except for hours carried over. After December 31st, balances exceeding the 78.4 hours will be reduced to the normal maximum of 78.4 hours.

5. MANAGEMENT INCENTIVE PAY

In recognition of the unique nature of the efforts and contributions required of Management employees, the City also provides Management Incentive Pay equal to one (1) hour of pay each pay period that a Manager is in paid status. In addition to the one (1) hour of incentive pay, forty hour per week Battalion Chiefs will also receive 5% of base salary as additional management incentive pay.

6. LATERAL TRANSFER BENEFIT FOR SWORN COMMAND STAFF

In order to provide equity with lateral hires of sworn officers and firefighters and to enhance the ability of the City of Clovis to recruit the highest quality candidates for sworn Police and Fire command staff, the City will provide the following benefits:

- On hire to a sworn command staff position, a lateral hire with a minimum of five (5) or more years sworn law enforcement experience or sworn fire service experience with a public agency will receive 40 hours of management compensation time with no cash value and 40 hours of sick leave.
- Upon successful completion of probation, the lateral hire in a sworn command staff position will receive an additional 40 hours of management compensation time with no cash value and 40 hours of sick leave.

7. FAMILY ILLNESS & BEREAVEMENT LEAVE

The City provides paid leave of up to 24 hours per calendar year to provide required personal care for immediate family members. The City also provides 40 hours of paid bereavement leave per calendar year for employees who experience the death of a family member to allow the employee to attend to various matters related to the passing of the family member. For the

purposes of this Section, ‘immediate family’ shall include husband, wife, registered domestic partner, mother/step, father/step, brother/step, sister/step, child/step, grandparent, grandchildren, mothers/fathers in-law, brothers/sisters in-law, sons/daughters in law or legal dependent of the employee.

8. VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

As a victim of domestic violence, an employee has certain rights afforded by AB 2337. Those rights include the right to take time off for certain reasons related to the situation, a right to reasonable accommodation for the employee’s safety, and the right to be free from retaliation and discrimination. An employee who is a victim of domestic violence, sexual assault, or stalking should contact the Personnel office for more information.

9. MILITARY LEAVE

The City supports employees who serve in the military. Military Leave requests shall be administered in accordance with the provisions of applicable federal and state law. Employees on Military Orders for 30 or less days in a fiscal year will receive paid Military Leave for that period of service. Copies of the orders must be provided to the department. Employees may be on unpaid leave for any period of active duty over (30) calendar days in one fiscal year pursuant to state law. Employees that are on active military leave may be able to reinstate PERS credit for time missed while on an active leave. For more information, please contact the Personnel/Risk Management Division.

10. MEDICAL, DENTAL, PHARMACY, OPTICAL, and GROUP LIFE INSURANCE

a. In order to provide employees with an opportunity to maintain the health and wellness of themselves and their dependents, the City provides health insurance that includes medical, prescription, dental, and vision coverage. In addition, the City provides life insurance coverage.

b. The City provides a variety of medical plan choices to employees. Each year before the open enrollment period in October/November, the City will provide the details of those options to employees. Employees may also elect dental, vision and life coverage only at a reduced rate or waive health benefits entirely. Employees who waive *all health coverage* (medical, dental, prescription, and vision coverage) are eligible for a \$420.00 health insurance rebate each month. ***To receive the \$420.00 insurance rebate the employee must annually provide evidence of being covered on another group health plan.*** Employees who have exhausted their FMLA/CFRA rights and are on an unpaid leave of absence approved by the City Manager are eligible to continue their health insurance coverage for a period of up to 6 (six) months. After that, if eligible, employees will have to enroll in COBRA to continue health insurance coverage.

c. City paid life insurance coverage is \$175,000 for the employee and \$10,000 for dependents.

11. RETIREE HEALTH INSURANCE

a. Employees with a minimum of five (5) years of service as a regular full time employee immediately preceding separation, and who are currently enrolled in a City health plan or other approved group health plan, and who retire in accordance with PERS age and service requirements are allowed to continue in a City sponsored Medical and Prescription plan at their

expense. Details of the retiree health insurance program are provided to retirees active in the program each year before open enrollment.

b. Retiring Managers who do not meet the eligibility guidelines for the Retiree Health Insurance program will be eligible to continue the City Health Insurance at their own expense by exercising their COBRA rights.

12. SUPPLEMENTAL LIFE INSURANCE

Employees have the option to purchase supplemental life insurance in addition to the life insurance coverage provided by the City in item 8 above. Supplemental Group Life Insurance is available at the employee's expense by payroll deduction. There is a 30 day guaranteed purchase provision from date of hire. After 30 days from the date of hire, the insurance company has discretion, through the underwriting process, over policy issuance and amount of issuance. The guaranteed issue amounts are: \$100,000 for the employee, \$25,000 for the spouse and \$2,000 for children. The maximum additional insurance amount is \$500,000 for employees, \$250,000 for spouses and \$2,000 for children.

13. BUSINESS TRAVEL INSURANCE

A \$500,000 death benefit for Management employees who die while traveling on City business is provided by the City. Benefits are also paid for bodily dismemberment.

14. SHORT TERM/LONG TERM DISABILITY INSURANCE

a. In order to provide income replacement due to a non-work related event, the City provides Short and Long Term Disability Insurance. Short Term Disability Insurance provides a benefit equal to 66.67% of base salary up to \$7,000 per month for up to 24 weeks after 14 days of disability. This benefit is paid for by each employee through payroll deduction.

b. If an employee continues to be disabled the Long Term Policy begins after 24 weeks. Long Term Disability provides a benefit equal to 66.67% of base salary up to \$7,000 per month for up to two years after 180 days of disability. If an employee is permanently disabled from all occupations, a lifetime monthly benefit (to age 65) is paid to the employee. This benefit is paid for by each employee through payroll deduction.

15. EMPLOYEE ASSISTANCE PROGRAM

The Insight program is available to full-time City employees and household members to provide guidance, to promote wellness, and to help resolve personal issues that may be interfering with work or home life. Each employee or household member is entitled to three (3) free visits every six (6) months. (Sworn safety managers are eligible for an additional (3) free visits every six (6) month period.) Insight can be reached 24 hours a day at (559) 226-7437.

16. RETIREMENT

a. The City has contracted with the California Public Employees Retirement System (PERS) for employee retirement benefits. The benefits provided are based on the benefit formula, age at retirement, compensation, and length of service in the system. The contract provisions also include a 2% cost of living adjustment, the Level 4 1959 Survivor Benefit, and sick leave service credit conversion for all Managers.

b. Employees hired before January 1, 2013 are classified by PERS as “Classic Employees” for retirement purposes. The following retirement formulas apply to PERS Classic Employees:

- Misc. 2.7% at 55 formulas with 8% Employee paid contribution on a pre-tax basis.
- Safety 3% at 50 formula with 9% Employee paid contribution on a pre-tax basis.

The PERS retirement benefit for Classic Employees will be based on the Employee’s highest 12 consecutive months of compensation.

c. Employees hired after January 1, 2013 are classified as “New Employees” by PERS for retirement purposes. The following retirement formulas apply to PERS New Employees:

- Misc. 2.0% at 62 formulas with 6.25% Employee paid contribution on a pre-tax basis.
- Safety 2.7% at 57 formula with 11.25% Employee paid contribution on a pre-tax basis.

The PERS retirement benefit for New Employees is based on the Employee’s highest 36 consecutive months of compensation.

The employee contribution rate for new members may be subject to change. For example, the employee contributions may increase or decrease based on PERS funding requirements.

d. Additional Employee Cost-Sharing of PERS Contributions

All employees participate in PERS retirement benefit cost-sharing in the form of additional percentages of employee compensation paid toward the City’s PERS retirement costs as follows:

- Miscellaneous Employees: 8.4%
- Safety Employees: 8.0%

17. PRE-RETIREMENT DEATH BENEFITS

a. The retirement contract with PERS includes a pre-retirement death benefit. If an **employee is not eligible to retire** (i.e., has not attained age 50 and at least five (5) years of PERS service credit) the employee’s beneficiary will receive the Basic Death Benefit which is a refund of the employee’s contributions plus interest and up to six (6) months’ pay. In addition the beneficiary will receive the 1959 Survivor Benefit which provides a monthly allowance of up to \$2,280 for three (3) or more eligible survivors.

b. Beneficiaries of **employees who are eligible to retire** may elect to receive the same benefit as noted above or the 1957 Survivor Benefit which provides a monthly allowance equal to one half of what the highest service retirement allowance would have been had the employee retired on the date of their death. In lieu of either of these benefits, an eligible survivor may receive the Pre-Retirement Option 2W Death Benefit. It provides a monthly benefit to the eligible survivor equal to the amount the employee would have received had the employee retired on the date of their death and elected Option 2W.

c. When the death of a safety employee who is **not eligible to retire** is determined to be **job related** the beneficiaries may receive the Special Death Benefit which provides a monthly allowance equal to one half of final compensation. If the cause of death is some external violence or physical force while on the job, and there are eligible children in addition to a spouse or registered domestic partner, the allowance may be increased to 75 percent. The beneficiary may elect to receive the Basic Death Benefit and the 1959 Survivor Benefit in place of the Special Death Benefit.

d. When the death of a safety employee who is **eligible to retire** is determined to be **job related** the beneficiaries may receive the Special Death Benefit which provides a monthly allowance equal to one half of final compensation. If the cause of death is some external violence or physical force while on the job, and there are eligible children in addition to a spouse or registered domestic partner, the allowance may be increased to 100 percent. The beneficiary may elect to receive the Basic Death Benefit and the 1959 Survivor Benefit in place of the Special Death Benefit.

18. DEFERRED COMPENSATION

An IRC Section 457 deferred compensation plan is available to all Management employees as a supplemental retirement plan, with the City matching the employee's contribution on a dollar for dollar basis up to 3% of the employee's base pay.

19. VEHICLE ALLOWANCE

Designated management positions receive a \$455 per month vehicle allowance in lieu of an assigned City vehicle for business and personal use pursuant to IRS regulations. Miles driven in excess of 50 miles round trip will be paid at the current IRS set mileage rate. To receive a vehicle allowance, the employee must maintain a valid California Driver's license, maintain current registration and qualifying insurance (minimum limit of \$300,000 combined single limit personal liability) on the vehicle, and provide proof of that insurance to the City of December 16 of each year. Failure to provide proof of insurance will result in the vehicle allowance being suspended until the proof is provided. For more information, see the City's Business Travel Policy.

20. CELLULAR TELEPHONE PROGRAM

Designated management employees will receive a \$50 per month cellular phone allowance for business and personal use pursuant to IRS regulations.

21. COMPUTER LOAN PROGRAM

The computer loan program is intended to encourage computer ownership in order to improve computer skills and organizational efficiency. The City will loan up to \$3,000 for a period of 24 months, interest free, for Management employees to purchase a computer, software, and related devices for professional development and personal use.

22. PROFESSIONAL DEVELOPMENT

The City shall reimburse employees in the Unit for the cost of tuition, required fees (such as a health fee), required textbooks or e-books, for job-related courses leading to a college degree. To

be eligible for reimbursement, the course must be related to job duties or related to a position to which an employee might reasonably aspire.

The maximum reimbursement rate will be calculated September 1 of each year as the total of eight (8) semesters full-time undergraduate tuition, including required fees, at California State University Fresno. A total of \$2,000 for required textbooks or e-books will be added to the tuition fees noted above for a grand total maximum reimbursement. Expenses for courses which began prior to July 1, 2019 will not be included in the maximum lifetime allocation.

Reimbursement under this Section shall be made under the following conditions:

- A. Employees must have completed their initial probationary period with the City.
- B. By February 28 of each year, employees must submit a written request to participate in the Educational Incentive Program including an estimate of costs to be incurred during the following fiscal year.
- C. Course work must be for an accredited college or university degree program, and have the prior approval of the Department Head. Accreditation shall be through the U.S. Department of Education unless otherwise approved by the Department Head.
- D. An employee will be eligible for reimbursement of approved expenses for either an Associates, Bachelor's or Master's degree. Fees for any combination of these degrees may be reimbursed as long as they do not exceed the employee's maximum allocation for the Educational Incentive Program.
- E. Course work must be work-related and determined by the Department Head to be of benefit to the City. Required course work as part of an approved undergraduate or master's degree program is eligible for reimbursement.
- F. Reimbursement of approved course work and related expenses shall be contingent upon the attainment of a letter grade of "C" or better, or "Pass" in a course with Pass/Fail grading. Reimbursement shall be made after the employee submits expense receipts and proof of letter grade.
- G. Fees not required for enrollment such as parking, graduation related expenses, or travel will not be reimbursed.
- H. All courses for which reimbursement is sought shall be taken while off duty and not in paid status.

23. SOCIAL SECURITY/MEDICARE

The City of Clovis does not participate in Social Security, except as required for Medicare for employees hired after April 30, 1986.

24. STAND-BY COMPENSATION

Stand-by compensation shall be provided for managers in the Information Technology Division who participate in the regularly scheduled rotation of 24-hour/7-day coverage for computer services. Compensation for the 24/7 period shall be equivalent to 30% of the weekly base salary. Actual callbacks shall be paid at the straight time rate for actual hours worked.

25. PUBLIC SAFETY FITNESS INCENTIVE

In the interest of public safety, the City encourages its public safety managers to maintain a high state of health, wellness, and fitness. To that end, employees in police management classifications who participate in physical fitness testing and attain the necessary benchmarks will receive the same incentive provided to represented employees in the respective departments. (Note: Fire Management Fitness Incentive was added into step one of the salary schedule for Deputy Chief and Battalion Chiefs on July 1, 2019.)

26. PUBLIC SAFETY MANAGERS EXTRA SHIFT COVERAGE

Subject to approval by the City Manager, the Deputy Police Chief, Police Captains and Police Lieutenants, and Deputy Fire Chief and Battalion Chiefs, and the Communications Supervisor, Supervisor of Animal Services, and Public Safety Management Analysts who are required to back fill for a subordinate's shift or fill a shift for another safety manager in the same position due to staffing will be provided with additional compensation provided that the extra shift requires working hours beyond those hours regularly scheduled for the work week. The additional compensation will be paid at the straight time rate of pay of the manager filling the shift, unless the manager is filling the shift for a subordinate. When filling a shift for a subordinate, the rate of compensation will be the straight time rate for step 5 of the classification being filled for the duration of the extra shift coverage assignment. If the assignment includes a 56 hour week assignment, the public safety manager will be paid at the 56 hour rate of pay.

Deployment pay for Safety Managers under a contract for service with another government agency will be provided at the contracted rate up to 1.5 times the employee's normal hourly rate (56 or 40 hour).

27. SAFETY COMMAND STAFF EXTRAORDINARY EVENT LEAVE

Each fiscal year, upon recommendation of the Police Chief, the City Manager will have discretion to authorize up to an additional 40 hours of paid compensation to Police Department Command Staff who have worked during extraordinary law enforcement event(s) which required significant additional time in excess of their regular work schedule.

Each fiscal year, upon recommendation of the Fire Chief, the City Manager will have the discretion to authorize up to an additional 40 hours of paid compensation to the Deputy Fire Chief, and Special Projects and Life Safety Manager who have worked during incidents or events which required significant additional time in excess of their regular work schedule and for which they have not otherwise received compensation for those hours worked.

28. UNIFORMS

Uniform allowance is provided to management employees as follows:

Sworn Fire Management: \$1,500.00 per fiscal year, paid each pay period.

Sworn Police Management: \$1200.00 per fiscal year, paid annually in January.

Utility Managers: Purchased by City.



EXECUTIVE MANAGEMENT EMPLOYEES BENEFITS SUMMARY

October 16, 2019

The following is a summary of the benefits available to Executive Management employees of the City of Clovis. For more information on any of the benefits listed below, contact the Personnel/Risk Management Division at (559) 324-2725.

Executive Management classifications include the City Manager, Assistant City Manager/City Clerk, Community and Economic Development Director, Planning and Development Services Director, Finance Director, Fire Chief, General Services Director, Police Chief, and Public Utilities Director.

1. PAID VACATION

Vacation is provided to allow employees paid time away from work to rest, recreate, and return to work with renewed vigor and fresh perspectives. Increases in vacation accrual rates provide reinforcement for and recognition of length of service. Paid vacation time will accrue as follows per pay period/work days per year/maximum accrual. However, Executive Managers that enter City employment with prior public agency experience will accrue vacation leave at the level commensurate with their years of public service for benefit accrual purposes.

Years of Service	40 hour week Employees	56 hour week Employees
0 to 7 th anniversary	5 hrs./15 days/280 hrs. Max.	7 hrs./15 days/392 hrs. Max.
8 th to 14 th anniversary	6 hrs./18 days/328 hrs. Max.	8.4 hrs./18 days/459.2 hrs. Max.
15 th to 19 th anniversary	6.7hrs./20 days/360 hrs. Max.	9.3 hrs./20 days/504 hrs. Max.
20 th anniversary plus	8 hrs./24 days/424 hrs. Max.	11.2 hrs./24 days/593.6 hrs. Max.

2. PAID SICK LEAVE and SICK LEAVE INCENTIVE

a. In order to ensure that employees have the opportunity to tend to health issues and to provide incentive for judicious use of the sick leave benefit, the City provides paid sick leave and a sick leave incentive program.

b. The sick leave incentive benefit compensates employees up to 50% of a calendar year’s unused accrual based on usage after an accumulation of 20 days of sick leave. The incentive is paid automatically on December 1st of each year.

Annual Sick Leave Incentive - 40 Hour Week Employees		
Hours Used During Preceding 12 Month Period	Number of Cash-Out Hours Available	Percent of Cash-Out
-0-	96	50%
.1 to 8	88	45%
8 to 16	80	40%
16 to 24	72	35%
24 to 32	64	30%
32 to 40	56	25%

c. Executive Managers have the choice to receive up to 50% cash-out of total accrued sick leave at the time of retirement, or a 25% cash-out at the time of separation of employment in good standing for reasons other than a “normal” retirement. The cash-out may be applied to the deferred compensation plan, or may be received in cash. The balance of unused sick leave hours after the cash-out will be certified to PERS for the benefit known as “Credit for Unused Sick Leave.”

d. One-half (½) of the annual accrual of sick leave per calendar year may be used to attend to the health issues of a child, parent, spouse, registered domestic partner, sibling, parent-in-law, grandparent, or grandchild. (Labor Code 233(a)). Leave taken under Labor Code 233(a) will count toward the satisfaction of leave rights under AB1522.

e. Up to 24 hours or three (3) days of sick leave may be used by an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes of:

- Seeking medical attention for injuries cause by domestic violence or sexual assault.
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.
- To obtain psychological counseling related to an experience of domestic violence or sexual assault.
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

3. PAID HOLIDAYS

a. The City recognizes 10 scheduled paid holidays, and one (1) paid floating holiday to be used at the mutual agreement of the employee and their supervisor. A four (4) hour floating holiday for all managers is available to be used on either the workday before Christmas Day or the workday before New Year’s Day, subject to the needs of the City.

b. On July 1st of each year, the Fire Chief and Police Chief shall receive 100 hours in the Holiday Hour Bank in lieu of paid leave time-off for holidays observed by the City. Up to 100 hours may be cashed-out each year at the Fire and Police Chief’s option. On July 1 of each year, the Fire Chief and Police Chief will notify finance of the number of holiday hours they intend to cash out or use so that it may be reported to PERS as earned in accordance with PERS requirements. Holiday hours must be used or cashed within the fiscal year unless an extension for use has been approved by the City Manager. If available carry over hours are available from previous years, the Fire Chief may cash out up to 142.86 hours of holiday time each year.

c. If the Fire / Police Chief leaves City employment prior to June 30th, an amount equal to the pro-rata holiday time that has been unearned during the fiscal year will be deducted from their final paycheck.

4. MANAGEMENT LEAVE

In recognition of the effort and contributions required of Executive Management employees beyond the “normal” workday, the City provides additional leave time. Executive Management employees receive 96 hours of management leave per fiscal year (posted July 16th). Up to 56 hours of unused management leave is automatically cashed out on July 1st of each year. Forty (40) hours of management leave has no cash-out value. On June 30th of each year, up to a maximum of 40 hours of unused management leave will automatically be carried over until December 31st. Management leave cannot accumulate to an amount greater than 96 hours, except for hours carried over. After December 31st, balances exceeding the 96 hours will be reduced to the normal maximum of 96 hours.

5. MANAGEMENT INCENTIVE PAY

In recognition of the unique nature of the effort and contributions required of Management employees, the City also provides Management Incentive Pay equal to one (1) hour of pay each pay period that a Manager is in paid status.

6. LATERAL TRANSFER BENEFIT FOR POLICE AND FIRE CHIEF

In order to provide equity with other sworn command staff and to enhance the ability of the City of Clovis to recruit the highest quality candidates for the sworn positions of Police and Fire Chiefs’ the City will provide the following benefits:

- On hire, a lateral hire for Police Chief or Fire Chief will receive 40 hours of management compensation time with no cash value and 40 hours of sick leave.
- Upon successful completion of probation, the lateral hire Police Chief or Fire Chief will receive an additional 40 hours of management compensation time with no cash value and 40 hours of sick leave.

7. FAMILY ILLNESS & BEREAVEMENT LEAVE

The City provides paid leave of up to 24 hours per calendar year for the purpose of providing personal care for immediate family members. The City also provides 40 hours of paid bereavement leave per calendar year for employees who experience the death of a family member to allow the employee to attend to various matters related to the passing of the family member. For the purposes of this Section, ‘immediate family’ shall include husband, wife, registered domestic partner, mother/step, father/step, brother/step, sister/step, child/step, grandparent, grandchildren, mothers/fathers in-law, brothers/sisters in-law, sons/daughters in law or legal dependent of the employee.

8. VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

As a victim of domestic violence, an employee has certain rights afforded by AB 2337. Those rights include the right to take time off for certain reasons related to the situation, a right to reasonable accommodation for the employee’s safety, and the right to be free from retaliation

and discrimination. An employee who is a victim of domestic violence, sexual assault, or stalking should contact the Personnel office for more information.

9. MILITARY LEAVE

The City supports employees who serve in the military. Military Leave requests shall be administered in accordance with the provisions of applicable federal and state law. Employees on Military Orders for 30 or less days in a fiscal year will receive paid Military Leave for that period of service. Copies of the orders must be provided to the department. Employees may be on unpaid leave for any period of active duty over 30 calendar days in one fiscal year pursuant to state law. Employees that are on active military leave may be able to reinstate PERS credit for time missed while on an active leave. For more information, please contact the Personnel/Risk Management Division.

10. MEDICAL, DENTAL, PHARMACY, OPTICAL, and GROUP LIFE INSURANCE

a. In order to provide employees with an opportunity to maintain the health and wellness of themselves and their dependents, the City provides health insurance that includes medical, prescription, dental, and vision coverages. In addition, the City provides life insurance coverage.

b. The City provides a variety of medical plan choices to employees. Each year before the open enrollment period in October/November, the City will provide the details of those options to employees. Employees may also elect dental, vision and life coverage only at a reduced rate or waive health benefits entirely. Employees who waive *all health coverage* (medical, dental, prescription, and vision coverage) are eligible for a \$420.00 health insurance rebate each month. ***To receive the \$420.00 health rebate the employee must annually provide evidence of being covered on another group health plan.*** Employees who have exhausted their FMLA/CFRA rights and are on an unpaid leave of absence approved by the City Manager are eligible to continue their health insurance coverage for a period of up to 6 (six) months. After that, if eligible, employees will have to enroll in COBRA to continue health insurance coverage.

c. City-paid life insurance coverage for Executive Managers is \$275,000 for the employee and \$10,000 for dependents.

11. RETIREE HEALTH INSURANCE

a. Employees with a minimum of five (5) years of service as a regular full time employee immediately preceding separation, and who are currently enrolled in a City health plan or other approved group health plan, and who retire in accordance with PERS age and service requirements are allowed to continue in a City sponsored Medical and Prescription plan at their expense. Details of the retiree health insurance program are provided to retirees active in the program each year before open enrollment.

b. Retiring Managers who do not meet the eligibility guidelines for the Retiree Health Insurance program will be eligible to continue the City Health Insurance at their own expense by exercising their COBRA rights.

12. SUPPLEMENTAL LIFE INSURANCE

Employees have the option to purchase supplemental life insurance in addition to the life insurance coverage provided by the City in Item 8 above. Supplemental Group Life Insurance is available at the employee's expense by payroll deduction. There is a 30 day guaranteed purchase provision from date of hire. After 30 days from the date of hire, the insurance company, through the underwriting process, has discretion over policy issuance and amount of issuance. The guaranteed issue amounts are: \$100,000 for the employee, \$25,000 for the spouse and \$2,000 for children. The maximum additional insurance amount is \$500,000 for employees, \$250,000 for spouses and \$2,000 for children.

13. BUSINESS TRAVEL INSURANCE

A \$500,000 death benefit for Executive Management employees who die while traveling on City business is provided by the City. Benefits are also paid for bodily dismemberment.

14. SHORT TERM/LONG TERM DISABILITY INSURANCE

a. In order to provide income replacement due to a non-work related event, the City provides Short and Long Term Disability Insurance. Short Term Disability Insurance provides a benefit equal to 66.67% of base salary up to \$7,000 per month for up to 24 weeks after 14 days of disability. This benefit is paid for by each employee through payroll deduction.

b. If an employee continues to be disabled, the Long Term Policy begins after 24 weeks. Long Term Disability provides a benefit equal to 66.67% of base salary up to \$7,000 per month for up to two years after 180 days of disability. If an employee is permanently disabled from all occupations, a lifetime monthly benefit (to age 65) is paid to the employee. This benefit is paid for by each employee through payroll deduction.

15. EMPLOYEE ASSISTANCE PROGRAM

The Insight program is available to full-time City employees and household members to provide guidance to promote wellness and to help resolve personal issues that may be interfering with work or home life. Each employee or household member is entitled to three (3) free visits every six (6) months. (Each sworn safety employee is entitled to an additional (3) free visits every (6) month period.) Insight can be reached 24 hours a day at (559) 226-7437.

16. RETIREMENT

a. The City has contracted with the California Public Employees Retirement System (PERS) for employee retirement benefits. The benefits provided are based on the benefit formula, age at retirement, compensation, and length of service in the system. The contract provisions also include a 2% cost of living adjustment, the Level 4 1959 Survivor Benefit, and sick leave service credit conversion for all Managers.

b. Employees hired before January 1, 2013, are classified by PERS as “Classic Employees” for retirement purposes. The following retirement formulas apply to PERS Classic Employees:

- Misc. 2.7% at 55 formulas with 8% Employee paid contribution on a pre-tax basis.
- Safety 3% at 50 formula with 9% Employee paid contribution on a pre-tax basis.

The PERS retirement benefit for Classic Employees will be based on the employee's highest 12 consecutive months of compensation.

c. Employees hired after January 1, 2013, are classified as "New Employees" by PERS for retirement purposes. The following retirement formulas apply to PERS New Employees:

- Misc. 2.0% at 62 formulas with 6.25% Employee paid contribution on a pre-tax basis.
- Safety 2.7% at 57 formula with 11.25% Employee paid contribution on a pre-tax basis.

The PERS retirement benefit for New Employees is based on the employee's highest 36 consecutive months of compensation.

The employee contribution rate for PERS New Employees may be subject to change. For example the employee contributions may increase or decrease based on PERS funding requirements.

d. Additional Employee Cost-Sharing of PERS Contributions:

All employees participate in PERS retirement benefit cost-sharing in the form of additional percentages of employee compensation paid toward the City's PERS retirement costs as follows:

- Miscellaneous Employees: 8.4% cost sharing
- Safety Employees: 8.0% cost sharing

17. PRE-RETIREMENT DEATH BENEFITS

a. The City's retirement contract with PERS includes a pre-retirement death benefit. If an **employee is not eligible to retire** (i.e., has not attained age 50 and at least five (5) years of PERS service credit) the employee's beneficiary will receive the Basic Death Benefit which is a refund of the employee's contributions plus interest and up to six (6) month's pay. In addition, the beneficiary will receive the 1959 Survivor Benefit which provides a monthly allowance of up to \$2,280 for three (3) or more eligible survivors.

b. Beneficiaries of **employees who are eligible to retire**, may elect to receive the same benefit as noted above or the 1957 Survivor Benefit which provides a monthly allowance equal to one half of what the highest service retirement allowance would have been had the employee retired on the date of their death. In lieu of either of these benefits, an eligible survivor may receive the Pre-Retirement Option 2W Death Benefit. It provides a monthly benefit to the eligible survivor equal to the amount the employee would have received had the employee retired on the date of their death and elected Option 2W.

c. When the death of a safety employee who is **not eligible to retire** is determined to be **job related** the beneficiaries may receive the Special Death Benefit which provides a monthly allowance equal to one half of final compensation. If the cause of death is some external violence or physical force while on the job, and there are eligible children in addition to a spouse or registered domestic partner, the allowance may be increased to 75 percent. The beneficiary may

elect to receive the Basic Death Benefit and the 1959 Survivor Benefit in place of the Special Death Benefit.

d. When the death of a safety employee who is **eligible to retire** is determined to be **job related** the beneficiaries may receive the Special Death Benefit which provides a monthly allowance equal to one half of final compensation. If the cause of death is some external violence or physical force while on the job, and there are eligible children in addition to a spouse or registered domestic partner, the allowance may be increased to 100 percent. The beneficiary may elect to receive the Basic Death Benefit and the 1959 Survivor Benefit in place of the Special Death Benefit.

18. DEFERRED COMPENSATION

An IRC Section 457 deferred compensation plan is available to all Management employees as a supplemental retirement plan, with the City matching the employee's contribution on a dollar for dollar basis up to 3% of the employee's base pay.

19. VEHICLE ALLOWANCE

Executive Managers receive a \$500 per month vehicle allowance, unless modified by an employment agreement, in lieu of an assigned City vehicle for business and personal use pursuant to IRS regulations. Miles driven in excess of 50 miles round-trip will be paid at the current IRS set mileage rate. To receive a vehicle allowance, the employee must maintain a valid California Driver's license, maintain current registration and qualifying insurance (minimum limit of \$300,000 combined single limit personal liability) on the vehicle, and provide proof of that insurance to the City by December 16 of each year. Failure to provide proof of insurance will result in the vehicle allowance being suspended until the proof is provided. For more information, see the City's Business Travel Policy.

20. CELLULAR TELEPHONE PROGRAM

Executive Management employees will receive a \$50 per month cellular phone allowance for business and personal use pursuant to IRS regulations.

21. COMPUTER LOAN PROGRAM

The computer loan program is intended to encourage computer ownership in order to improve computer skills and organizational efficiency. The City will loan up to \$3,000 for a period of 24 months, interest free, for Executive Management employees to purchase a computer, software, and related devices for professional development and personal use.

22. PROFESSIONAL DEVELOPMENT

The City shall reimburse employees in the Unit for the cost of tuition, required fees (such as a health fee), required textbooks or e-books, for job-related courses leading to a college degree. To be eligible for reimbursement, the course must be related to job duties or related to a position to which an employee might reasonably aspire.

The maximum reimbursement rate will be calculated September 1 of each year as the total of eight (8) semesters full-time undergraduate tuition, including required fees, at California State University Fresno. A total of \$2,000 for required textbooks or e-books will be added to the tuition

fees noted above for a grand total maximum reimbursement. Expenses for courses which began prior to July 1, 2019 will not be included in the maximum lifetime allocation.

Reimbursement under this Section shall be made under the following conditions:

- A. Employees must have completed their initial probationary period with the City.
- B. By February 28 of each year, employees must submit a written request to participate in the Educational Incentive Program including an estimate of costs to be incurred during the following fiscal year.
- C. Course work must be for an accredited college or university degree program, and have the prior approval of the Department Head. Accreditation shall be through the U.S. Department of Education unless otherwise approved by the Department Head.
- D. An employee will be eligible for reimbursement of approved expenses for either an Associates, Bachelor's or Master's degree. Fees for any combination of these degrees may be reimbursed as long as they do not exceed the employee's maximum allocation for the Educational Incentive Program.
- E. Course work must be work-related and determined by the Department Head to be of benefit to the City. Required course work as part of an approved undergraduate or master's degree program is eligible for reimbursement.
- F. Reimbursement of approved course work and related expenses shall be contingent upon the attainment of a letter grade of "C" or better, or "Pass" in a course with Pass/Fail grading. Reimbursement shall be made after the employee submits expense receipts and proof of letter grade.
- G. Fees not required for enrollment such as parking, graduation related expenses, or travel will not be reimbursed.
- H. All courses for which reimbursement is sought shall be taken while off duty and not in paid status.

23. SOCIAL SECURITY/MEDICARE

The City of Clovis does not participate in Social Security, except as required for Medicare for employees hired after April 30, 1986.

24. PUBLIC SAFETY FITNESS INCENTIVE

In the interest of public safety, the City encourages its public safety managers to maintain a high state of health, wellness, and fitness. To that end, employees in police management classifications who participate in physical fitness testing and attain the necessary benchmarks will receive the same incentive provided to represented employees in the respective departments. (Note: The Fire Management Fitness Incentive was added into step one of the salary schedule for the Fire Chief on July 1, 2019.)

25. SAFETY COMMAND STAFF EXTRAORDINARY EVENT LEAVE

Each fiscal year, upon recommendation, the City Manager will have the discretion to authorize up to an additional 40 hours of paid compensation to the Police and Fire Chiefs who have worked extraordinary law enforcement or fire events or other major incidents which required significant additional time in excess of their regular work schedule and for which they have not otherwise received compensation for those hours worked.

26. UNIFORMS

Uniform allowance is provided to public safety Executive Management employees as follows:

- Fire \$1500.00 per fiscal year, paid each pay period.
- Police \$1200.00 per fiscal year, paid annually each January.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: October 7, 2019

SUBJECT: General Services – Approval – Res. 19-____, Renewing Medical Plan Option for Eligible Retirees and Restating the Eligibility Requirements for Participation in the Plan.

ATTACHMENTS: 1. Res. 19-____, Renew Retiree Health Plan

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution renewing the City’s Retiree Medical Plan option for eligible retirees and restating eligibility requirements for participation in the plan.

EXECUTIVE SUMMARY

The City has sponsored a group retiree medical plan for retirees who meet certain eligibility requirements for many years. Approval of the attached Resolution renews the retiree medical plan for the 2020 plan year.

BACKGROUND

For many years, the City has offered employees who retire from City service the option of purchasing the same medical and prescription drug benefit package offered to full-time, regular employees. The retiree medical plan option is renewed annually at the discretion of the Council. This option provides qualifying retirees (those with a minimum of five (5) years of full-time City service immediately preceding retirement) with the opportunity to continue participation in the City’s medical/prescription plans beyond the continuation coverage period provided through COBRA. Eligibility requirements for participation in the plan and rate information are listed in the attached (Attachment A of Attachment 1, and Attachment B of Attachment 1).

FISCAL IMPACT

The retiree medical plan option is rated separately from the active City employee medical plan. In addition, monthly premiums are paid entirely by the retirees. Consequently, there is no fiscal impact to the City for offering this program.

REASON FOR RECOMMENDATION

Council action is necessary to renew the retiree medical plan option for eligible retirees for the 2020 plan year.

ACTIONS FOLLOWING APPROVAL

Upon adoption, the program renewal will become effective with the 2020 plan year, i.e., January 1, 2020. Eligible retirees will be provided with an open enrollment notice of their available options during the City's open enrollment period (i.e., October 14 through November 15, 2019). Additionally, employees who retire and become eligible during the 2020 plan year will be provided with similar notice at the time of retirement.

Prepared by: Lori Shively/Personnel/Risk Manager

Reviewed by: City Manager *JS*

RESOLUTION 19-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
RENEWING THE RETIREE MEDICAL PLAN OPTION FOR ELIGIBLE
RETIREES AND RESTATING THE ELIGIBILITY REQUIREMENTS
FOR PARTICIPATION IN THE PLAN**

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

WHEREAS, the City offers a retiree health plan that allows retirees to purchase medical and prescription coverage; and,

WHEREAS, the City has established eligibility requirements for participation in the plan listed in the attached Attachment A of Attachment 1; and,

WHEREAS, continued offering of the retiree health plan is determined on an annual basis at the discretion of the Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clovis, hereby renews the Retiree Medical Plan Option and rates effective January 1, 2020, as summarized in the Attachment B 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 October 7, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: October 7, 2019:

Mayor

City Clerk

Retiree Medical/Prescription Plan Summary For the 2020 Plan Year

Retiree Benefits

Effective January 1, 2020, retirees of the City of Clovis will be allowed to continue in a City sponsored Retiree Medical/Prescription Plan at their own expense, provided they meet the plan eligibility requirements. Enrolled retirees will participate in the annual open enrollment for the medical/prescription plans.

Eligibility Requirements

To be eligible for the Retiree Medical/Prescription Plan, a retired/retiring employee must meet the following eligibility requirements:

1. Been continuously covered in the medical/prescription portion of the City's health plan through December 31, 2019, as a full-time regular employee or a retired enrollee; or, was continuously covered by a City-approved group medical/prescription plan as a full-time regular City employee immediately preceding retirement from the City.
2. Be eligible to retire in accordance with CalPERS age and service requirements, including disability retirement.
3. Have a minimum of five (5) years of service with the City of Clovis as a full-time regular employee immediately preceding employment separation with the City of Clovis.
4. Retired employees and their dependents are eligible for City coverage ***until they become eligible for Medicare***. Retired employees and/or their dependents that become eligible for Medicare are no longer eligible to remain on the City's retiree plans. They have the option of enrolling in Medicare and may seek supplemental coverage other than through the City's plan.
 - a. If a retired employee becomes Medicare eligible, and has a spouse who is not Medicare eligible or a dependent child under the age of 26, the spouse and child may continue City coverage even after the retired employee becomes Medicare eligible and enrolls in Medicare and a supplemental plan.
 - b. A spouse who becomes Medicare eligible, or a dependent child who reaches the age of 26, will not be eligible to continue in the City's Retiree Medical/Prescription Plan.

5. An eligible employee who plans on retiring must enroll in the Retiree Medical/Prescription Plan within thirty (30) calendar days of the effective date of employment separation. If an eligible employee fails to enroll, or waives enrollment, they shall not be eligible to enroll in the plan at a future date. A dependent who enrolls or has been enrolled in an alternative insurance plan for a period of time, may be added to the retiree's plan upon loss of other coverage or during open enrollment if the retiree has maintained continuous coverage with the City under this plan.
6. Eligibility for dependents normally extends through the retiree. Dependents may only be enrolled for coverage if the retiree is concurrently enrolled (except as provided for in 4-a. above). Dependents of a retiree lose eligibility for coverage under the Retiree Medical/Prescription Plan when a non-Medicare eligible retiree elects to discontinue coverage. Upon the death of a covered retiree or the death of a covered employee who was eligible to retire, a spouse or covered child may continue coverage until the spouse is Medicare eligible and the child reaches the age of 26 respectively.
7. A retiree or eligible dependent that enrolls in the Retiree Medical/Prescription Plan shall not be allowed to re-enroll in the plan if they drop coverage in the plan or fail to make their monthly premium payment within thirty (30) days of the due date.
8. Continued enrollment in the Retiree Medical/Prescription Plan is also subject to terms and conditions set forth in the Evidence of Coverage/Disclosure Document of the medical plan in which the retiree and dependents are enrolled.

A Retiree who returns to work for the City and enrolls in an active plan because of reinstatement from retirement or who has returned as an elected official, will again be eligible for retiree coverage upon retiring subject to the normal retiree requirements.

Dental and Vision Coverage

Dental and/or Vision Coverage is not available to retirees through the City of Clovis Retiree Medical/Prescription Plan.

**Pre 65 Retiree Health Plan Monthly Rates charged by Vendor
for the 2020 Program Year**

	<u>Blue Cross HMO 15</u>	<u>Kaiser HMO 15</u>
Retiree Only	\$ 977.00	\$ 852.00
Retiree & Spouse	\$2,021.00	\$1,765.00
Retiree & Child(ren)	\$1,755.00	\$1,516.00
Retiree & Family	\$2,925.00	\$2,513.00

Blue Cross PPO 80

Retiree Only	\$ 941.00
Retiree & Spouse	\$1,974.00
Retiree & Child(ren)	\$1,695.00
Retiree & Family	\$2,820.00

Blue Cross HDHP

Kaiser HDHP

Retiree Only	\$ 676.00	\$ 665.00
Retiree & Spouse	\$1,417.00	\$1,377.00
Retiree & Child(ren)	\$1,238.00	\$1,183.00
Retiree & Family	\$2,026.00	\$1,961.00



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Planning and Development Services - Approval - A request to adopt a resolution authorizing the Director of Planning and Development Services to apply for, and receive Per Capita Grant Funds through the California Department of Parks and Recreation.

ATTACHMENT: 1. Draft Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution authorizing the Director of Planning and Development Services to apply for, and receive Per Capita Grant Funds from the California Department of Parks and Recreation.

EXECUTIVE SUMMARY

The Per Capita Grant Program originates from Proposition 68, approved by voters on June 5, 2018. Funds are available for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grants to cities are a minimum of \$200,000. To be eligible to apply for the funds, the attached resolution needs to be approved by the City Council and submitted to the State Department of Parks and Recreation Office of Grants and Local Services by November 1, 2019. Grant proposals are due by January 31, 2020.

BACKGROUND

City staff is actively researching potential grant funding available to help fund the development of future parks. This includes funding for the Loma Vista Village Green to be developed south of Shaw Avenue between DeWolf and Leonard Avenues. If this resolution

is approved, staff plans to submit a proposal to help with funding for the construction of the Loma Vista Village Green.

FISCAL IMPACT

If grant funds are awarded, staff will ensure that funds are appropriately addressed in the CIP Program budget.

REASON FOR RECOMMENDATION

The Per Capita Program provides the City of Clovis with an opportunity to receive partial grant funding for the Loma Vista Village Green. Staff therefore recommends that the City Council approve the attached resolution authorizing the Director of Planning and Development Services to apply for, and receive Per Capita Grant Funds through the California Department of Parks and Recreation.

ACTIONS FOLLOWING APPROVAL

Staff will move forward and submit an application for the grant funding.

Prepared by: Ryan Burnett, AICP, Engineering Program Supervisor

Reviewed by: City Manager *JH*

RESOLUTION 19-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee’s Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract with the State of California to complete project(s).

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

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s); and
4. Certifies that all projects proposed will be consistent with the parks and recreation element of the City of Clovis general or recreation plan (PRC §80063(a)); and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)); and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code; and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the “Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters,” dated January 12, 2017, the City of Clovis will consider a range of actions that include, but are not limited to, the following:

(A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

ATTACHMENT 1

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).

10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

11. Delegates the authority to the Planning and Development Services Director, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019, by the following vote, to wit.

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

DATED: October 7, 2019

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Planning and Development Services – Approval - Res. 19-____, A request to adopt a resolution authorizing the Director of Planning and Development Services to apply for, and receive SB2 Planning Grants Program Funds from the State of California Department of Housing and Community Development.

ATTACHMENT: 1. Draft Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

Approve a resolution authorizing the Director of Planning and Development Services to apply for, and receive Planning Grants Program (PGP) Funds from the State of California Department of Housing and Community Development.

EXECUTIVE SUMMARY

In 2017, Governor Brown signed a 15-bill housing package <http://www.hcd.ca.gov/policy-research/lhp.shtml> aimed at addressing the State’s housing shortage and high housing costs with the intent to streamline residential permits for all income levels.

On March 28, 2019, the State of California issued a Notice of Funding Availability (NOFA) for \$123 million under the Senate Bill 2 (SB2, 2017) PGP. The award amount is dependent upon the size of the community and varies from \$25,000 to \$625,000. The City of Clovis is classified as a medium community with a maximum award of \$310,000 with no requirement of matching funds. SB2 PGP Funds is a non-competitive, over the counter grant.

The NOFA provides an opportunity to apply for the SB2, PGP Funds between March 28 and November 30, 2019. Upon adoption of a resolution, the Director of Planning and Development Services is prepared to submit an application for several programs listed below. The PGP Funds are required to be utilized by June 30, 2022.

Planning Programs

1. **Update Development Code** to provide a review process for multiple-family development. Currently, the site plan review process is required for standard multiple-family development. The Code update would eliminate the site plan review process, and create a new ministerial review, measuring projects against objective development standards. The new process would streamline the design review process.
2. **Update Multiple-Family Design Guidelines** to address contemporary architectural and site design by identifying and establishing objective design standards. The current Multiple-Family Design Guidelines were adopted in 1991.
3. **Update Technical Studies within the Heritage Grove Area** to assist in streamlining environmental review that would otherwise be required on a project-by-project basis. The list of studies are specific to the California Environmental Quality Act (CEQA) guidelines.
4. **Cottage Home Program Update** to revise the standard plans used for Accessory Dwelling Units within alley loaded homes. The updates are necessary to address new Building Codes in effect on January 1, 2020.

Staff is currently working with private consultants regarding cost estimates for each program. In the event the above programs exceed the maximum award of \$310,000, staff has placed the items in the recommended order of priority for purposes of the grant. For instance, the plan update for the Cottage Home Program was an expected expense and could be covered within the current budget and, therefore, has been placed as the lowest priority.

BACKGROUND

Affordable Housing has been on the top of the list for the City of Clovis over the past several years. After the recent adoption of a rezone program to address the City's Regional Housing Needs Allocation (RHNA), staff has been seeking opportunity to update codes, standards and procedures to address recent state legislation and stay ahead of future laws. Additionally, with the cost of development continually on the rise, staff understands the need of exploring opportunities to expedite an already streamlined permit process. Awarded funds from the SB2 Grant could provide the opportunity to review and update the City's codes, standards, and procedures to address this need.

FISCAL IMPACT

If the Planning Grants Program Funds are awarded and received by the Planning Division, a budget amendment will be necessary to address the appropriate account to allocate revenue and expenditures.

REASON FOR RECOMMENDATION

The SB2 Planning Grants Program Funds would provide the City of Clovis with an opportunity to review and modify codes and processes to help streamline housing permits. Since the Planning Division is primarily funded by entitlement applications, the cost of modifying the Code or standards would otherwise come from the General Fund or the Planning Program Fee, or the programs may not be considered at all. Staff therefore recommends that the City Council authorize the Director of Planning and Development Services to apply for, and receive Planning Grants Program Funds, from the State of California Department of Housing and Community Development.

ACTIONS FOLLOWING APPROVAL

Upon approval of a resolution, staff will prepare and submit the grant application.

Prepared by: Bryan Araki, Consulting Planner

Reviewed by: City Manager *JH*

**DRAFT
RESOLUTION 19-__**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB2 PLANNING GRANTS
PROGRAM FUNDS**

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the City Council of the City of Clovis desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$123 million under the SB2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, the City of Clovis City Council RESOLVES AS FOLLOWS:

SECTION 1. The City Council is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application in the amount of \$310,000.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, Dwight Kroll (Planning and Development Services Director) or his designee, is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of \$310,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City’s obligations related thereto, and all amendments thereto (collectively, the “PGP Grant Documents”).

SECTION 3. The City shall be subject to the terms and conditions as specified in the Standard Agreement, the SB2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The Planning and Development Services Director or his designee is authorized to execute the City of Clovis Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the City as required by the Department for receipt of the PGP Grant.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019, by the following vote, to wit.

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

DATED: October 7, 2019

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: October 7, 2019

SUBJECT: Planning and Development Services Department - Approval - Bid Award for CIP 16-10, Owens Mountain Parkway Extension, and; Authorize the City Manager to execute the contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. For the City Council to award a contract for CIP 16-10 Owens Mountain Parkway Extension to Avison Construction in the amount of \$1,927,707.00 and;
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract to Avison Construction who was the lowest responsible bidder from a bid opening that took place on September 24, 2019.

This project involves extending Owens Mountain Parkway, formerly known as Alluvial Avenue, beyond the Enterprise Canal. Construction will consist of a new roadway, reinforced concrete box culvert, concrete sidewalk, extension of a potable water main, a recycled water main, and a sewer main.

BACKGROUND

The following is a summary of the bid results of September 24, 2019:

BIDDERS	BASE BIDS
Avison Construction	\$1,927,707.00
Yarbs Grading & Paving, Inc.	\$2,106,606.00
Agee Construction Corp.	\$2,199,197.00
Dave Christian Construction	\$2,239,893.50
Granite Construction	\$2,242,616.00
AJ Excavation, Inc.	\$2,249,939.00
Emmett's Excavation, Inc.	\$2,288,970.00
Bush Engineering, Inc.	\$2,728,662.10
Dawson-Mauldin, LLC	\$3,251,481.00
ENGINEER'S ESTIMATE	\$1,901,375.00

All bids were examined and the bidder's submittals were found to be in order. Avison Construction is the lowest apparent bidder. Staff has validated the lowest bidder contractor's license status and completeness of federal funding paperwork.

FISCAL IMPACT

This project was budgeted in the 2019-2020 Community Investment Program. The project is supported by Regional Surface Transportation Program (RSTP).

REASON FOR RECOMMENDATION

Avison Construction 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.
2. Construction will begin approximately five (5) weeks after contract execution and shall be completed in seventy-five (75) working days thereafter.

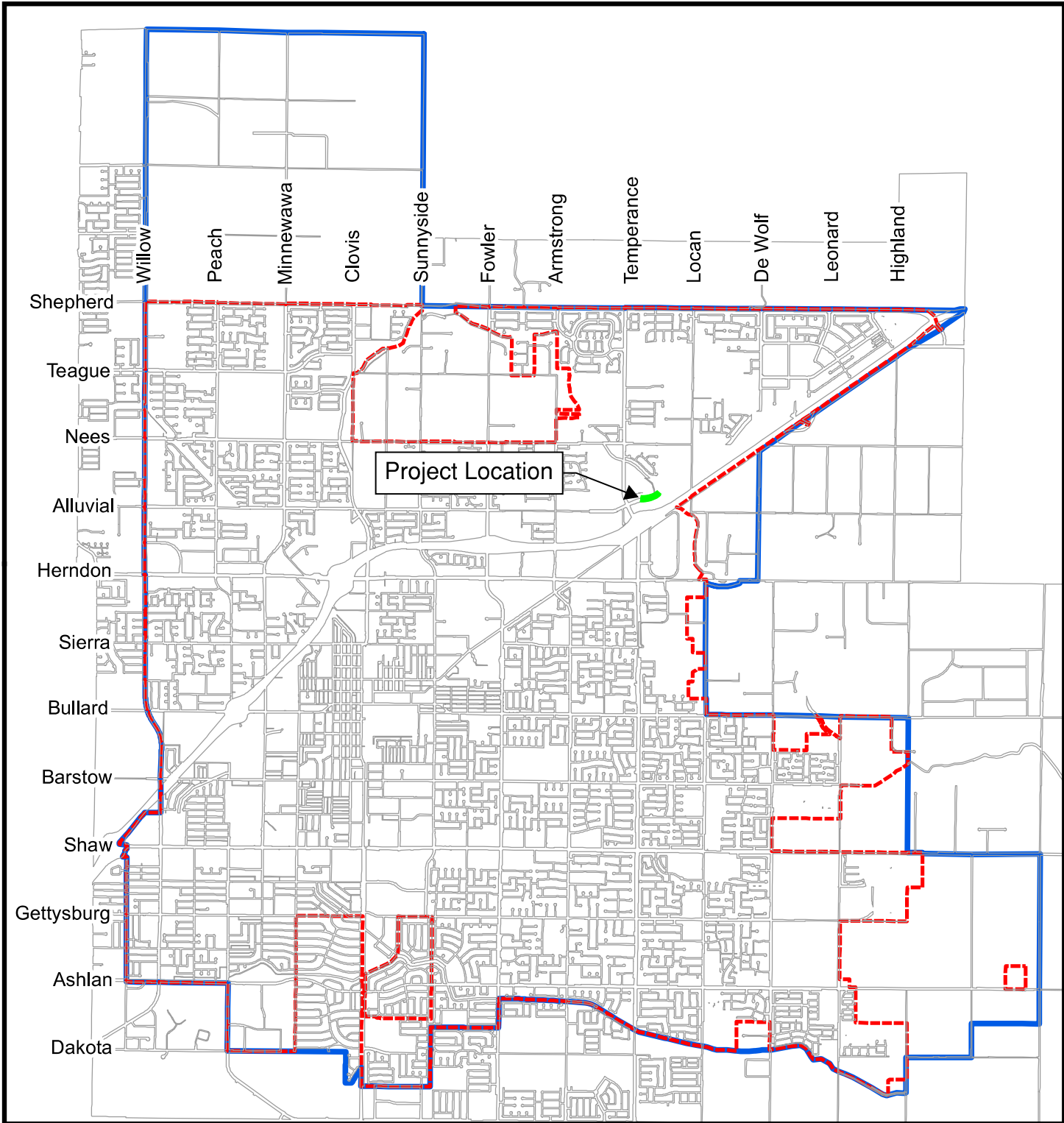
Prepared by: John Armendariz, Civil Engineer

Reviewed by: City Manager *JH*

VICINITY MAP

AGENDA ITEM NO: 14.

CIP 16-10 Owens Mountain Parkway Extension



ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Planning and Development Services - Approval - Final Acceptance for CIP 17-15, Armstrong Avenue Reconstruction.

ATTACHMENT: 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 project involved street improvements on Armstrong Avenue from Barstow Avenue to Bullard Avenue. The work included full street reconstruction, grinding, grading, compacting, asphalt concrete paving, ADA concrete improvements, and installation of traffic markings and signs.

BACKGROUND

Bids were received on June 4, 2019 and the project was awarded by City Council to the low bidder, Bush Engineering, Inc., on June 17, 2019. 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	\$ 627,973.25
2.	Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$ 5,256.77
3.	Contract Change Orders	0.00
4.	Liquidated Damages Assessed	<u>\$ 0.00</u>

Final Contract Cost **\$ 633,230.02**

This project was approved in the Community Investment Program 2018-2019 fiscal year budget and is fully funded by Regional Surface Transportation Program (RSTP).

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the engineering inspector, and the project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Bush Engineering, 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.

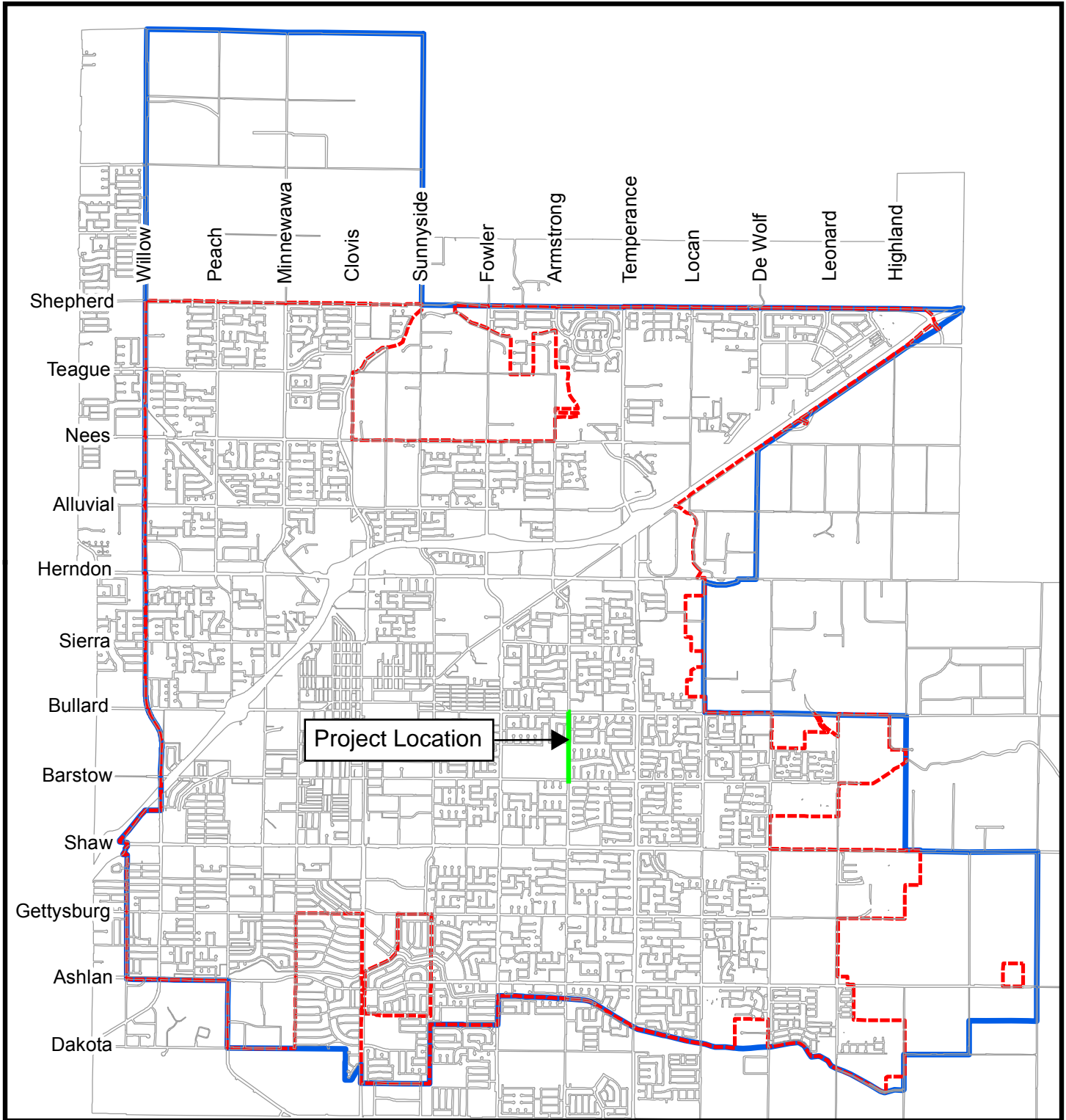
Prepared by: Eric Easterling, Construction Manager

Reviewed by: City Manager *JH*

VICINITY MAP

AGENDA ITEM NO: 15.

CIP 17-15 Armstrong Avenue Street Reconstruction



ATTACHMENT 1



 CITY LIMITS  SPHERE OF INFLUENCE



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Planning and Development Services Approval - Final Acceptance for CIP 19-01, Rubberized Cape Seal 2019.

ATTACHMENT: 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 project involved crack sealing and installation of approximately 290,000 square yards of Type II slurry seal to additional streets within the City boundary.

The proposed installation of approximately 26,000 square yards of rubberized cape seal was removed from the scope of work by Addendum.

BACKGROUND

Bids were received on April 9, 2019 and City Council pre-authorized the City Manager to award the project to the low bidder, Pavement Coatings Company, on April 1, 2019. 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	\$ 673,500.00
2.	Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$ 0.00
3.	Contract Change Orders	\$ 0.00
4.	Liquidated Damages Assessed	<u>\$ 0.00</u>

Final Contract Cost **\$ 673,500.00**

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

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the engineering inspector, and the project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Pavement Coatings Company, 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).

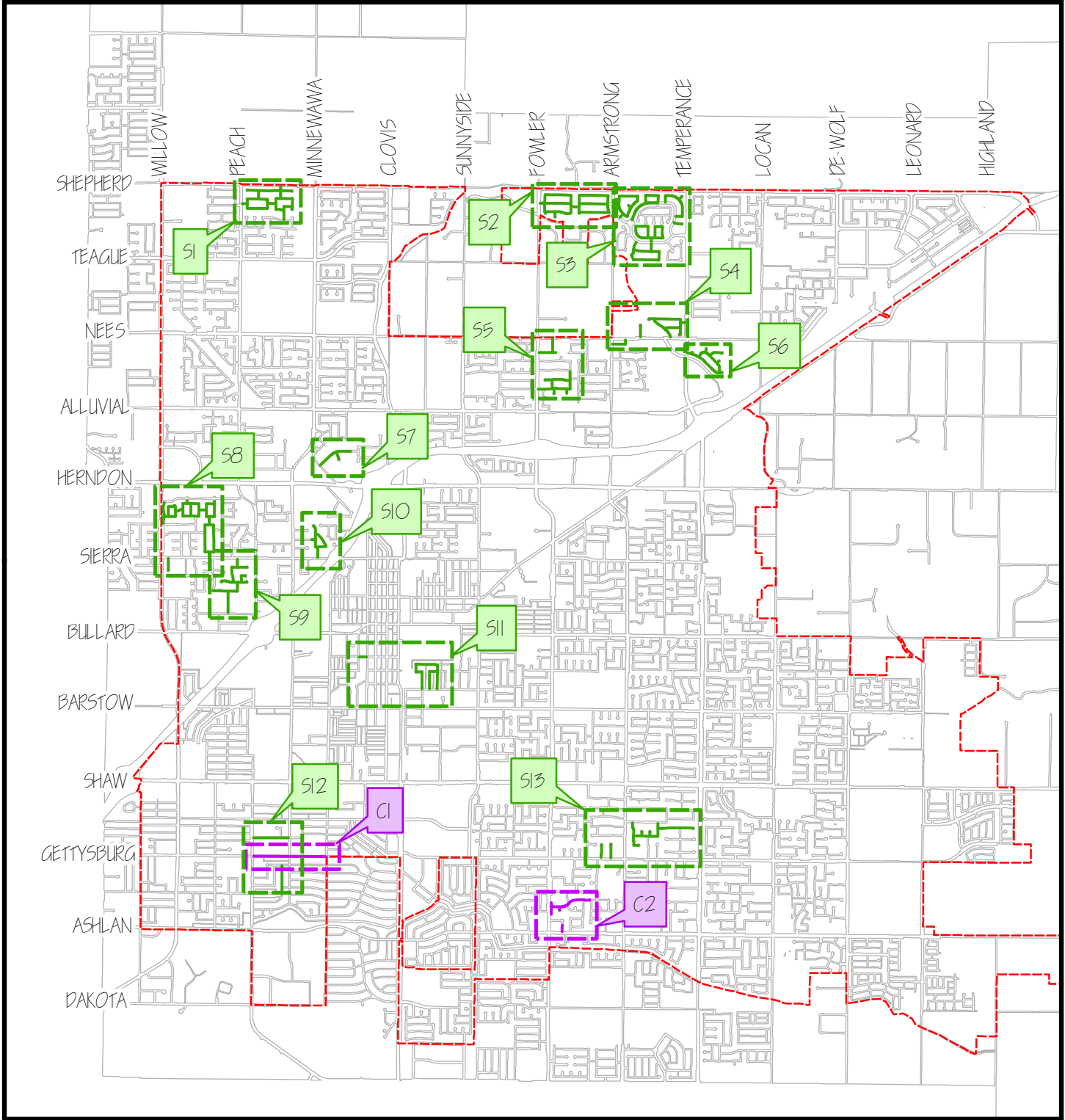
Prepared by: Eric Easterling, Construction Manager

Reviewed by: City Manager *JH*

VICINITY MAP

AGENDA ITEM NO: 16.

CIP 19-01 RUBBERIZED CAPE SEAL 2019



Oct. 29, 2018

ATTACHMENT 1

CITY OF CLOVIS PROJECT LOCATIONS

 CLOVIS CITY LIMITS



1" = 500' 90



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Approval - Final Acceptance for CIP 19-02, Trail Pavement Maintenance 2019

ATTACHMENT: 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 project involved 12,600 square yards of Type I slurry seal for Clovis Old Town Trail, which is an existing asphalt-concrete pavement 12 feet in width by 3 inches in thickness over compacted subgrade, and approximately 2 miles from Herndon Avenue to Willow Avenue. The work also involved site preparation, crack sealing, removal of traffic striping and reinstallation of thermoplastic striping.

BACKGROUND

Bids were received on March 26, 2019 and the project was awarded by City Council to the low bidder, Pavement Coatings Company, on April 8, 2019. 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	\$ 90,490.00
2.	Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$ 1,125.60
3.	Contract Change Orders	\$ 0.00
4.	Liquidated Damages Assessed	<u>\$ 0.00</u>
	Final Contract Cost	\$ 91,615.60

This project was approved in the Community Investment Program 2018-2019 fiscal year budget and is fully funded by Measure “C” pass through funds.

REASON FOR RECOMMENDATION

The Public Utilities Department, the City Engineer, the engineering inspector, and the project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications, and has been deemed acceptable. The contractor, Pavement Coatings Company, 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).

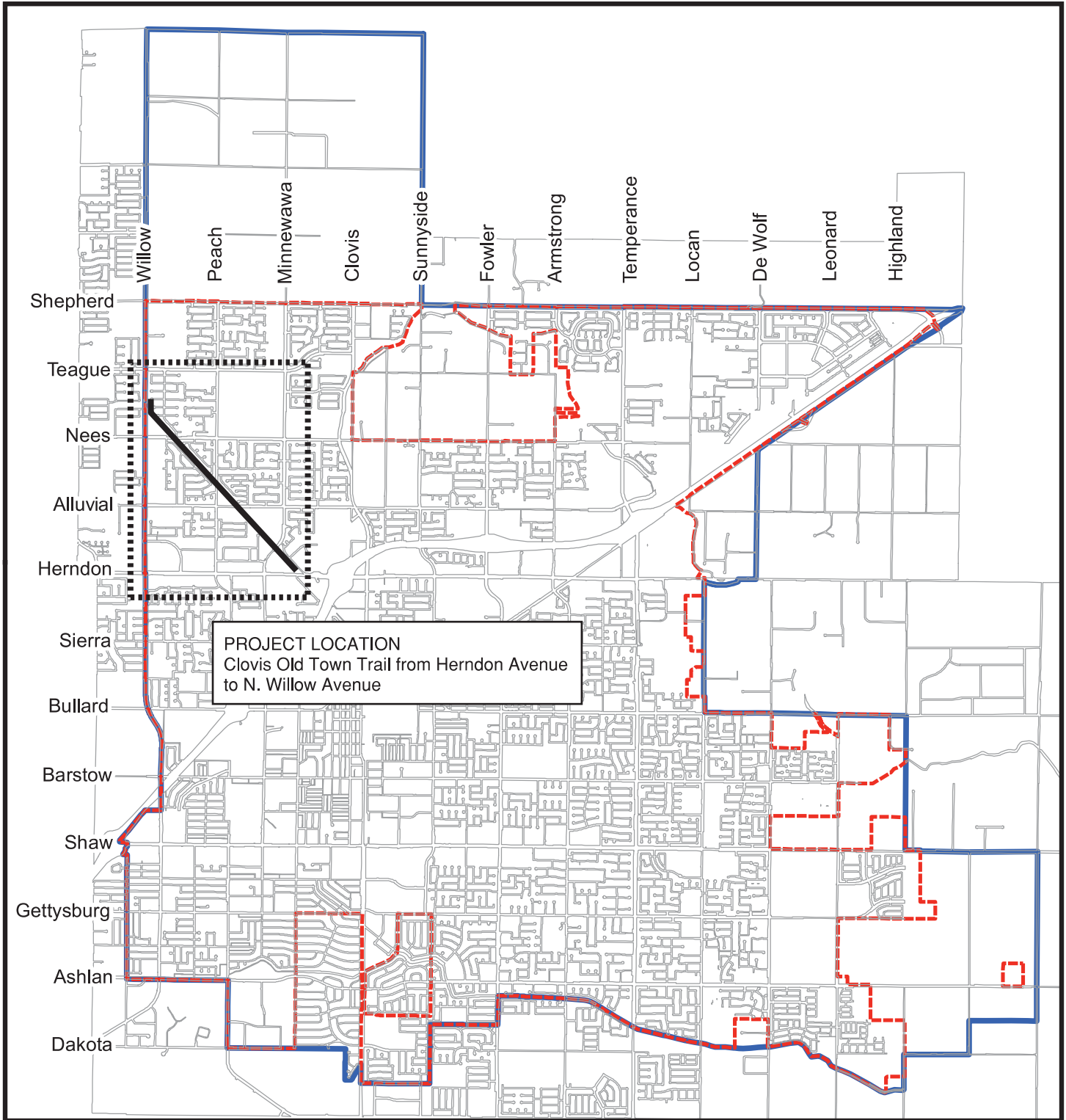
Prepared by: Eric Easterling, Construction Manager

Reviewed by: City Manager *JH*

VICINITY MAP

AGENDA ITEM NO: 17.

CIP 19-02 Trail Pavement Maintenance 2019



ATTACHMENT 1



July 2, 2018

CITY LIMITS SPHERE OF INFLUENCE

Prepared By: Thomas K. Cheng



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Planning and Development Services - Approval – Res. 19- ____, Final Map Tract 6273, located at the northwest corner of Ashlan Avenue and Armstrong Avenue (Joseph Crown Construction and Development, Inc.)

ATTACHMENTS: 1. Res. 19-____
2. Vicinity Map
3. Copy of Final Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 19-____, which will:

1. Accept the offer of dedication of parcels and public utility easement within Tract 6273, and;
2. Authorize recording of the final map.

EXECUTIVE SUMMARY

The owner, Joseph Crown Construction and Development, Inc., acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street lights, a fire hydrant, street paving, sanitary sewer, water main and landscaping. The subject tract is located on the northwest corner of Ashlan Avenue and Armstrong Avenue. It contains approximately 2.49 acres and consists of 8 units, zoned R-1-C.

FISCAL IMPACT

The subdivider will be installing sidewalk, sanitary sewer, water main, street lighting and street landscaping, which will be perpetually maintained by the City of Clovis.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

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

Prepared by: Jose Sandoval, Engineer II

Reviewed by: City Manager *JH*

RESOLUTION 19-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6273**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6273, by The City of Clovis, a Municipal Corporation; and

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

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

1. The final map of Tract 6273, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.
3. The preliminary Engineer’s Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$221,000.00.
4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis, and the City Clerk is authorized and directed to execute said subdivision map.
5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$221,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$111,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
7. Subdivider shall furnish a bond in the sum of \$22,100.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

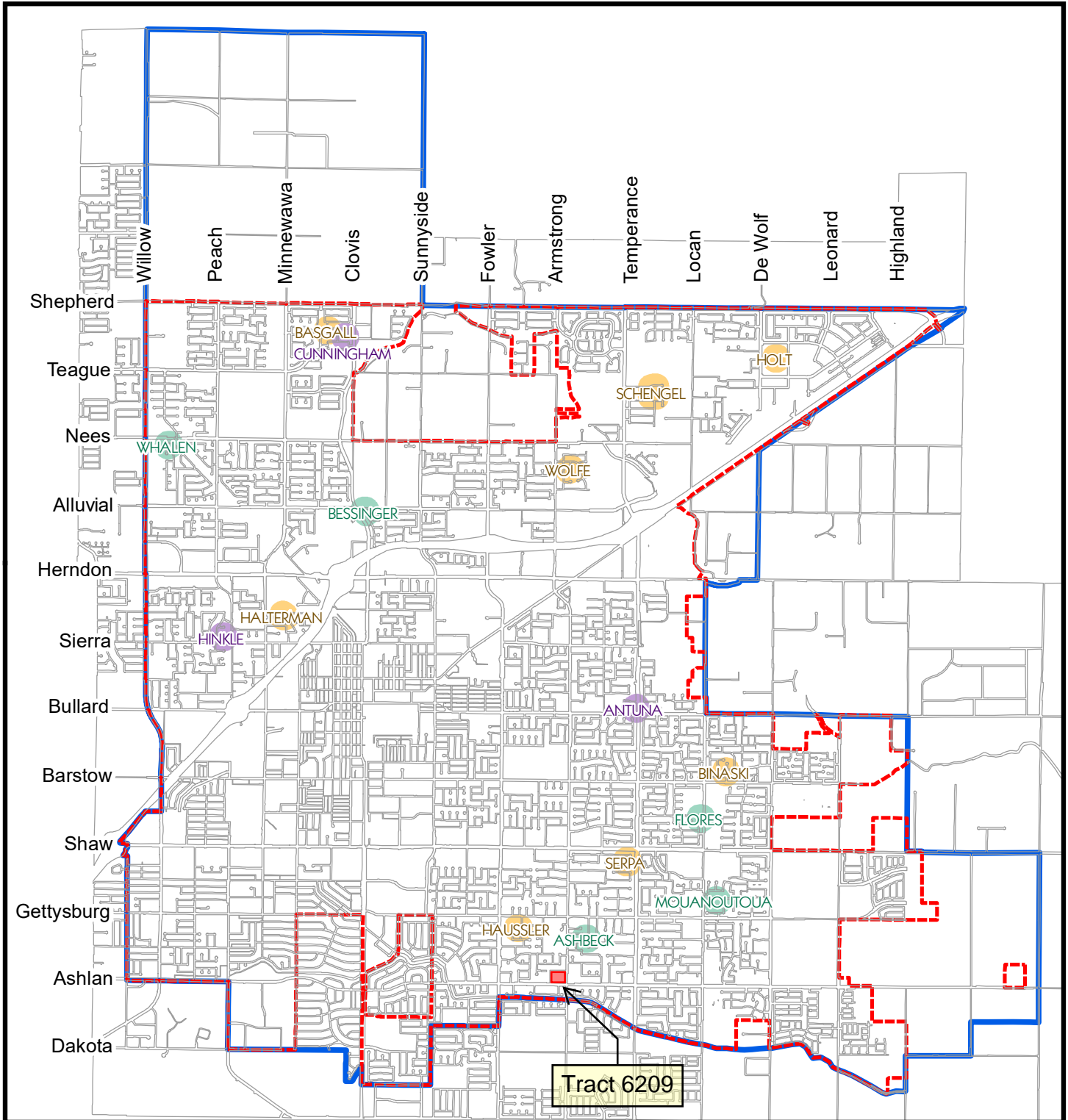
Mayor

City Clerk

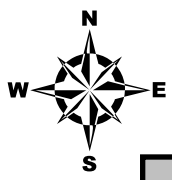
VICINITY MAP

AGENDA ITEM NO: 18.

Tract 6273 - Joseph Crown Construction and Development, Inc.



ATTACHMENT 2



 CITY LIMITS  SPHERE OF INFLUENCE

October 3, 2019

Prepared By: Jose Sandoval

FINAL MAP OF TRACT NO. 6273

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN MARCH 2019, BY LANDESIGN CONSULTING

CONSISTING OF TWO SHEETS SHEET ONE OF TWO SHEETS

OWNER'S STATEMENT

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

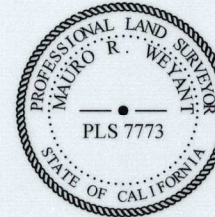
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT INC., A CALIFORNIA CORPORATION

BY: [Signature] 9-12-19
JOSEPH DONALD CROWN, CHIEF EXECUTIVE OFFICER DATE

SURVEYOR'S STATEMENT

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

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



[Signature] 9/12/19
MAURO R. WEYANT, LS 7773 DATE

NOTARY ACKNOWLEDGMENT

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

STATE OF CALIFORNIA
COUNTY OF FRESNO
ON 9-12-2019 BEFORE ME, D. WALTERS, NOTARY PUBLIC,
PERSONALLY APPEARED Joseph Donald Crown
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND
SIGNATURE [Signature]
NAME D. Walters
COUNTY OF FRESNO
MY COMMISSION EXPIRES 5-26-2021
MY COMMISSION NUMBER 2188404

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 19 OF TRACT NO. 4089, VISTA GRANDE, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED IN BOOK 52, PAGE 73 OF PLATS, FRESNO COUNTY RECORDS.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES" EXECUTED BY FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND CITY OF CLOVIS, RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128, OFFICIAL RECORDS, FRESNO COUNTY.
2. COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED JULY 10, 1968 AS DOCUMENT NO. 48266, BOOK 5589, PAGE 535, OF OFFICIAL RECORDS.
3. COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED OCTOBER 1, 1991, AS DOCUMENT NO. 91122369, OF OFFICIAL RECORDS.
4. AGREEMENT FOR DEFERMENT OF DEVELOPMENT REQUIREMENTS OF THE CITY OF CLOVIS, TO DO WORK AFTER NOTICE AND CREATING LIEN ON REAL PROPERTY, RECORDED MARCH 9, 1993, AS DOCUMENT NO. 93033321, OF OFFICIAL RECORDS.



CITY ENGINEER'S CERTIFICATE

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

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

CITY CLERK'S CERTIFICATE

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

JOHN HOLT, CITY CLERK DATE

RECORDER'S CERTIFICATE

DOCUMENT NO. _____ FEE PAID \$ _____
FILED THIS _____ DAY OF _____, 2019,
AT _____ M. IN VOLUME _____ OF PLATS, AT PAGE(S) _____
AND _____, FRESNO COUNTY OF RECORDS, AT THE REQUEST OF FIDELITY NATIONAL TITLE COMPANY

PAUL A. DICTOS, CPA
FRESNO COUNTY ASSESSOR-RECORDER

BY: _____
DEPUTY

DRAWING: S:\Joseph Crown\TR6273_Ashley-Arrangement\Improvement Plots\CD\TR6273_Plot.dwg; Layout 1 - LDC-Civil.ctb
PLOT BY: Julia Sep 09, 2019 - 10:26am

FINAL MAP OF TRACT NO. 6273

A PLANNED DEVELOPMENT
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN MARCH 2019, BY LANDESIGN CONSULTING

CONSISTING OF TWO SHEETS
SHEET TWO OF TWO SHEETS

BASIS OF BEARINGS

THE SOUTH LINE OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE & MERIDIAN, TAKEN TO BE N89°38'32"W AS PER GNSS OBSERVATION.

NOTES

1. SET 3/4" I.D. IRON PIPE, 30" LONG, 6" DOWN BELOW GROUND, PER CITY OF CLOVIS STDS., TAGGED P.L.S. 7773 AT ALL LOT CORNERS AND ANGLE POINTS.
2. THAT PORTION OF PUBLIC UTILITY EASEMENT PREVIOUSLY DEDICATED BY TRACT 4089, RECORDED IN VOLUME 52 OF PLATS, AT PAGE 73, F.C.R. NOT DELINEATED ON THIS MAP IS DEEMED ABANDONED PURSUANT TO SECTION 66434(G) OF THE SUBDIVISION MAP ACT.

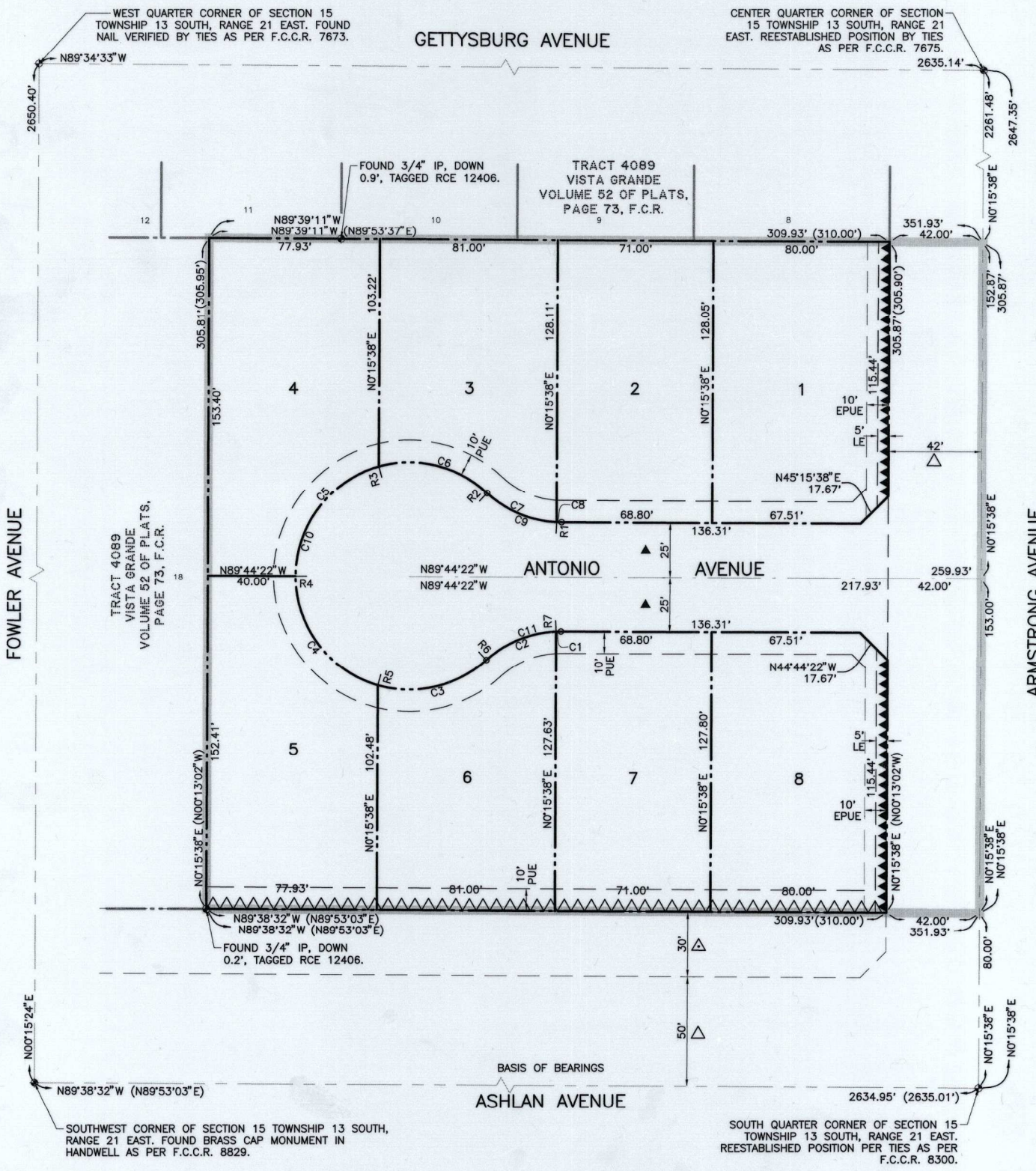
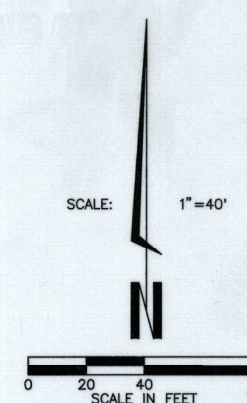
LEGEND

- ◈ MONUMENT FOUND AND ACCEPTED UNLESS OTHERWISE NOTED.
- SET 3/4" IRON PIPE, 30" LONG, 6" DOWN BELOW GROWN, TAGGED PLS 7773 AT ALL LOT CORNERS AND ANGLE POINTS.
- ▲ EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC STREET PURPOSES.
- △ PREVIOUSLY DEDICATED FOR PUBLIC STREET AND UTILITY PROPOSES.
- ◻ PREVIOUSLY DEDICATED FOR LANDSCAPE, PEDESTRIAN EASEMENT AND PUBLIC UTILITY EASEMENT PROPOSES.
- ▲▲▲ INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS.
- ◻◻◻ DIRECT ACCESS RIGHTS PREVIOUSLY RELINQUISHED PER SAID TRACT 4089
- () RECORD DATA AS PER TRACT NO. 4089, RECORDED IN VOLUME 52 OF PLATS, AT PAGE 73, F.C.R.
- O.R.F.C OFFICIAL RECORDS FRESNO COUNTY.
- F.C.C.R FRESNO COUNTY CORNER RECORD.
- F.C.R. FRESNO COUNTY RECORDS.
- EPUE PUBLIC UTILITY EASEMENT PREVIOUSLY DEDICATED PER SAID TRACT 4089.
- LE LANDSCAPE EASEMENT.
- GNSS GLOBAL NAVIGATION SATELLITE SYSTEM.
- PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE.
- BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

CURVES AND RADIALS

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	2.20'	50.00'	2°31'14"	1.10'
C2	35.03'	50.00'	40°08'51"	18.27'
C3	52.97'	52.00'	58°21'53"	29.04'
C4	67.44'	52.00'	74°18'11"	39.40'
C5	67.43'	52.00'	74°18'11"	39.40'
C6	52.97'	52.00'	58°21'53"	29.04'
C7	35.03'	50.00'	40°08'51"	18.27'
C8	2.20'	50.00'	2°31'14"	1.10'
C9	37.23'	50.00'	42°40'05"	19.53'
C10	240.81'	52.00'	265°20'08"	56.42'
C11	37.23'	50.00'	42°40'05"	19.53'

RADIAL TABLE	
RADIAL #	DIRECTION
R1	S2° 46' 52"W
R2	N42° 55' 42"E
R3	N15° 26' 11"W
R4	N89° 44' 22"W
R5	S15° 57' 27"W
R6	S42° 24' 27"E
R7	N2° 15' 36"W



DRAWING: S:\Joseph_Crown\TR6273_Ashlan-Armstrong\Improvement Plans\CDA\PA\TR6273_PL2.dwg; layout1 - LDC-Civil.cdb
 PLOT BY: Julia Sep 09, 2019 10:22:56am



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 7, 2019

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #58 - PM18-11- North East Corner of Locan and Powers) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services)

- a. Consider Approval - Res. 19-____, A Resolution annexing territory (Annexation #58) (PM18-11-North East Corner of Locan and Powers) 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 #58) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services)
- b. Consider Approval - Res. 19-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

Staff: Jay Schengel, Finance Director

Recommendation: Approve

ATTACHMENTS:

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

CONFLICT OF INTEREST

None.

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #58) to Community Facilities District No. 2004-1.
- Consider Approval – Res. 19-____, A Resolution of annexation of territory (Annexation #58) to the Community Facilities District (City of Clovis Community Facilities District No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.
- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 19-____, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

EXECUTIVE SUMMARY

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

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #58 (ROI) to annex territory to the CFD on September 3, 2019. The ROI set a public hearing for October 7, 2019. The action today finalizes the annexation to the CFD.

BACKGROUND

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

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #58 (ROI) to annex territory to the CFD. The ROI set a public hearing for October 7, 2019. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

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

1. The maximum annual tax will be \$255.33 for single family residential and \$220.46 for multi-family residential.
2. The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.
3. There will be a review not later than five years of inception of the CFD.
4. The annual tax will not apply to commercially zoned property.
5. The tax will apply only to that property for which a building permit is issued after January 1, 2004.
6. The costs of salary and benefit increases funded by the CFD will be limited to the Escalator Factor.

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

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

FISCAL IMPACT

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

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

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *JH*

RESOLUTION NO. 19-

A RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SUBMITTING LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS

**CITY OF CLOVIS
Community Services District No. 2004-1
(Police and Fire Services)
Annexation No. 58**

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

WHEREAS, this Council, on September 3, 2019, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

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

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

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

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

WHEREAS, Annexation Map No. 58 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

ATTACHMENT 1

NOW, THEREFORE, IT IS HEREBY ORDERED,

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 58 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 19-36 adopted by this Council for the District on September 3, 2019 each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on October 7, 2019, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5th Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on October 7, 2019, whether received by mail or by personal delivery.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 7, 2019

Mayor

City Clerk

RESOLUTION NO. 19-

**A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION,
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING
RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 58**

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 19-, a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted October 7, 2019.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

ATTACHMENT 2

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

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2019 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 7, 2019

Mayor

City Clerk

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 58**

CANVASS AND STATEMENT OF RESULT OF ELECTION

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

Qualified Landowner Votes	Votes Cast	YES	NO
--	-----------------------	------------	-----------

**City of Clovis
Community Facilities District No. 2004-1
(Police and Fire Services), Annexation No. 58
Special Tax Annexation Election,
October 7, 2019.**

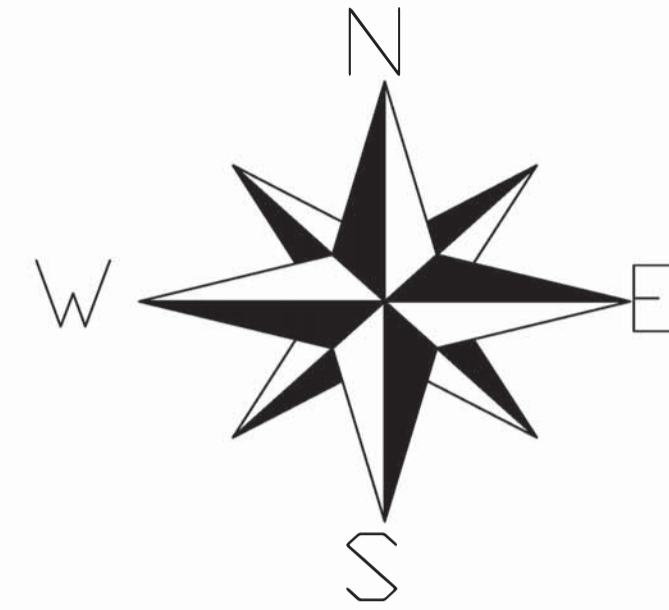
BALLOT MEASURE: Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 19-___ of the City of Clovis, adopted by its Council on October 7, 2019?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2019.

CITY OF CLOVIS

By: _____
City Clerk

ATTACHMENT A OF ATTACHMENT 2



LEGEND

- PARCEL
- ▬ ANNEXATION BOUNDARY
- Ⓐ APN 558-510-06

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ OCTOBER, 2019. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 58 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 7TH DAY OF _____ OCTOBER, 2019, BY ITS RESOLUTION NO. 19-_____.

 JOHN HOLT
 CITY CLERK
 CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2019, AT THE HOUR OF _____ O'CLOCK ____M. IN THE BOOK _____ PAGE _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

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

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

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

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

ATTACHMENT 3



ANNEXATION MAP NO. 58
 COMMUNITY FACILITIES DISTRICT NO. 2004-1
 (POLICE AND FIRE SERVICES)

CITY OF CLOVIS
 COUNTY OF FRESNO
 STATE OF CALIFORNIA



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 7, 2019

SUBJECT: Consider – Report on results of independent traffic study provided by DeBenedetto to evaluate Second Street access to the Landmark Commons and DeBenedetto sites.

Staff: Mike Harrison, City Engineer
Recommendation: Receive and File

- ATTACHMENTS:
1. Traffic Impact Analysis by AMG for DeBenedetto (Aug. 6, 2019)
 2. Traffic Analysis by Peters Engineering Group for Landmark Commons (Nov 23, 2016)
 3. Peters Engineering Technical Memorandum – Review of AMG Traffic Impact Study
 4. Landmark Commons EIR – Chapter 3.5 Transportation/Traffic
 5. Property Exchange Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

Consider – Report on results of independent traffic study provided by DeBenedetto Properties to evaluate Second Street Access to the Landmark Commons and DeBenedetto sites.

EXECUTIVE SUMMARY

On February 11, 2019, staff introduced to Council, the Site Plan Review for the Landmark Commons project (“Project”). During public comment, representatives for DeBenedetto Properties, who own property immediately north of the Project site, requested further evaluation of the viability of an access at Second Street to the Project and DeBenedetto

sites. The City Council agreed to allow the DeBenedetto team to provide their own study, specifically to evaluate the Second Street access. The DeBenedetto representatives indicated that the study would take approximately 8 – 10 weeks to complete.

The final study was received August 6, 2019. Staff, in conjunction with the City’s Project traffic consultant, reviewed the new study and determined that it does not contain significant new information that would warrant further analysis of providing access to the project site at Second Street.

BACKGROUND

Property Exchange Agreement

In December 2016 the City and DeBenedetto Properties entered into a Property Exchange Agreement (“Agreement”). (Attachment 5.) The attorney for DeBenedetto Properties sent several letters to the City arguing that the Agreement promised DeBenedetto Properties access to the Project site and their property from Second Street. Similar verbal comments were made by DeBenedetto Properties and their attorney at the February 11, 2019 Council meeting. Staff and the City Attorney reviewed the Agreement and have determined that no such promises were made, nor could the City promise access from Second Street before the Traffic Study and EIR were completed. The Agreement, in Section 2G, specifically states that the Exhibit 6 site plan, which the DeBenedetto Properties rely upon, “represents tentative locations for the Utility Stubs and Conduits. Exhibit 6 is not a final site or design plan of City improvements and the exact location of the Utility Stubs and Conduits may change as the project goes through the public review and design process.”

Attachment 6 itself states at the top of each page “Proposed Site Plan”.

The Agreement, in plain and unambiguous language, provides that Exhibit 6 which depicts the Development and shows potential points of access, is not the final rendering of the development.

The quoted language from Section 2G above falls under the section titled “Utility Stubs to DeBenedetto Parcels”. That section primarily addresses the obligation of the City to install utility stubs and conduits to the DeBenedetto Properties site. Nowhere in that section, or anywhere else in the Agreement, does it say that the City will provide access to the Project site from Second Street. Final access to the Project site could not be determined before completion of the EIR and public review process.

It should also be noted that the DeBenedetto Properties site has never had access off of Clovis Avenue or a parcel configuration that would allow such access. The Agreement provided a squared off parcel with frontage on the trail to DeBenedetto Properties, providing significant potential for negotiating with adjacent property owners for direct access.

Second Street Access

In October 2015, the City entered into a contract with ICF Jones and Stokes for the environmental review of the Project based on an early concept that included a Second Street access. Fairly early in the process the first drafts of the traffic analyses were completed. These analyses identified significant impacts from providing access at Second Street.

As a result, during the time of negotiating the Property Exchange Agreement, there was much internal discussion about the issues introduced by the Second Street access point, not the least of which was the impact to the trail and the desire to avoid pedestrian/bike vs. vehicle conflicts via a grade separated crossing. Significant conceptual work was put into developing these concepts with an emphasis on preserving the continuity of the trail. The issue of Second Street access was not a point of discussion with DeBenedetto Properties in connection with preparing the Agreement.

In April 2017, the City entered into a contract with Paul Halajian Architects and began exploring alternative concepts as the environmental work was progressing. In working together with Fresno County, various configurations were reviewed, including the Library being the centerpiece of the site and lining up with the Veterans Parkway Alignment to visually anchor the Library. Because the County desired trail adjacency, for parking efficiency, and other reasons, the current concept was developed placing the Library pad at the northwest corner of the site and removing the access directly to Clovis Avenue. This concept also removed a significant project cost by eliminating the grade separated trail crossing. The EIR consultant prepared a revised traffic analysis without Second Street access.

EIR

On July 9, 2018, the City Council certified the Environmental Impact Report (EIR) for the Project. The EIR included the Traffic analysis in Chapter 3.5. (Attachment 4.) A Traffic Impact Study dated November 23, 2016, prepared by Peters Engineering Group (“Traffic Study”) (Attachment 2), supported the EIR Traffic Analysis. The Traffic Study analyzed the following 7 intersections:

1. Veterans Way/Third Street
2. Veterans Way/Fifth Street
3. Clovis Avenue/Sierra Avenue
4. Clovis Avenue/Second Street
5. Clovis Avenue/Third Street
6. Clovis Avenue/Fourth Street
7. Clovis Avenue/Fifth Street

With respect to Clovis Avenue/Second Street, the Traffic Study noted that Second Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and DeWitt Avenue at the west end. Second Street has never

been a through street east of Clovis Avenue. An existing driveway serves the hotel on the east side of Clovis Avenue, creating a two way stop control condition. (Traffic Study, pp. 18, 21, 26, 32-33.)

The traffic study made the following conclusions with respect to Clovis Avenue/Second Street:

1. The seven study intersections, including Clovis Avenue/Second Street, have been constructed to the ultimate configuration.
2. The Landmark Commons project is expected to cause or contribute to significant traffic impacts at four of the study intersections, including Clovis Avenue/Second Street with the year 2039 cumulative impact.
3. A traffic signal is not warranted at Clovis Avenue/Second Street, and there are no feasible mitigation measures. Other possible mitigation measures, such as an all-way stop or roundabout were evaluated, and also determined to be infeasible.

(Pp. 2-3, 32-33, 35, 39.)

Because of these conclusions, no further consideration was given to opening up Second Street as an access point east into the Project site and the EIR evaluated the Project without access from Second Street.

The EIR noted that one of the Project objectives is to “optimize public transit, pedestrian, and bicycle access to the site by locating the proposed project adjacent to local transit lines and adjacent to routes that provide safe and convenient access to pedestrians and bicycles.” (EIR p. 2-2.)

The EIR also noted City policy allows unacceptable levels of service in instances that result in other public benefits.

[T]he City permits a lower LOS in instances that would result in other public benefits. As discussed in Chapter 2, Section 2.3, Project Overview, the Landmark Commons Civic Center North project would provide numerous public benefits, specifically a senior activity center and clinic that would offer services to as many as 500 people per day, a county regional branch library that would replace a smaller facility, a transit center that would serve as a hub for bus riders, and a public plaza. Furthermore, Circulation Element Policy 3.3 prioritizes pedestrians, bicyclists, and mass transit ahead of motorists for transportation decisions in Old Town Clovis. One of the project’s objectives is to optimize public transit, pedestrian, and bicycle access to the site, and the services that would be provided there. (EIR p. 3.5-14.)

This was the basis for the EIR concluding that the impacts would be less than significant despite the Traffic Report conclusion that the impacts are significant and unavoidable.

Site Plan Review and DeBenedetto Traffic Study

On February 11, 2019, staff presented the Site Plan Review for the Landmark Commons Project which included the senior activity center, transit building and a pad for the library. During public comment, representatives for DeBenedetto Properties expressed concern that the Project did not have access to the site from Second Street. They asserted that the City promised them access with the Property Exchange Agreement (Attachment 5). The Agreement squared off the two properties by providing to DeBenedetto Properties an odd shaped, City-owned, sliver fronting on the Clovis Old Town Trail in exchange for DeBenedetto Properties providing land adjacent to the Project's northern boundary to the City.

The Council approved phase 1 of the Project allowing for the planning and construction of a roundabout at Veterans Way/Third Street. The Council deferred action on phases 2 and 3, which addressed placement of the senior activity center, transit building, and library. DeBenedetto Properties requested deferral of action on phases 2 and 3 so they would have an opportunity to perform their own traffic study and provide a report on alternatives for access to the Project site across Clovis Avenue at Second Street. The Council agreed to continue Site Plan Approval for phases 2 and 3 for that purpose. DeBenedetto Properties indicated that they would need 8 – 10 weeks to complete the study. Council delayed the approval of the site plan to allow the study to occur.

Immediately after that meeting, staff met with Mr. Vote, DeBenedetto's attorney, and their traffic engineer and came to agreement on the scope of the study so that they could proceed. Staff finally received the study, which was prepared by Advanced Mobility Group (AMG), on August 6, 2019 ("DeBenedetto Study"). (Attachment 1.)

In discussing the scope of the DeBenedetto Study with the DeBenedetto team, staff made clear, and the DeBenedetto team agreed that the study would need to address certain aspects of the existing transportation system. Some of the key points staff asked for were:

- Staff reminded the team that preservation of trail continuity is important to the City and that the early concepts where the Second Street alignment was shown as a site access, including the preliminary concept that was depicted in the property exchange agreement, included a grade separated crossing. We would expect that a new Second Street crossing would likely need to include provision of a grade separated crossing.
- Staff asked that any analysis that would introduce another controlled intersection at Second Street would need to include an evaluation of traffic progression on Clovis Avenue through Sierra, Second Third, Fourth, and Fifth with due consideration of the need to preserve adequate levels of service at each of these east-west cross streets.

- Any proposed new traffic signals would need to meet warrants.

Staff reviewed the DeBenedetto Study and asked the City’s consultant, Peters Engineering Group, who prepared the traffic analysis for the Project EIR, to also review and comment on the DeBenedetto Study (“Review”). (Attachment 3.) The DeBenedetto Study presents a basic analysis assuming that a project consisting of 200 multi-family units is built on the DeBenedetto site. This assumption is based upon an allowable use under the General Plan. It should be noted that no formal project has ever been proposed for the DeBenedetto site. While in June 2018 DeBenedetto Properties submitted a site plan review application with a hand drawn layout for a multi-family complex, the site plan was incomplete and submitted solely in an effort to qualify for a core fee reduction that ended in 2018. No additional materials were ever received. There are many unknowns associated with development of the DeBenedetto site and any development is speculative at this time.

The DeBenedetto Study starts with the assumption there will be access to the Project site from Second Street that will serve the DeBenedetto site. The DeBenedetto Study then analyzes how to address impacts to the intersection of Clovis Avenue/Second Street. The DeBenedetto Study does not analyze the viability of opening up the Project site to access off of Second Street, nor does the DeBenedetto Study particularly address alternatives for access across Clovis Avenue at Second Street, which was the basis for continuing the site plan. Based upon the assumption that there will be Second Street access, the DeBenedetto Study recommends that a traffic signal be installed at that intersection.

The Peter’s Engineering Group Review notes that the warrants shown in the DeBenedetto Study do not justify a traffic signal at the intersection of Clovis Avenue/Second Street, similar to the conclusion in the Traffic Study. The Review also concludes that the concerns expressed in the Traffic Study and EIR remain.

As we understand it, the purpose of the TIS was to provide a traffic analysis that would determine whether the Second Street access is viable for the Landmark Commons Project and future development of the DeBenedetto site. The analysis has generally shown that, if access to Second Street is allowed, there will be levels of service below the City target LOS of D, and that the levels of service will either need to be mitigated by traffic signals or left unmitigated if warrants are not met. In general, a fourth signalized intersection in the downtown area adjacent to Third Street is expected to result in queuing issues along Clovis Avenue. The connection would also result in a private driveway crossing the Old Town Trail.

With regards to the necessity of Second Street access, no analyses were performed for the case in which the Second Street access does not exist; therefore, the necessity of the connection has not been proven with the traffic analyses presented. Our conclusion from a traffic perspective is that the proposed Second Street access poses potential problems, potentially

significant impacts, and potential hazards, the necessity of which has not been proven by an alternate analysis. (Review p. 4.)

City engineering staff also reviewed the DeBenedetto Study and found that the DeBenedetto Study does not provide significant new information and does not demonstrate that providing access off of Second Street is viable.

To the contrary, access to the Project Site and future DeBenedetto Properties development from Second Street will only exacerbate traffic impacts and would substantially interfere with pedestrian and bicycle trail access to the Project site.

The Traffic Study notes that there are a negligible amount of vehicle trips using the existing Second Street driveway from the hotel during peak hours. (Traffic Study pp. 21, 26, 32.) This allows vehicles traveling on Clovis Avenue to experience little or no delay at Second Street, even with the anticipated LOS dropping to an unacceptable E in 2039 cumulative conditions (Traffic Study pp. 32-33, 35.). Opening up Second Street to full access to the Project site and DeBenedetto Properties future development will completely change this. The problems noted in the Traffic Report would be substantially worse.

Effect of Further Consideration of Second Street Access

If the Council were to provide any further consideration to providing access to the Project site at Second Street, a new traffic study would have to be done evaluating queuing impacts on other Clovis Avenue intersections with a traffic signal, traffic flow on Clovis Avenue, ability to require a traffic signal even when warrants are not met, impacts to the Old Town Trail, and access to the DeBenedetto Properties site by other means. (Review p. 4.) The EIR would have to be updated to show a revised Project description, address the impacts from the new configuration, evaluate the effect of the change on City objectives and policies regarding optimizing pedestrian and bicycle access, evaluate whether there are still significant benefits warranting an unacceptable level of service with Second Street access, and further evaluate access to the DeBenedetto Properties site by other means.

FISCAL IMPACT

Various fiscal impacts are in play if further consideration is given to Second Street access. In addition to the additional studies and environmental review, there would be costs associated with redesigning the site and construction cost escalation associated with extending the project timeline. Further, the County of Fresno will be in a position to either consider redesigning their building on the Project site or withdrawing from the Project.

REASON FOR RECOMMENDATION

Staff is requesting Council direction in order to move forward with the next steps in the Landmark Commons Project.

ACTIONS FOLLOWING APPROVAL

Staff is prepared to move forward with the Site Plan unless otherwise directed by the Council.

Prepared by: Mike Harrison, City Engineer

Reviewed by: City Manager *JH*

Traffic Impact Study for Proposed DeBenedetto Development Project for the City of Clovis

August 6, 2019



**Traffic Impact Study for
Proposed DeBenedetto
Development Project in the
City of Clovis, California**

Final Report

Prepared for:
The City of Clovis

Prepared by:
Advanced Mobility Group



August 6, 2019

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1.0 INTRODUCTION AND EXECUTIVE SUMMARY

INTRODUCTION

The purpose of this traffic impact study is to evaluate potential impacts of the proposed DeBenedetto Project located at the northeast quadrant of the intersection of Clovis Avenue/2nd Street in the City of Clovis.

Summary

Based on the results of the analysis, the following is a summary of our findings:

Existing Traffic Conditions

- All the intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street that operates at LOS F during the AM peak hour.

Existing plus Proposed DeBenedetto Project Traffic Conditions

- The project will generate approximately 72 and 88 total trips during the AM and PM peak hours, respectively.
- All intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street which will continue to operate at LOS F during the AM peak hour, similar to the existing condition.

Near-Term Project Condition.

- All intersections operate at acceptable LOS D or better except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. which operate at LOS F.
- As indicated in the traffic impact study report for the proposed Clovis Civic Center North Project, Clovis Ave/2nd St was one of two access points for the City's Landmark Commons Civic Center North Project.

Near-Term plus Proposed DeBenedetto Project Condition.

- All intersections operate at acceptable LOS except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. which continues to operate at LOS F.
- A signal is nearly warranted based on peak hour volumes. The main street volumes are met while the minor street volumes on 2nd Street has total volumes of 99 which barely missed the 100 peak hour threshold. Since Clovis Ave/2nd St is approximately 500 feet to the north of signalized intersections of Clovis Ave/3rd St and nearly 1,000 feet to the south of Clovis Ave/Sierra Ave, the City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor.

2039 Cumulative No Project (include Landmark Commons Civic Center North) Condition

- All intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, and Clovis Ave/3rd St during the AM peak hour.

2039 Cumulative plus Proposed DeBenedetto Project Condition.

- Similar to the base 2039 Cumulative Condition, all intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, at Clovis Ave/3rd St during the AM peak hour.
- A signal is warranted at Clovis Ave/2nd St based on peak hour volumes. The City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor.

2.0 PURPOSE OF PROJECT AND STUDY APPROACH

PROJECT OBJECTIVES DESCRIPTION

The purpose of this traffic impact study is to evaluate potential traffic impacts of the proposed DeBenedetto Project located at the northeast quadrant of the intersection of Clovis Avenue/2nd Street in the City of Clovis.

It is our understanding that previously, when the owner of the DeBenedetto property entered into the Property Exchange Agreement with the City (2014-2015), an access point for the future project to cross the Trail from Second Street to Clovis Avenue was a part of the plan. However, apparently the approved Landmark Commons Civic Center North EIR did not show this access point. The study assumed project traffic would be able to access Second Street.

The proposed project site and vicinity map are shown in **Figure 1**.

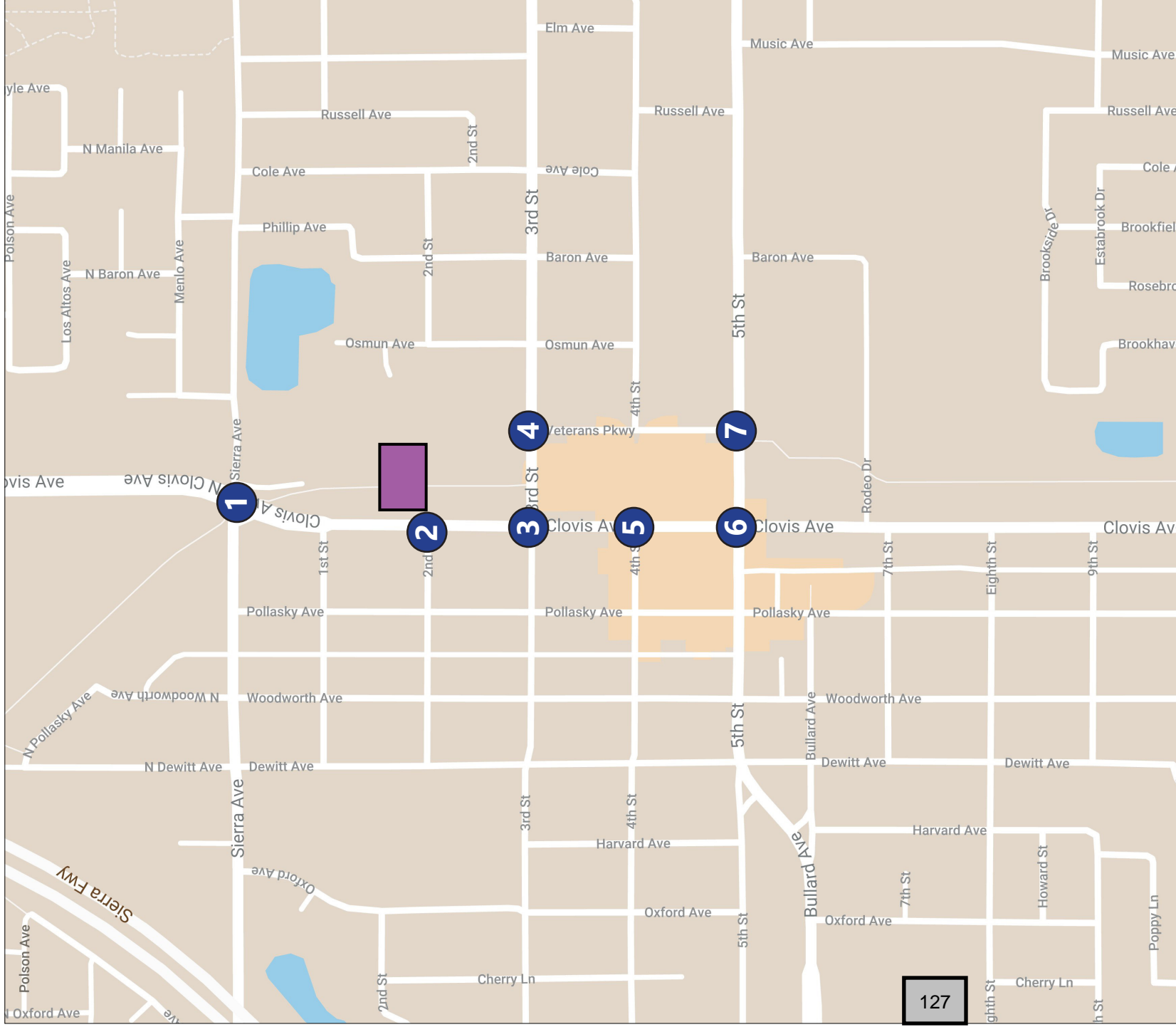
STUDY APPROACH

The following are key steps of the study approach:



- Conduct traffic counts to establish baseline traffic conditions
- Conduct trip generation and distribution of project trips
- Determine Project related traffic conditions
- Determine impact of project trips based on established Significance Criteria

FIGURE 1
Vicinity Map

*Traffic Impact Analysis for the DeBenedetto Project
City of Clovis*



LEGEND

-  Project Site
-  Study Intersection

↑
NOT TO SCALE



3.0 SETTING

The following section describes the existing transportation conditions in the vicinity of the study area, including descriptions of the existing street system and intersection operating conditions.

EXISTING STREET SYSTEM

Clovis Avenue is a north-south arterial roadway that extends into south Fresno. The posted speed limit on Clovis Avenue is 35 miles per hour (mph) south of Sierra Avenue and 40 mph north of Sierra Avenue.

Sierra Avenue is an east-west collector street with one lane in each direction extending east to Sunnyside Avenue and west into Fresno. The posted speed limit on Sierra Avenue is 40 mph west of Clovis Avenue and 25 mph east of Clovis Avenue.

Second Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and DeWitt Avenue at the west end. Assumed the speed limit for residential streets is 25 mph. Proposed project is located to the eastside of Clovis Avenue at Second Street.

Third Street is an east-west collector street with one lane in each direction extending to Sunnyside Avenue to the east and to Minnewawa Avenue to the west. The posted speed limit on Third Street west of Clovis Avenue is 25 mph.

Fourth Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and Minnewawa Avenue at the west end. Assumed the speed limit for residential streets is 25 mph.

Fifth Street is an east-west arterial street between Clovis Avenue and Sunnyside Avenue. It is a one lane roadway in each direction connecting to Bullard Avenue near Minnewawa Avenue to the west and connecting to Bullard Avenue near Sunnyside Avenue. The posted speed limit on Fifth Street is 25 mph.

Veterans Parkway is a north-south local street with one lane in each direction between Third Street and Fifth Street. Assumed the speed limit for residential streets is 25 mph.

ROADWAY AND INTERSECTION OPERATING CONDITIONS

This section summarizes existing roadway and intersection operating conditions.

Traffic Data Collection

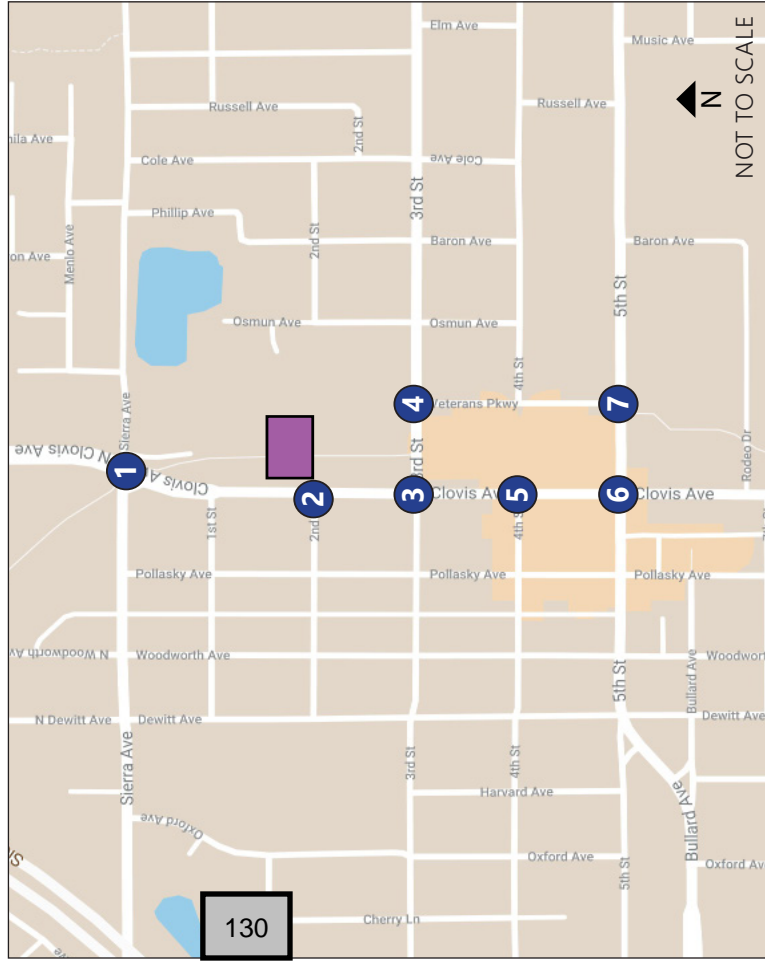
Based on discussions with City staff¹, AMG collected AM and PM peak hour intersection turning movement counts on Tuesday, February 26, 2019 for the seven study intersections. **Figure 2** shows the turning movement volumes and lane configuration at each study intersection. Intersection turning movement counts collected by AMG are included in **Appendix A**.

Pedestrians and bicycles count were also collected on Tuesday, February 26, 2019 near Clovis Old Town Trail and Second Street during the AM and PM peak hour which showed no pedestrians and approximately seven and nine bicycles respectively during the AM and PM peak hour.

¹ Discussions with City of Clovis Staff, March 29, 2019

FIGURE 2
Existing Volumes

<p>Intersection #1 Clovis Ave & Sierra Ave</p>	<p>Intersection #2 Clovis Ave & 2nd Ave</p>	<p>Intersection #3 Clovis Ave & 3rd Ave</p>	<p>Intersection #4 Veterans Pkwy & 3rd Ave</p>
<p>Intersection #5 Clovis Ave & 4th Ave</p>	<p>Intersection #6 Clovis Ave & 5th Ave</p>	<p>Intersection #7 Veterans Pkwy & 5th Ave</p>	



LEGEND

- Study Intersection
- Stop Control
- Signal Control
- xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



LEVEL OF SERVICE METHODOLOGY

Level of Service is a qualitative index of the performance of an element of the transportation system. Level of Service (LOS) is a rating scale running from A to F, with A indicating no congestion of any kind, and F indicating intolerable congestion and delays.

The 2010 Highway Capacity Manual (HCM) is the standard reference published by the Transportation Research Board and contains the specific criteria and methods to be used in assessing LOS. There are several software packages that have been developed to implement HCM. In this study the Synchro software was used to calculate the LOS at the study intersections.

Signalized Intersections

The relationship between average control delay, driver’s perception of traffic, and LOS for signalized intersections is summarized in **Table 1**.

Table 1: Signalized Intersection LOS Criteria

LOS	Driver’s Perception and Traffic Operation Description	Delay in Seconds
A	Operations with very low delay occurring with favorable Progression and/or short cycle length.	< 10
B	Operations with low delay occurring with good progression and/or short cycle lengths.	> 10 – 20
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	> 20 - 35
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop, and individual cycle failures are noticeable.	> 35 – 55
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	> 55 - 80
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	> 80

Unsignalized Intersections

The method of unsignalized intersection capacity analysis used in this study is from Chapter 19, “Two-Way Stop-Controlled Intersections” of the Highway Capacity Manual. This method applies to two-way STOP sign or YIELD sign-controlled intersections (or one-way STOP sign or YIELD sign controlled intersections at three-way intersections). At such intersections, drivers on the minor street are forced to use judgment when selecting gaps in the major flow through which to execute crossings or turning maneuvers. Thus, the capacity of the controlled legs of an intersection is based on three factors:

1. The distribution of gaps in the major street traffic stream.
2. Driver judgment in selecting gaps through which to execute their desired maneuvers.
3. Follow-up time required to move into the front-of-queue position.

The level of service criterion for two-way STOP controlled intersections is somewhat different from the criterion used for signalized intersections. The primary reason for this is the difference that drivers expect a signalized intersection to carry higher traffic volumes than unsignalized intersections. Additionally, several driver behavior conditions combine to make delays at signalized intersections less onerous than at unsignalized intersections.

The LOS is reported for the minor approach. Depending on the availability of gaps, the minor approach might be operating at LOS D, E, or F while the overall intersection operates at LOS C or better. A minor approach that operates at LOS D, E, or F does not automatically translate into a need for a traffic signal. A signal warrant would still need to be met. There are many instances where only a few vehicles are experiencing LOS D, E, or F on the minor approach while the whole intersection operates at an acceptable LOS. A signal is usually not warranted under such conditions.

Table 2 summarizes the relationship between delay and LOS for unsignalized intersections. At side-street stop-controlled intersections, the delay is calculated for each stop-controlled movement, the left-turn movement from the major street, as well as the intersection average. The intersection average delay and highest movement/approach delay are reported for side street stop-controlled intersections.

Table 2: Signalized Intersection LOS Criteria

LOS	Driver's Perception and Traffic Operation Description	Delay in Seconds
A	Little or no delays	< 10
B	Short traffic delays	> 10 – 15
C	Average traffic delays	> 15 - 25
D	Long traffic delays	> 25 - 35
E	Very long traffic delays	> 35 – 50
F	Extreme traffic delays with intersection capacity exceeded	> 50

The City of Clovis Guidelines for Traffic Impact Studies generally defines acceptable citywide unsignalized intersection operations as LOS D (35 seconds of delay per vehicle) or better during the morning and evening peak periods.

SIGNIFICANCE CRITERIA

City Standards

Policy 2.1 of the Clovis General Plan states the following LOS standards:

- A. Achieve LOS D vehicle traffic operations during the AM and PM peak hours
- B. Allow exceptions on a case-by-case basis where lower levels of service would result in other public benefits, such as:
 - i. Preserving agriculture or open space land
 - ii. Preserving the rural/historic character of a neighborhood
 - iii. Preserving or creating a pedestrian-friendly environment in Old Town or mixed-use village districts
 - iv. Avoiding adverse impacts to pedestrians, cyclists, and mass transit riders
 - v. Where right-of-way constraints would make capacity expansion infeasible

The City Guidelines indicate that an impact is considered significant if the addition of the traffic generated by a proposed project results in any one of the following:

- Triggers an intersection operating at acceptable LOS to operate at unacceptable levels of service;
- Increases the average delay for a study intersection that is already operating at unacceptable LOS.

4.0 EXISTING TRAFFIC CONDITION

This section presents the assessment of traffic conditions without the proposed project.

INTERSECTION LEVEL OF SERVICE

To accurately model the traffic condition, AMG created a Synchro traffic analysis model to determine the intersection LOS. The Existing Conditions traffic operations were evaluated based on levels of service criteria using Synchro. The macroscopic simulation model, Synchro, was used to evaluate several measures (such as lane geometries, signal optimization, signal phasing and traffic control) at the study intersections.

The results of the LOS analysis for the existing intersections are shown in **Table 3**. All the intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street that operates at LOS F during the AM peak hour.

Table 3: Existing LOS of Study Intersections

	Intersection	Existing Control	AM		PM	
			Delay	LOS	Delay	LOS
1	Clovis Ave/Sierra Ave	Signal	28.4	C	30.5	C
2	Clovis Ave/2nd St	Two-Way Stop	19.1	C	16.5	C
3	Clovis Ave/3rd St	Signal	32.3	C	35.8	D
4	Veterans Pkwy/3rd St	One-Way Stop	17.3	C	12.5	B
5	Clovis Ave/4th St	Signal	19.0	B	27.8	C
6	Clovis Ave/5th St	Signal	39.6	D	45.8	D
7	Veterans Pkwy/5th St	Two-Way Stop	93.7	F	19.6	C

Detailed level of service worksheets are provided in **Appendix B**.

QUEUING ANALYSIS

The results of the Existing Conditions queuing analysis are summarized in **Table 4**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound and northbound left-turn during both peak hours
- Clovis Ave/3rd St – eastbound left-turn during the PM peak hour
- Clovis Ave/5th St – eastbound and westbound left-turn during both peak hours
- Veterans Pkwy/5th St – eastbound left-turn during the AM peak hour

Table 4: Queuing Analysis Summary – Existing Conditions

Intersection	Turning Movement	Existing Storage Length (ft)	AM Queue (ft)	PM Queue (ft)	Notes
1. Clovis Ave/Sierra Ave	EBL	110	142	141	x
	WBL	65	62	36	x
	NBL	115	117	131	x
	SBL	155	50	144	x
2. Clovis Ave/2nd St	EBL	300	40	42	x * L
	WBL	130	15	10	x * L
	NBL	400	49	15	x * L
	SBL	470	0	14	x * L
3. Clovis Ave/3rd St	EBL	50	49	52	x
	WBL	75	69	65	x
	NBL	410	168	270	x * L
	SBL	400	225	278	x * L
4. Veterans Pkwy/3rd St	EBL	375	12	0	x * L
	WBL	330	81	27	x * L
	NBL	410	74	54	x * L
	SBL	-	0	0	x *
5. Clovis Ave/4th St	EBL	310	45	82	x * L
	WBL	130	57	51	x * L
	NBL	410	146	239	x * L
	SBL	410	152	225	x * L
6. Clovis Ave/5th St	EBL	70	72	117	x
	WBL	150	151	151	x
	NBL	500	225	252	x * L
	SBL	410	142	243	x * L
7. Veterans Pkwy/5th St	EBL	50	54	40	x
	WBL	100	40	23	x
	NBL	-	75	50	x *
	SBL	410	85	74	x *

Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

5.0 TRIP GENERATION AND DISTRIBUTION METHODOLOGY

The proposed project consists of approximately 200 multifamily (mid-rise) residential dwelling units.

TRIP GENERATION

Trip generation is defined as the number of “vehicle trips” produced by a particular land use or project. A trip is defined as a one-direction vehicle movement. The total number of trips generated by each land use includes the inbound and outbound trips.

The trip generation estimates for the proposed land use was calculated using the standard reference Trip Generation, 10th Edition, published by the Institute of Transportation Engineers (ITE). In consultation with staff², the project’s land use was based on ITE trip generation data.

The estimated potential trip generation of the proposed project is shown in **Table 5**. It is estimated that the project will generate approximately 72 and 88 total trips during the AM and PM peak hours, respectively.

Table 5: Proposed Project Trip Generation

Land Use	ITE Code	Size		A.M. Peak				P.M. Peak			
				Rate	In	Out	Total	Rate	In	Out	Total
Multifamily Housing (Mid-Rise)	ITE 221	200	Unit	0.36	19	53	72	0.44	54	34	88
Total New Trips					19	53	72		54	34	88

Source: ITE Trip Generation Manual 10th Edition, 2017

² Email of Mike Harrison, March 29, 2019

TRIP DISTRIBUTION

Trip distribution is a process that determines in what proportion vehicles would be expected to travel between a project site and various destinations outside the project study area. The process of trip assignment determines the various routes that vehicles would take from the project site to each destination using the estimated trip distribution.

The project is expected to “generate” and “attract” trips throughout the City and from other locations throughout the area. Typically, directional trip distribution for project generated trips are estimated based on existing traffic flow patterns, geographic location of the project site, and location of other similar destinations. The estimated trip distribution patterns were discussed with the City and approved trip distribution³ are shown on **Figure 3**.

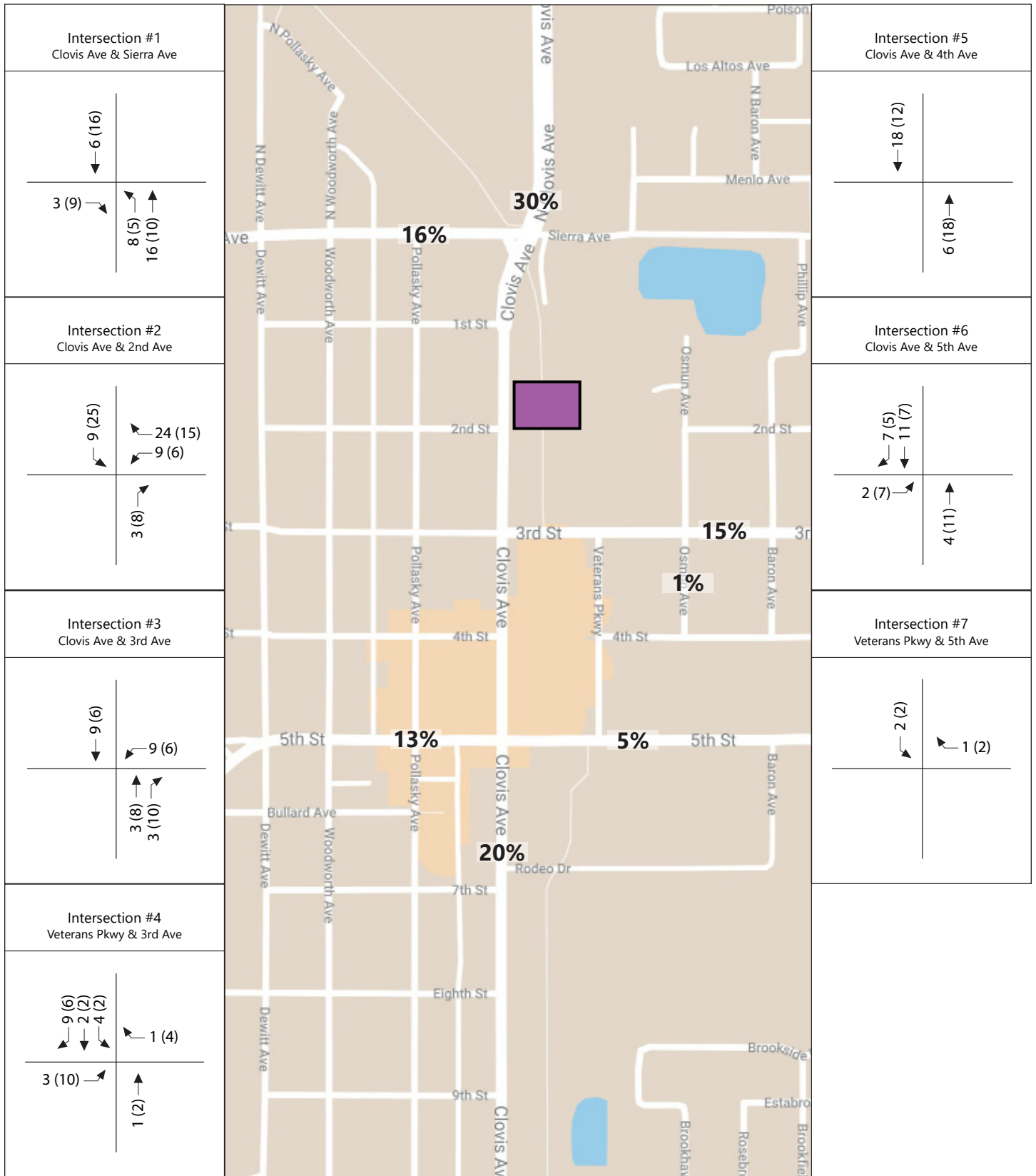
Based on input from City staff, the weekday AM and PM peak hour traffic conditions for the following scenarios were analyzed:

- i. Existing
- ii. Existing + Proposed DeBenedetto Project
- iii. Near-Term (include Landmark Commons Civic Center North)
- iv. Near-Term + Proposed DeBenedetto Project
- v. 2039 Cumulative No Project (include Landmark Commons Civic Center North)
- vi. 2039 Cumulative + Proposed DeBenedetto Project

³ Email of Mike Harrison, March 29, 2019

FIGURE 3

Peak-Hour Project Traffic Distribution Percentages



LEGEND

 Project Site

XX% Project Trip Percentages

↑
N
NOT TO SCALE

6.0 EXISTING PLUS PROJECT TRAFFIC CONDITION

This section presents the assessment of potential transportation impacts of the proposed DeBenedetto 200-unit multi-family residential project.

It is our understanding that previously, when the owner of the DeBenedetto property entered into the Property Exchange Agreement with the City (2014-2015), an access point for the future project to cross the Trail from Second Street to Clovis Avenue was a part of the plan. However, apparently the approved Landmark Commons Civic Center North EIR did not show this access point. The study assumed project traffic would be able to access Second Street.

INTERSECTION LEVEL OF SERVICE ANALYSIS

Figure 4 shows the Existing plus Project Conditions peak hour turning movement volumes and lane geometry. **Table 6** shows the LOS under Existing plus Project Conditions. All intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street which will continue to operate at LOS F during the AM peak hour, similar to existing conditions.

Detailed level of service worksheets is provided in **Appendix C**.

Table 6: Existing plus Proposed DeBenedetto Project Intersection LOS

	Intersection	Existing				Existing Control	Existing plus Project					
		AM		PM			AM		PM		Diff	
		Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS	AM	PM
1	Clovis Ave/Sierra Ave	28.4	C	30.5	C	Signal	28.5	C	30.6	C	0.1	0.1
2	Clovis Ave/2nd St	19.1	C	16.5	C	Two-Way Stop	14.2	B	21.4	C	-4.9	4.9
3	Clovis Ave/3rd St	32.3	C	35.8	D	Signal	32.7	C	36.5	D	0.4	0.7
4	Veterans Pkwy/3rd St	17.3	C	12.5	B	One-Way Stop	19.2	C	13.4	B	1.9	0.9
5	Clovis Ave/4th St	19.0	B	27.8	C	Signal	19.2	B	28.2	C	0.2	0.4
6	Clovis Ave/5th St	39.6	D	45.8	D	Signal	40.0	D	46.8	D	0.4	1.0
7	Veterans Pkwy/5th St	93.7	F	19.6	C	Two-Way Stop	93.7	F	20.1	C	0.0	0.5

QUEUING ANALYSIS

The results of the Existing plus Project Conditions queuing analysis are summarized in **Table 7**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound left-turn during both peak hours and northbound left-turn during the PM peak hour
- Clovis Ave/3rd St – eastbound and westbound left-turn during the PM peak hour
- Clovis Ave/5th St – eastbound left-turn during both peak hours and westbound left-turn during the AM peak hour

- Veterans Pkwy/5th St – eastbound left-turn during the AM peak hour

Table 7: Queuing Analysis Summary – Existing plus Project Conditions

Intersection	Turning Movement	Existing Storage Length (ft)	Existing Conditions (ft)		Existing Plus Project Conditions (ft)		Change (ft)		Notes
			AM	PM	AM	PM	AM	PM	
1. Clovis Ave/Sierra Ave	EBL	110	142	141	130	142	-12	1	x
	WBL	65	62	36	47	30	-15	-6	x
	NBL	115	117	131	97	134	-20	3	x
	SBL	155	50	144	57	142	7	-2	x
2. Clovis Ave/2nd St	EBL	300	40	42	48	47	8	5	x * L
	WBL	130	15	10	49	41	34	31	x * L
	NBL	400	49	15	36	17	-13	2	x * L
	SBL	470	0	14	34	57	34	43	x * L
3. Clovis Ave/3rd St	EBL	50	49	52	29	58	-20	6	x
	WBL	75	69	65	64	87	-5	22	x
	NBL	410	168	270	138	272	-30	2	x * L
	SBL	400	225	278	201	220	-24	-58	x * L
4. Veterans Pkwy/3rd St	EBL	375	12	0	14	7	2	7	x * L
	WBL	330	81	27	45	39	-36	12	x * L
	NBL	410	74	54	73	54	-1	0	x * L
	SBL	-	0	0	44	26	44	26	x *
5. Clovis Ave/4th St	EBL	310	45	82	45	79	0	-3	x * L
	WBL	130	57	51	48	49	-9	-2	x * L
	NBL	410	146	239	126	269	-20	30	x * L
	SBL	410	152	225	132	224	-20	-1	x * L
6. Clovis Ave/5th St	EBL	70	72	117	103	109	31	-8	x
	WBL	150	151	151	180	136	29	-15	x
	NBL	500	225	252	183	300	-42	48	x * L
	SBL	410	142	243	166	267	24	24	x * L
7. Veterans Pkwy/5th St	EBL	50	54	40	55	39	1	-1	x
	WBL	100	40	23	36	23	-4	0	x
	NBL	-	75	50	70	45	-5	-5	x *
	SBL	410	85	74	79	66	-6	-8	x *

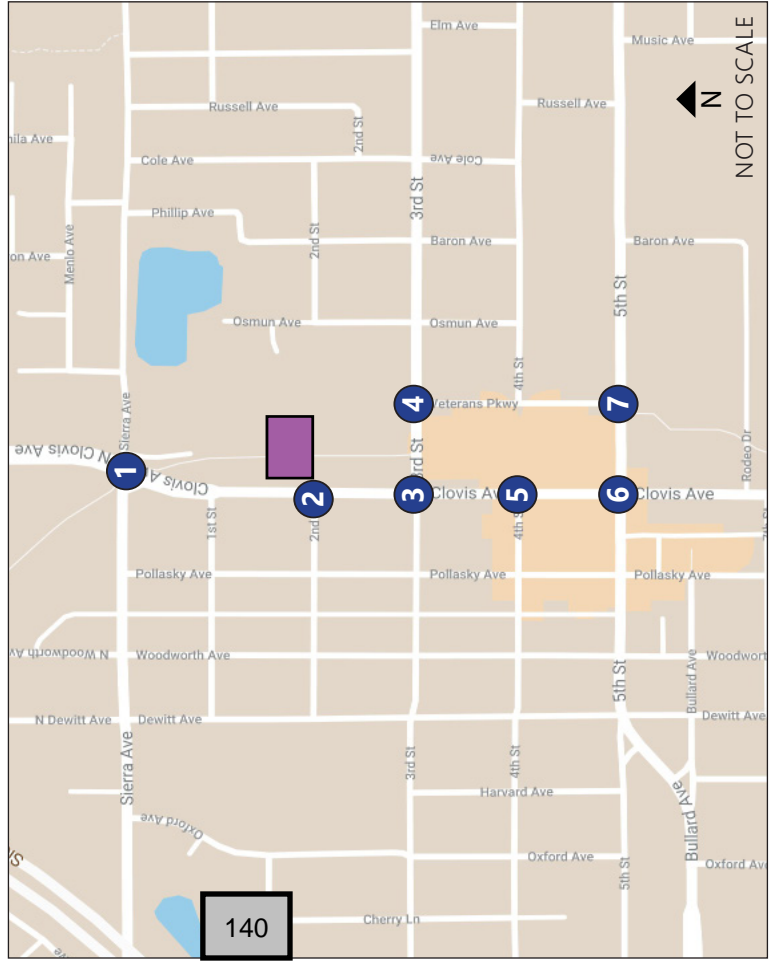
Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

FIGURE 4

Existing Plus Project Volumes

Traffic Impact Analysis for the DeBenedetto Project
City of Clovis

<p>Intersection #1 Clovis Ave & Sierra Ave</p>	<p>Intersection #2 Clovis Ave & 2nd Ave</p>	<p>Intersection #3 Clovis Ave & 3rd Ave</p>	<p>Intersection #4 Veterans Pkwy & 3rd Ave</p>
<p>Intersection #5 Clovis Ave & 4th Ave</p>	<p>Intersection #6 Clovis Ave & 5th Ave</p>	<p>Intersection #7 Veterans Pkwy & 5th Ave</p>	



LEGEND

- Study Intersection
- Stop Control
- Signal Control

xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



7.0 NEAR-TERM (INCLUDE LANDMARK COMMONS CIVIC CENTER NORTH) TRAFFIC CONDITION

This section presents the assessment of potential transportation for the Near-Term Condition. The scenario includes the Landmark Commons Civic Center North Project.

INTERSECTION LEVEL OF SERVICE ANALYSIS

Figure 5 shows the Near-Term Condition Conditions peak hour turning movement volumes and lane geometry which are based on volumes contained in the report Traffic Impact Study Proposed Clovis Civic Center North Project, California dated September 9, 2016.

Table 8 shows the LOS under Near-Term Conditions. All intersections operate at acceptable LOS D or better except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. As indicated in the traffic impact study report for the proposed Clovis Civic Center North Project, Clovis Ave/2nd St was one of two access points for the Citys Landmark Commons Civic Center North Project.⁴

Detailed level of service worksheets is provided in **Appendix D**.

Table 8: Near-Term Intersection LOS

	Intersection	Existing Control	AM		PM	
			Delay	LOS	Delay	LOS
1	Clovis Ave/Sierra Ave	Signal	26.5	C	29.3	C
2	Clovis Ave/2nd St	Two-Way Stop	18.8	C	419.7	F
3	Clovis Ave/3rd St	Signal	32.2	C	38.2	D
4	Veterans Pkwy/3rd St	One-Way Stop	19.3	C	23.2	C
5	Clovis Ave/4th St	Signal	20.7	C	29.8	C
6	Clovis Ave/5th St	Signal	42.4	D	50.1	D
7	Veterans Pkwy/5th St	Two-Way Stop	87.7	F	20.1	C

QUEUING ANALYSIS

The results of the Near-Term Conditions queuing analysis are summarized in **Table 9**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound left-turn during both peak hours and northbound left-turn during the PM peak hour
- Clovis Ave/3rd St – eastbound and westbound left-turn during the PM peak hour
- Clovis Ave/5th St – eastbound left-turn during both peak hours and westbound left-turn during the AM peak hour
- Veterans Pkwy/5th St – eastbound left-turn during both peak hours

⁴ Page 25, last second paragraph

Table 9: Queuing Analysis Summary – Near-Term Conditions

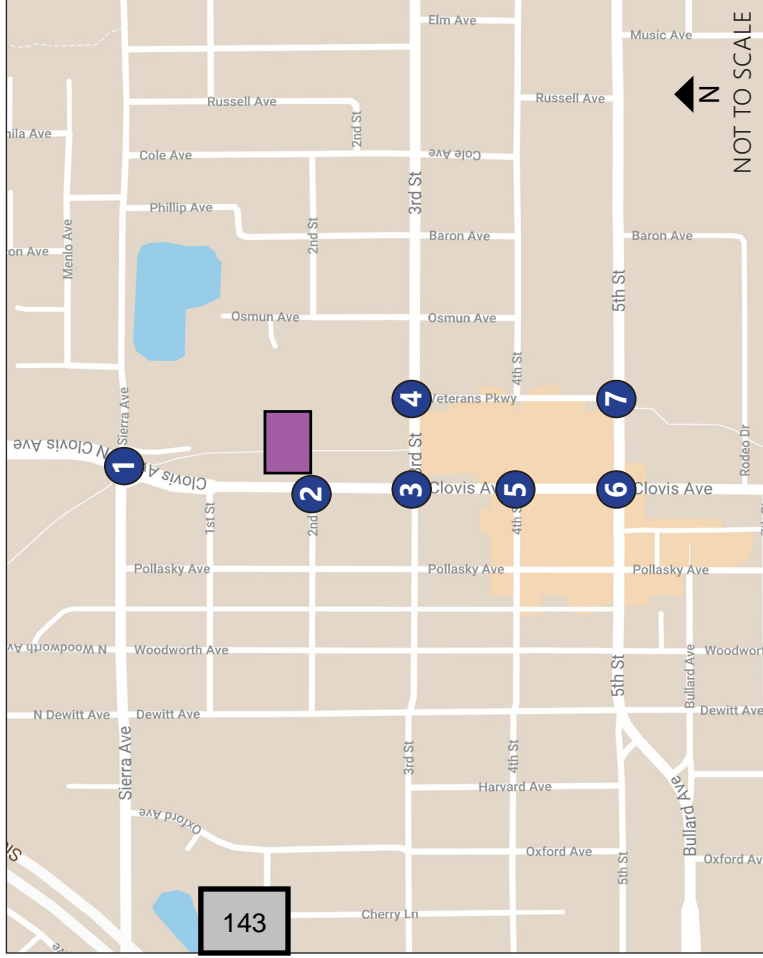
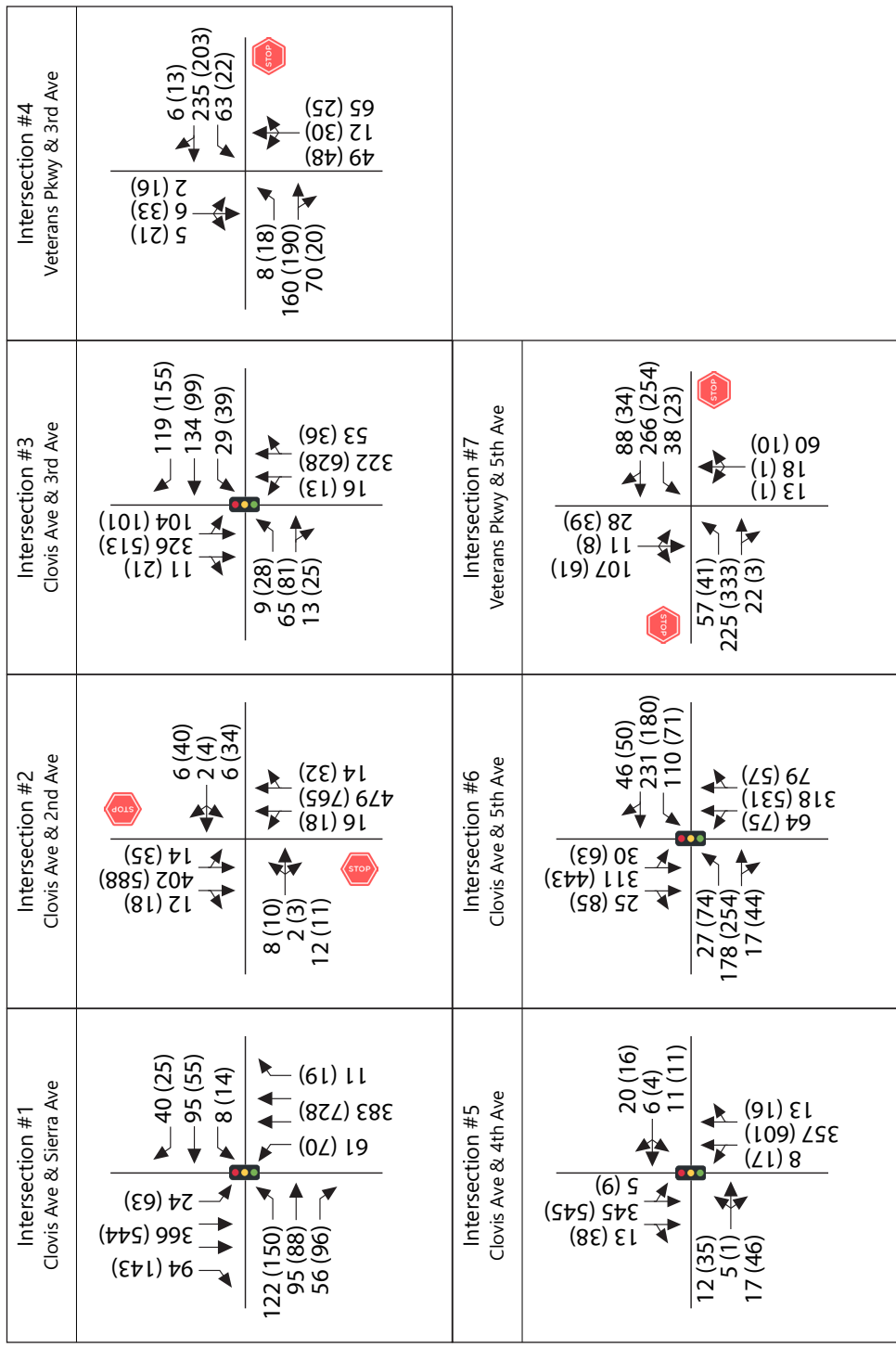
Intersection	Turning Movement	Existing Storage Length (ft)	AM Queue (ft)	PM Queue (ft)	Notes
1. Clovis Ave/Sierra Ave	EBL	110	118	147	x
	WBL	65	47	24	x
	NBL	115	104	129	x
	SBL	155	46	119	x
2. Clovis Ave/2nd St	EBL	300	37	50	x * L
	WBL	130	33	65	x * L
	NBL	400	41	42	x * L
	SBL	470	9	74	x * L
3. Clovis Ave/3rd St	EBL	50	39	71	x
	WBL	75	69	91	x
	NBL	410	159	283	x * L
	SBL	400	198	305	x * L
4. Veterans Pkwy/3rd St	EBL	375	0	20	x * L
	WBL	330	71	27	x * L
	NBL	410	67	62	x * L
	SBL	0	31	72	x *
5. Clovis Ave/4th St	EBL	310	52	77	x * L
	WBL	130	62	44	x * L
	NBL	410	135	240	x * L
	SBL	410	149	317	x * L
6. Clovis Ave/5th St	EBL	70	75	116	x
	WBL	150	170	117	x
	NBL	500	219	310	x * L
	SBL	410	181	384	x * L
7. Veterans Pkwy/5th St	EBL	50	53	52	x
	WBL	100	32	30	x
	NBL	0	56	34	x *
	SBL	410	98	72	x *

Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

FIGURE 5

Near-Term Volumes

Traffic Impact Analysis for the DeBenedetto Project
City of Clovis



LEGEND

- Study Intersection
- Stop Control
- Signal Control
- xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



8.0 NEAR-TERM + PROPOSED DEBENEDETTO PROJECT TRAFFIC CONDITION

This section presents the assessment of potential transportation impact for the Near-Term plus Proposed DeBenedetto Project Condition.

INTERSECTION LEVEL OF SERVICE ANALYSIS

Figure 6 shows the Near-Term plus Proposed DeBenedetto Project peak hour turning movement volumes and lane geometry. **Table 10** shows the LOS under Near-Term plus Proposed DeBenedetto Traffic Conditions. All intersections operate at acceptable LOS except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. Detailed level of service worksheets is provided in **Appendix E**.

Table 10: Near-Term plus Proposed DeBenedetto Project Intersection LOS

	Intersection	Near-Term				Existing Control	Near-Term plus Project					
		AM		PM			AM		PM		Diff	
		Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS	AM	PM
1	Clovis Ave/Sierra Ave	26.5	C	29.3	C	Signal	26.7	C	29.5	C	0.2	0.2
2	Clovis Ave/2nd St	18.8	C	419.7	F	Two-Way Stop	18.5	C	705.9	F	-0.3	286
3	Clovis Ave/3rd St	32.2	C	38.2	D	Signal	32.7	C	38.9	D	0.5	0.7
4	Veterans Pkwy/3rd St	19.3	C	23.2	C	One-Way Stop	21.5	C	28.6	D	2.2	5.4
5	Clovis Ave/4th St	20.7	C	29.8	C	Signal	20.9	C	30.3	C	0.2	0.5
6	Clovis Ave/5th St	42.4	D	50.1	D	Signal	42.9	D	51.9	D	0.5	1.8
7	Veterans Pkwy/5th St	87.7	F	20.1	C	Two-Way Stop	89.0	F	20.6	C	1.3	0.5

PEAK HOUR SIGNAL WARRANT

AMG completed a peak hour traffic signal warrant analysis for the intersection of Clovis Ave/2nd St which is a Two-Way stop controlled under existing conditions. Using the peak hour turning movement volumes, the CAMUTCD criteria were evaluated for Warrant 3, Peak Hour.

Generally, it is necessary to have a minimum volume of 100 vehicles per hour approaching from the higher volume side street to warrant a traffic signal. Based on the projected traffic volumes under Near-Term plus Proposed DeBenedetto Project scenario, a signal is nearly warranted based on peak hour volumes. The main street volumes are met while the minor street volumes on 2nd Street has total volumes of 99 which barely missed the 100 peak hour threshold. Since Clovis Ave/2nd St is approximately 500 feet to the north of signalized intersections of Clovis Ave/3rd St and nearly 1,000 feet to the south of Clovis Ave/Sierra Ave, the City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor. The rationale is provided in MUTCD Warrant 6, Coordinated Signal System.

The intersection of Clovis Ave/2nd St would improve to LOS D or better after signal improvement. See **Appendix F** for peak hour signal warrant analysis worksheet.

Clovis Avenue/2nd Street

The proposed improvement and striping layout at Clovis Avenue/2nd Street are shown **Exhibit 1**. The proposed improvement analysis at 2nd Street makes the following assumptions about the signal:

- Protected northbound (75-foot storage) and southbound (125-foot storage) left-turns
- Permissive eastbound and westbound left-turns
- All signal timing settings are per MUTCD standards with Bike Minimum Green, Ped Walk Time, and Yellow Change Interval
 - This assumption was made at all signals for analysis, not just the new signal
- Optimized cycle length and splits

The proposed improvement to provide left-turn pockets at 2nd Street would involve restriping and transitioning in the two city blocks between 1 Street to the north and 3rd Street to the south. The width of the existing four-lane Clovis Avenue in this area is approximately 67-feet so would be adequate to provide for a future five lane section (four lanes plus left-turn lane).

Providing protected left-turn on Clovis Avenue is a good safety improvement since Clovis Avenue is a higher speed four-lane roadway. Permissive left-turn should work well on the side street since it involves much

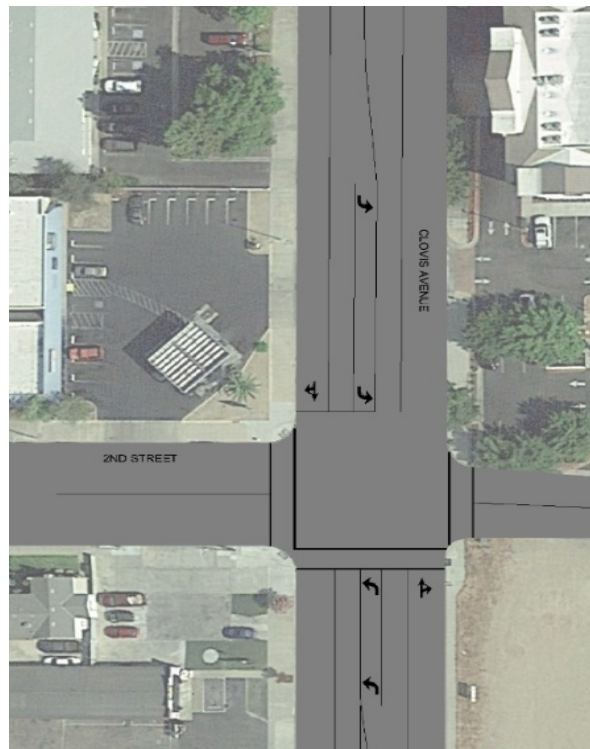


Exhibit 1: Clovis Ave/2nd St Recommended Improvement

lighter traffic.

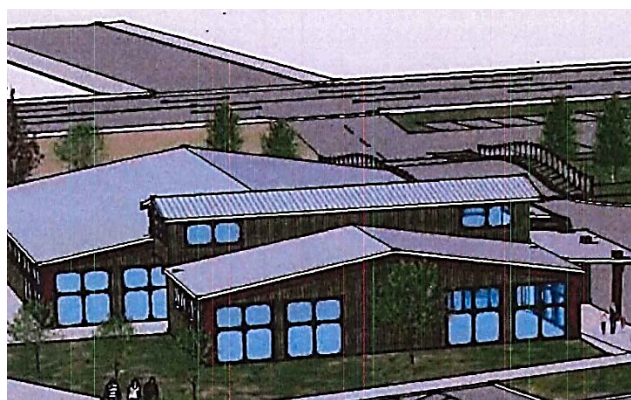


Exhibit 2: Clovis Old Town Trail and 2nd St Grade-Separated Crossing Illustration

potential pedestrian conflicts. Several studies⁵ have shown RRFB to increase yielding to pedestrians from 18 percent to 81 percent. This might be a good alternative to consider over grade separation.

Pedestrian Trail Crossing

It is our understanding that a grade-separated crossing as shown in **Exhibit 2** at the Clovis Old Town Trail and Second Street might be contemplated in the future.

Rectangular Rapid Flash Beacons (RRFB) as shown in **Exhibit 3** can enhance safety by reducing crashes between vehicles and pedestrians at unsignalized intersections and mid-block pedestrian crossings by increasing driver awareness of



Exhibit 3: RRFB

⁵ "An Analysis of the Effects of Stutter Flash LED Beacons to Increase Yielding to Pedestrians Using Multilane Crosswalks," & "The Use of Stutter Flash LED Beacons to Increase Yielding to Pedestrians at Crosswalks," presented at the Transportation Research Board Annual Meeting in 2008

QUEUING ANALYSIS

The results of the Near-Term plus Project Conditions queuing analysis are summarized in **Table 11**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound left-turn during both peak hours and northbound left-turn during the PM peak hour
- Clovis Ave/3rd St – westbound left-turn during both peak hours
- Clovis Ave/5th St – eastbound left-turn during both peak hours and westbound left-turn during the AM peak hour
- Veterans Pkwy/5th St – eastbound left-turn during the AM peak hour

Table 11: Queuing Analysis Summary – Near-Term plus Project Conditions

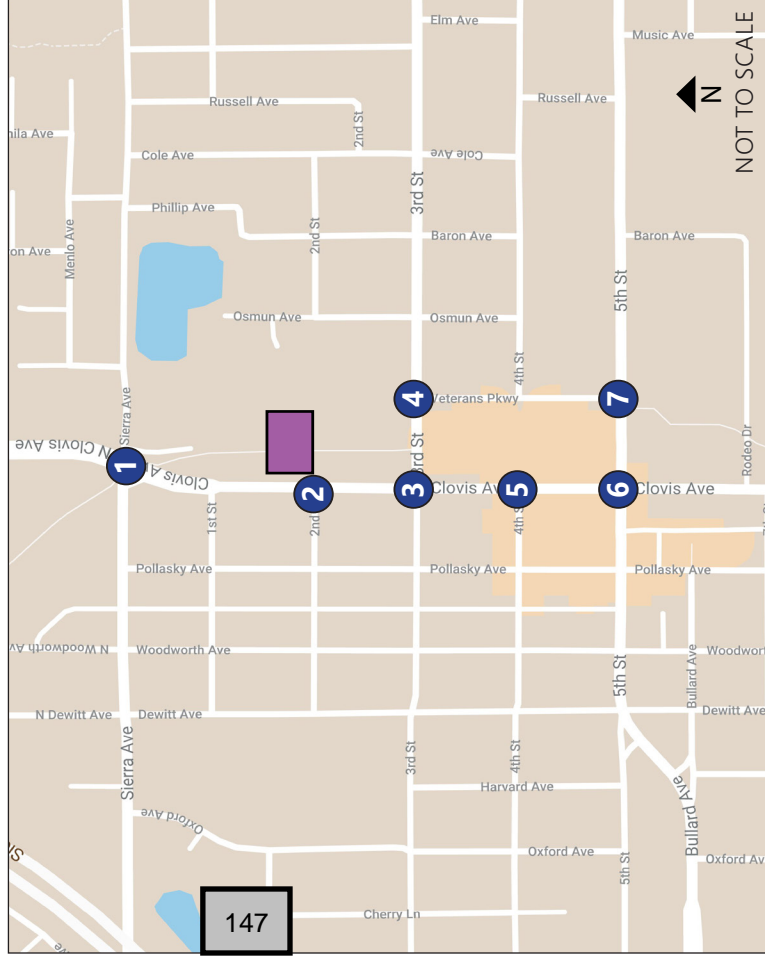
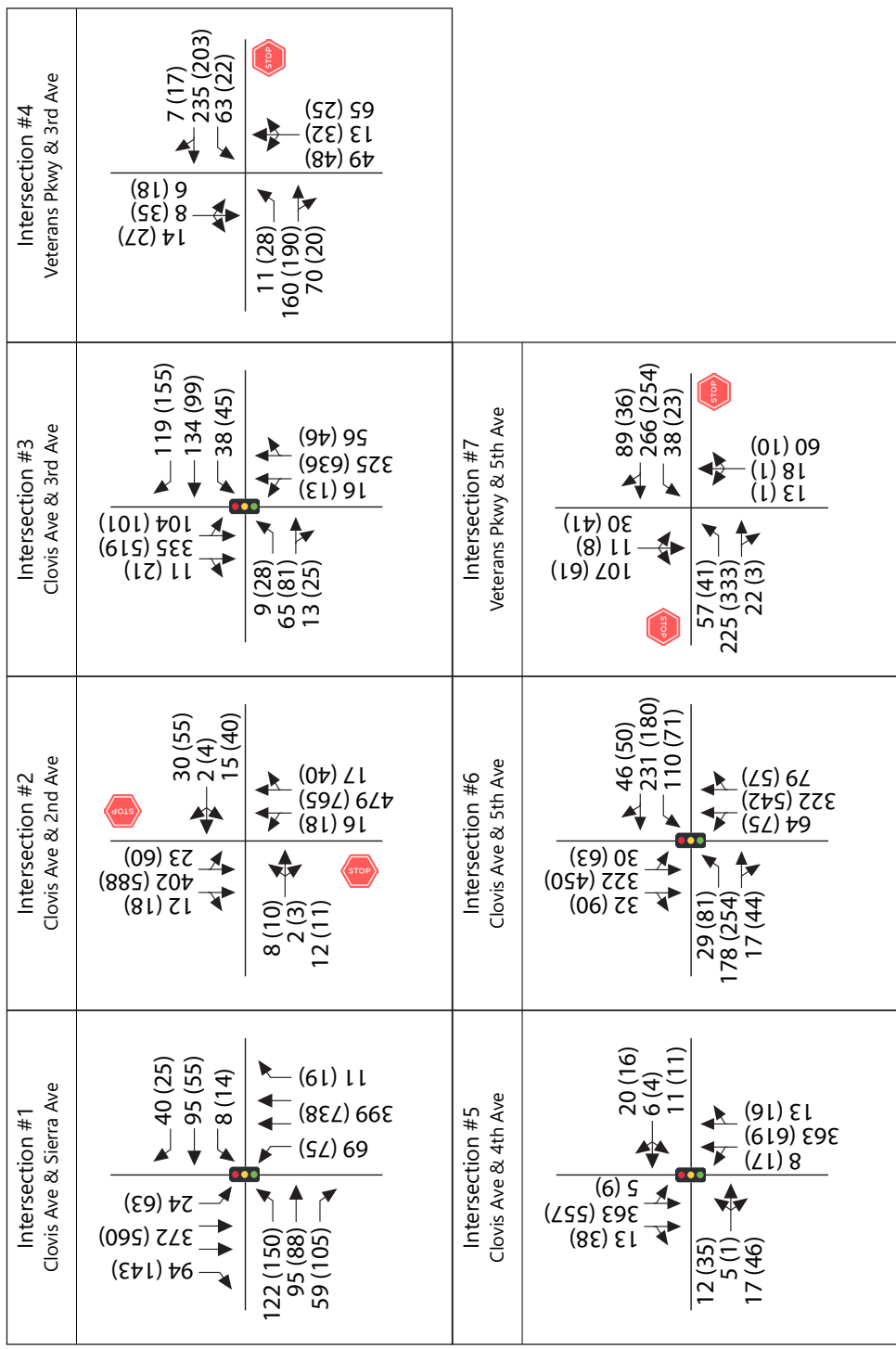
Intersection	Turning Movement	Existing Storage Length (ft)	Near-Term Conditions (ft)		Near-Term Plus Project Conditions (ft)		Change (ft)		Notes
			AM	PM	AM	PM	AM	PM	
1. Clovis Ave/Sierra Ave	EBL	110	118	147	129	136	11	-11	x
	WBL	65	47	24	48	57	1	33	x
	NBL	115	104	129	93	137	-11	8	x
	SBL	155	46	119	31	102	-15	-17	x
2. Clovis Ave/2nd St	EBL	300	37	50	44	46	7	-4	x * L
	WBL	130	33	65	56	77	23	12	x * L
	NBL	400	41	42	27	32	-14	-10	x * L
	SBL	470	9	74	31	116	22	42	x * L
3. Clovis Ave/3rd St	EBL	50	39	71	30	59	-9	-12	x
	WBL	75	69	91	78	85	9	-6	x
	NBL	410	159	283	157	295	-2	12	x * L
	SBL	400	198	305	197	253	-1	-52	x * L
4. Veterans Pkwy/3rd St	EBL	375	0	20	23	10	23	-10	x * L
	WBL	330	71	27	41	28	-30	1	x * L
	NBL	410	67	62	65	66	-2	4	x * L
	SBL	-	31	72	44	65	13	-7	x *
5. Clovis Ave/4th St	EBL	310	52	77	61	62	9	-15	x * L
	WBL	130	62	44	49	51	-13	7	x * L
	NBL	410	135	240	138	248	3	8	x * L
	SBL	410	149	317	141	259	-8	-58	x * L
6. Clovis Ave/5th St	EBL	70	75	116	85	106	10	-10	x
	WBL	150	170	117	199	126	29	9	x
	NBL	500	219	310	189	282	-30	-28	x * L
	SBL	410	181	384	186	389	5	5	x * L
7. Veterans Pkwy/5th St	EBL	50	53	52	53	37	0	-15	x
	WBL	100	32	30	40	25	8	-5	x
	NBL	-	56	34	54	30	-2	-4	x *
	SBL	410	98	72	78	67	-20	-5	x *

Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

FIGURE 6

Near-Term Plus Project Volumes

Traffic Impact Analysis for the DeBenedetto Project
City of Clovis



LEGEND

- Study Intersection
- Stop Control
- Signal Control
- xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



9.0 2039 CUMULATIVE NO PROJECT (INCLUDE LANDMARK COMMONS CIVIC CENTER NORTH) TRAFFIC CONDITION

This section presents the assessment of potential transportation impact for the 2039 Cumulative No Project (include Landmark Commons Civic Center North) Condition.

INTERSECTION LEVEL OF SERVICE ANALYSIS

Figure 7 shows the 2039 Cumulative No Project (include Landmark Commons Civic Center North) Conditions peak hour turning movement volumes and lane geometry which are based on volumes contained in the report Traffic Impact Study Proposed Clovis Civic Center North Project, California dated September 9, 2016.

Table 12 shows the LOS under Near-Term Conditions. All intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, and Clovis Ave/3rd St during the AM peak hour.

Detailed level of service worksheets is provided in Appendix G.

Table 12: 2039 Cumulative No Project Intersection LOS

	Intersection	Existing Control	AM		PM	
			Delay	LOS	Delay	LOS
1	Clovis Ave/Sierra Ave	Signal	28.6	C	32	C
2	Clovis Ave/2nd St	Two-Way Stop	38.7	E	1463	F
3	Clovis Ave/3rd St	Signal	41.7	D	59	E
4	Veterans Pkwy/3rd St	One-Way Stop	49.7	E	52	F
5	Clovis Ave/4th St	Signal	23.6	C	35	C
6	Clovis Ave/5th St	Signal	58.9	E	74	E
7	Veterans Pkwy/5th St	Two-Way Stop	609.0	F	35	E

The report for the City’s approved Landmark Commons Civic Center North project recommended the following improvements for impacted intersections as follows:

Veterans Pkwy/3rd Street – All Way Stop control and a roundabout were evaluated but not considered solution could potentially result in queues extending into the intersection of Clovis Avenue and Third Street. The report concluded there appears to be no feasible mitigation.

Clovis Avenue/5th Street - The intersection has been constructed to its maximum configuration with little to no opportunity to widen the intersection. The report concluded there appears to be no feasible mitigation.

Veterans Way and 5th Street - All Way Stop control and a roundabout were evaluated but not considered solution could potentially result in queues extending into the intersection of Clovis Avenue and Fifth Street. The report concluded there appears to be no feasible mitigation.

Overall Corridor Signal Operations

Our review of traffic operations of study intersections along Clovis Avenue is that most of the signals are split phasing. The only existing signal with protected phasing on Clovis Avenue is at Sierra Avenue. The intersections at 3rd Street, 4th Street and 5th Street operate with split phasing. The City should consider removing split phasing and the corridor could improve significantly.

AMG recommends using current MUTCD standard timings for Min Green, Yellow, and Ped Clearance.

QUEUING ANALYSIS

The results of the Cumulative Conditions queuing analysis are summarized in **Table 13**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound and northbound left-turn during both peak hours
- Clovis Ave/3rd St – eastbound and westbound left-turn during both peak hours and southbound left during the PM peak hour
- Clovis Ave/4th St – southbound left-turn during the PM peak hour
- Clovis Ave/5th St – eastbound and westbound left-turn during both peak hours and southbound left-turn during the PM peak hour
- Veterans Pkwy/5th St – eastbound left-turn during both peak hours

Table 13: Queuing Analysis Summary – Cumulative Conditions

Intersection	Turning Movement	Existing Storage Length (ft)	AM Queue (ft)	PM Queue (ft)	Notes
1. Clovis Ave/Sierra Ave	EBL	110	135	141	x
	WBL	65	39	29	x
	NBL	115	148	158	x
	SBL	155	121	152	x
2. Clovis Ave/2nd St	EBL	300	49	120	x * L
	WBL	130	44	181	x * L
	NBL	400	33	37	x * L
	SBL	470	44	416	x * L
3. Clovis Ave/3rd St	EBL	50	58	77	x
	WBL	75	85	110	x
	NBL	410	235	375	x * L
	SBL	400	322	478	x * L
4. Veterans Pkwy/3rd St	EBL	375	21	15	x * L
	WBL	330	72	97	x * L
	NBL	410	107	78	x * L
	SBL	0	40	64	x *
5. Clovis Ave/4th St	EBL	310	56	93	x * L
	WBL	130	52	43	x * L
	NBL	410	212	291	x * L
	SBL	410	221	471	x * L
6. Clovis Ave/5th St	EBL	70	90	107	x
	WBL	150	186	181	x
	NBL	500	257	400	x * L
	SBL	410	322	452	x * L
7. Veterans Pkwy/5th St	EBL	50	60	52	x
	WBL	100	46	38	x
	NBL	0	75	41	x *
	SBL	410	141	61	x *

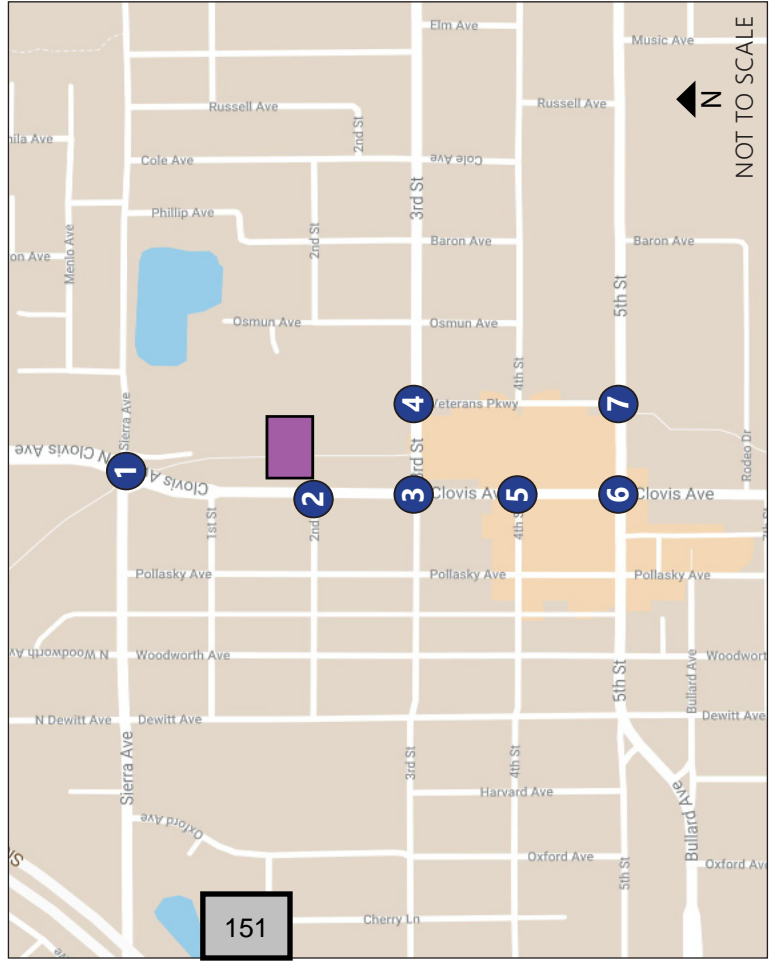
Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

FIGURE 7

2039 Cumulative Volumes

Traffic Impact Analysis for the DeBenedetto Project
City of Clovis

<p>Intersection #1 Clovis Ave & Sierra Ave</p>	<p>Intersection #2 Clovis Ave & 2nd Ave</p>	<p>Intersection #3 Clovis Ave & 3rd Ave</p>	<p>Intersection #4 Veterans Pkwy & 3rd Ave</p>
<p>Intersection #5 Clovis Ave & 4th Ave</p>	<p>Intersection #6 Clovis Ave & 5th Ave</p>	<p>Intersection #7 Veterans Pkwy & 5th Ave</p>	<p>Intersection #8 Veterans Pkwy & 3rd Ave</p>



LEGEND

- Study Intersection
- Stop Control
- Signal Control

xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



10.0 2039 CUMULATIVE PLUS PROPOSED DEBENEDETTO PROJECT TRAFFIC CONDITION

This section presents the assessment of potential transportation impact for the 2039 Cumulative plus Proposed DeBenedetto Project Condition.

INTERSECTION LEVEL OF SERVICE ANALYSIS

Figure 8 shows the 2039 Cumulative plus Proposed DeBenedetto Project peak hour turning movement volumes and lane geometry. **Table 14** shows the LOS under 2039 Cumulative plus Proposed DeBenedetto Project Conditions. Similar to the base 2039 Cumulative Condition, all intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, and Clovis Ave/3rd St during the AM peak hour.

Detailed level of service worksheets is provided in **Appendix H**.

Table 14: 2039 Cumulative plus DeBenedetto Project Intersection LOS

	Intersection	Cumulative				Existing Control	Cumulative plus Project					
		AM		PM			AM		PM		Diff	
		Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS	AM	PM
1	Clovis Ave/Sierra Ave	28.6	C	32	C	Signal	28.8	C	32	C	0.2	0.2
2	Clovis Ave/2nd St	38.7	E	1463	F	Two-Way Stop	46.8	E	2113	F	8.1	651
3	Clovis Ave/3rd St	41.7	D	59	E	Signal	42.1	D	60	E	0.4	1.7
4	Veterans Pkwy/3rd St	49.7	E	52	F	One-Way Stop	66.0	F	79	F	16.3	27.6
5	Clovis Ave/4th St	23.6	C	35	C	Signal	23.9	C	36	D	0.3	0.9
6	Clovis Ave/5th St	58.9	E	74	E	Signal	60.6	E	78	E	1.7	3.5
7	Veterans Pkwy/5th St	609.0	F	35	E	Two-Way Stop	644.3	F	37	E	35.3	1.8

PEAK HOUR SIGNAL WARRANT

AMG completed a peak hour traffic signal warrant analysis for the intersection of Clovis Ave/2nd St which is a Two-Way stop controlled under existing conditions. Using the peak hour turning movement volumes, the CAMUTCD criteria were evaluated for Warrant 3, Peak Hour.

Based on the projected traffic volumes under 2039 Cumulative plus Proposed DeBenedetto Project scenario, a signal is warranted considering peak hour volumes. Since Clovis Ave/2nd St is approximately 500 feet to the north of signalized intersections of Clovis Ave/3rd St and nearly 1,000 feet to the south of Clovis Ave/Sierra Ave, the City might consider signal installation in order to provide the necessary degree of platooning and vehicle progressive operation along the corridor. The rationale is provided in MUTCD Warrant 6, Coordinated Signal System. The intersection of Clovis Ave/2nd St would improve to LOS D or better after signal improvement. See **Appendix H** for peak hour signal warrant analysis worksheet.

QUEUING ANALYSIS

The results of the Cumulative plus Project Conditions queuing analysis are summarized in **Table 15**, and queue analysis sheets are provided in **Appendix I**. The calculated 95th Percentile queues do not exceed the existing storage capacity at the study intersections except for the following:

- Clovis Ave/Sierra Ave – eastbound and northbound left-turn during both peak hours
- Clovis Ave/3rd St – eastbound and westbound left-turn during both peak hours
- Clovis Ave/5th St – eastbound and westbound left-turn during both peak hours and southbound left-turn during the PM peak hour
- Veterans Pkwy/5th St – eastbound left-turn during both the AM peak hour

Table 15: Queuing Analysis Summary – Cumulative plus Project Conditions

Intersection	Turning Movement	Existing Storage Length (ft)	Cumulative Conditions (ft)		Cumulative Plus Project Conditions (ft)		Change (ft)		Notes
			AM	PM	AM	PM	AM	PM	
1. Clovis Ave/Sierra Ave	EBL	110	135	141	122	135	-13	-6	x
	WBL	65	39	29	19	57	-20	28	x
	NBL	115	148	158	137	161	-11	3	x
	SBL	155	121	152	94	154	-27	2	x
2. Clovis Ave/2nd St	EBL	300	49	120	52	94	3	-26	x * L
	WBL	130	44	181	50	122	6	-59	x * L
	NBL	400	33	37	74	85	41	48	x * L
	SBL	470	44	416	71	98	27	-318	x * L
3. Clovis Ave/3rd St	EBL	50	58	77	52	82	-6	5	x
	WBL	75	85	110	98	81	13	-29	x
	NBL	410	235	375	246	361	11	-14	x * L
	SBL	400	322	478	252	389	-70	-89	x * L
4. Veterans Pkwy/3rd St	EBL	375	21	15	14	30	-7	15	x * L
	WBL	330	72	97	70	40	-2	-57	x * L
	NBL	410	107	78	74	87	-33	9	x * L
	SBL	-	40	64	48	59	8	-5	x *
5. Clovis Ave/4th St	EBL	310	56	93	56	72		-21	x * L
	WBL	130	52	43	71	58	19	15	x * L
	NBL	410	212	291	196	305	-16	14	x * L
	SBL	410	221	471	215	325	-6	-146	x * L
6. Clovis Ave/5th St	EBL	70	90	107	92	114	2	7	x
	WBL	150	186	181	188	156	2	-25	x
	NBL	500	257	400	243	389	-14	-11	x * L
	SBL	410	322	452	307	497	-15	45	x * L
7. Veterans Pkwy/5th St	EBL	50	60	52	65	39	5	-13	x
	WBL	100	46	38	39	36	-7	-2	x
	NBL	-	75	41	100	36	25	-5	x *
	SBL	410	141	61	136	96	-5	35	x *

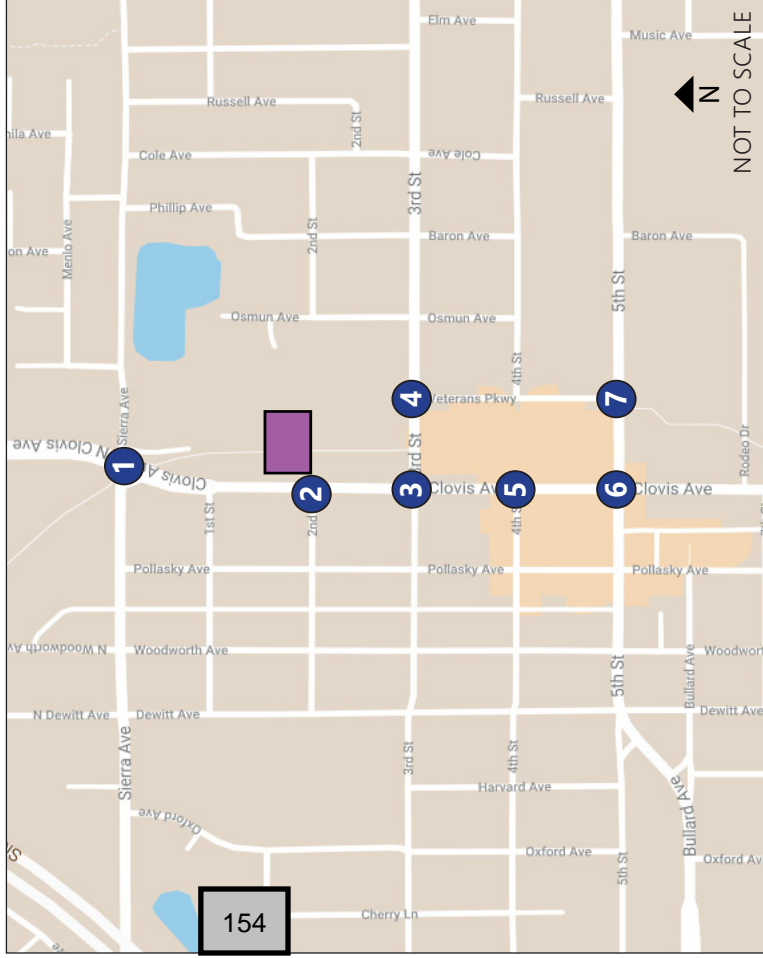
Notes: **Bold** represents 95th Percentile queues that exceed available storage
 x = From SimTraffic rather than from Synchro
 * = No turn bay available, queue length given for left-turning lane on approach
 L = Storage length identified using distance between adjacent intersections

FIGURE 8

2039 Cumulative Plus Project Volumes

Traffic Impact Analysis for the DeBenedetto Project
City of Clovis

<p>Intersection #1 Clovis Ave & Sierra Ave</p>	<p>Intersection #2 Clovis Ave & 2nd Ave</p>	<p>Intersection #3 Clovis Ave & 3rd Ave</p>	<p>Intersection #4 Veterans Pkwy & 3rd Ave</p>
<p>Intersection #5 Clovis Ave & 4th Ave</p>	<p>Intersection #6 Clovis Ave & 5th Ave</p>	<p>Intersection #7 Veterans Pkwy & 5th Ave</p>	



LEGEND

- Study Intersection
- Stop Control
- Signal Control

xx (xx) AM (PM) Peak Hour Turning Movement Volumes

STUDY INTERSECTIONS

1. Clovis Ave & Sierra Ave
2. Clovis Ave & 2nd Ave
3. Clovis Ave & 3rd Ave
4. Veterans Pkwy & 3rd Ave
5. Clovis Ave & 4th Ave
6. Clovis Ave & 5th Ave
7. Veterans Pkwy & 5th Ave



11.0 CONCLUSION

Based on the results of the analysis, the following is a summary of our findings:

Existing Traffic Conditions

- All the intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street that operates at LOS F during the AM peak hour.

Existing plus Proposed DeBenedetto Project Traffic Conditions

- The project will generate approximately 72 and 88 total trips during the AM and PM peak hours, respectively.
- All intersections operate at acceptable LOS D or better, except the intersection of Veterans Parkway/5th Street which will continue to operate at LOS F during the AM peak hour, similar to the existing condition.

Near-Term Project Condition.

- All intersections operate at acceptable LOS D or better except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. which operate at LOS F.
- As indicated in the traffic impact study report for the proposed Clovis Civic Center North Project, Clovis Ave/2nd St was one of two access points for the City's Landmark Commons Civic Center North Project.

Near-Term plus Proposed DeBenedetto Project Condition.

- All intersections operate at acceptable LOS except the intersections of Clovis Ave/2nd St and Veterans Parkway/5th St. which continues to operate at LOS F.
- A signal is nearly warranted based on peak hour volumes. The main street volumes are met while the minor street volumes on 2nd Street has total volumes of 99 which barely missed the 100 peak hour threshold. Since Clovis Ave/2nd St is approximately 500 feet to the north of signalized intersections of Clovis Ave/3rd St and nearly 1,000 feet to the south of Clovis Ave/Sierra Ave, the City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor.

2039 Cumulative No Project (include Landmark Commons Civic Center North) Condition

- All intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, and Clovis Ave/3rd St during the AM peak hour.

2039 Cumulative plus Proposed DeBenedetto Project Condition.

- Similar to the base 2039 Cumulative Condition, all intersections operate at unacceptable LOS E or worse except the intersections of Clovis Ave/Sierra Ave and Clovis Ave/4th St, at Clovis Ave/3rd St during the AM peak hour.
- A signal is warranted at Clovis Ave/2nd St based on peak hour volumes. The City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor.

REFERENCES

1. *Traffic Impact Study Proposed Clovis Civic Center North Project - North of the Intersection of Third Street and Veterans Way, Clovis, California dated September 9, 2016*
2. *Landmark Commons Civic Center North EIR report dated April 2018.*

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Appendix A Traffic Volume Counts
August 6, 2019

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August 6, 2019

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August 6, 2019

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August 6, 2019

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August 6, 2019

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August 6, 2019

Appendix F INTERSECTION ANALYSIS: SIGNAL WARRANTS

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August 6, 2019

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August 6, 2019

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August 6, 2019

Appendix I INTERSECTION QUEUING ANALYSIS WORKSHEETS

Traffic Impact Study

Proposed Clovis Landmark Commons Project

North of the Intersection of Third Street and Veterans Way

Clovis, California

Prepared For:

City of Clovis
1033 Fifth Street
Clovis, California 93612

Date:

November 23, 2016

Job No.:

16-036.01



PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

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DRAFT

EXECUTIVE SUMMARY

This traffic impact study has been prepared to study the potential traffic impacts related to the proposed Landmark Commons project in Clovis, California, hereinafter referred to as the “Project.” The traffic impact study will be utilized in the preparation of an environmental impact report (EIR) for the Project. The analyses were performed in conformance with the *City of Clovis Traffic Impact Study Guidelines* (City Guidelines) approved August 25, 2014.

The traffic impact study was prepared to investigate potential traffic impacts resulting from the Project in both the near-term and long-term cumulative (year 2039) conditions. The analysis focuses on the anticipated effect of vehicle traffic on study area intersections. Additional discussions related to transit facilities, bicycle facilities, and pedestrian facilities are included.

The Project site covers approximately seven acres and is located on the north side of Third Street east of Clovis Avenue, north of the north end of Veterans Way (formerly Hughes Avenue) in Clovis, California. The Project is a mixed-use development consisting of community and public uses. Specifically, it would entail the development of approximately 67,000 square feet of community and office uses that would be developed in multiple phases with full build-out anticipated in 2019.

The Project would include a wide variety of amenities for residents and visitors, including the following.

- Senior Activity Center – An approximately 30,000-square-foot senior activity center is proposed in the northeastern portion of the site to accommodate banquet, office, classroom, and gym space.
- Transit Center – An approximately 8,766-square-foot transit building is proposed to accommodate office space.
- Library – An approximately 30,000-square-foot library is proposed in the southwestern portion of the site.

The primary Project access point will be a new driveway connecting to Third Street at Veterans Way. Secondary access will be provided via an existing north-south alley along the eastern edge of the Project site that currently connects to Third Street at the south end and to the Osmun Circle cul de sac at the north end.

Construction hours of all phases would conform to City noise ordinances, which apply to construction activities occurring between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on weekends.

The study intersections were determined based on the anticipated volume and distribution of Project traffic in consultation with staff of the City of Clovis. Staff of the California Department of Transportation (Caltrans) were also contacted and, per a letter dated November 30, 2015, Caltrans did not request analysis of State facilities. This report includes analysis of the following intersections:

1. Veterans Way / Third Street
2. Veterans Way / Fifth Street
3. Clovis Avenue / Sierra Avenue
4. Clovis Avenue / Second Street
5. Clovis Avenue / Third Street
6. Clovis Avenue / Fourth Street
7. Clovis Avenue / Fifth Street

The study time periods include the weekday a.m. and p.m. peak hours determined between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m. The peak hours were analyzed for the following conditions:

Baseline Conditions

- Existing Conditions;
- Long-Term (Year 2039) No-Project Conditions;

Project Conditions

- Existing Plus Project Conditions;
- Near-Term With-Project Conditions (includes approved and pending projects);
- Long-Term (Year 2039) With-Project Conditions.

Standard traffic engineering principles and methods were employed to establish the existing conditions, to estimate the number of trips expected to be generated by the Project, and to analyze the traffic conditions expected to occur in the future.

The traffic impact study found that the intersection of Veterans Way and Fifth Street is currently operating below the target LOS during the a.m. peak hour, primarily as a result of school traffic. The other study intersections currently operate at LOS C or better and are expected to continue to operate at LOS D or better through the year 2039 without the Project.

The Project is expected to cause or contribute to significant traffic impacts at the following intersections:

- Clovis Avenue / Second Street (year 2039 cumulative impact);
- Veterans Way / Third Street (year 2039 cumulative impact);
- Clovis Avenue / Fifth Street (year 2039 cumulative impact);
- Veterans Way / Fifth Street (Project impact, near-term cumulative impact, and year 2039 cumulative impact).

In general, the study intersections have been constructed to the ultimate configuration. In addition, traffic signal warrants are not expected to be satisfied at the significantly-impacted study locations. Measures intended to solve LOS deficiencies at certain locations (such as all-way stop control or roundabouts at certain locations) are not recommended if traffic

volumes do not meet warrants or if there is a high potential for the resulting queues to extend into adjacent signalized intersections. Therefore, with the exception of the intersection of Veterans Way and Third Street, no feasible mitigations have been identified for the significant impacts based on LOS. These impacts would remain significant and unavoidable.

At the intersection of Veterans Way and Third Street, a roundabout should be considered to mitigate the year 2039 significant impacts. A roundabout may be included with construction of the Project or may be deferred until the significant impact is observed. If deferred, the Project will be required to provide assurance that the mitigation will eventually be constructed. Such assurance may be in the form of adding the cost of the roundabout to the City’s development fee program.

The Project will generate new vehicle trips across the Clovis Old Town Trail at Third Street, and will likely generate new pedestrian and bicycle trips on the trail. The appropriate signage and pavement markings should be installed in accordance with the most recent version of the CMUTCD. Construction of a roundabout at the intersection of Veterans Way and Third Street would create a minimized crosswalk length across Third Street. The roundabout would include narrow roadways and a pedestrian refuge in the splitter island that allows pedestrians and bicycles to cross against only one direction of vehicular travel at a time.

The average length of trips generated by the Project will be 6.3 miles. For comparison purposes, the average work-based trip length in the Fresno County region is approximately 11 to 12 miles. The Project is expected to contribute to a reduction in the overall number of vehicle miles traveled in the City of Clovis by accommodating automobile, transit, pedestrian, and bicycle modes of travel (with convenient transfer between modes) near regional destinations such as the library, senior center, civic center, and downtown Clovis.

The Project and cumulative impacts are described in the following sections with a possible mitigation measure or a statement indicating that no feasible mitigation measures exist.

Existing-Plus-Project Conditions - Impacts and Mitigation Measures

Impact TRANS-1

At the intersection of Veterans Way and Fifth Street, the Project will exacerbate the existing LOS F during the a.m. peak hour by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle.

Mitigation Measure TRANS-1

There is no feasible mitigation.

Impact TRANS-2

The Project will generate new vehicle trips across the Clovis Old Town Trail at Third Street, and will likely generate new pedestrian and bicycle trips on the trail.

Mitigation Measure TRANS-2

The appropriate signage and pavement markings should be installed at the Clovis Old Town Trail at Third Street in accordance with the most recent version of the CMUTCD.

Near-Term With-Project Conditions - Impacts and Mitigation Measures

Impact TRANS-3

At the intersection of Veterans Way and Fifth Street, the cumulative projects plus the Project will exacerbate the existing LOS F by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle during the a.m. peak hour. This impact is identical to Impact Trans-1 in the existing-plus-Project scenario.

Mitigation Measure TRANS-3

There is no feasible mitigation.

Year 2039 With-Project Conditions - Impacts and Mitigation Measures

Impact TRANS-4

At the intersection of Clovis Avenue and Second Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C to LOS E on the minor street approach during the p.m. peak hour. Vehicles on Clovis Avenue are not required to stop and experience little to no delay.

Mitigation Measure TRANS-4

There is no feasible mitigation.

Impact TRANS-5

At the intersection of Veterans Way and Third Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C during the a.m. peak hour and LOS B during the p.m. peak hour to LOS F during the a.m. peak hour and LOS E during the p.m. peak hour.

Mitigation Measure TRANS-5

The intersection should be modified by the year 2039 to a single-lane modern roundabout designed in accordance with typical industry standards, which currently are primarily based on the TRB NCHRP Report 672: Roundabouts: An Informational Guide, Second Edition, 2010.

Construction of a roundabout at the intersection of Veterans Way and Third Street would create a minimized crosswalk length across Third Street and would be beneficial to the Dry Creek Trail. The roundabout would include narrow roadways and a pedestrian refuge in the splitter island that allows pedestrians and bicycles to cross against only one direction of vehicular travel at a time.

Impact TRANS-6

At the intersection of Clovis Avenue and Fifth Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C to LOS E during the p.m. peak hour.

Mitigation Measure TRANS-6

There is no feasible mitigation.

Impact TRANS-7

At the intersection of Veterans Way and Fifth Street, the cumulative projects, including 20 years of regional growth, are expected to exacerbate the existing LOS F during the a.m. peak hour and will cause the existing LOS C to drop to LOS E during the p.m. peak hour.

Mitigation Measure TRANS-7

There is no feasible mitigation.

1 – INTRODUCTION

This traffic impact study has been prepared to study the potential traffic impacts related to the proposed Landmark Commons project in Clovis, California, hereinafter referred to as the “Project.” The traffic impact study will be utilized in the preparation of an environmental impact report (EIR) for the Project. The analyses were performed in conformance with the *City of Clovis Traffic Impact Study Guidelines* (City Guidelines) approved August 25, 2014.

1.1 – Purpose

The traffic impact study was prepared to investigate potential traffic impacts resulting from the Project in both the near-term and long-term cumulative (year 2039) conditions. The analysis focuses on the anticipated effect of vehicle traffic on study area intersections. Additional discussions related to transit facilities, bicycle facilities, and pedestrian facilities are included.

1.2 – Project Description

The Project site location is presented in the attached Figure 1-1, Vicinity Map, and the conceptual Project site plan is presented in the attached Figure 1-2, Site Plan.

The Project site covers approximately seven acres and is located on the north side of Third Street east of Clovis Avenue, north of the north end of Veterans Way (formerly Hughes Avenue) in Clovis, California.

The Project is a mixed-use development consisting of community and public uses. Specifically, it would entail the development of approximately 67,000 square feet of community and office uses that would be developed in multiple phases with full build-out anticipated in 2019.

The Project would include a wide variety of amenities for residents and visitors, including the following.

- Senior Activity Center – An approximately 30,000-square-foot senior activity center is proposed in the northeastern portion of the site to accommodate banquet, office, classroom, and gym space.
- Transit Center – An approximately 8,766-square-foot transit building is proposed to accommodate office space.
- Library – An approximately 30,000-square-foot library is proposed in the southwestern portion of the site.

The primary Project access point will be a new driveway connecting to Third Street at Veterans Way. Secondary access will be provided via an existing north-south alley along the eastern edge of the Project site that currently connects to Third Street at the south end and to the Osmun Circle cul de sac at the north end.

Construction hours of all phases would conform to City noise ordinances, which apply to construction activities occurring between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on weekends.

1.3 – Study Area and Time Period

The study intersections were determined based on the anticipated volume and distribution of Project traffic in consultation with staff of the City of Clovis. Staff of the California Department of Transportation (Caltrans) were also contacted and, per a letter dated November 30, 2015, Caltrans did not request analysis of State facilities. This report includes analysis of the following intersections:

1. Veterans Way / Third Street
2. Veterans Way / Fifth Street
3. Clovis Avenue / Sierra Avenue
4. Clovis Avenue / Second Street
5. Clovis Avenue / Third Street
6. Clovis Avenue / Fourth Street
7. Clovis Avenue / Fifth Street

The locations of the study intersections are presented in Figure 1-3, Study Intersections.

1.4 – Study Scenarios

The study time periods include the weekday a.m. and p.m. peak hours determined between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m. The peak hours were analyzed for the following conditions:

Baseline Conditions

- Existing Conditions;
- Long-Term (Year 2039) No-Project Conditions;

Project Conditions

- Existing-Plus-Project Conditions;
- Near-Term With-Project Conditions (includes approved and pending projects);
- Long-Term (Year 2039) With-Project Conditions.

1.5 – List of Abbreviations

The following is a list of abbreviations that may be used the text of this report.

- NBL – Northbound left
- NBR – Northbound through
- NBR – Northbound right
- SBL – Southbound left
- SBT – Southbound through
- SBR – Southbound right
- EBL – Eastbound left
- EBT – Eastbound through
- EBR – Eastbound right
- WBL – Westbound left
- WBT – Westbound through
- WBR – Westbound right
- VMT – Vehicle miles traveled
- BTP – 2011 Clovis Bicycle Transportation Plan
- TGH – Trip Generation Handbook
- ITE – Institute of Transportation Engineers
- COG – Fresno Council of Governments
- CMUTCD – California Manual on Uniform Traffic Control Devices
- NCHRP – National Cooperative Highway Research Program
- LOS – Level of service
- mph – miles per hour
- CVC – California Vehicle Code
- TRB – Transportation Research Board
- HCM – Highway Capacity Manual
- PHF – Peak Hour Factor
- EIR – Environmental Impact Report
- sec – seconds



2 – IMPACT SIGNIFICANCE CRITERIA

2.1 – Level of Service

The Transportation Research Board *Highway Capacity Manual*, 2010, (HCM2010) defines level of service (LOS) as, “A quantitative stratification of a performance measure or measures that represent quality of service, measured on an A-F scale, with LOS A representing the best operating conditions from the traveler’s perspective and LOS F the worst.”

Automobile mode LOS characteristics for both unsignalized and signalized intersections are presented in Tables 2.1 and 2.2.

Table 2.1
Level of Service Characteristics for Unsignalized Intersections

Level of Service	Average Vehicle Delay (seconds)
A	0-10
B	>10-15
C	>15-25
D	>25-35
E	>35-50
F	>50

Reference: *Highway Capacity Manual*, Transportation Research Board, 2010

Table 2.2
Level of Service Characteristics for Signalized Intersections

Level of Service	Description	Average Vehicle Delay (seconds)
A	Volume-to-capacity ratio is low. Progression is exceptionally favorable or the cycle length is very short.	<10
B	Volume-to-capacity ratio is low. Progression is highly favorable or the cycle length is very short.	>10-20
C	Volume-to-capacity ratio is no greater than 1.0. Progression is favorable or cycle length is moderate.	>20-35
D	Volume-to-capacity ratio is high but no greater than 1.0. Progression is ineffective or cycle length is long. Many vehicles stop and individual cycle failures are noticeable.	>35-55
E	Volume-to-capacity ratio is high but no greater than 1.0. Progression is unfavorable and cycle length is long. Individual cycle failures are frequent.	>55-80
F	Volume-to-capacity ratio is greater than 1.0. Progression is very poor and cycle length is long. Most cycles fail to clear the queue.	>80

Reference: *Highway Capacity Manual*, Transportation Research Board, 2010

Policy 2.1 of the Clovis General Plan states the following LOS standards:

- A. Achieve LOS D vehicle traffic operations during the a.m. and p.m. peak hours
- B. Allow exceptions on a case-by-case basis where lower levels of service would result in other public benefits, such as:
 - i. Preserving agriculture or open space land
 - ii. Preserving the rural/historic character of a neighborhood
 - iii. Preserving or creating a pedestrian-friendly environment in Old Town or mixed-use village districts
 - iv. Avoiding adverse impacts to pedestrians, cyclists, and mass transit riders
 - v. Where right-of-way constraints would make capacity expansion infeasible

The City Guidelines indicate that an impact is considered significant if the addition of the traffic generated by a proposed project results in any one of the following:

- Triggers an intersection operating at acceptable LOS to operate at unacceptable levels of service;
- Increases the average delay for a study intersection that is already operating at unacceptable LOS.

2.2 – Intersection Queuing Criteria

The City Guidelines require a queuing analysis of the study intersections and recommendations for queues that are projected to exceed the available storage capacity. However, it should be noted that queuing is not included in the significance criteria recognized by the City and is reviewed to confirm the LOS results.

For purposes of these analyses, a queuing deficiency is identified in the no-Project condition if the calculated 95th-percentile queue length exceeds the storage length. A potential queuing issue is determined if the Project causes the calculated 95th-percentile queue length to exceed the existing or planned storage capacity at a signalized intersection. In storage lanes that are already deficient without the Project, a potential queuing issue is determined if the Project increases the calculated 95th-percentile queue length by at least 25 feet (the average storage length for one vehicle).

Where left-turn lanes connect to two-way left-turn lanes, although the calculated queue may exceed the length of the painted left-turn pocket, the presence of the two-way left-turn lane provides additional storage and allows the queue to avoid spilling into through lanes. Therefore, queues exceeding the painted storage length in these situations are not highlighted as existing deficiencies because they do not contribute to operational problems.

Where right-turn queues exceed the length of the right-turn lane, operational problems do not typically occur since the right-turn lane and the adjacent through lanes operate on the same traffic signal phase. In some cases, very long right-turn queues can extend into through lanes and affect lane utilization. The need for mitigation of right-turn queues should be based on engineering judgment on a case-by-case basis.

2.3 – Transit, Bicycle, and Pedestrian Facilities

A significant impact is determined if a proposed project would disrupt or impede existing or planned transit, bicycle, or pedestrian facilities.

DRAFT

3 – TRAFFIC ANALYSIS METHODOLOGY

This section describes the methods and criteria used to evaluate LOS and traffic signal warrants.

3.1 – Intersection Analysis Methodology

The levels of service and 95th-percentile queues at the study intersections were determined using the computer program Synchro 9, which is based on the HCM2010 procedures for calculating levels of service.

For signalized intersections and all-way-stop-controlled intersections, the overall intersection LOS and the average delay per vehicle are presented. For one-way and two-way stop-controlled intersections, an overall intersection LOS is not defined in the HCM2010. Therefore, for one-way and two-way stop-controlled intersections the LOS and average delay per vehicle for the movement with the greatest delay is reported.

Although peak-hour traffic volumes are typically utilized in the operational analysis of intersections, the HCM2010 actually utilizes the peak 15-minute period as the basis for operational analyses by incorporating the peak hour factor (PHF) into the analyses. The PHF is the relationship between peak-hour volumes and peak 15-minute volumes calculated by dividing the peak-hour volume by four times the peak 15-minute volume. PHFs for the existing-conditions, existing-plus-Project conditions, and near-term conditions analyses were determined based on the existing traffic volumes. It is typical traffic engineering practice to utilize a PHF of 0.92 in urban areas in the absence of field data. However, since the Project site is near a school and a relatively well-developed area near downtown, it is assumed that the peak hour factors will not change dramatically in the future. Therefore, peak hour factors similar to the existing conditions were used for the year 2039 analyses.

3.2 – Traffic Signal Warrants

The California Department of Transportation *California Manual on Uniform Traffic Control Devices for Streets and Highways, 2014 Edition* (CMUTCD) presents various warrant analyses to assist in evaluating the need for traffic signals at an intersection. Traffic signal warrants are a series of criteria that provide guidelines for determining whether a traffic signal is appropriate at a given intersection. If one or more of the signal warrants are met, signalization of the intersection may be appropriate. However, a signal likely should not be installed if none or few of the warrants are met since the installation of signals may increase delays on the previously uncontrolled major street and may contribute to an increase in accidents.

The installation of a traffic signal can serve as mitigation when a significant impact is identified at an unsignalized intersection. Since the analyses presented herein are based on peak hour traffic volumes, Warrant 3, Peak Hour as presented in the CMUTCD is utilized. For purposes of this study, traffic signals are considered to be a feasible mitigation if the peak-hour traffic signal warrant is met.

3.3 – Stop Sign Warrants

The CMUTCD presents the following discussion relative to the use of STOP signs:

Section 2B.06 STOP Sign Applications

Guidance:

- 01 *At intersections where a full stop is not necessary at all times, consideration should first be given to using less restrictive measures such as YIELD signs (see Sections 2B.08 and 2B.09).*
- 02 *The use of STOP signs on the minor-street approaches should be considered if engineering judgment indicates that a stop is always required because of one or more of the following conditions:*
 - A. *The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day;*
 - B. *A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway; and/or*
 - C. *Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.*

Support:

- 03 The use of STOP signs at grade crossings is described in Sections 8B.04 and 8B.05.

Section 2B.07 Multi-Way Stop Applications

Support:

- 01 Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.
- 02 The restrictions on the use of STOP signs described in Section 2B.04 also apply to multi-way stop applications.

Guidance:

- 03 *The decision to install multi-way stop control should be based on an engineering study.*
- 04 *The following criteria should be considered in the engineering study for a multi-way STOP sign installation:*
 - A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
 - B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.*

C. Minimum volumes:

- 1 The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
- 2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
- 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*

D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

Option:

05 Other criteria that may be considered in an engineering study include:

- A. The need to control left-turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

4 – PROJECT TRIPS

4.1 – Project Trip Generation

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, are typically used to estimate the number of trips anticipated to be generated by proposed projects. However, ITE does not contain a substantial amount of information for projects similar to the Landmark Commons project. In this case, Project-specific characteristics and local information are useful for estimating the proposed Project trip generation.

Information on current senior center activities and transit operations were provided by City staff. The trips generated by these current activities were estimated during discussions with City staff and are utilized as the near-term estimate of trip generation for the proposed senior center and transit center.

Observations were made at the existing Clovis library and a local trip generation count was performed at the existing library near the intersection of Champlain and Perrin Avenues in Fresno, California. The library near Champlain and Perrin Avenues was chosen because the single-use parking lot and building location facilitate traffic counts, the library is similar in size to the proposed library, and it is expected to provide a reasonable local verification of the ITE estimates. The results of the local trip generation counts are presented in Appendix A and suggest that ITE presents a reasonable estimate of library trips.

Tables 4.1 and 4.2 present the trip generation estimates for the Project.

Table 4.1
Project Vehicle Trip Generation – Near-Term

Location	Type of Trip	A.M. Peak Hour (Occurs between 7:00 and 9:00 a.m.)			P.M. Peak Hour (Occurs between 4:00 and 6:00 p.m.)			Daily
		In	Out	Total	In	Out	Total	
Transit Center	Stagline Fixed Route	8	8	16	8	8		208
	Roundup Driver Breaks	0	0	0	2	2	4	24
Senior Center	Employee	6	0	6	0	6	6	24
	Clovis Roundup	3	3	6	3	3	6	48
	Visitor Vehicles	15	5	18	18	18	36	240
	Instructors	2	0	2	2	2	4	16
Library	Employees and Visitors	23	9	32	104	114	219	1,688
TOTALS		57	25	80	137	153	275	2,248

Reference: *Trip Generation Manual, 9th Edition, Institute of Transportation Engineers 2012* for Library (Land Use 590, a.m. rate: 1.04 trips per 1,000 square feet, 71% entering; p.m. rate: 7.30 trips per 1,000 square feet, 48% entering; daily rate: 56.24 trips per 1,000 square feet)

Daily volumes are combined entering and exiting.

It should be noted that the senior center and library listed in Table 4.1 currently operate near the site, while Roundup drivers typically take breaks near the senior center, and these trips are typically already occurring at the study intersections. It is expected that the existing library will be utilized for City staff offices that currently are located in modular buildings that will be removed. It is also expected that the existing senior center will be incorporated into the existing law school for a law library that is expected to generate a negligible number of new trips.

Table 4.2
Project Vehicle Trip Generation – Future

Location	Type of Trip	A.M. Peak Hour (Occurs between 7:00 and 9:00 a.m.)			P.M. Peak Hour (Occurs between 4:00 and 6:00 p.m.)			Daily
		In	Out	Total	In	Out	Total	
Transit Center	Stageline Fixed Route	16	16	32	16	16	0	416
	Roundup Driver Breaks	0	0	0	4	4	8	48
Senior Center	Employee	12	0	12	0	12	12	48
	Clovis Roundup	6	6	12	6	6	12	96
	Visitor Vehicles	30	10	36	36	36	72	480
	Instructors	4	0	4	4	4	8	32
Library	Employees and Visitors	23	9	32	104	114	219	1,688
TOTALS		91	41	128	170	192	331	2,808

Reference: *Trip Generation Manual, 9th Edition, Institute of Transportation Engineers 2012* for Library
 Daily volumes are combined entering and exiting.

Table 4.2 presents future trip generation estimates for the case in which transit center trips and senior center trips are expected to double in 20 years, per discussions with City staff, as the population of Clovis increases and senior center services are expanded. The library trips are not doubled in Table 4.2 because the ITE trip generation rates are constant based on the size of the facility.

Pass-by trips and internally-captured trips are expected to be negligible and were not considered in the analyses.

4.2 – Project Trip Distribution and Assignment

The regional distribution of Project trips was estimated based on existing traffic volumes, existing transportation facilities, complementary land uses, City boundaries, and engineering judgment.

The percentage distribution of Project traffic is presented in the attached Figure 4-1, Project Trip Distribution Percentages.

The peak-hour Project traffic volumes presented in Tables 4.1 and 4.2 were assigned to the study intersections in accordance with the trip distribution percentages described above. The peak-hour Project traffic volumes are presented in Figure 4-2, Near-Term A.M. and P.M. Peak Hour Project Traffic Volumes, and Figure 4-3, Future A.M. and P.M. Peak Hour Project Traffic Volumes.

4.3 – Vehicle Miles Traveled (VMT)

The Fresno Council of Governments (COG) maintains a travel model that is typically used to forecast traffic volumes. Project information was provided to COG to perform Project-specific select zone analyses for the purposes of estimating the average number of vehicle miles traveled per Project trip. The modeling revealed that the average length of trips generated by the Project will be 6.3 miles. For comparison purposes, the average work-based trip length in the Fresno County region is approximately 11 to 12 miles.

In general, although difficult to quantify, it is anticipated that the Project will contribute to a reduction in the overall number of vehicle miles traveled in the City of Clovis by accommodating automobile, transit, pedestrian, and bicycle modes of travel (with convenient

transfer between modes) near regional destinations such as the library, senior center, civic center, and downtown Clovis.

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5 – EXISTING CONDITIONS

5.1 – Existing Roadway Network

The Project location and the study intersections are illustrated in Figure 1-3, Study Intersections. The Project study area includes seven intersections. The existing lane configurations and intersection control at the study intersections are illustrated in Figure 5-1, Existing Lane Configurations and Intersection Control. Descriptions of the major roadways near the Project site are presented below.

Clovis Avenue is a north-south roadway extending through the entire length of the City of Clovis and into the City of Fresno to the south. The Clovis General Plan designates Clovis Avenue as an arterial street. Clovis Avenue consists of two lanes in each direction at the study locations. The posted speed limit on Clovis Avenue is 35 mile per hour (mph) south of Sierra Avenue and 40 mph north of Sierra Avenue.

Veterans Way (formerly Hughes Avenue) is a north-south local street with one lane in each direction between Third Street and Fifth Street. The speed limit on Veterans Way is not posted. According to California Vehicle Code (CVC) Section 22352, the prima facie speed on Veterans Way is 25 mph.

Sierra Avenue is an east-west roadway with one lane in each direction extending to Sunnyside Avenue to the east and into the City of Fresno to the west. The Clovis General Plan designates Sierra Avenue as a collector street west of Clovis Avenue and a local street east of Clovis Avenue. The posted speed limit on Sierra Avenue is 40 mph west of Clovis Avenue and 25 mph east of Clovis Avenue.

Second Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and DeWitt Avenue at the west end. The speed limit on Second Street is not posted. According to CVC Section 22352, the prima facie speed on Second Street is 25 mph.

Third Street is an east-west roadway with one lane in each direction extending to Sunnyside Avenue to the east (and continuing as Tollhouse Road to the northeast) and to Minnewawa Avenue to the west. The Clovis General Plan designates Third Street as a collector street between Clovis Avenue and Sunnyside Avenue. It is designated as a local street west of Clovis Avenue. The posted speed limit on Third Street west of Clovis Avenue is 25 mph. In the eastbound direction a speed limit of 40 mph is posted east of Clovis Avenue. However, the speed limit in the westbound direction is not posted on Third Street east of Clovis Avenue. The nearest speed limit sign in the westbound direction east of Clovis Avenue exists on Tollhouse Road (which is essentially the extension of Third Street east of Sunnyside Avenue) approximately 800 feet east of Sunnyside Avenue with a posted limit of 35 mph.

Fourth Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and Minnewawa Avenue at the west end. The speed limit on Fourth Street is not posted. According to CVC Section 22352, the prima facie speed on Fourth Street is 25 mph.

Fifth Street is an east-west roadway with one lane in each direction connecting to Bullard Avenue near Minnewawa Avenue to the west and connecting to Bullard Avenue near Sunnyside Avenue. The Clovis General Plan designates Fifth Street as an arterial street between Clovis Avenue and Sunnyside Avenue. The posted speed limit on Fifth Street is 25 mph.

5.2 – Existing Transit Service

Clovis Transit Stageline provides bus service to the Clovis area. Clovis Transit Stageline Route 10 includes a stop on Sierra Avenue west of DeWitt Avenue and on Fifth Street east of Clovis Avenue.

Clovis Transit Round Up offers service throughout the metropolitan area, providing rides for disabled residents of Clovis who need to travel in Clovis, Fresno and nearby areas. Riders must complete and submit an Americans with Disabilities Act form and be approved for eligibility before using Round Up for the first time.

Transit buses run on a schedule for 12 to 14 hours per day.

The current Clovis Transit fleet is comprised of the following vehicles, with the type of fuel used also listed:

- 16 Glaval 27-foot-long cutaway style (one uses gasoline, the remainder use diesel)
- Two Glaval 32-foot-long cutaway style (gasoline)
- One El Dorado 22-foot-long cutaway style (diesel)
- Six ARBOC low-floor 26-foot-long cutaway style (diesel)
- Three Goshen 32-foot-long cutaway style (diesel)
- Two Champion Defenders 34-foot-long (diesel)

Clovis Transit staff expects to expand to full-size buses (40 feet in length) in the future; therefore, the Project will be designed to accommodate large buses. There is no timeline for expansion to larger buses, which will be based on demand; however, buses larger than 35 feet in length are not expected to be utilized within the next 10 years.

There are no current plans to convert to electric or natural gas buses.

Clovis Transit is planning to include funds for a consultant in the 2017-2018 fiscal budget to perform a study to evaluate the routes, schedules, and coordination with Fresno. The study will assist in designing new routes that utilize the proposed Transit Center for transfers.

5.3 – Existing Bicycle Facilities

The 2011 Clovis Bicycle Transportation Plan (BTP) classifies bikeways as follows:

- Class I – Bike Path: Off-street bike paths are facilities for use exclusively by bicycles and pedestrians, with minimal cross-flow by motor vehicles. They are often located in a separate right of way.
- Class II – Bike Lane: Bike lanes are areas within paved streets that are identified with striping, stencils, and signs for preferential (semi-exclusive) bicycle use.
- Class III – Bike Route: on-street routes intended to provide continuity to the bikeway system. Bike routes are designated by signs or permanent markings and are shared by motorists.

The Clovis Old Town Trail, a Class I bike path, runs generally parallel to and east of Clovis Avenue in the study area, and is adjacent to the western boundary of the Project site. The path runs along the west side of Veterans Way and continues parallel with Clovis Avenue south of Fifth Street.

The roadways and intersections in the study area are typically not wide enough to accommodate Class II bike lanes, with the exception that Class II bike lanes exist on Sierra Avenue west of Clovis Avenue.

The BTP proposes future Class III bike routes on Third Street between Veterans Way and Sunnyside Avenue, on Fifth Street between the western and eastern connections to Bullard Avenue, and on Sierra Avenue between Clovis Avenue and Sunnyside Avenue.

5.4 – Existing Pedestrian Facilities

Sidewalks and pedestrian facilities, such as crosswalks and pedestrian signals, are well established throughout the study area.

5.5 – Existing Traffic Volumes

Existing peak-hour traffic volumes were determined by performing manual turning movement counts at each of the study intersections. The traffic counts were performed on weekdays between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m. The counts were performed while school was in session and were not performed on holidays. The traffic counts included a determination of the number of heavy vehicles (vehicles with three or more axles) on each turning movement. The traffic count data sheets are attached in Appendix B and include the date the counts were performed. In addition, Peters Engineering Group staff observed the study intersections during peak periods.

The intersection turning movement counts reveal that heavy vehicles (three or more axles) comprise less than one percent of the total volume of traffic at every study intersection during both the a.m. and p.m. peak hours.

Existing peak-hour turning movement volumes at the study intersections are presented in Figure 5-2, Existing A.M. and P.M. Peak Hour Traffic Volumes.

Counts of pedestrians and bicycles on the Clovis Old Town Trail near Second Street revealed an average of approximately 164 pedestrians and 79 bicycles per day in August 2016.

During the typical vehicular peak hours (between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m.), the peak number of pedestrians averaged 17 per hour and the peak number of bicycles averaged up to approximately eight per hour.

5.6 – Existing-Conditions Intersection LOS Analysis

The results of the existing-conditions intersection LOS analyses are summarized in Table 5.1. Levels of service and delays below the target LOS D are identified in bold type. The intersection analysis sheets are presented in Appendix C.

Table 5.1
Peak Hour Intersection Analysis Summary – Existing Conditions

Intersection	Control	A.M. Peak Hour		P.M. Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Clovis/Sierra	Signals	17.4	B	16.8	B
Clovis / Second	One-way stop*	15.1	C**	18.4	C**
Clovis / Third	Signals	19.3	B	25.8	C
Veterans / Third	One-way stop*	15.4	C	12.4	B
Clovis / Fourth	Signals	12.0	B	14.8	B
Clovis / Fifth	Signals	28.2	C	31.3	C
Veterans / Fifth	One-way stop*	50.7	F	19.8	C

* A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition

** The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

The following study intersection is currently operating below the target LOS:

- Veterans Way / Fifth Street (LOS F on the southbound approach and LOS E on the northbound approach during the a.m. peak hour, likely a function of school traffic).

The other study intersections are currently operating at acceptable levels of service.

5.7 – Existing-Conditions Queuing Analysis

The results of the existing-conditions queuing analyses are summarized in Table 5.2. The queue analysis sheets are presented in Appendix C.

The calculated 95th-percentile queues do not exceed the existing storage capacity at the study intersections, with the exception that the calculated queue is longer than the left-turn lane on the eastbound approach to the intersection of Clovis Avenue and Fifth Street.

Table 5.2
Queuing Analysis Summary – Existing Conditions

Intersection		Storage and Queue Length (feet)											
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Clovis / Sierra	Storage	115*	**	115	70	**	25	120	**	65	165	**	60
	A.M.	170	86	4	19	92	0	78	135	0	45	138	31
	P.M.	132	80	29	22	62	0	68	211	0	68	140	35
Clovis / Second	Storage	S	325	S	S	D	S	S	400	S	S	800	S
	A.M.	S	5	S	S	0	S	S	3	S	S	0	S
	P.M.	S	8	S	S	3	S	S	3	S	S	0	S
Clovis / Third	Storage	50	320	S	95	**	55	S	400	S	S	**	S
	A.M.	21	78	S	46	130	41	S	154	S	S	186	S
	P.M.	40	103	S	33	102	47	S	246	S	S	218	S
Veterans / Third	Storage	-	NS	NS	325*	NS	-	800	-	S	-	-	-
	A.M.	-	NS	NS	5	NS	-	45	-	S	-	-	-
	P.M.	-	NS	NS	3	NS	-	13	-	S	-	-	-
Clovis / Fourth	Storage	S	320	S	S	130 D	S	S	400	S	S	400	S
	A.M.	S	30	S	S	34	S	S	127	S	S	127	S
	P.M.	S	48	S	S	29	S	S	155	S	S	147	S
Clovis / Fifth	Storage	80	320	S	150*	350	S	S	**	S	S	410	S
	A.M.	41	195	S	126	251	S	S	184	S	S	154	S
	P.M.	82	264	S	89	206	S	S	297	S	S	244	S
Veterans / Fifth	Storage	45*	NS	NS	100	NS	NS	S	D	S	S	800	S
	A.M.	5	NS	NS	3	NS	NS	S	103	S	S	48	28
	P.M.	3	NS	NS	3	NS	NS	S	3	S	S	13	8

* Left-turn lane connects to a two-way left-turn lane, additional storage available equal to length of adjacent through lane.
 ** Greater than 1,000 feet to next signalized or all-way stop controlled intersection.
 - Not existing at the time that traffic counts were performed
 D = Driveway
 S = Shared with through lane.
 NS = Not required to stop.

6 – NEAR-TERM AND LONG-TERM BASELINE TRAFFIC PROJECTIONS

6.1 – Cumulative Projects

The analyses for the near-term and long-term conditions consider the effects of traffic expected to be generated by pending and approved projects in the study area. Based on information provided by City of Clovis staff, the projects listed below are either approved or pending approval and are assumed to be constructed in the near-term condition.

- Golden Triangle - southwest of the intersection of Herndon and Clovis Avenues, includes the Falls Event Center
- Assisted Care Facility - 48 units on the south side of Sierra Avenue east of State Route 168
- California Health Sciences University -east side of Clovis Avenue north of Sierra Avenue, 9,405-square-foot office/pharmacy (under construction) and 17,079-square-foot medical classrooms (completed)

The traffic volumes expected to be generated at each of the study intersections by the pending projects described above are presented in Figure 6-1, Pending Projects A.M. and P.M. Peak Hour Traffic Volumes.

6.2 – Baseline Lane Configurations and Intersection Control

The baseline lane configurations for the near-term and long-term conditions are assumed to be the same as the existing conditions presented in Figure 5-1.

6.3 – Baseline Near-Term Traffic Volumes

The baseline weekday a.m. and p.m. peak hour traffic volumes for the near-term conditions were estimated by adding the estimated traffic volumes for the pending projects presented in Figure 6-1 to the existing traffic volumes presented in Figure 5-2. The resulting traffic volumes are presented in Figure 6-2, Near-Term No-Project A.M. and P.M. Peak Hour Traffic Volumes.

6.4 – Traffic Modeling and Baseline 2039 Traffic Volumes

COG maintains a travel model that is typically used to forecast traffic volumes. The baseline traffic volumes for the year 2039 no-Project conditions were determined using the COG travel model and the COG Increment Method, which is described in a document available from the COG entitled “*Model Steering Committee Recommended Procedures for Using Traffic Projections from the Fresno COG Travel Model*” dated December 2002. The Increment Method forecasts future traffic volumes by adding the growth increment projected by the model between the current year and the horizon year to the existing traffic volumes.

Future turning-movement forecasts were based on the methods presented in Chapter 8 of the Transportation Research Board (TRB) National Cooperative Highway Research Program (NCHRP) Report 255 entitled “*Highway Traffic Data for Urbanized Area Project Planning and Design.*” The baseline 2039 no-Project traffic volumes are presented in Figure 6-3, 2039 No-Project A.M. and P.M. Peak Hour Traffic Volumes.

7 – YEAR 2039 NO-PROJECT CONDITIONS ANALYSES

7.1 – Year 2039 No-Project Intersection LOS Analysis

The results of the year 2039 no-Project intersection LOS analyses are summarized in Table 7.1. Levels of service and delays below the target LOS D are identified in bold type. The intersection analysis sheets are presented in Appendix C.

Table 7.1
Peak Hour Intersection Analysis Summary – 2039 No-Project Conditions

Intersection	Control	A.M. Peak Hour		P.M. Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Clovis/Sierra	Signals	27.5	C	20.5	C
Clovis / Second	One-way stop*	26.3	D**	32.2	D**
Clovis / Third	Signals	29.9	C	40.7	D
Veterans / Third	One-way stop*	22.6	C	13.6	B
Clovis / Fourth	Signals	14.5	B	18.3	B
Clovis / Fifth	Signals	48.9	D	48.7	D
Veterans / Fifth	One-way stop*	241.5	F	28.6	D

* A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition

** The reported LOS is for the eastbound approach. LOS E occurs on the westbound approach (which is a private driveway) for both peak hours, but experiences a negligible number of peak hour trips.

The following study intersection is expected to operate below the target level of service:

- Veterans Way / Fifth Street (LOS F during the a.m. peak hour on the northbound and southbound approaches).

The other study intersections are expected to operate at acceptable levels of service.

7.2 – Year 2039 No-Project Conditions Queuing Analysis

The results of the year 2039 no-Project queuing analyses are summarized in Table 7.2. Calculated 95th-percentile queues exceeding the available storage capacity are identified in bold type. The queue analysis sheets are presented in Appendix C.

Table 7.2
Queuing Analysis Summary – 2039 No-Project Conditions

Intersection		Storage and Queue Length (feet)											
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Clovis / Sierra	Storage	115*	**	115	70	**	25	120	**	65	165	**	60
	A.M.	229	98	29	22	112	1	180	198	0	52	211	51
	P.M.	152	107	45	28	79	0	159	281	0	87	180	48
Clovis / Second	Storage	S	325	S	S	D	S	S	400	S	S	800	S
	A.M.	S	13	S	S	3	S	S	3	S	S	0	S
	P.M.	S	18	S	S	3	S	S	3	S	S	0	S
Clovis / Third	Storage	50	320	S	95	**	55	S	400	S	S	**	S
	A.M.	40	93	S	55	164	56	S	226	S	S	361	S
	P.M.	55	143	S	50	124	55	S	371	S	S	395	S
Veterans / Third	Storage	-	NS	NS	325*	NS	NS	800	-	S	-	-	-
	A.M.	-	NS	NS	8	NS	NS	88	-	S	-	-	-
	P.M.	-	NS	NS	3	NS	NS	18	-	S	-	-	-
Clovis / Fourth	Storage	S	320	S	S	130 D	S	S	400	S	S	400	S
	A.M.	S	36	S	S	39	S	S	176	S	S	210	S
	P.M.	S	61	S	S	35	S	S	203	S	S	228	S
Clovis / Fifth	Storage	80	320	S	150*	350	S	S	**	S	S	410	S
	A.M.	59	267	S	157	315	S	S	236	S	S	258	S
	P.M.	94	333	S	93	274	S	S	408	S	S	410	S
Veterans / Fifth	Storage	45*	NS	NS	100	NS	NS	S	D	S	S	800	S
	A.M.	8	NS	NS	5	NS	NS	S	303	S	S	145	48
	P.M.	3	NS	NS	3	NS	NS	S	3	S	S	23	10

* Left-turn lane connects to a two-way left-turn lane, additional storage available equal to length of adjacent through lane.

** Greater than 1,000 feet to next signalized or all-way stop controlled intersection.

D = Driveway

S = Shared with through lane.

NS = Not required to stop.

The calculated 95th-percentile queues exceed the storage capacity at the following locations in the 2039 no-Project conditions:

- Clovis Avenue / Sierra Avenue: the calculated northbound left-turn queue exceeds the storage capacity by 60 feet during the a.m. peak hour and 39 feet during the p.m. peak hour;
- Clovis Avenue / Fifth Street: the calculated eastbound left-turn queue exceeds the storage capacity by 14 feet during the p.m. peak hour and the calculated eastbound queue extends beyond Pollasky Avenue.

8 – EXISTING-PLUS-PROJECT CONDITIONS ANALYSES

8.1 – Existing-Plus-Project Lane Configurations and Intersection Control

The existing-plus-Project conditions lane configurations and intersection control are the same as the existing conditions presented in Figure 5-1.

8.2 – Existing-Plus-Project Traffic Volumes

The existing-plus-Project conditions peak-hour traffic volumes are determined by adding the existing traffic volumes and the Project traffic volumes. The existing-plus-Project conditions peak-hour traffic volumes are presented in Figure 8-1, Existing-Plus-Project A.M. and P.M. Peak Hour Traffic Volumes.

8.3 – Existing-Plus-Project Intersection LOS Analysis

The results of the existing-plus-Project conditions intersection LOS analyses are summarized in Table 8.1. Project impacts are identified in bold type. The intersection analysis sheets are presented in Appendix D.

Table 8.1
Peak Hour Intersection Analysis Summary – Existing-Plus-Project Conditions

Intersection	Control	A.M. Peak Hour		P.M. Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Clovis/Sierra	Signals	17.6	B	17.3	B
Clovis / Second	One-way stop*	15.3	C**	19.4	C**
Clovis / Third	Signals	19.9	B	28.1	C
Veterans / Third	One-way stop*	21.2	C	21.3	C
Clovis / Fourth	Signals	12.2	B	15.4	B
Clovis / Fifth	Signals	29.0	C	34.2	C
Veterans / Fifth	One-way stop*	56.3	F	22.7	C

* A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition

** The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

The Project causes one significant impact based on intersection LOS criteria at the intersection of Veterans Way and Fifth Street during the a.m. peak hour. The Project will exacerbate the existing LOS F by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle during the a.m. peak hour. Peak-hour traffic signal warrants are not met; therefore, the installation of traffic signals is not considered a feasible mitigation. The peak-hour warrants analysis sheets are included in Appendix E.

Possible mitigations at the intersection of Veterans Way and Fifth Street include installation of all-way stop control or a roundabout. However, all-way stop control is not warranted for the required eight hours per day as described in the CMUTCD, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the p.m. peak hour. A single-lane roundabout is expected to result in queues extending into the intersection of Clovis Avenue and Fifth Street, particularly as a result of vehicles dropping off and picking up students adjacent to the intersection. It is common for the parking lot south of the

intersection to become congested, with a very high likelihood that the congestion would back up into a roundabout and cause blockage of all four approaches. Coupled with a high volume of pedestrian traffic, complete breakdown of a roundabout during peak periods is likely at this intersection, and it is important to avoid creating a queue in the eastbound lane that interferes with the operation of the intersection of Clovis Avenue and Fifth Street. Therefore, there is no feasible mitigation.

8.4 – Existing-Plus-Project Conditions Queuing Analysis

The results of the existing-plus-Project conditions queuing analyses are summarized in Table 8.2. Calculated 95th-percentile queues exceeding the available storage capacity are identified in bold type. The queue analysis sheets are presented in Appendix D.

The results of the existing-plus-Project conditions analyses are very similar to the existing conditions. The calculated 95th-percentile queues do not exceed the existing storage capacity at the study intersections, with the exception that the calculated queue is longer than the left-turn lane on the eastbound approach to the intersection of Clovis Avenue and Fifth Street. The Project causes the calculated 95th-percentile queue to increase by eight feet at this location, which is not considered a substantial difference from the existing conditions.

Table 8.2
Queuing Analysis Summary – Existing-Plus-Project Conditions

Intersection		Storage and Queue Length (feet)											
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Clovis / Sierra	Storage	115*	**	115	70	**	25	120	**	65	165	**	60
	A.M.	170	86	8	21	92	0	80	137	0	45	143	31
	P.M.	134	82	33	26	63	0	83	222	0	69	147	36
Clovis / Second	Storage	S	325	S	S	D	S	S	400	S	S	800	S
	A.M.	S	5	S	S	0	S	S	3	S	S	0	S
	P.M.	S	8	S	S	3	S	S	3	S	S	0	S
Clovis / Third	Storage	50	320	S	95	**	55	S	400	S	S	**	S
	A.M.	22	79	S	55	131	42	S	159	S	S	195	S
	P.M.	44	104	S	89	106	53	S	262	S	S	238	S
Veterans / Third	Storage	180	NS	NS	325*	NS	NS	S	800	S	S	D	S
	A.M.	3	NS	NS	5	NS	NS	S	70	S	S	5	S
	P.M.	5	NS	NS	3	NS	NS	S	38	S	S	33	S
Clovis / Fourth	Storage	S	320	S	S	130 D	S	S	400	S	S	400	S
	A.M.	S	32	S	S	34	S	S	132	S	S	130	S
	P.M.	S	53	S	S	30	S	S	166	S	S	166	S
Clovis / Fifth	Storage	80	320	S	150*	350	S	S	**	S	S	410	S
	A.M.	45	197	S	127	255	S	S	189	S	S	156	S
	P.M.	90	267	S	103	213	S	S	318	S	S	288	S
Veterans / Fifth	Storage	45*	NS	NS	100	NS	NS	S	D	S	S	800	S
	A.M.	8	NS	NS	3	NS	NS	S	108	S	S	55	30
	P.M.	3	NS	NS	3	NS	NS	S	3	S	S	23	10

* Left-turn lane connects to a two-way left-turn lane, additional storage available equal to length of adjacent through lane.

** Greater than 1,000 feet to next signalized or all-way stop controlled intersection.

D = Driveway

S = Shared with through lane.

NS = Not required to stop.

8.5 – Transit, Bicycle, and Pedestrian Facilities

Although the Project is expected to enhance the transit experience in Clovis and provide connectivity between bicycle, pedestrian, vehicle, and transit modes of travel, the Project may potentially disrupt pedestrian and bicycle facilities by generating new trips across the Dry Creek Trail.

The Clovis Old Town Trail crosses Third Street immediately west of the proposed Project driveway. Since the Project would likely generate new pedestrian and bicycle trips across Third Street, the existing signage and markings should be reviewed for conformance with the most recent version of the CMUTCD and enhanced if not in conformance.

8.6 – Existing-Plus-Project Conditions - Impacts and Mitigation Measures

The existing-plus-Project conditions analyses are based on conditions expected to occur if the Project were to be constructed immediately without the development of any of the pending projects. The significant traffic impact identified in the Existing-Plus-Project conditions analyses is stated below, followed by the recommended mitigation or action.

Impact TRANS-1

At the intersection of Veterans Way and Fifth Street, the Project will exacerbate the existing LOS F during the a.m. peak hour by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle.

Mitigation Measure TRANS-1

There is no feasible mitigation.

Impact TRANS-2

The Project will generate new vehicle trips across the Clovis Old Town Trail at Third Street, and will likely generate new pedestrian and bicycle trips on the trail.

Mitigation Measure TRANS-2

The appropriate signage and pavement markings should be installed at the Clovis Old Town Trail at Third Street in accordance with the most recent version of the CMUTCD.

9 – NEAR-TERM WITH-PROJECT CONDITIONS ANALYSES

9.1 – Near-Term With-Project Lane Configurations and Intersection Control

The near-term with-Project conditions lane configurations and intersection control are the same as the existing conditions presented in Figure 5-1.

9.2 – Near-Term With-Project Traffic Volumes

The near-term with-Project conditions peak-hour traffic volumes are determined by adding the near-term baseline traffic volumes and the Project traffic volumes. The near-term with-Project conditions peak-hour traffic volumes are presented in Figure 9-1, Near-Term With-Project A.M. and P.M. Peak Hour Traffic Volumes.

9.3 – Near-Term With-Project Intersection LOS Analysis

The results of the near-term with-Project conditions intersection LOS analyses are summarized in Table 9.1. Cumulative impacts (Project plus other approved and pending projects) are identified in bold type. The intersection analysis sheets are presented in Appendix D.

Table 9.1
Peak Hour Intersection Analysis Summary – Near-Term With-Project Conditions

Intersection	Control	A.M. Peak Hour		P.M. Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Clovis/Sierra	Signals	17.7	B	17.7	B
Clovis / Second	One-way stop*	15.5	C**	21.0	C**
Clovis / Third	Signals	20.1	C	30.4	C
Veterans / Third	One-way stop*	21.2	C	21.6	C
Clovis / Fourth	Signals	12.2	B	16.0	B
Clovis / Fifth	Signals	29.6	C	36.7	D
Veterans / Fifth	One-way stop*	56.3	F	23.1	C

* A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition

** The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

The Project contributes to cumulative significant impacts based on intersection LOS criteria at the intersection of Veterans Way and Fifth Street. The cumulative projects plus the Project will exacerbate the existing LOS F by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle during the a.m. peak hour. This impact is identical to Impact Trans-1 in the existing-plus-Project scenario. Peak-hour traffic signal warrants are not met. The peak-hour warrants analysis sheets are included in Appendix E.

Possible mitigations at the intersection of Veterans Way and Fifth Street include installation of all-way stop control or a roundabout. However, all-way stop control is not warranted for the required eight hours per day as described in the CMUTCD, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the p.m. peak hour. A single-lane roundabout is expected to result in queues extending into the intersection of Clovis Avenue and Fifth Street, particularly as a result of vehicles dropping off and picking

up students adjacent to the intersection. It is common for the parking lot south of the intersection to become congested, with a very high likelihood that the congestion would back up into a roundabout and cause blockage of all four approaches. Coupled with a high volume of pedestrian traffic, complete breakdown of a roundabout during peak periods is likely at this intersection, and it is important to avoid creating a queue in the eastbound lane that interferes with the operation of the intersection of Clovis Avenue and Fifth Street. Therefore, there is no feasible mitigation.

9.4 – Near-Term With-Project Conditions Queuing Analysis

The results of the near-term with-Project conditions queuing analyses are summarized in Table 9.2. Calculated 95th-percentile queues exceeding the available storage capacity are identified in bold type. The queue analysis sheets are presented in Appendix D.

Table 9.2
Queuing Analysis Summary – Near-Term With-Project Conditions

Intersection		Storage and Queue Length (feet)											
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Clovis / Sierra	Storage	115*	**	115	70	**	25	120	**	65	165	**	60
	A.M.	171	86	8	21	92	0	80	142	0	45	144	31
	P.M.	145	85	34	26	65	0	85	240	0	74	157	37
Clovis / Second	Storage	S	325	S	S	D	S	S	400	S	S	800	S
	A.M.	S	5	S	S	0	S	S	3	S	S	0	S
	P.M.	S	10	S	S	3	S	S	3	S	S	0	S
Clovis / Third	Storage	50	320	S	95	**	55	S	400	S	S	**	S
	A.M.	22	79	S	55	131	42	S	165	S	S	196	S
	P.M.	44	104	S	89	106	53	S	288	S	S	254	S
Veterans / Third	Storage	180	NS	NS	325*	NS	NS	S	800	S	S	D	S
	A.M.	3	NS	NS	5	NS	NS	S	70	S	S	5	S
	P.M.	5	NS	NS	3	NS	NS	S	38	S	S	33	S
Clovis / Fourth	Storage	S	320	S	S	130 D	S	S	400	S	S	400	S
	A.M.	S	32	S	S	34	S	S	136	S	S	131	S
	P.M.	S	55	S	S	30	S	S	179	S	S	185	S
Clovis / Fifth	Storage	80	320	S	150*	350	S	S	**	S	S	410	S
	A.M.	46	197	S	127	257	S	S	194	S	S	158	S
	P.M.	100	267	S	103	217	S	S	348	S	S	317	S
Veterans / Fifth	Storage	45*	NS	NS	100	NS	NS	S	D	S	S	800	S
	A.M.	8	NS	NS	3	NS	NS	S	110	S	S	55	30
	P.M.	3	NS	NS	3	NS	NS	S	3	S	S	23	10

* Left-turn lane connects to a two-way left-turn lane, additional storage available equal to length of adjacent through lane.

** Greater than 1,000 feet to next signalized or all-way stop controlled intersection.

D = Driveway

S = Shared with through lane.

NS = Not required to stop.

The results of the near-term with-Project conditions analyses are very similar to the existing conditions. The calculated 95th-percentile queues do not exceed the existing storage capacity at the study intersections, with the exception that the calculated queue is longer than the left-turn lane on the eastbound approach to the intersection of Clovis Avenue and Fifth Street. The cumulative projects plus the Project cause the calculated 95th-percentile queue to increase by 18 feet at this location, which is not considered a substantial difference from the existing conditions.

9.5 – Near-Term With-Project Conditions - Impacts and Mitigation Measures

The near-term with-Project conditions analyses are based on conditions expected to occur after construction of the pending projects and the proposed Project. Cumulative traffic impacts identified in the Near-Term With-Project conditions analyses are stated below, followed by the recommended mitigation or action.

Impact TRANS-3

At the intersection of Veterans Way and Fifth Street, the cumulative projects plus the Project will exacerbate the existing LOS F by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle during the a.m. peak hour. This impact is identical to Impact Trans-1 in the existing-plus-Project scenario.

Mitigation Measure TRANS-3

There is no feasible mitigation.

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10 – YEAR 2039 WITH-PROJECT CONDITIONS ANALYSES

10.1 – Year 2039 With-Project Lane Configurations and Intersection Control

The year 2039 with-Project conditions lane configurations and intersection control are assumed to be the same as the existing conditions presented in Figure 5-1.

10.2 – Year 2039 With-Project Traffic Volumes

The year 2039 with-Project conditions peak-hour traffic volumes are determined by adding the 2039 baseline traffic volumes and the Project traffic volumes. The year 2039 with-Project conditions peak-hour traffic volumes are presented in Figure 10-1, Year 2039 With-Project A.M. and P.M. Peak Hour Traffic Volumes.

10.3 – Year 2039 With-Project Intersection LOS Analysis

The results of the year 2039 with-Project conditions intersection LOS analyses are summarized in Table 10.1. Cumulative impacts are identified in bold type. The intersection analysis sheets are presented in Appendix D.

Table 10.1
Peak Hour Intersection Analysis Summary – 2039 With-Project Conditions

Intersection	Control	A.M. Peak Hour		P.M. Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Clovis/Sierra	Signals	28.5	C	22.1	C
Clovis / Second	One-way stop*	27.0	D**	35.9	E**
Clovis / Third	Signals	32.9	C	52.2	D
Veterans / Third	One-way stop*	63.2	F	38.6	E
Clovis / Fourth	Signals	14.8	B	19.9	B
Clovis / Fifth	Signals	52.4	D	57.0	E
Veterans / Fifth	One-way stop*	307.7	F	36.7	E

* A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition

** The reported LOS is for the eastbound approach. LOS E occurs on the westbound approach (which is a private driveway) for both peak hours, but experiences a negligible number of peak hour trips.

The cumulative projects, including 20 years of regional growth, are expected to cause significant impacts based on intersection LOS criteria at the following intersections:

- Clovis Avenue / Second Street;
- Veterans Way / Third Street;
- Clovis Avenue / Fifth Street;
- Veterans Way / Fifth Street.

At the intersection of Clovis Avenue and Second Street, the LOS on the eastbound approach drops from the existing LOS C during the a.m. and p.m. peak hours to LOS D (acceptable) during the a.m. peak hour and LOS E during the p.m. peak hour. Vehicles on Clovis Avenue are not required to stop and experience little to no delay. Peak-hour traffic signal warrants are not met. The peak-hour warrants analysis sheets are included in Appendix E.

Possible mitigations at the intersection of Clovis Avenue and Second Street include installation of all-way stop control or a roundabout. All-way stop control would operate below the target LOS during peak hours and is not warranted for the required eight hours per day as described in the CMUTCD, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the a.m. and p.m. peak hours. A single-lane roundabout may not be geometrically feasible as a result of the required lane drop on the northbound approach, and would likely result in queues in the northbound lane that would extend near the intersection of Clovis Avenue and Third Street during peak periods when platoons of northbound vehicles are released from the traffic signal at Clovis Avenue and Third Street. Construction of a two-lane roundabout would be restricted by physical constraints (existing buildings, building setback requirements) and right-of-way constraints. Policy 2.1 of the City of Clovis General Plan allows exceptions to the minimum LOS D requirement on a case-by-case basis where right-of-way constraints would make capacity expansion infeasible. Therefore, there is no feasible mitigation.

Although there is no feasible physical mitigation at the intersection of Clovis Avenue and Second Street, the road network in the vicinity of the intersection allows for alternate turning movements and routes. For example, if a driver experiences difficulty turning left to northbound Clovis Avenue from the eastbound approach, the alternative is to utilize Pollasky Avenue or other streets to the desired destination to the north. Therefore, drivers are likely to avoid delays by using alternate routes or varying their schedule slightly.

At the intersection of Veterans Way and Third Street, the LOS drops from the existing LOS C during the a.m. peak hour and LOS B during the p.m. peak hour to LOS F during the a.m. peak hour and LOS E during the p.m. peak hour. Peak-hour traffic signal warrants are not met. The peak-hour warrants analysis sheets are included in Appendix E.

Possible mitigations at the intersection of Veterans Way and Third Street include installation of all-way stop control or a roundabout. All-way stop control is not warranted for the required eight hours per day as described in the CMUTCD, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the a.m. peak hour. A single-lane roundabout is potentially feasible from a geometric standpoint and is expected to operate at acceptable levels of service during the peak hours. Mitigated intersection analyses for a roundabout are presented in Appendix F.

At the intersection of Clovis Avenue / Fifth Street, the LOS drops from the existing LOS C to LOS E during the p.m. peak hour. The intersection has been constructed to its maximum configuration and there are buildings adjacent to the roadway with no opportunity to widen the intersection. Policy 2.1 of the City of Clovis General Plan allows exceptions to the minimum LOS D requirement on a case-by-case basis where right-of-way constraints would make capacity expansion infeasible. Therefore, there is no feasible mitigation.

At the intersection of Veterans Way and Fifth Street, the existing LOS F during the a.m. peak hour is exacerbated and the existing LOS C drops to LOS E during the p.m. peak hour. Peak-hour traffic signal warrants are not met. The peak-hour warrants analysis sheets are included in Appendix E.

Possible mitigations at the intersection of Veterans Way and Fifth Street include installation of all-way stop control or a roundabout. However, all-way stop control would operate below

the target LOS during peak hours and is not warranted for the required eight hours per day as described in the CMUTCD, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the p.m. peak hour. A single-lane roundabout is expected to result in queues extending into the intersection of Clovis Avenue and Fifth Street, particularly as a result of vehicles dropping off and picking up students adjacent to the intersection. It is common for the parking lot south of the intersection to become congested, with a very high likelihood that the congestion would back up into a roundabout and cause blockage of all four approaches. Coupled with a high volume of pedestrian traffic, complete breakdown of a roundabout during peak periods is likely at this intersection, and it is important to avoid creating a queue in the eastbound lane that interferes with the operation of the intersection of Clovis Avenue and Fifth Street. Therefore, there is no feasible mitigation.

10.4 – Year 2039 With-Project Conditions Queuing Analysis

The results of the year 2039 with-Project queuing analyses are summarized in Table 10.2. Calculated 95th-percentile queues exceeding the available storage capacity are identified in bold type. The queue analysis sheets are presented in Appendix D.

Table 10.2
Queuing Analysis Summary – 2039 With-Project Conditions

Intersection		Storage and Queue Length (feet)											
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Clovis / Sierra	Storage	115*	**	115	70	**	25	120	**	65	165	**	60
	A.M.	229	98	29	26	112	1	186	201	0	52	219	53
	P.M.	152	107	46	32	79	0	193	297	0	87	191	48
Clovis / Second	Storage	S	325	S	S	D	S	S	400	S	S	800	S
	A.M.	S	15	S	S	3	S	S	3	S	S	0	S
	P.M.	S	20	S	S	3	S	S	3	S	S	0	S
Clovis / Third	Storage	50	320	S	95	**	55	S	400	S	S	**	S
	A.M.	41	94	S	68	167	61	S	237	S	S	383	S
	P.M.	62	158	S	134	145	64	S	408	S	S	433	S
Veterans / Third	Storage	180	NS	NS	325*	NS	NS	S	800	S	S	D	S
	A.M.	0	NS	NS	8	NS	NS	S	208	S	S	10	S
	P.M.	8	NS	NS	3	NS	NS	S	85	S	S	55	S
Clovis / Fourth	Storage	S	320	S	S	130 D	S	S	400	S	S	400	S
	A.M.	S	38	S	S	39	S	S	185	S	S	216	S
	P.M.	S	64	S	S	35	S	S	219	S	S	251	S
Clovis / Fifth	Storage	80	320	S	150*	350	S	S	**	S	S	410	S
	A.M.	65	272	S	161	325	S	S	244	S	S	263	S
	P.M.	115	341	S	118	302	S	S	434	S	S	450	S
Veterans / Fifth	Storage	45*	NS	NS	100	NS	NS	S	D	S	S	800	S
	A.M.	10	NS	NS	5	NS	NS	S	328	S	S	165	53
	P.M.	5	NS	NS	3	NS	NS	S	3	S	S	45	13

* Left-turn lane connects to a two-way left-turn lane, additional storage available equal to length of adjacent through lane.

** Greater than 1,000 feet to next signalized or all-way stop controlled intersection.

D = Driveway

S = Shared with through lane.

NS = Not required to stop.

The calculated 95th-percentile queues exceed the storage capacity at the following locations in the 2039 with-Project conditions:

- Clovis Avenue / Sierra Avenue: the calculated northbound left-turn queue exceeds the storage capacity by 66 feet during the a.m. peak hour and 73 feet during the p.m. peak hour;
- Clovis Avenue / Third Street: the calculated eastbound left-turn queue exceeds the storage capacity by 12 feet during the p.m. peak hour; the westbound left-turn queue exceeds the storage capacity by 39 feet during the p.m. peak hour; the westbound right-turn queue exceeds the storage capacity by six to nine feet during the a.m. and p.m. peak hours; and the northbound queue extends to Fourth Street;
- Clovis Avenue / Fifth Street: the calculated eastbound left-turn queue exceeds the storage capacity by 35 feet during the p.m.; the eastbound through queue extends beyond Pollasky Avenue, and the southbound queue extends beyond Fourth Street.

10.5 – Year 2039 With-Project Conditions - Impacts and Mitigation Measures

Cumulative traffic impacts identified in the year 2039 with-Project conditions analyses are stated below, followed by the recommended mitigation or action.

Impact TRANS-4

At the intersection of Clovis Avenue and Second Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C to LOS E on the minor street approach during the p.m. peak hour. Vehicles on Clovis Avenue are not required to stop and experience little to no delay.

Mitigation Measure TRANS-4

There is no feasible mitigation, although alternative routes exist for drivers to utilize.

Impact TRANS-5

At the intersection of Veterans Way and Third Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C during the a.m. peak hour and LOS B during the p.m. peak hour to LOS F during the a.m. peak hour and LOS E during the p.m. peak hour.

Mitigation Measure TRANS-5

The intersection should be modified by the year 2039 to a single-lane modern roundabout designed in accordance with typical industry standards, which currently are primarily based on the TRB NCHRP Report 672: Roundabouts: An Informational Guide, Second Edition, 2010.

Construction of a roundabout at the intersection of Veterans Way and Third Street would create a minimized crosswalk length across Third Street and would be beneficial to the Dry Creek Trail. The roundabout would include narrow roadways and a pedestrian refuge in the splitter island that allows pedestrians and bicycles to cross against only one direction of vehicular travel at a time.

A roundabout may be included with construction of the Project or may be deferred until the significant impact is observed. If deferred, the Project will be required to provide assurance that the mitigation will eventually be constructed. Such assurance may be in the form of adding the cost of the roundabout to the City's development fee program.

Impact TRANS-6

At the intersection of Clovis Avenue and Fifth Street, the cumulative projects, including 20 years of regional growth, are expected to cause the LOS to drop from the existing LOS C to LOS E during the p.m. peak hour.

Mitigation Measure TRANS-6

There is no feasible mitigation.

Impact TRANS-7

At the intersection of Veterans Way and Fifth Street, the cumulative projects, including 20 years of regional growth, are expected to exacerbate the existing LOS F during the a.m. peak hour and will cause the existing LOS C to drop to LOS E during the p.m. peak hour.

Mitigation Measure TRANS-7

There is no feasible mitigation.

11 – SITE ACCESS, CIRCULATION, AND PARKING

11.1 – Site Access and Circulation

The operational analysis of the Veterans Way/Third Street intersection provides analysis of the site access driveway. Secondary access will be provided via an existing north-south alley along the eastern edge of the Project site that currently connects to Third Street at the south end and to the Osmun Circle cul de sac at the north end. It is not anticipated that there will be a high demand for Project trips to utilize Osmun Avenue to access the site from Third Street because the alley provides a more direct secondary access from Third Street. Furthermore, there is not expected to be a high demand for Project trips traveling north of the site to utilize the route between the Osmun Circle cul de sac and Sierra Avenue, particularly because the route is circuitous and the speed humps on Sierra Avenue tend to discourage its use.

A general review of the conceptual site plan was performed. It is recommended that the site plan be modified to ensure that 40-foot buses are accommodated in the design, and that the secondary access points will adequately accommodate vehicles, particularly in the event that the main driveway is blocked. It is recommended that the drive approach at the alley be improved to accommodate the required design vehicle if loading zones are constructed along the alley and require buses or delivery trucks to use the alley for access.

11.2 – Parking

The Project site is expected to have more than 240 parking stalls. For average conditions this number of stalls is expected to be adequate. Other public parking is available for special events, primarily the existing parking lots southeast and southwest of the intersection of Veterans Way and Third Street. The proposed Project will satisfy the City’s requirements for parking spaces and, therefore, the Project’s parking impacts would be less than significant.

12 – ESTIMATED 24-HOUR TRAFFIC VOLUMES

Daily (24-hour) traffic volumes can be useful in noise analyses or simply for informational purposes. Table 12.1 presents an estimate of the daily volumes (both directions combined) on road segments adjacent to the study intersections. These estimates are based on an assumption that the p.m. peak hour traffic volumes are approximately 10 percent of the daily volumes. These values are not utilized in the traffic analyses.

Table 12.1
Estimated 24-Hour Traffic Volumes

Road	Segment	Existing	Existing Plus Project	Near-Term No Project	Near-Term With Project	2039 No Project	2039 With Project
Clovis Avenue	North of Sierra	14,970	15,540	15,930	16,500	18,402	19,086
	Sierra to Second	12,940	13,860	13,780	14,700	17,713	18,817
	Second to Third	12,830	13,770	13,660	14,600	17,392	18,520
	Third to Fourth	11,030	11,800	11,670	12,540	14,203	15,127
	Fourth to Fifth	11,050	11,740	11,770	12,460	14,058	14,886
	South of Fifth	11,080	11,630	11,660	12,210	13,531	14,191
Sierra Avenue	West of Clovis	5,650	5,930	5,730	6,010	8,135	8,471
	East of Clovis	2,520	2,590	2,560	2,630	3,160	3,244
Second Street	West of Clovis	590	640	590	640	739	799
Third Street	West of Clovis	2,570	2,650	2,590	2,670	3,544	3,640
	Clovis to Veterans	4,650	6,420	4,720	6,490	6,695	8,819
	East of Veterans	4,280	4,620	4,350	4,690	5,371	5,779
Fourth Street	West of Clovis	1,310	1,390	1,330	1,410	1,647	1,743
	East of Clovis	570	570	570	570	711	711
Fifth Street	West of Clovis	6,790	7,050	6,860	7,120	8,369	8,681
	Clovis to Veterans	6,590	6,850	6,670	6,930	8,285	8,597
	East of Veterans	6,480	6,850	6,560	6,930	8,143	8,587
Veterans Way	Third to Fourth	1,150	1,780	1,150	1,780	1,436	2,192
	Fourth to Fifth	1,350	1,840	1,350	1,840	1,697	2,285

The intersection turning movement counts reveal that heavy vehicles (three or more axles) comprise less than one percent of the total volume of traffic at every study intersection during both the a.m. and p.m. peak hours. To be conservative, the intersection operational analyses presented in the report assumed two percent heavy vehicles. However, it is estimated, on a 24-hour basis, that heavy vehicles comprise no more than one percent of the estimated volumes presented in Table 12.1.

13 – CONCLUSIONS AND SUMMARY OF IMPACTS AND MITIGATIONS

Standard traffic engineering principles and methods were employed to establish the existing conditions, to estimate the number of trips expected to be generated by the Project, and to analyze the traffic conditions expected to occur in the future.

The traffic impact study found that the intersection of Veterans Way and Fifth Street is currently operating below the target LOS during the a.m. peak hour, primarily as a result of school traffic. The other study intersections currently operate at LOS C or better and are expected to continue to operate at LOS D or better through the year 2039 without the Project.

The Project is expected to cause or contribute to significant traffic impacts at the following intersections:

- Clovis Avenue / Second Street (year 2039 cumulative impact);
- Veterans Way / Third Street (year 2039 cumulative impact);
- Clovis Avenue / Fifth Street (year 2039 cumulative impact);
- Veterans Way / Fifth Street (Project impact, near-term cumulative impact, and year 2039 cumulative impact).

In general, the study intersections have been constructed to the ultimate configuration. In addition, traffic signal warrants are not expected to be satisfied at the significantly-impacted study locations. Measures intended to solve LOS deficiencies at certain locations (such as all-way stop control or roundabouts at certain locations) are not recommended if traffic volumes do not meet warrants or if there is a high potential for the resulting queues to extend into adjacent signalized intersections. Therefore, with the exception of the intersection of Veterans Way and Third Street, no feasible mitigations have been identified for the significant impacts based on LOS. These impacts would remain significant and unavoidable.

At the intersection of Veterans Way and Third Street, a roundabout should be considered to mitigate the year 2039 significant impacts. A roundabout may be included with construction of the Project or may be deferred until the significant impact is observed. If deferred, the Project will be required to provide assurance that the mitigation will eventually be constructed. Such assurance may be in the form of adding the cost of the roundabout to the City's development fee program.

The Project will generate new vehicle trips across the Clovis Old Town Trail at Third Street, and will likely generate new pedestrian and bicycle trips on the trail. The appropriate signage and pavement markings should be installed in accordance with the most recent version of the CMUTCD. Construction of a roundabout at the intersection of Veterans Way and Third Street would create a minimized crosswalk length across Third Street. The roundabout would include narrow roadways and a pedestrian refuge in the splitter island that allows pedestrians and bicycles to cross against only one direction of vehicular travel at a time.

The average length of trips generated by the Project will be 6.3 miles. For comparison purposes, the average work-based trip length in the Fresno County region is approximately 11 to 12 miles. The Project is expected to contribute to a reduction in the overall number of vehicle miles traveled in the City of Clovis by accommodating automobile, transit,

pedestrian, and bicycle modes of travel (with convenient transfer between modes) near regional destinations such as the library, senior center, civic center, and downtown Clovis.

DRAFT



PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

TECHNICAL MEMORANDUM

To: Mr. Mike Harrison, City Engineer
 City of Clovis
 1033 Fifth Street
 Clovis, California 93612

From: John Rowland, PE, TE

Subject: Review of Traffic Impact Study
 Proposed DeBenedetto Development Project
 Clovis, California

Date: September 25, 2019



Peters Engineering Group has performed a review of a report entitled Traffic Impact Study for Proposed DeBenedetto Development Project dated August 6, 2019 (TIS). This memorandum presents our comments on the TIS.

Background

The intersection of Clovis Avenue and Second Street consists of a north-south public street (Clovis Avenue) and an east-west public street (Second Street) that exists only west of Clovis Avenue. There is a private driveway on the east side of the intersection serving an existing hotel. There was formerly a railroad track east of the hotel site that is currently the Clovis Old Town Trail. Access between Clovis Avenue and property east of the trail has not existed in the past.

The City of Clovis approved an Environmental Impact Report for the Landmark Commons project that will have primary access to and from Third Street. Preliminary Landmark Commons plans depicted a driveway connecting to Second Street, but traffic analyses showed significant traffic impacts. For various reasons not limited to traffic impacts, the Second Street connection was removed from the Landmark Commons plans and not considered as a viable option with the EIR.

We understand that the DeBenedetto Project proposes a connection to Second Street with future development of the DeBenedetto site, and that the Clovis City Council expressed a willingness to consider the connection if a traffic study showed that the connection was viable and would not result in significant impacts. The TIS presents an analysis of the DeBenedetto project with the assumption that Second Street access is in place.

ATTACHMENT 3

Traffic Signal Warrants

The TIS contains several references to peak-hour volumes on the westbound approach to the intersection of Clovis Avenue and Second Street that barely miss meeting the peak-hour traffic signal warrants threshold of 100 peak-hour trips. The report also indicates that the volumes exceed the threshold at the intersection in the year 2039 analyses and that traffic signals are warranted based on the 2039 volumes. However, Paragraph 08 of Section 4C.01 of the California Manual on Uniform Traffic Control Devices (CMUTCD) states: “*The study should consider the effects of the right-turn vehicles from the minor-street approaches. Engineering judgment should be used to determine what, if any, portion of the right-turn traffic is subtracted from the minor-street traffic count when evaluating the count against the signal warrants...*” In some cases, a dedicated right-turn lane would be needed to discount the right turns from the warrants analysis.

It would be our judgment that vehicles turning right from the westbound approach to proceed northbound on Clovis Avenue would not contribute to the need for a traffic signal and should be excluded from the warrants analysis. In this case, the peak-hour traffic signal warrant is not likely to be satisfied. Further, although the scope of the TIS did not include four-hour and eight-hour traffic signal warrants analyses of the existing conditions, it is our opinion that it is very unlikely that other warrants would be satisfied.

The TIS contains the statement: “*...the City might consider a signal for the intersection in order to provide the necessary degree of platooning and provide vehicle progressive operation along the corridor. The rationale is provided in MUTCD Warrant 6, Coordinated Signal System.*” However, Paragraph 03 of Section 4C.07 (Warrant 6, Coordinated Signal System) of the CMUTCD states: “*The Coordinated Signal System signal warrant should not be applied where the resultant spacing of traffic control signals would be less than 1,000 feet.*” The distance between Second Street and Third Street and is less than 500 feet. Therefore, Warrant 6 is not applicable and the concept of platooning should not factor into the discussion of traffic signals at Second Street.

Trip Generation

ITE Land Use Code 221, Multifamily Housing (Mid-Rise) was used in the analyses. Land Use Code 221 is applicable to multifamily projects with buildings that contain four units and are at least three stories high. The TIS does not mention the height of the buildings. If the buildings are one or two stories in height then Land Use Code 220 would apply.

Clovis Old Town Trail Crossing

There are few, if any, driveways that cross the Clovis Old Town Trail. The TIS suggests Rectangular Rapid Flash Beacons (RRFB) as a potential improvement to enhance safety where the Second Street driveway is proposed to cross the trail. The potential effectiveness of RRFB may be questionable because the distance between Clovis Avenue and the trail is short. (The CMUTCD requires a minimum distance of 100 feet from an adjacent intersection, the existing distance is approximately 130 feet.) This provides a minimal distance for motorists to recognize the beacons. At a driveway-type crossing it is our anticipation that users of the trail may not feel the need to push the button (especially bicyclists). If the driveway is allowed, we would recommend a street-type crossing similar to

Jefferson Avenue that provides the trail users with a strong sense that they are about to enter a vehicular pathway.

Landmark Commons Traffic Impact Study

The TIS references a traffic impact study for the Landmark Commons project dated September 9, 2016. However, the September 9, 2016 report was superseded; the most recent version of the Landmark Commons traffic impact study is dated November 23, 2016. Only the version that was utilized in the Landmark Commons EIR should be referenced.

Queue Analyses

The TIS text presents queue analyses for left-turn lanes only. Considering the close spacing of traffic signals on Clovis Avenue, it is recommended that through queues be considered as well.

Overall Corridor Signal Operations

The TIS contains the statement: *“Our review of traffic operations of study intersections along Clovis Avenue is that most of the signals are split phasing. The only existing signal with protected phasing on Clovis Avenue is at Sierra Avenue. The intersections at 3rd Street, 4th Street and 5th Street operate with split phasing. The City should consider removing split phasing and the corridor could improve significantly.”*

There are no analyses or conceptual geometry included in the TIS to support the suggestion that removing the split phasing is feasible. It is noted that parallel parking is desirable in the vicinity of downtown and that two through lanes are expected to be required to contain queues within the short distance between intersections. The installation of protected left turns would require dedicated left-turn lanes on Clovis Avenue that may require eliminating a through lane or parking. In addition, the effects on pedestrians would need to be analyzed to determine whether protected left-turn phasing would reduce or increase pedestrian delays.

Mitigation of Significant Impacts at the Intersection of Clovis Avenue and Second Street

Since traffic signals are unlikely to be warranted, other mitigation measures should be considered in the TIS. Such mitigation measures may include closing the Second Street access completely or preventing left turns from the westbound approach. Access opportunities are available at Osmun Avenue or at the intersection of Veterans Parkway and Third Street.

General Discussion of Traffic Signals at the Intersection of Clovis Avenue and Second Street

The available traffic-volume projections suggest that, if the Second Street access is provided for the DeBenedetto Project, traffic signals are unlikely to be warranted and are not likely to be considered a feasible mitigation measure for the projected levels of service (LOS) below the City of Clovis target LOS of D.

It is generally accepted by residents, employees, and visitors in Clovis that the three signalized intersections in downtown Clovis can be a source of delay and that alternate routes are sometimes desirable. However, Clovis Avenue is one of few continuous north-south

thoroughfares in Clovis and the intersections are on routes to downtown, schools, commercial centers, and the State Route 168 freeway. The right-of-way constraints on Clovis Avenue make it difficult to improve progression as the intersections require split phasing to contain queues, minimize blocking of lanes, accommodate parking, etc. It is anticipated that a fourth signalized intersection on Clovis Avenue at Second Street would be met with strong public opposition that may not be realized until after the signals are installed.

The queueing analyses presented in the TIS indicate that queues on Clovis Avenue are very likely to extend from one signalized intersection back to the adjacent signalized intersection, with a high potential for congestion and blocking of intersections. It is anticipated that a fourth signalized intersection at Second Street would have the potential to exacerbate congestion at Third Street.

Summary

As we understand it, the purpose of the TIS was to provide a traffic analysis that would determine whether the Second Street access is viable for the Landmark Commons Project and future development of the DeBenedetto site. The analysis has generally shown that, if access to Second Street is allowed, there will be levels of service below the City target LOS of D, and that the levels of service will either need to be mitigated by traffic signals or left unmitigated if warrants are not met. In general, a fourth signalized intersection in the downtown area adjacent to Third Street is expected to result in queuing issues along Clovis Avenue. The connection would also result in a private driveway crossing the Old Town Trail.

With regards to the necessity of Second Street access, no analyses were performed for the case in which the Second Street access does not exist; therefore, the necessity of the connection has not been proven with the traffic analyses presented. Our conclusion from a traffic perspective is that the proposed Second Street access poses potential problems, potentially significant impacts, and potential hazards, the necessity of which has not been proven by an alternate analysis.

3.5 Transportation/Traffic

This section discusses transportation facilities and systems in the project vicinity, applicable plans and regulations, and potential impacts of the proposed project on transportation and traffic. The section largely is based on City of Clovis planning documents and on the Traffic Impact Study prepared by Peters Engineering Group (see Appendix C).

3.5.1 Existing Conditions

Regulatory Setting

Federal and State

No federal transportation regulations pertain to the proposed project. The California Department of Transportation (Caltrans) is responsible for operating and maintaining the state highway system. State Route (SR) 168 is the state highway closest to the project area. SR 168 is located west and north of the project area, and the nearest access points are approximately 0.9 mile away on Herndon Avenue and 1.1 miles away on West Bullard Avenue. Because of the project area's distance from SR 168 and because of the minimal amount, if any, of additional traffic the project is likely to generate on SR 168, no state highway regulations are applicable to the proposed project.

Local

Regional Transportation Plan and Sustainable Communities Strategy

The Fresno Council of Governments (Fresno COG) has adopted the *2014 Regional Transportation Plan and Sustainable Communities Strategy* (2014 RTP) for the Fresno region, which includes Clovis. Three overarching themes provide the basis for the 2014 RTP's Policy Element: Preservation of existing facilities and services; sound financial leveraging of existing funding; and connecting transportation needs with land use and air quality impacts. The 2014 RTP identifies goals, objectives and policies that are based on these themes. Several goals are relevant to the proposed project.

- An efficient, safe, integrated, multimodal transportation system.
- Improved mobility and accessibility for all regardless of race, income, national origin, age, or disability.
- Acceptable level of service (LOS) for the highways, streets and roads network.
- An integrated multimodal transportation system which facilitates the movement of people.
- Maximize bicycling and walking through their recognition and integration as valid and healthy transportation modes in transportation planning activities.

The Fresno COG adopted the *Fresno County Congestion Management Process* (CMP) in 2009 to satisfy federal requirements that apply to urban areas and regions in nonattainment of air quality standards. Fresno COG has integrated the CMP into the 2014 RTP. The CMP designates Clovis Avenue, Third Street, Herndon Avenue, Bullard Avenue and Tollhouse Road as among the regionally significant roads to which CMP strategies apply. Those strategies fall into six categories (Fresno Council of Governments 2009).

- Transportation system management
- Travel demand management
- Intelligent transportation system
- Land use
- Public transit
- Bicycle and pedestrian

Pursuant to state legislation, the Fresno COG has exempted itself from state requirements for adopting a congestion management program.

Clovis General Plan

The Circulation Element of the *Clovis General Plan* contains goals and policies aimed at “a comprehensive and well-maintained multimodal circulation system that provides for the safe and efficient movement of people and goods.” The following Circulation Element goals and policies are relevant to the proposed project.

Goal 1: A context-sensitive and “complete streets” transportation network that prioritizes effective connectivity and accommodates a comprehensive range of mobility needs.

Goal 2: A roadway network that is well planned, funded, and maintained.

Policy 2.1: **Level of service.** The following is the City’s level of service (LOS) standards:

- A. Achieve LOS D vehicle traffic operations during the a.m. and p.m. peak hours.
- B. Allow exceptions on a case-by-case basis where lower levels of service would result in other public benefits, such as:
 - i. Preserving agricultural or open space land
 - ii. Preserving the rural/historic character of a neighborhood
 - iii. Preserving or creating a pedestrian-friendly environment in Old Town or mixed-use districts
 - iv. Avoiding adverse impacts to pedestrians, cyclists, and mass transit riders
 - v. Where right-of-way constraints would make capacity expansion infeasible

Goal 3: A multimodal transportation network that is safe and comfortable in the context of adjacent neighborhoods.

Policy 3.3: **Old Town and mixed use village centers.** Transportation decisions on local streets in Old Town and mixed-use village centers shall prioritize pedestrians, then bicyclists, then mass transit, then motorists.

Policy 3.8: **Access management.** Minimize access points and curb cuts along arterials and prohibit them within 200 feet of an intersection where possible. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants.

Policy 3.9: **Park-once.** Encourage “park-once” designs where convenient, centralized public parking areas are accompanied by safe, visible, and well-marked access to sidewalks and businesses.

Goal 4: A bicycle and transit system that serves as a functional alternative to commuting by car.

Policy 4.1: **Bike and transit backbone.** The bicycle and transit system should connect Shaw Avenue, Old Town, the Medical Center/R&T Park, and the three Urban Centers.

Policy 4.4: **Bicycles and transit.** Coordinate with transit agencies to integrate bicycle access and storage into transit vehicles, bus stops, and activity centers.

Policy 4.5: **Transit stops.** Improve and maintain safe, clean, comfortable, well-lit, and rider-friendly transit stops that are well marked and visible to motorists.

Policy 4.6: **Transit priority corridors.** Prioritize investments for, and transit services and facilities along the transit priority corridors.

The *Clovis General Plan* designates Clovis Avenue as an arterial street, Sierra Avenue as a collector street west of Clovis Avenue and a local street east of Clovis Avenue, Third Street as a collector street between Clovis Avenue and Sunnyside Avenue and as a local street west of Clovis Avenue, Fifth Street as an arterial street between Clovis Avenue and Sunnyside Avenue. In addition, the General plan calls for Class II bicycle lanes on Third Street east of Clovis Avenue, except where the Old Town Trail provides for bicycle travel. The General Plan designates Fifth Street east of Clovis Avenue as a bicycle route.

Central Clovis Specific Plan

The City updated the *Central Clovis Specific Plan* in 2016 to implement the General Plan and “to provide specific guidance in land use and the design of public and private improvements within the plan area to substantiate its importance as the ‘hub’ of the Clovis community.” The following transportation-related goals and action items in the specific plan are relevant to the proposed project.

Goal: A thriving local economy enriched with successful businesses.

Action Item: Promote Old Town as a bicycle and pedestrian environment that is easily accessible from metropolitan area trails.

Goal: A pedestrian and bicycle friendly downtown that connects to regional assets and all transportation modes.

Action Item: Study opportunities for “road diets” allowing for greater pedestrian and bicycle usage.

Action Item: Encourage and identify areas for bicycle parking and bicyclist facilities throughout the Old Town area.

The *Central Clovis Specific Plan* identifies Clovis Avenue and Fifth Street as “major streets” that serve the downtown area and that have the potential to carry traffic through downtown efficiently and to guide visitors to specific locations.

The *Central Clovis Specific Plan* encourages the use of public and active transportation services and facilities. The specific plan notes that the Landmark project “should reduce the need for parking by providing public transit access to a point within easy walking district to uses in the PBIA area” (City of Clovis 2016a: 1.10).

In the Community Design Development Standards of the Central Clovis Specific Plan, Third Street east of Clovis Avenue is designated as a “Community Bicycle Route” and Clovis Avenue in the vicinity of the project is designated as “Storefront Commercial.” Under the specific plan, community bicycle routes “provide for moderate levels of both automobile and bicycle traffic.” The plan calls for a 1-foot buffer strip to separate bicycles and automobiles on these routes (City of Clovis 2016a: Chapter 2).

The project area borders the Parking and Business Improvement Area (PBIA) of Old Town. The Central Clovis Specific Plan identifies 1,882 parking spaces in public and private lots and on the street within the PBIA. The specific plan also identifies the need for an additional 118 parking stalls based on a “standard commercial parking ratio” of 4.7 stalls per 1,000 square feet of gross leasable area and a total of 425,000 square feet of gross leasable area within the PBIA. Parking lots at the Clovis Rodeo Grounds, Clark Intermediate School, Clovis Veterans Memorial District, and the Clovis Civic Center are outside of the PBIA but are close enough to provide overflow parking on weekends and after hours (City of Clovis 2016a: 1.9)

Clovis Active Transportation Plan

The *Clovis Active Transportation Plan* “is a comprehensive document outlining the future of walking and bicycling in Clovis.” Adopted in 2016, the Active Transportation Plan updates many elements of the 2011 *Clovis Bicycle Transportation Master Plan*. The Active Transportation Plan seeks to increase the share of residents who walk and bicycle to work, school, shopping, and other activities, to reduce the number of automobile collisions with pedestrians and bicyclists, and to close gaps in the bicycle and pedestrian networks (City of Clovis 2016b: 1-2) .

The Active Transportation Plan uses the Caltrans *Highway Design Manual* to characterize bikeways.

- Class I – Bike Path: Bike paths are paved shared-use paths intended to accommodate all pedestrians and bicyclists, including children, families, and less-confident riders.
- Class II – Bike Lane: Bike lanes, also known as Class II bikeways, are defined portions of the roadway that are designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists.
- Class III – Bike Route: Bike routes, also known as Class III bikeways, are on-street routes intended to provide continuity to the bikeway system. Bike routes are designated by signs or pavement markings and are shared by motorists.
- Class IV – Separated Bikeways: Whereas bike lanes are a defined portion of the roadway, separated bikeways, also known as Class IV bikeways or cycle tracks, are an exclusive facility for bicyclists physically separated from motor vehicle traffic and distinct from the sidewalk.

The Clovis Old Town Trail, a Class I bike path, runs generally parallel to, and east of, Clovis Avenue in the project vicinity. The Clovis Old Town Trail runs adjacent to the western boundary of the project site. The *Clovis Active Transportation Plan*, like the *Bicycle Transportation Master Plan*, proposes Class III bike routes on Third Street between Veterans Way and Sunnyside Avenue, on Fifth Street between the western and eastern connections to Bullard Avenue, on Sierra Avenue between Clovis Avenue and Sunnyside Avenue, and on Sunnyside Avenue from Herndon Avenue to Gettysburg Avenue (City of Clovis 2016b: Figure 9).

Clovis Traffic Impact Study Guidelines

The City adopted in the *City of Clovis Traffic Impact Study Guidelines* (City Guidelines) in 2014. The City Guidelines require certain analyses of proposed projects and define impact significance (see the *Thresholds of Significance* section).

Environmental Setting

The project area has contained commercial buildings in the past. All buildings were demolished and the site was graded in 2015. The project area is located in Old Town Clovis. The Clovis Old Town Trail and commercial uses are west of the project area, residential, industrial, and office uses lie to the north, residential uses to the east, and public, commercial, and office uses to the south.

Roadway Network

Roadways in the project vicinity consist of two- to four-lane streets that are set primarily on a grid. In addition to serving Old Town and adjacent neighborhoods, the roadways carry through traffic. Figure 1-3 depicts the project location and the seven study intersections. Figure 5-1 depicts the existing lane configurations and intersection controls at the study intersections.

There are seven primary roadways in the project vicinity.

Clovis Avenue is a north-south roadway extending through the entire length of Clovis and south into Fresno. The *Clovis General Plan* designates Clovis Avenue as an arterial street. Clovis Avenue consists of two lanes in each direction at the study location. The posted speed limit on Clovis Avenue is 35 mile per hour (mph) south of Sierra Avenue and 40 mph north of Sierra Avenue.

Veterans Parkway (formerly Hughes Avenue) is a north-south local street with one lane in each direction between Third Street and Fifth Street. The speed limit on Veterans Way is not posted. According to California Vehicle Code (CVC) Section 22352, the prima facie speed on Veterans Way is 25 mph.

Sierra Avenue is an east-west roadway with one lane in each direction extending east to Sunnyside Avenue and west into Fresno. The *Clovis General Plan* designates Sierra Avenue as a collector street west of Clovis Avenue and a local street east of Clovis Avenue. The posted speed limit on Sierra Avenue is 40 mph west of Clovis Avenue and 25 mph east of Clovis Avenue.

Second Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and DeWitt Avenue at the west end. The speed limit on Second Street is not posted, but the prima facie speed on Second Street is 25 mph under the CVC.

Third Street is an east-west roadway with one lane in each direction extending to Sunnyside Avenue to the east (and continuing as Tollhouse Road to the northeast) and to Minnewawa Avenue to the west. The *Clovis General Plan* designates Third Street as a collector street between Clovis Avenue and Sunnyside Avenue. It is designated as a local street west of Clovis Avenue. The posted speed limit on Third Street west of Clovis Avenue is 25 mph. In the eastbound direction a speed limit of 40 mph is posted east of Clovis Avenue. However, the speed limit in the westbound direction is not posted on Third Street east of Clovis Avenue. The nearest speed limit sign in the westbound direction east of Clovis Avenue exists on Tollhouse Road (which is essentially the extension of Third Street east of Sunnyside Avenue) approximately 800 feet east of Sunnyside Avenue with a posted limit of 35 mph.

Fourth Street is an east-west local road with one lane in each direction extending between Clovis Avenue at the east end and Minnewawa Avenue at the west end. The speed limit on Fourth Street is not posted, but the prima facie speed on Fourth Street is 25 mph under the CVC.

Fifth Street is an east-west roadway with one lane in each direction connecting to Bullard Avenue near Minnewawa Avenue to the west and connecting to Bullard Avenue near Sunnyside Avenue. The *Clovis General Plan* designates Fifth Street as an arterial street between Clovis Avenue and Sunnyside Avenue. The posted speed limit on Fifth Street is 25 mph.

Transit Service

Clovis Transit Stageline provides bus service to the Clovis area. Buses run on a schedule for 12 to 14 hours per day. Clovis Transit Stageline Route 10 stops on Sierra Avenue west of DeWitt Avenue and on Fifth Street east of Clovis Avenue.

Clovis Transit Round Up offers service throughout the metropolitan area, providing rides for disabled residents of Clovis who need to travel in Clovis, Fresno, and nearby areas. Riders must complete and submit an Americans with Disabilities Act form and be approved for eligibility before using Round Up for the first time.

The current Clovis Transit fleet consists of the following vehicles, with the type of fuel used also listed.

- 16 Glaval 27-foot-long cutaway style (one uses gasoline, the remainder use diesel).
- Two Glaval 32-foot-long cutaway style (gasoline).
- One El Dorado 22-foot-long cutaway style (diesel).
- Six ARBOC low-floor 26-foot-long cutaway style (diesel).
- Three Goshen 32-foot-long cutaway style (diesel).
- Two Champion Defenders 34-foot-long (diesel).

Clovis Transit expects to expand to full-size buses (40 feet in length) in the future; therefore, the Project would be designed to accommodate large buses. The timeline for expansion to larger buses will be based on demand; however, Clovis Transit does not expect to use buses larger than 35 feet in length within the next 10 years.

Clovis Transit is planning to include funds in its 2017-2018 budget for a consultant to perform a study to evaluate the routes, schedules, and coordination with Fresno. The study will assist Clovis Transit with designing new routes that utilize the proposed Transit Center for transfers.

Bicycle Facilities

The Clovis Old Town Trail, a Class I multiple-use bike path, runs generally parallel to, and east of, Clovis Avenue in the project vicinity, and is adjacent to the western boundary of the project site. The path runs along the west side of Veterans Way and continues parallel with Clovis Avenue south of Fifth Street.

Class II bike lanes exist on Sierra Avenue west of Clovis Avenue; otherwise, the roadways and intersections in the project vicinity are typically not wide enough to accommodate Class II bike lanes. The *Clovis Active Transportation Plan* proposes Class III on-street bike routes on Third Street between Veterans Way and Sunnyside Avenue, on Fifth Street between the western and eastern connections to Bullard Avenue, on Sierra Avenue between Clovis Avenue and Sunnyside Avenue, and on Sunnyside Avenue from Herndon Avenue to Gettysburg Avenue (City of Clovis 2016b: Figure 9).

Pedestrian Facilities

Sidewalks and pedestrian facilities, such as crosswalks and pedestrian signals, are well established throughout the project vicinity. Pedestrians also use the Clovis Old Town Trail.

Traffic, Pedestrian, and Bicycle Volumes

Peters Engineering Group determined existing peak-hour traffic volumes by performing manual turning movement counts at each of the seven study intersections. The traffic counts were performed on weekdays from 7:00 to 9:00 a.m. (the a.m. peak hour) and from 4:00 to 6:00 p.m. (the p.m. peak hour). The counts were performed while school was in session and not on holidays.

In general, traffic counts were greatest along Clovis Avenue, with a.m. peak-hour counts ranging from 763 at Clovis Avenue and Fourth Street to 1,394 at Clovis Avenue and Fifth Street, and p.m. peak-hour counts ranging from 1,188 at Clovis Avenue and Fourth Street to 1,804 at Clovis and Sierra Avenues. The smallest peak hour counts were at the location of the proposed project entrance at Veterans Way and Third Street, 629 in the a.m. peak hour and 496 in the p.m. peak hour. Existing peak-hour turning movement volumes at the study intersections are presented in Figure 5-2 of Appendix C. Appendix C also contains the traffic count data sheets and other traffic count details.

The traffic counts identified the number of heavy vehicles (vehicles with three or more axles) on each turning movement. The intersection turning movement counts revealed that heavy vehicles (three or more axles) composed less than 1 percent of the total volume of traffic at every study intersection during both the a.m. and p.m. peak hours.

Counts of pedestrians and bicycles on the Clovis Old Town Trail near Second Street revealed an average of approximately 164 pedestrians and 79 bicycles per day in August 2016. During the typical vehicular peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.), the peak number of pedestrians averaged 17 per hour and the peak number of bicycles averaged approximately 8 per hour.

Intersection Level of Service

LOS is a quantitative description of operations conditions that are ranked from LOS A, or free-flow conditions with little or no delay, to LOS F, which indicates jammed conditions with excessive delay. Appendix C provides a detailed discussion of LOS definitions and methods for determining LOS. The City's target LOS is D.

All study intersections except for Veterans Way and Fifth Street operate at an acceptable LOS. The intersection of Veterans Way and Fifth Street has an LOS F on the southbound approach and LOS E on the northbound approach during the a.m. peak hour, likely a function of school traffic.

Table 3.5-1. Existing Level of Service at Study Intersections

Study Number	Intersection	Traffic Control	Average Delay (seconds)		LOS
			Peak Hour		
1	Clovis Avenue and Sierra Avenue	Signal	a.m.	17.4	B
			p.m.	16.8	B
2	Clovis Avenue and Second Street	One-way stop ^a	a.m.	15.1	C ^b
			p.m.	18.4	C ^b
3	Clovis Avenue and Third Street	Signal	a.m.	19.3	B
			p.m.	25.8	C
4	Veterans Way and Third Street	One-way stop ^a	a.m.	15.4	C
			p.m.	12.4	B
5	Clovis Avenue and Fourth Street	Signal	a.m.	12.0	B
			p.m.	14.8	B
6	Clovis Avenue and Fifth Street	Signal	a.m.	28.2	C
			p.m.	31.3	C
7	Veterans Way and Fifth Street	One-way stop ^a	a.m.	50.7	F
			p.m.	19.8	C

Source: Appendix C.

^a A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition.

^b The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

LOS = level of service.

3.5.2 Environmental Impacts

This section discusses the project's potential impacts on transportation and traffic. The sections describes the methods used to determine impacts and thresholds for determining impact significance. Mitigation measures are attached to potentially significant impacts.

Methods for Analysis

This transportation and traffic analysis is based on City of Clovis planning documents and on the Traffic Impact Study prepared by Peters Engineering Group (Appendix C). This analysis does not consider potential changes in vehicle miles traveled (VMT) because the state has not yet adopted CEQA guidelines for analyzing changes in VMT.

Project and Trip Generation

The Traffic Impact Study uses the Institute of Transportation Engineers (ITE) *Trip Generation Manual* to calculate the amount of traffic that the proposed project would generate during operation. The Traffic Impact Study also identifies the roadway network, bicycle and pedestrian facilities, transit service, existing intersection lane configurations and traffic volumes, and existing intersection LOS discussed in the *Environmental Setting* section. The Traffic Impact Study further identifies the size, type, and location of approved and pending development projects.

The Traffic Impact Study analyzes conditions at seven intersections.

1. Clovis Avenue and Sierra Avenue
2. Clovis Avenue and Second Street
3. Clovis Avenue and Third Street
4. Veterans Way and Third Street
5. Clovis Avenue and Fourth Street
6. Clovis Avenue and Fifth Street
7. Veterans Way and Fifth Street

Traffic conditions at the study intersections were analyzed for the weekday a.m. and p.m. peak hours. The a.m. peak hour is from 7:00 to 9:00 a.m., and the p.m. peak hour is from 4:00 to 6:00 p.m. It is during these periods that traffic is most congested on an average day.

Scenarios Analyzed

The Traffic Impact Study evaluated five scenarios.

- Baseline Conditions:
 - Existing Conditions
 - Long-Term (Year 2039) No-Project Conditions
- Project Conditions:
 - Existing-Plus-Project Conditions
 - Near-Term With-Project Conditions (includes approved and pending projects)
 - Long-Term (Year 2039) With-Project Conditions

Level of Service Standards

The Traffic Impact Study is based on the Transportation Research Board's *2010 Highway Capacity Manual* methodology. The *Highway Capacity Manual* evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. The correlation between average delay and LOS is shown in Table 3.5-2.

Table 3.5-2. Level of Service Characteristics for Unsignalized Intersections

Level of Service	Average Vehicle Delay in Seconds
A	0–10
B	10–15
C	15–25
D	25–35
E	35–50
F	<50

Source: Transportation Research Board 2010a.

Table 3.5-3. Level of Service Characteristics for Signalized Intersections

Level of Service	Description	Average Vehicle Delay in Second
A	Volume-to-capacity ratio is low. Progression is exceptionally favorable or the cycle length is very short.	<10
B	Volume-to-capacity ratio is low. Progression is highly favorable or the cycle length is very short.	10–20
C	Volume-to-capacity ratio is no greater than 1.0. Progression is favorable or cycle length is moderate.	20–35
D	Volume-to-capacity ratio is high but no greater than 1.0. Progression is ineffective or cycle length is long. Many vehicles stop and individual cycle failures are noticeable.	35–55
E	Volume-to-capacity ratio is high but no greater than 1.0. Progression is unfavorable and cycle length is long. Individual cycle failures are frequent.	55–80
F	Volume-to-capacity ratio is greater than 1.0. Progression is very poor and cycle length is long. Most cycles fail to clear the queue.	>80

Source: Transportation Research Board 2010a.

Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the proposed project would be considered to have a significant effect if it would result in any of the conditions listed below.

- Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

In addition, the City Guidelines indicate that an impact is considered significant if the addition of the traffic generated by a proposed project results in any one of the following:

- Triggers an intersection operating at acceptable LOS to operate at unacceptable levels of service.

- Increases the average delay for a study intersection that is already operating at unacceptable LOS.

Impacts and Mitigation Measures

Impact TRA-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system (less than significant impact)

As discussed in the *Regulatory Setting* section, the City has established an LOS D standard for vehicle operations during the a.m. and p.m. peak hours. The effects of Site Plan 1 and Site Plan 2 are very similar to one another because although the two plans offer alternative layouts of the facilities, they generate the same amount of traffic and affect the same streets.

An estimate of the number of vehicle trips that the project would generate in the near-term is based on trips resulting from current senior center activities and transit operations, observations at the existing Clovis library and a local trip generation count at the Woodward Park Regional Library in Fresno. The traffic counts from the Woodward Park Regional Library provided verification that ITE *Trip Generation Manual* estimates for the library land use are applicable to the proposed project. Tables 3.4-4 provides estimates of project vehicle trip generation in the near term. Estimates of all trips except those generated by the library are expected to double in 20 years because of increases in population, transit services, and senior center services; however library trip generation would remain constant based on the size of the library building (see Appendix C).

Table 3.5-4. Near-Term Project Vehicle Trip Generation

Location	Type of Trip	A.M. Peak Hour (7:00 to 9:00 a.m.)			P.M. Peak Hour (4:00 to 6:00 p.m.)			Daily
		In	Out	Total	In	Out	Total	
Transit Center	Stageline Fixed Route	8	8	16	8	8		208
	Roundup Driver Breaks	0	0	0	2	2	4	24
Senior Center	Employee	6	0	6	0	6	6	24
	Clovis Roundup	3	3	6	3	3	6	48
	Visitor Vehicles	15	5	18	18	18	36	240
Library	Instructors	2	0	2	2	2	4	16
	Employees and Visitors	23	9	32	104	114	219	1,688
TOTALS		57	25	80	137	153	275	2,248

Source: Appendix C, Traffic Impact Study.

Because the existing senior center and library currently operate near the project site, and Roundup drivers typically take breaks near the senior center, many trips identified in Table 3.5-4 would not be new trips at study area intersections. Once the project is complete, the City intends to relocate staff from modular buildings into the existing library building. In addition, the existing law school would use the senior center building for a law library. These changes in the use of existing buildings,

which are not part of the proposed project, are expected to generate a negligible number of new trips.

Under the existing-plus-project-conditions scenario, lane configurations in the project vicinity would remain unchanged, and project-generated traffic would be added to existing traffic volumes. Table 3.5-5 identifies the resulting effects on LOS at study area intersections in the near term condition.

Table 3.5-5. Level of Service at Study Area Intersections under Existing and Existing Plus Project Conditions – Near Term

Study Number	Intersection	Traffic Control	Peak Hour	Existing		Existing Plus Project Without Roundabout		
				Average Delay ^a	LOS	Average Delay ^a	LOS	Average Delay Increase ^a
1	Clovis Avenue and Sierra Avenue	Signal	a.m.	17.4	B	17.6	B	0.2
			p.m.	16.8	B	17.3	B	0.5
2	Clovis Avenue and Second Street	One-way stop ^b	a.m.	15.1	C ^c	15.3	C	0.2
			p.m.	18.4	C ^c	19.4	C	1.0
3	Clovis Avenue and Third Street	Signal	a.m.	19.3	B	19.9	B	0.6
			p.m.	25.8	C	28.1	C	2.3
4	Veterans Way and Third Street	One-way stop ^b	a.m.	15.4	C	21.2	C	5.8
			p.m.	12.4	B	21.3	C	7.9
5	Clovis Avenue and Fourth Street	Signal	a.m.	12.0	B	12.2	B	0.2
			p.m.	14.8	B	15.4	B	0.6
6	Clovis Avenue at Fifth Street	Signal	a.m.	28.2	C	29.0	C	0.8
			p.m.	31.3	C	34.2	C	2.9
7	Veterans Way and Fifth Street	One-way stop ^b	a.m.	50.7	F	56.3	F	5.6
			p.m.	19.8	C	22.7	C	2.9

^a Average delay and average delay increase measured in seconds.

^b A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition.

^c The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

LOS = level of service.

Source: Appendix C, Traffic Impact Study.

Table 3.5-6. Level of Service at Study Area Intersections Under No-Project, Project without Roundabout, and Project With Roundabout Conditions – Year 2039

Study Number	Intersection	Traffic Control	Peak Hour	2039 No-Project		2039 Project Without Roundabout		Project With Roundabout in 2039		Average Delay Increase ^a	
				Average Delay ^a	LOS	Average Delay ^a	LOS	Average Delay ^a	LOS		
1	Clovis Avenue and Sierra Avenue	Signal	a.m.	27.5	C	28.5	C	1.0	28.5	C	1.0
			p.m.	20.5	C	22.1	C	1.6	22.1	C	1.6
2	Clovis Avenue and Second Street	One-way stop ^b	a.m.	26.3	D ^c	27.0	D	0.7	27.0	D	0.7
			p.m.	32.2	D ^c	35.9	E	3.7	35.9	E	3.7
3	Clovis Avenue and Third Street	Signal	a.m.	29.9	C	32.9	C	3.0	32.9	C	3.0
			p.m.	40.7	D	52.2	D	11.5	52.2	D	11.5
4	Veterans Way and Third Street	One-way stop ^b	a.m.	22.6	C	63.2	F	40.6	63.2	F	40.6
			p.m.	13.6	B	38.6	E	25.0	38.6	E	25
5	Clovis Avenue and Fourth Street	Signal	a.m.	14.5	B	14.8	B	0.3	14.8	B	0.3
			p.m.	18.3	B	19.9	B	1.6	19.9	B	1.6
6	Clovis Avenue at Fifth Street	Signal	a.m.	48.9	D	52.4	D	3.5	52.4	D	3.5
			p.m.	48.7	D	57.0	E	8.3	57.0	E	8.3
7	Veterans Way and Fifth Street	One-way stop ^b	a.m.	241.5	F	307.7	F	66.2	9.0	A	-232.5
			p.m.	28.6	D	36.7	E	8.1	7.7	A	-20.9

^a Average delay and average delay increase measured in seconds.

^b A driveway exists as the fourth leg of the intersection and essentially creates a two-way stop control condition.

^c The reported LOS is for the eastbound approach. The westbound approach is a private driveway and experiences a negligible number of peak hour trips.

LOS = level of service.

Source: Appendix C, Traffic Impact Study.

Based on intersection LOS standards identified under *Thresholds of Significance*, the project would result in a significant impact because it would exacerbate the existing LOS of F at Veterans Way and Fifth Street by increasing average delays from 50.7 seconds per vehicle to 56.3 seconds per vehicle during the a.m. peak hour.

Methods for minimizing the impact at Veterans Way and Fifth Street are limited. A signal at the intersection is not feasible because peak-hour traffic signal warrants are not met (see Appendix E of the Traffic Impact Study). An all-way stop control is not warranted for the required 8 hours per day as prescribed in the Caltrans *California Manual on Uniform Traffic Control Devices for Streets and Highways*, as evidenced by the fact that the minimum volumes for multi-way stop control are not met during the p.m. peak hour. A single-lane roundabout is potentially feasible from a geometric standpoint but could potentially result in queues extending into the intersection of Clovis Avenue and Fifth Street, particularly during times when vehicles drop off or pick up Clark Intermediate School students adjacent to the intersection. Already, it is common for the parking lot south of the intersection to become congested; that congestion would likely back up into a roundabout and block all four approaches. Coupled with a high volume of pedestrian traffic before and after school, roundabout functions could completely fail during peak periods.

Under the long-term with-project conditions scenario, the LOS would drop below the D standard at Clovis Avenue and Second Street, Veterans Way and Third Street, Clovis Avenue and Fifth Street, and Veterans Way and Fifth Street during the p.m. peak hour, and below the D standard at Veterans Way and Third Street during the a.m. peak hour. Conditions would worsen during the a.m. peak hour at Veterans Way and Fifth Street, with average delays exceeding 5 minutes (see Table 3.5-6 above and Appendix C, Traffic Impact Study, Table 10-1). Despite the increased traffic, these intersections still would not have peak hour traffic levels that warrant the installation of signals, and constraints on potential improvements to the Veterans Way and Fifth Street intersection would remain. An all-way stop control or a roundabout would be constructed at Veterans Way and Third Street. All-way stop control would not be warranted for the minimum 8 hours per day. A single-lane roundabout is potentially feasible from a geometric standpoint and is expected to operate at an acceptable LOS during the peak hours.

Although the project would exacerbate the existing LOS of F at Veterans Way and Fifth Street during the a.m. peak hour and contribute to cumulative effects at all study intersections, the City permits a lower LOS where there is inadequate right-of-way to provide improvements. This is the case at Clovis Avenue and Fifth Street and at Clovis Avenue and Third Street, where the location of buildings and required building setbacks impose constraints.

In addition, the City permits a lower LOS in instances that would result in other public benefits. As discussed in Chapter 2, Section 2.3, *Project Overview*, the Landmark Commons Civic Center North project would provide numerous public benefits, specifically a senior activity center and clinic that would offer services to as many as 500 people per day, a county regional branch library that would replace a smaller facility, a transit center that would serve as a hub for bus riders, and a public plaza. Furthermore, Circulation Element Policy 3.3 prioritizes pedestrians, bicyclists, and mass transit ahead of motorists for transportation decisions in Old Town Clovis. One of the project's objectives is to optimize public transit, pedestrian, and bicycle access to the site, and the services that would be provided there.

Considering the City's policies and with implementation of the roundabout, the impact on the circulation system would be less than significant.

Impact TRA-2: Conflict with an applicable congestion management program (less than significant impact)

Fresno County and its cities, including Clovis, have exempted themselves from state requirements for adopting a congestion management program. However, as explained the *Regulatory Setting* section, the 2014 RTP includes a CMP that Fresno COG prepared pursuant to federal law. The effects of Site Plan 1 and Site Plan 2 are the same because the two plans generate the same amount of traffic and affect the same streets.

The project would help implement several CMP strategies. Specifically, the project would improve transit passenger amenities at a transit station, which is a CMP strategy. Furthermore, the project meets the CMP definitions of mixed-use development, infill and redevelopment, and transit-oriented development, all of which are part of CMP strategies. The project also would help meet 2014 RTP goals for a multimodal transportation system.

One goal of the 2014 RTP regards an acceptable LOS for the street and road network, and Third Street and Clovis Avenue in the project vicinity are defined as regionally significant roads under the CMP. As discussed under Impact TRA-1, the project would contribute to a decrease in the LOS at intersections on Third Street and Clovis Avenue. However, considering Policies 2.1 and 3.3 in the City's Circulation Element, which permit a lesser LOS in circumstances that apply to this project, and the implementation of the roundabout at the affected intersection of Veterans Way and Third Street by 2039, the project would not conflict with a congestion management program. Therefore, the impact on a congestion management program would be less than significant.

Impact TRA-3: Potential to cause a change in air traffic patterns that results in substantial safety risks (no impact)

The project would consist of one-story buildings, surfacing parking lots, and landscaping. The nearest airport, Fresno-Yosemite International Airport, is located approximately 3 miles south of the project area. The project would not result in new obstructions to air traffic, the project would have no effect on air traffic patterns.

Impact TRA-4: Result in a substantial increase in hazards because of a design feature (e.g., sharp curves, dangerous intersections) or incompatible uses (e.g., farm equipment) (less than significant impact with mitigation)

The project would likely increase bicyclist and pedestrian use of Clovis Old Town Trail, an increase that would help meet a project objective of optimizing pedestrian and bicyclist access to transit and goals of the *Central Clovis Specific Plan* that are enumerated under *Regulatory Setting* in Section 3.4.1, *Existing Conditions*. However, the project also would contribute to an increase in motor vehicle traffic on Third and Fifth Streets, both of which the multiple-use Clovis Old Town Trail crosses without controls on the streets. The effects of Site Plan 1 and Site Plan 2 would be the same.

Construction of a roundabout at the intersection of Veterans Way and Third Street by 2039 as required under Mitigation Measure TRA-1, would minimize the crosswalk length across Third Street. The roundabout would have narrow lanes and a pedestrian refuge in the splitter island that allows pedestrians and bicyclists to cross against only one direction of vehicular travel at a time, which would be a safety improvement. In addition, Mitigation Measure TRA-2 would require installation of signage and pavement markings on Clovis Old Town Trail and Third Street to warn pedestrians, bicyclists, and motor vehicle operators to be alert for each other and to share space.

The project also could result in additional conflicts between pedestrians and cyclists on the Clovis Old Town Trail and motor vehicle drivers on Fifth Street. Those conflicts could be reduced with installation of signage and pavement markings, as required under Mitigation Measure TRA-2.

With implementation of Mitigation Measure TRA-1, the impact related to street hazards would be less than significant.

Mitigation Measure TRA-1: Provide appropriate pedestrian and bicycle signage and pavement markings

In accordance with the *California Manual on Uniform Traffic Control Devices for Streets and Highways*, the City will install appropriate signage and pavement markings at the intersections of Clovis Old Town Trail and Third Street, and Clovis Old Town Trail and Fifth Street. The signage and pavement markings shall be installed prior to operation of any portion of the project.

Impact TRA-5: Cause inadequate emergency access (less than significant)

Although the proposed project would contribute additional vehicles to streets in the project vicinity, the design of streets would not change in a way that would impair emergency response. Emergency response from the Clovis Fire Department and Clovis Police Department would remain the same as under existing conditions. In the event of a countywide emergency, the state highways would serve as primary evacuation routes. The closest highway is SR 168, which is nearly 1 mile from the project site and which would be unaffected by the project.

The project itself has been designed to accommodate access by and movement of buses, which means fire trucks and other emergency vehicles would have similar access. This is true of both Site Plan 1 and Site Plan 2. An existing alley along the eastern edge of the project site connects to Third Street on the south and Osmun Circle on the north. This alley would remain in place and provide secondary access to the project site.

The roundabout at the intersection of Veterans Way and Third Street will be designed to accommodate bus movements, which would help ensure emergency vehicle access through the intersection. In addition, roundabouts reduce vehicle speed, which makes roundabouts safer than signalized intersections for emergency vehicle operators to negotiate (Transportation Research Board 2010b: 2-20). Therefore, the impact would be less than significant.

Impact TRA-6: Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (less than significant with mitigation)

The project is intended to improve public transit facilities, and the City choose a project site adjacent to the multiple-use Clovis Old Town Trail to optimize pedestrian and bicyclist access to transit. These project intents are consistent with the 2014 RTP goals, CMP strategies, and *Clovis General Plan* goals and policies outlined under *Regulatory Setting* in Section 3.4.1, *Existing Conditions*. The effects of Site Plan 1 and Site Plan 2 are the same because the two plans generate the same amount of traffic and affect the same streets.

As discussed under Impact TRA-4, the project has the potential to increase both the number of pedestrians and bicyclists in the project vicinity, and the number of motor vehicles. The increases could result in conflicts between pedestrians and bicyclists on the Clovis Old Town Trail, and motor vehicles on Third Street and Fifth Street, which Clovis Old Town Trail crosses without traffic

controls on the streets. The implementation of Mitigation Measure TRA-1 would reduce the impact related to those conflicts to a less-than-significant level.

Mitigation Measure TRA-1: Provide appropriate pedestrian and bicycle signage and pavement markings

See Mitigation Measure TRA-1 under Impact TRA-4.

3.5.3 References Cited

Printed References

City of Clovis. 2016a. *Central Clovis Specific Plan*. Draft. November 7.

City of Clovis. 2016b. *Clovis Active Transportation Plan*. Prepared by Fehr and Peers. October.

Fresno Council of Governments. 2009. *Congestion Management Process*. October. Fresno, CA.

Fresno Council of Governments. 2014. *2014 Regional Transportation Plan and Sustainable Communities Strategy*. Adopted June 26. Fresno, CA.

Transportation Research Board. 2010a. *Highway Capacity Manual*.

Transportation Research Board 2010b. *Roundabouts: An Informational Guide*. National Cooperative Highway Research Program Report 672. Second Edition. Washington, D.C.

**REAL PROPERTY EXCHANGE AGREEMENT
CITY OF CLOVIS AND DEBENEDETTO**

This Real Property Exchange Agreement (“Agreement”) is entered into between the City of Clovis, a California general law city and municipal corporation (“City”) and DeBenedetto Properties Ltd., a California limited partnership (“DeBenedetto”), Effective as of the date signed by City (“Effective Date”) with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

A. City owns real property at the Southeast corner of Clovis and 3rd Avenues, in the City of Clovis, County of Fresno, California, consisting of approximately 5.7 acres, as described and depicted in **Attachment 1 (“Parcel A”)**. Parcel A is currently vacant land, upon which City intends to develop its Civic Center North complex to be called Landmark Commons consisting of a new County library, new City Senior Activity Center, and new City Transit Center.

B. DeBenedetto owns real property directly North of Parcel A, in the City of Clovis, County of Fresno, California, consisting of approximately 4.1 acres, as described and depicted in **Attachment 2 (“Parcel B”)**. DeBenedetto currently leases Parcel B to the Walter C. Smith Company for an underground boring business and pipe storage facility.

C. City and DeBenedetto have discussed a property exchange involving an approximate .40 acres (17,424 square foot) portion of Parcel A (“**Parcel A Exchange**”) and an approximate .25 acres (10,890 square foot) portion of Parcel B (“**Parcel B Exchange**”) to assist City with development of its Civic Center North complex and to provide DeBenedetto with better future development options for Parcel B. Parcel A Exchange is described and depicted in **Attachment 3** and Parcel B Exchange is described and depicted in **Attachment 4**.

D. The intent is for the property exchange to be an exchange with no purchase price due either party, under the terms and for the additional consideration set forth in this Agreement, all for the mutual benefit of the parties and in the public interest of the City. For the purposes of this Agreement and Title Insurance, Parcel A Exchange has an agreed upon value of \$203,625 and Parcel B Exchange has an agreed upon value of \$203,625. Exchange Parcel A is considered to have a lesser value due to it appearing to having drainage issue. Given the respective benefits and obligations of the parties, the parties acknowledge that City’s commitments under this Agreement shall not be considered public assistance towards DeBenedetto’s future development of Parcel B.

E. A new “**Parcel Map**” and/or “**Lot Line Adjustments**” (to be added as **Attachment 5**) will be prepared to memorialize the division of Parcel A into two parcels necessary for the Civic Center North complex and to reflect the property exchange. The Parcel Map or Lot Line Adjustments will be recorded concurrently with Closing. For the purposes of this Agreement, after the property exchange is completed, the Parcel B and Parcel A Exchange parcel will remain separate parcels referred to as the “**DeBenedetto Parcels**” and the remaining parcels will be known as “**City Parcels 1 and 2**”, all as described and depicted in the Parcel Map or Lot Line Adjustments.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, City and DeBenedetto agree as follows:

1. Property Exchange. City agrees to convey Parcel A Exchange to DeBenedetto and DeBenedetto agrees to convey Parcel B Exchange to City and at no cost to either party, except that City agrees to pay for all escrow costs associated with the exchange and the costs for processing the Parcel Map and/or Lot Line Adjustments as set forth in the Recitals. The property exchanges are contingent upon concurrent recording of the Parcel Map and/or Lot Line Adjustments. The property exchange shall be with fee simple title by grant deeds with each Parcel Exchange being transferred AS IS, with no warranties as to the condition of the property or use for its intended purposes, each party to do their own due diligence prior to the Close of Escrow.

2. Other Terms.

A. Relocation/Installation of Fence Along South Side of DeBenedetto Property; Temporary Use of City Parcel 2.

(1) Installation of Fence. City shall, at City’s sole expense, either relocate the existing fence and gate or install a new 6-foot high chain link fence with a 44-foot roll gate and one 3-foot main gate along the common property lines between the DeBenedetto Parcels and City Parcel 2 ("South Fence"), as shown in **Attachment 6**, and per the plans and specifications set forth in Attachment 6. The 44-foot roll gate and one 3-foot main gate exact location shall be mutually agreed upon before installation and shall ensure truck and trailer access to meet the needs of the DeBenedetto Parcels. DeBenedetto shall be responsible for maintenance of the Fence.

City shall control the timing of relocating/installing the South Fence, which shall occur concurrently with City constructing improvements to City Parcels 1 and 2. City shall provide DeBenedetto with not less than sixty (60) days notice of when City intends to relocate/install the South Fence.

(2) Use of City Parcel 2. Prior to City's relocation/installation of the South Fence, DeBenedetto shall have the right to use the portion of City Parcel 2 north of the existing South Fence (the Parcel B Exchange property). This will allow the current use of Parcel B by DeBenedetto to continue uninterrupted until the South Fence is relocated, including equipment storage and parking spaces. Use of the Parcel B Exchange property after Closing, and until relocation of the South Fence, shall subject to the following terms and conditions:

(a) All use shall be the same as DeBenedetto' s current use of the Parcel B Exchange property. No additional uses are permitted.

(b) DeBenedetto shall maintain the existing South Fence, all gates, and the trash enclosure.

(c) DeBenedetto agrees to hold harmless, indemnify, and defend City, its officers, employees, volunteers, and agents from any and all liability, damages, and claims arising out of DeBenedetto's use of the Parcel B Exchange property after Closing.

(d) DeBenedetto shall provide City with liability insurance in the minimum amount of \$2,000,000 covering these obligations, naming the City as an additional insured with other customary requirements, satisfactory to City's Risk Manager and City Attorney. City shall notify DeBenedetto and Title Company of the precise insurance requirements and the required insurance shall be provided concurrently with Closing.

B. Trash Enclosure. City shall construct, at City's sole expense, a new trash enclosure on the DeBenedetto Parcels ("Trash Enclosure") as shown in **Attachment 6**, and per the plans and specifications set forth in Attachment 6. The precise location and specifications for the Trash Enclosure may change as necessary to accommodate DeBenedetto's continued use of the DeBenedetto Parcels, subject to City standards. The Trash Enclosure shall be for the exclusive use of the DeBenedetto Parcels. DeBenedetto shall be responsible for maintenance of the Trash Enclosure.

City shall control the timing for installing the Trash Enclosure, which shall occur concurrently with City constructing improvements to City Parcels 1 and 2. City shall provide DeBenedetto with not less than sixty (60) days notice of when City intends to install the new Trash Enclosure

C. Phase One Environmental Assessment. If not completed prior to Closing, within sixty (60) after Closing, City shall, at City's sole expense, commence the preparation of a Phase 1 environmental assessment on the DeBenedetto Parcels. A copy of the report shall be provided to DeBenedetto upon completion.

D. Drainage. City shall provide to DeBenedetto a limited topographic survey of City Parcels after the exchange ("**Topographic Survey**") to determine existing drainage patterns in order to demonstrate that development of City Parcels after the exchange as defined herein will not adversely impact the DeBenedetto Parcels. The Topographic Survey shall be deposited into Escrow. Drainage of the DeBenedetto and City parcels after the exchange shall be per Fresno Metropolitan Flood Control District requirements. The DeBenedetto Parcels shall be allowed to drain across the City Parcels to meet Fresno Metropolitan Flood Control District requirements.

E. Removal of DeBenedetto Equipment From City Parcel 2. DeBenedetto shall, at its sole expense, relocate any parts, equipment, and materials ("**Materials**") located on Property B Exchange, but not removed prior to Closing, from City Parcel 2 within sixty (60) days of notice from City to remove. Pending removal, DeBenedetto agrees to hold harmless, indemnify, and defend City, its officers, employees, volunteers, and agents from any and all liability, damages, and claims arising out of or connected to the Materials.

F. Utilization of DeBenedetto Parcels and City Parcels 1 and 2. City and DeBenedetto shall, each at their sole expense, provide the necessary site improvements for them to utilize the DeBenedetto Parcels and City Parcels 1 and 2, all in accordance with this Agreement, City plans, zoning, standards, and building codes, and including obtaining any required permits from

applicable agencies. Each party shall be responsible for development of their property.

G. Utility Stubs to DeBenedetto Parcels. In anticipation of future development on the DeBenedetto Parcels directly benefitting City Parcels 1 and 2, and to avoid future disruption to City Parcels 1 and 2, City shall install at its expense City water and sewer stubs (“Utility Stubs”) to the DeBenedetto Parcels property line as part of the improvements to be installed by City on City Parcels 1 and 2. Utility Stubs shall be capable of serving up to 200 units, but any development on Parcel B shall be subject to the limits set forth in the General Plan and Zoning Code designations for the site at the time of development, which may be less.

In addition to the foregoing, City shall install non-City conduits for electric, gas and communications facilities (“Utility Conduits”) to the property line if City is making improvements to these facilities in areas that will directly serve the DeBenedetto Parcels. Also, the DeBenedetto Parcels are currently served by an overhead electrical service, if the City’s development requires the undergrounding of electrical utilities on the DeBenedetto Parcels as currently developed the City shall pay the cost in order to ensure the DeBenedetto Parcels are able to continue current operations.

Exhibit 6 represents tentative locations for the Utility Stubs and Conduits. Exhibit 6 is not a final site or design plan of City improvements and the exact location of the Utility Stubs and Conduits may change as the project goes through the public review and design process.

If the City does not move forward with development on City Parcels 1 and 2, this obligation shall not apply.

H. Reciprocal Access. City standards require reciprocal access among adjoining commercial, industrial, and multi-use properties. The parties also recognize that it is to their mutual benefit to have reciprocal access between City Parcel 2 and the DeBenedetto Parcels should the DeBenedetto Parcels subsequently develop with compatible uses. At the time of development of the DeBenedetto Parcels, reciprocal access will be made a condition of approval as required by City standards for the benefit of both the DeBenedetto Parcels and City Parcel 2.

3. Escrow and Closing.

A. Opening of Escrow and Close of Escrow. After the Effective Date of this Agreement, City and DeBenedetto shall open an escrow with the Clovis Office of First American Title Company (“**Title Company**”), 644 Pollasky Avenue, Clovis, California 93612 (Telephone: 559/322-1031). The escrow shall be opened upon deposit with the Title Company of one fully executed counterpart of this Agreement (“**Opening of Escrow**”).

The Parcel A Exchange and Parcel B Exchange shall close escrow (“**Closing**”) by the recordation of the grant deeds in the official records of Fresno County in accordance with the terms of this Agreement. Close of escrow shall occur within five (5) business days after all conditions set forth in this Agreement have been satisfied or waived, and shall be deemed to be the date on which the grant deeds are recorded in the Official Records of Fresno County, California. The parties anticipate escrow being in a position to close within one hundred eighty (180) days after the Effective Date. The escrow shall be in a position to close when all conditions to close are

satisfied or waived, the Title Company is prepared to issue the title policies described herein, and the Title Company is otherwise able to record the grant deeds conveying title to the Parcel A Exchange and Parcel B Exchange in accordance with this Agreement.

This Agreement shall constitute escrow instructions to the Title Company as well as the agreement for the exchange of the Parcel A Exchange and Parcel B Exchange; provided, however, City and DeBenedetto shall execute such supplementary instructions as may be necessary to carry out the terms of this Agreement or as may be reasonably requested by the Title Company prior to the Closing Date. If any term of such supplementary instructions conflict with the provisions of this Agreement, this Agreement shall control.

B. Escrow Deposit. Prior to the Close of Escrow:

(1) City shall deposit or cause to be deposited with Title Company all documents, money, and other items with the Title Company that are identified in this Agreement or required by the Title Company to effect the Close of Escrow as provided herein, including without limitation, Title Company’s estimate of City’s share of closing costs, in accordance with Section 3E below, and prorations and charges payable pursuant to this Agreement (“**City Escrow Deposit**”).

(2) DeBenedetto shall deposit or cause to be deposited with Title Company all documents, money, and other items with the Title Company that are identified in this Agreement or required by Title Company to effect Close of Escrow as provided herein, including without limitation, Title Company’s estimate of DeBenedetto’ share of closing costs, if any, in accordance with Section 3E below, and prorations and charges payable pursuant to this Agreement (“**DeBenedetto Escrow Deposit**”).

C. Closing Documents. On or before Closing, City and DeBenedetto shall deposit with Title Company the respective grant deeds duly executed and in recordable form, and City shall deposit a “**Certificate of Acceptance**” meeting the requirements of California Government Code section 27281, and in a form approved by City and acceptable to the Fresno County Recorder’s Office.

D. Delivery. After DeBenedetto and City have deposited their respective Escrow Deposits and documents described in this Agreement, including an approved Parcel Map and/or Lot Line Adjustments ready for recording, and Title Company is prepared to issue the policies of title insurance in accordance with this Agreement, Title Company shall:

(1) Record Parcel B Exchange grant deed to City and instruct the County Recorder to deliver the grant deed to City; issue a policy of title insurance to City in accordance with this Agreement; and perform such other acts as are necessary to effect the terms of the Agreement between the parties.

(2) Record Parcel A Exchange grant deed to DeBenedetto and instruct the County Recorder to deliver the grant deeds to DeBenedetto; issue a policy of title insurance to DeBenedetto in accordance with this Agreement; and perform such other acts as are necessary to

effect the terms of the Agreement between the parties.

(3) Record the Parcel Map.

E. Closing Costs. City shall be solely responsible for the expenses of escrow and closing, including, without limitation, all fees for the recording of the grant deeds and the escrow fee. City shall bear all costs of providing a CLTA policy of title insurance for the Parcel A Exchange and Parcel B Exchange. If DeBenedetto or City desires an ALTA policy of title insurance, the party requesting such insurance shall pay the difference between the cost of the CLTA policy and the ALTA policy. Property taxes on the respective property exchanges shall be prorated at the time of Closing.

F. Broker Fees and Commissions. The parties acknowledge and represent to each other that no brokers are involved in this transaction.

4. Title.

A. Title Reports. Within ten (10) days after the Opening of Escrow:

(1) City shall cause Title Company to prepare and furnish to the parties a site-specific Preliminary Title Report on Parcel A Exchange and Parcel B Exchange, which is dated not more than fifteen (15) days prior to furnishing (“**Title Report**”) along with a copy of all documents referred to as exceptions to title or other matters in the Title Report (“**Exceptions**”), and a map with all Exceptions plotted thereon. Within ten (10) days after the receipt of the Title Report, DeBenedetto and City shall give written notice to the other (“**Title Exceptions Notice**”) of any of the following:

- a. Which Exceptions are acceptable (“**Acceptable Exceptions**”); and
- b. Which Exceptions are not acceptable (“**Non-Acceptable Exceptions**”).

Within twenty (20) days after City and DeBenedetto are given the Title Exceptions Notice, City and DeBenedetto, as applicable, shall either (i) remove the Non-Acceptable Exceptions; (ii) give written assurance satisfactory to Title Company that Non-Acceptable Exceptions which are not so removed during such twenty (20) day period shall be removed prior to or concurrently with the Close of Escrow, at the expense of the party required to remove the Non-Acceptable Exceptions; or (iii) give notice to the other party of any Non-Acceptable Exceptions which the party declines to remove, in which case DeBenedetto or City, as applicable, shall accept termination of this Agreement at the option of the party requesting termination upon written notice to the other party (“**Termination Notice**”) within five (5) days after receipt of the termination notice. If Close of Escrow is delayed by the requirement that Non-Acceptable Exceptions be removed from title, the parties hereto shall mutually agree to a new date on which escrow shall close.

B. Conveyance of Title.

(1) City shall convey good and marketable title to the Parcel A Exchange by Grant Deed, subject only to the Acceptable Exceptions and real property taxes, assessments and fees, if any, not yet due and payable.

(2) DeBenedetto shall convey good and marketable title to the Parcel B Exchange by Grant Deed, subject only to the Acceptable Exceptions and real property taxes, assessments and fees not yet due and payable.

C. Title Insurance.

(1) Title Company shall issue to DeBenedetto a CLTA extended coverage policy of title insurance with total liability in the amount of \$261,360 showing marketable, insurable fee title to the Parcel A Exchange vested in DeBenedetto subject only to the Acceptable Exceptions and real property taxes, assessments and fees, if any, not yet due and payable.

(2) Title Company shall issue to City a CLTA extended coverage policy of title insurance with total liability in the amount of \$163,350 showing marketable, insurable fee title to the Parcel B Exchange vested in City subject only to the Acceptable Exceptions and real property taxes, assessments and fees, if any, not yet due and payable.

5. Conditions. Close of Escrow and each party’s obligation to exchange its respective property is subject to the satisfaction of the conditions stated herein, including City’s and DeBenedetto’s performance of all their respective obligations under this Agreement, and that all of the representations and warranties of the parties remain true as of Closing.

A. DeBenedetto Examination of Parcel A Exchange. DeBenedetto based upon the results of any and all inspections, investigations, tests and studies (including, without limitation, investigations with regard to hazardous waste, soils, seismic and geological reports, and feasibility studies (collectively “Studies”) with respect to the Parcel A Exchange as DeBenedetto may elect to make or obtain shall either approve or disapprove the exchange provided for herein and so notify City and the Title Company in writing within sixty (60) days of the Opening of Escrow. If DeBenedetto fails to provide such notice it shall be deemed to constitute DeBenedetto’s approval of the Studies or waiver of obtaining such Studies. The costs of any Studies conducted by DeBenedetto shall be borne by DeBenedetto. During the term of this Escrow, DeBenedetto, its agents, contractors, and subcontractors shall have the right to enter upon the Parcel A Exchange, at reasonable times during ordinary business hours, to make any and all Studies as may be necessary or desirable in DeBenedetto’s sole judgment and discretion. DeBenedetto shall indemnify and hold the City and the Parcel A Exchange harmless from any and all damages arising out of or resulting from the acts of negligence of DeBenedetto, its agents, contractors, and/or subcontractors in connection with such entry and/or activities upon the Parcel A Exchange.

B. City Examination of the Parcel B Exchange. City has approved the results of any and all inspections, investigations, tests and studies (including, without limitation, investigations with regard to hazardous waste, soils, seismic and geological reports, and feasibility studies (collectively “Studies”) with respect to the Parcel B Exchange as City may elect to make or

obtain. The failure of City to obtain and reasonably disapprove its Studies and so notify DeBenedetto and the Title Company in writing within sixty (60) days of the Opening of Escrow shall be deemed to constitute City's approval of the Studies or waiver of obtaining such Studies.

The costs of any Studies conducted by City shall be borne by City. During the term of this Escrow, City, its agents, contractors, and subcontractors shall have the right to enter upon the Parcel B Exchange, at reasonable times during ordinary business hours, to make any and all Studies as may be necessary or desirable in City's sole judgment and discretion. City shall indemnify and hold DeBenedetto and the Parcel B Exchange harmless from any and all damages arising out of or resulting from the acts of negligence of City, its agents, contractors, and/or subcontractors in connection with such entry and/or activities upon the Parcel B Exchange.

6. Representations and Warranties. Both parties represent and warrant that (a) their respective properties being exchanged are owned free and clear of all liens, licenses, claims, encumbrances, easements, encroachments from adjacent properties, and any rights of way, other than those disclosed by the public record; (b) they have no knowledge of any pending litigation involving the respective properties; (c) they have no knowledge of any violations of, or notices concerning defects or noncompliance with, any code, statute, regulation, ordinance, or judicial order concerning the respective properties; and (d) they have no knowledge of any material defects in the respective properties, including, but not limited to, the presence of any hazardous materials in the soil and/or water on, under, or around the respective properties. These warranties shall survive Closing and the recording of the grant deeds.

Both parties further represent and warrant that (a) they respectively have the authority to enter into this Agreement, and upon execution of this Agreement, and subject to the conditions precedent set forth herein, both parties will have full authority to carry out the provisions of this Agreement; and (b) they are exchanging and purchasing the respective properties "AS IS", and they are not relying on any representations or warranties of any kind or nature, express or implied, by or on behalf of either party concerning the respective properties, except as expressly set forth in this Agreement. These warranties shall survive Closing and the recording of the grant deeds.

City makes no representations to DeBenedetto regarding the effect of the property exchanges and purchase on the DeBenedetto tax obligations and DeBenedetto shall be solely responsible for determining what, if any, tax obligations DeBenedetto may have from the transactions.

7. Assignment. This Agreement may not be assigned without the prior written consent of the other party. Said consent shall not be unreasonably withheld provided that said assignee agrees to execute all documents and to perform all obligations as if said assignee were the original party to this Agreement.

8. Miscellaneous Provisions.

A. Further Assurances. Each party shall sign and deliver further documents, or take any further actions required to complete the property exchange and purchase described herein.

B. Notices. All notices and other communications required or permitted under this

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

DeBenedetto Properties Ltd.
849 Osmun Circle
Clovis, CA 93612

City of Clovis
1033 Fifth Street
Clovis, CA 93612

C. Entire Agreement. This Agreement, together with **Attachments 1- 6**, is the entire agreement between City and DeBenedetto regarding the exchange and purchase of the properties, and supersedes all prior discussions, negotiations, commitments or understandings, written or oral. Each Attachment referred to in this Agreement is by that reference incorporated into and made a part of this Agreement.

D. Amendment or Termination. This Agreement may only be amended or terminated by mutual written consent of City and DeBenedetto, unless otherwise expressly provided herein.

E. Successors and Assigns. This Agreement is binding upon and shall inure to the benefit of each party, and each party’s heirs, successors, assigns, transferees, agents, employees or representatives. No assignment of this Agreement is permitted without the written consent of the other party.

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

G. Governing Law and Venue. This Agreement and the legal relations between the parties shall be governed by and construed according to California law. Any action or proceeding seeking any relief under, or with respect to, this Agreement shall be brought solely in the Superior Court of the State of California for Fresno County, subject to transfer of venue under applicable State law, provided that nothing in this Agreement shall constitute a waiver of immunity to suit by the City.

H. Waiver. Any party’s waiver of a breach of any provision herein will not be a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

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

J. Interpretation. This Agreement is the result of the combined efforts of the parties. If any provision of this Agreement is found ambiguous, the ambiguity will not be resolved by construing this Agreement in favor or against any party, but by construing the terms according to their generally accepted meaning.

K. Voluntary Agreement; Representation by Counsel. The parties represent that they have read this Agreement in full and understand and voluntarily agree to all provisions herein. The Parties each further represent that prior to signing this Agreement they had the opportunity to apprise themselves of relevant information, through sources of their own selection, including

consultation with legal counsel of their choosing, if desired, in deciding whether to execute this Agreement, and each of the Parties is fully informed as to the terms, conditions and covenants of this Agreement.

Signatures on Next Page

IN WITNESS WHEREOF, City and DeBenedetto, by their signatures below, enter into this Agreement on the dates set forth below.

CITY OF CLOVIS, a California general law city and municipal corporation

DEBENEDETTO PROPERTIES LTD, a California Limited Partnership

By: Robert Woolley
Robert Woolley, City Manager

By: Anthony D. DeBenedetto
Anthony D. DeBenedetto, General Partner

Dated: 12/12, 2016

Dated: 12-7-2016, 2016

ATTEST:
By: John Holt
John Holt, City Clerk

By: Margaret A. DeBenedetto
Margaret A. DeBenedetto, General Partner

Dated: 12/7/16, 2016

APPROVED AS TO FORM:

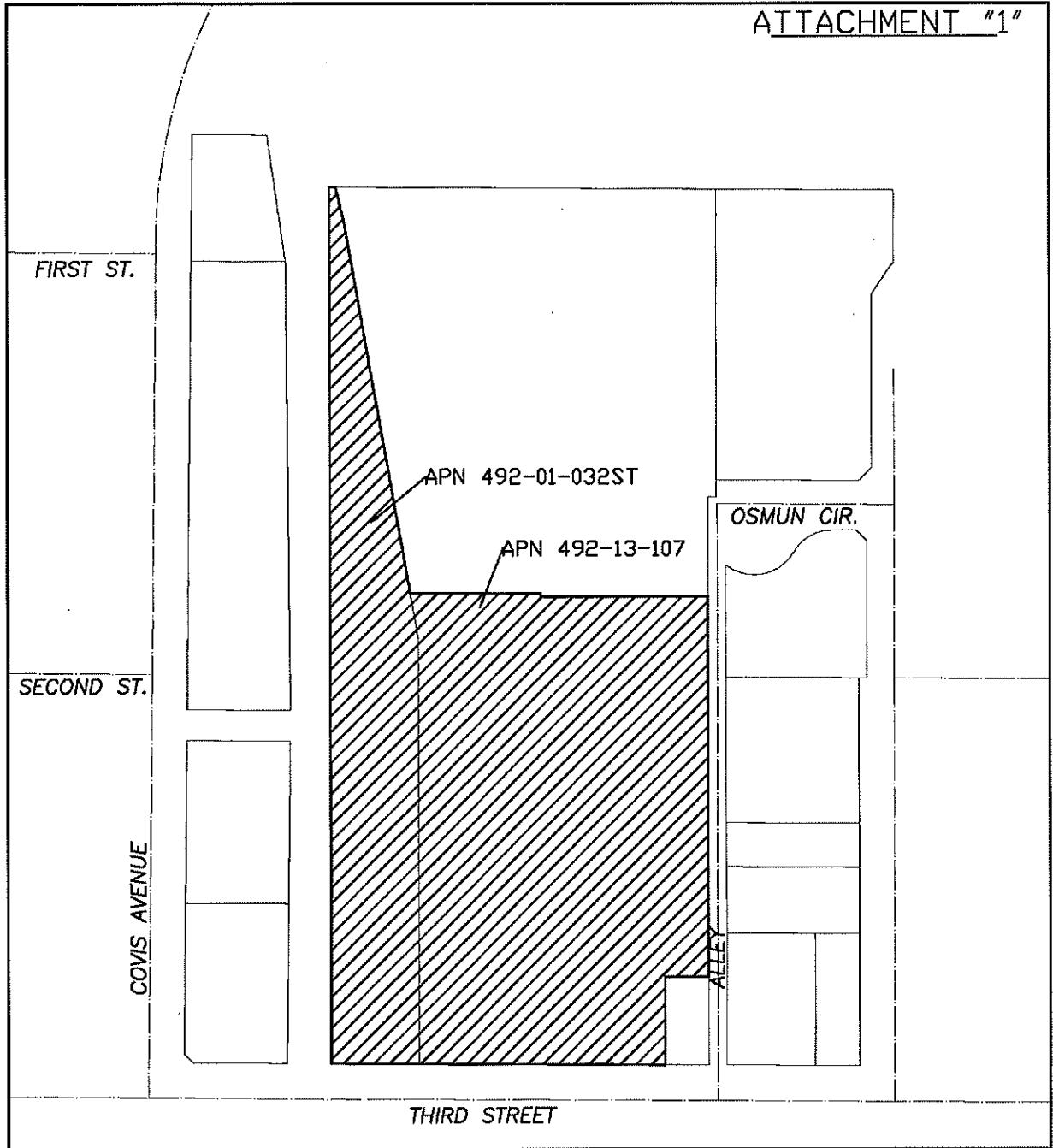
By: David J. Wolfe
David J. Wolfe, City Attorney


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ATTACHMENT 1

PARCEL A DESCRIPTION AND DEPICTION

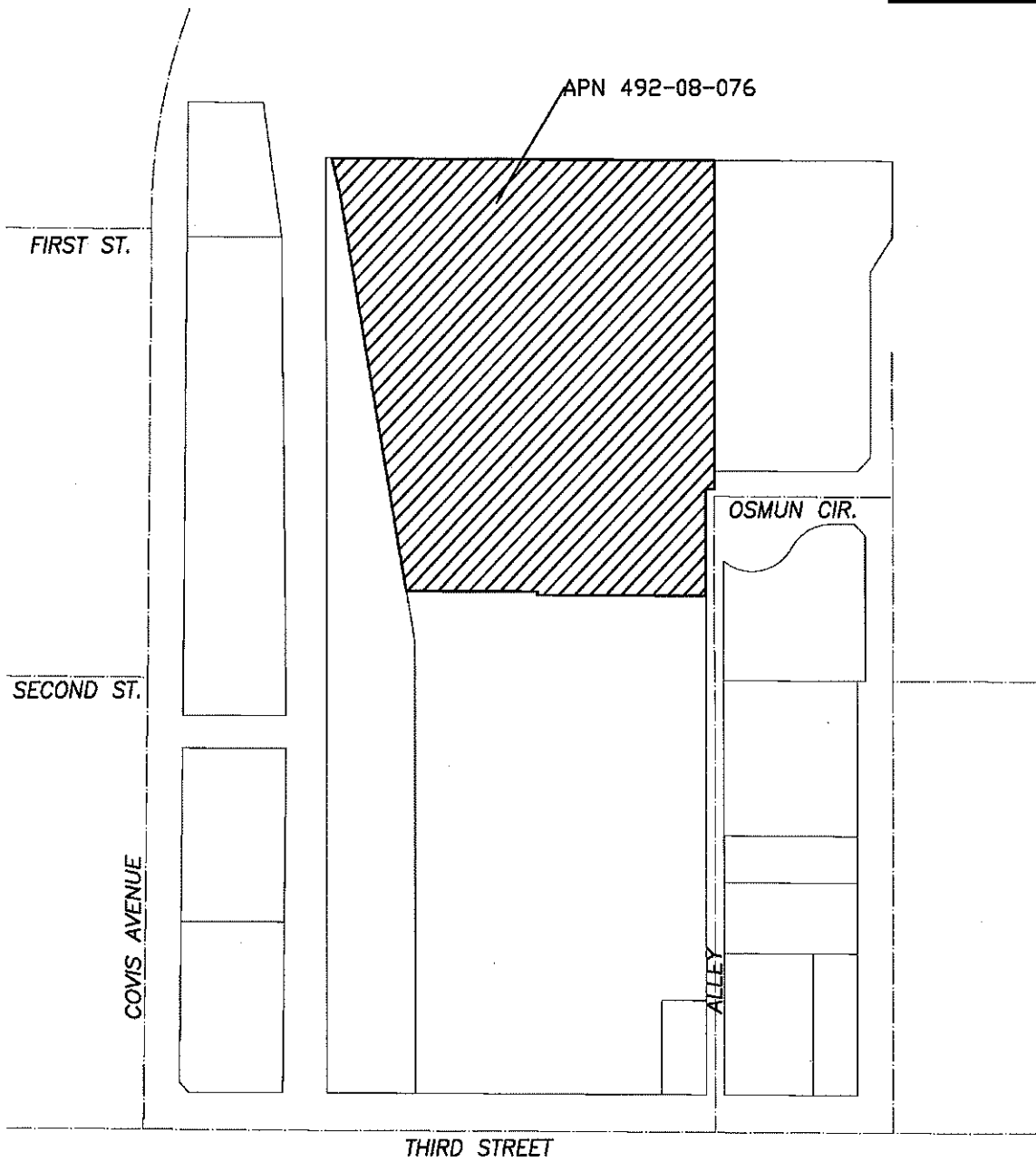
ATTACHMENT "1"




 CITY OF CLOVIS - ENGINEERING		
Firm name: _____ Address: _____ _____ Engineer: _____ RCE No. _____ Telephone No. _____	ATTACHMENT "1" PARCEL A CITY PROPERTY	Dr. by: <u>M. Holby</u> Date: <u>June 8, 2018</u> Rev. _____ NTS: SCALE _____

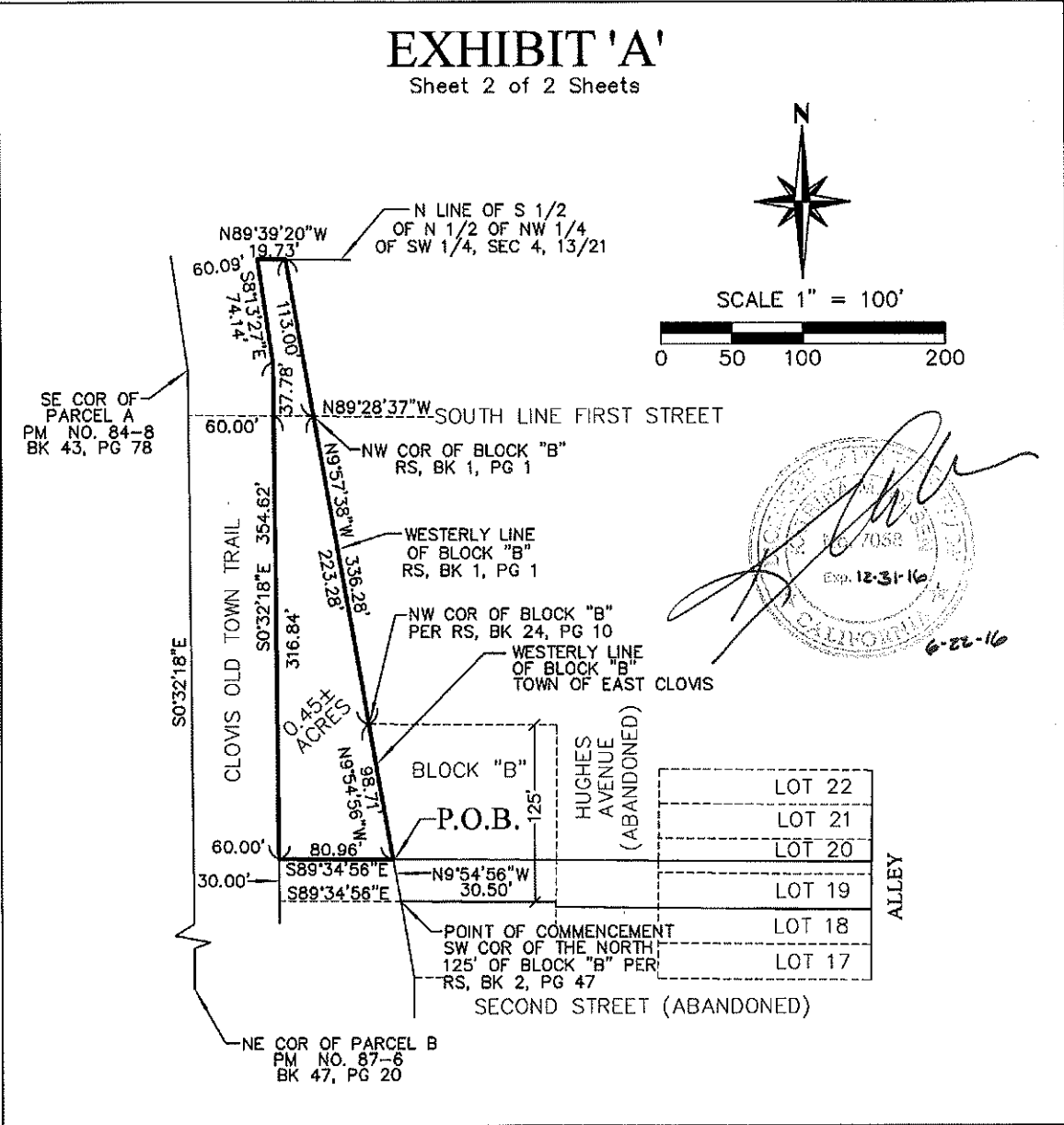
ATTACHMENT 2

PARCEL B DESCRIPTION AND DEPICTION



 CITY OF CLOVIS - ENGINEERING		
Firm name: _____ Address: _____ _____ Engineer: _____ RCE No. _____ Telephone No _____	ATTACHMENT "2" PARCEL B DE BENEDETTO	Dr. by: <u> M. Malloy </u> Date: <u> June 8, 2018 </u> Rev. _____ NTS: SCALE _____

ATTACHMENT 3
PARCEL A EXCHANGE DESCRIPTION AND DEPICTION



CITY OF CLOVIS -ENGINEERING

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

CLOVIS TO DEBENEDETTO

 A PORTION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA.

File: 115101 EXHIBITS.dwg
 Drawn By: LD
 Date: 6-22-2016
 Rev 1: _____
 SCALE AS SHOWN
 SHEET 2 OF 2

Exhibit "A"

Sheet 1 of 2 Sheets

That portion of the of the Southwest Quarter of Section 4, Township 13 South, Range 21 East, Mount Diablo Base & Meridian in the City of Clovis, County of Fresno, State of California, described as follows:

Commencing at the Southwest Corner of the North 125 feet of Block "B" of the Town of East Clovis, according to the map thereof recorded in Book 2, Page 47 of Record of Surveys, Fresno County Records, as said corner is shown on the Record of Survey Map recorded in Book 24, Page 10 of Record of Surveys, Fresno County Records; thence North 9°54'56" West along the Westerly Line of said Block "B", a distance of 30.50 feet to the TRUE POINT OF BEGINNING of this description; thence North 9°54'56" West and continuing along the Westerly Line of said Block "B", a distance of 98.71 feet to the Northwest Corner thereof as shown on the said Record of Survey Map recorded in Book 24, Page 10 of Record of Surveys; thence North 9°57'38" West along the Westerly Line of Block "B" as shown on the map of the Town of Clovis, recorded in Book 1, Page 1 of Records of Surveys, Fresno County Records, said line also being the Easterly Line of the San Joaquin Valley Railroad Company property described in Book 133, Page 438 of Deeds, Fresno County Records, a distance of 223.28 feet to the Northwest Corner of said Block "B" of said map of the Town of Clovis, said corner also being a point on the South Line of First Street as shown on said map of the Town of Clovis; thence continuing North 9°57'38" West along the Easterly Line of the San Joaquin Valley Railroad Company property, a distance of 113.00 feet to the North Line of the South Half of the North Half of the Northwest Quarter of the Southwest Quarter of Section 4, Township 13 South, Range 21 East, Mount Diablo Base & Meridian; thence North 89°39'20" West, a distance of 19.73 feet along said North Line of the South Half of the North Half of the Northwest Quarter of the Southwest Quarter of Section 4 to the Northwest Corner thereof, said point being 60.09 feet distant from the Easterly Line of Parcel A of Parcel Map No. 84-8, recorded in Book 43, Page 78 of Parcel Maps, Fresno County Records; thence South 8°13'27" East, a distance of 74.14 feet along a line parallel with and 60.09 feet distant from said Easterly Line of Parcel A of Parcel Map No. 84-8 to its intersection with a line parallel with and 60 feet east of a line from the Southeast Corner of said Parcel A of Parcel Map No. 84-8 to the Northeast Corner of Parcel B of Parcel Map No. 87-6, recorded in Book 47, Page 20 of Parcel Maps, Fresno County Records; thence South 0°32'18" East, a distance of 37.78 feet along said line to the projection of the South Line of First Street as shown on aforementioned map of the Town of Clovis; thence continuing South 0°32'18" East along the said line, a distance of 316.84 feet to a point 30 feet north of the westerly extension of the Southerly Line of aforementioned North 125 feet of Block "B" of the Town of East Clovis; thence South 89°34'56" East and parallel with said westerly extension, a distance of 80.96 feet to the Point of Beginning.

Contains 0.45 Acres more or less



June 22, 2016
Katrina M. Olsen, LS 7058
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1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
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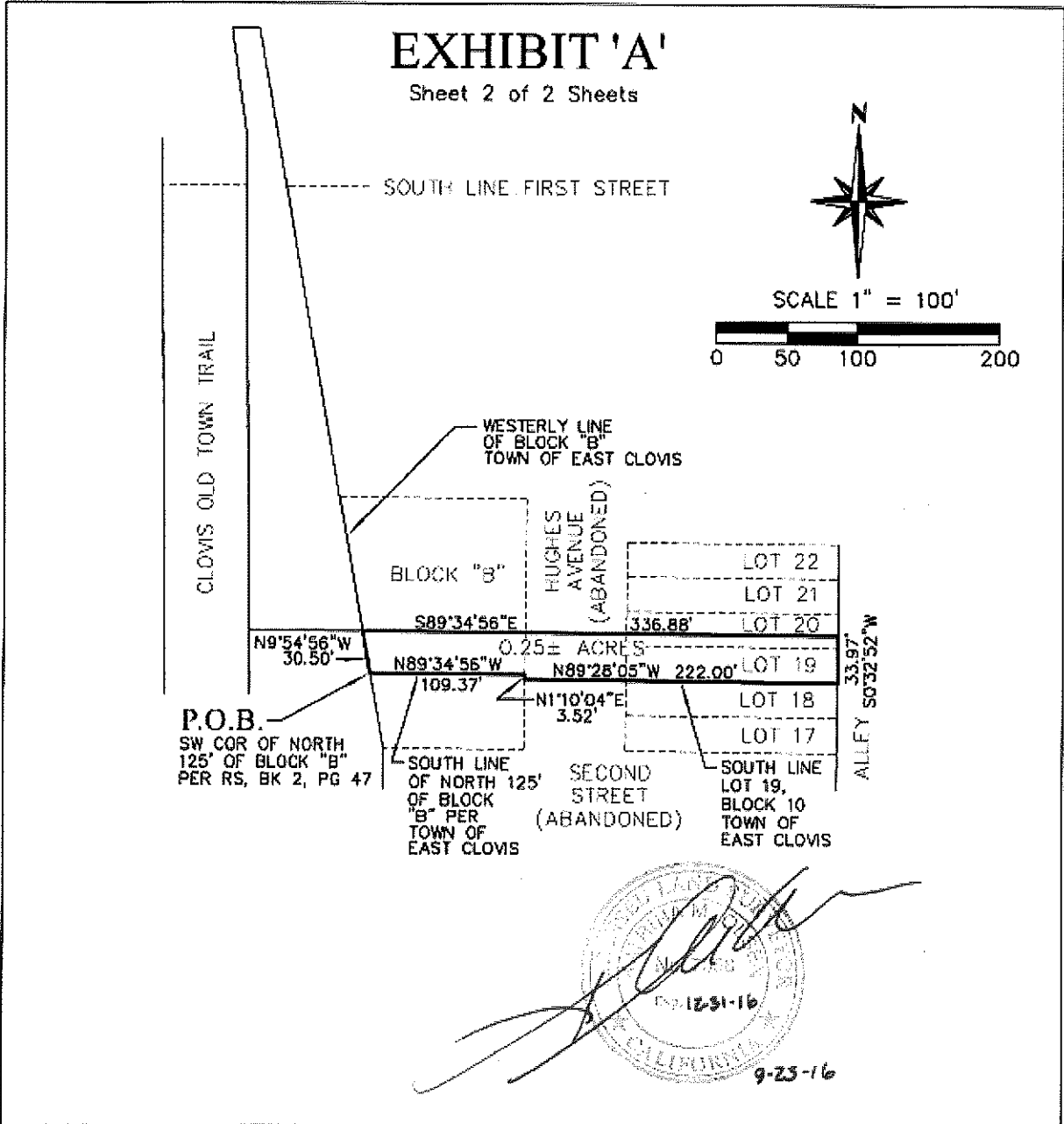
Job No. 115101

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Sheet 1 of 2 Sheets

ATTACHMENT 4

PARCEL B EXCHANGE DESCRIPTION AND DEPICTION



<h2 style="margin: 0;">CITY OF CLOVIS -ENGINEERING</h2>		
<p>Firm Name: <u>MCPHEETERS & ASSOC.</u> Address: <u>1486 TOLLHOUSE ROAD, #107</u> <u>CLOVIS, CA 93611</u></p> <p>R.C.E. or L.S. <u>KATRINA M. OLSEN</u> License No. <u>LS 7058</u> Telephone No. <u>(559) 299-8098</u></p>	<h3>DEBENEDETTO TO CLOVIS</h3> <p>A PORTION OF THE TOWN OF EAST CLOVIS, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, RECORDED IN BOOK 2, PAGE 47 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p>	<p>File: <u>115101 EXHIBITS.dwg</u> Drawn By: <u>LD / KMO</u> Date: <u>9-23-2016</u> Rev 1: _____</p> <p style="text-align: center;">SCALE AS SHOWN SHEET <u>2</u> OF <u>2</u></p>

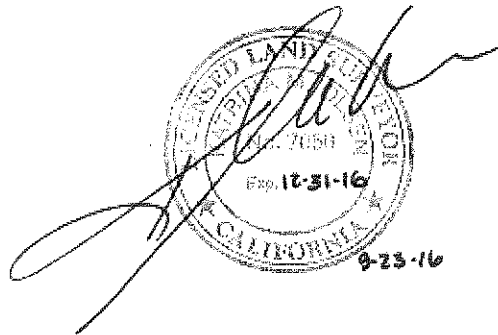
Exhibit "A"

Sheet 1 of 2 Sheets

That portion of the Town of East Clovis, in the City of Clovis, County of Fresno, State of California, according to the map thereof recorded in Book 2, Page 47 of Record of Surveys, in the Office of the County Recorder of said county, described as follows:

BEGINNING at the Southwest Corner of the North 125 feet of Block "B" of said Town of East Clovis as shown on the Record of Survey Map recorded in Book 24, Page 10 of Record of Surveys, Fresno County Records; thence North 9°54'56" West along the westerly line of said Block "B", a distance of 30.50 feet; thence South 89°34'56" East along a line parallel with the south line of said Block "B" and the extension thereof across Hughes Avenue and Lot 20 of Block 10 of the Town of East Clovis, a distance of 336.88 feet to the east line of said Lot 20; thence South 0°32'52" West along the east line of Lots 20 and 19 of said Block 10, a distance of 33.97 feet to the Southeast Corner of said Lot 19; thence North 89°28'05" West along the south line of said Lot 19 and the extension thereof across Hughes Avenue, a distance of 222.00 feet to the east line of Block "B"; thence North 1°10'04" East, a distance of 3.52 feet to the Southeast Corner of the North 125 feet of Block "B"; thence North 89°34'56" West along the south line of the North 125 feet of Block "B", a distance of 109.37 feet to the Point of Beginning.

Contains 0.25 Acres more or less



September 23, 2016
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Job No. 115101

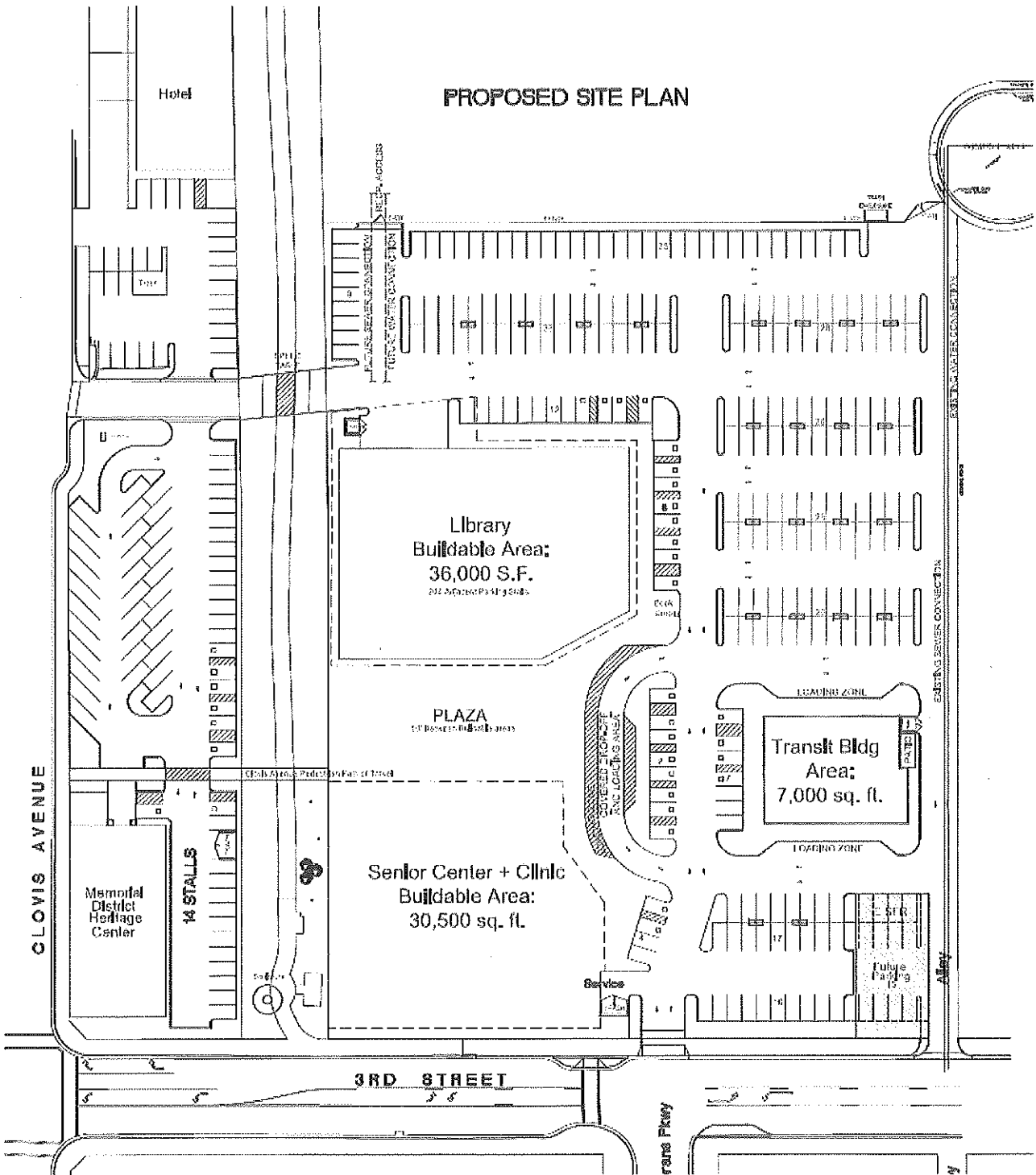
ATTACHMENT 5

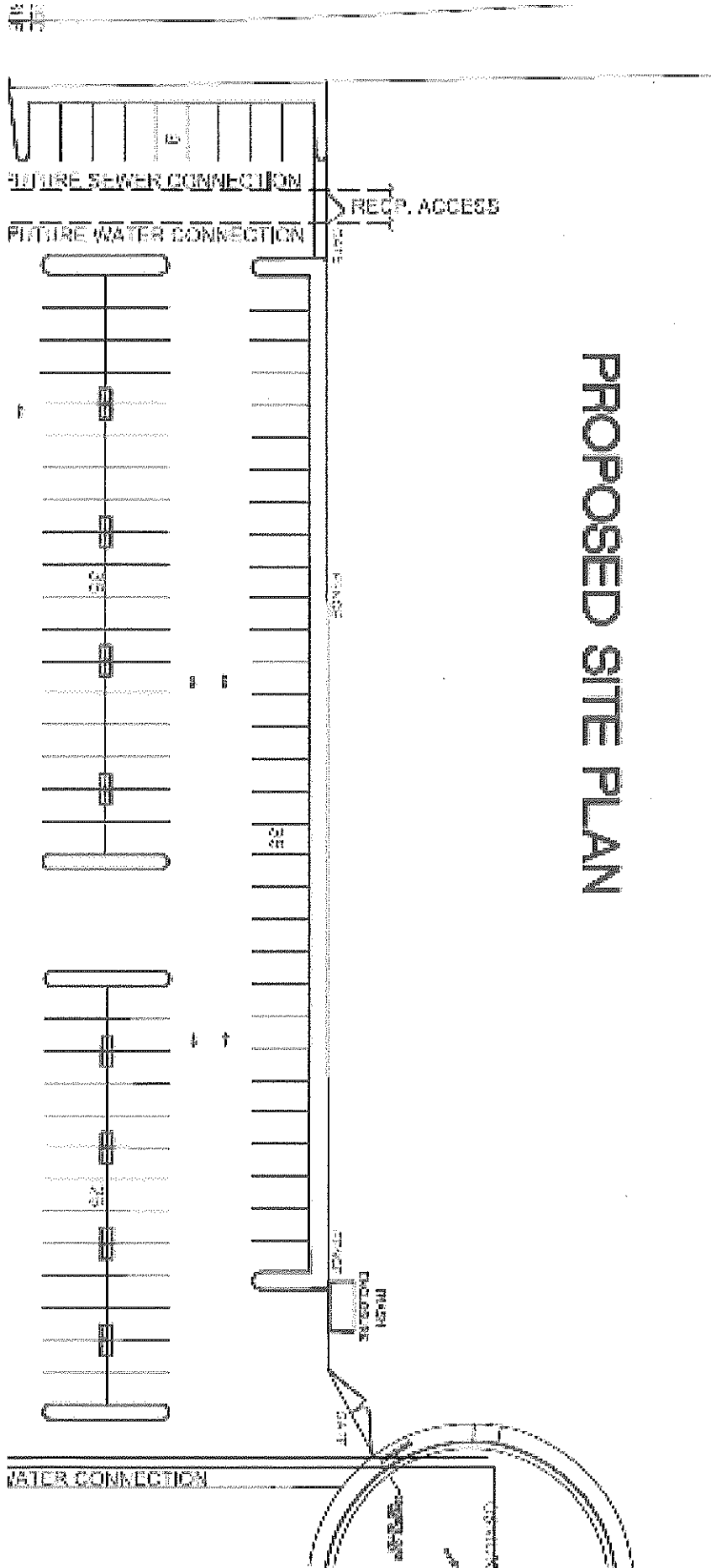
PARCEL MAP AND/OR LOT LINE ADJUSTMENTS

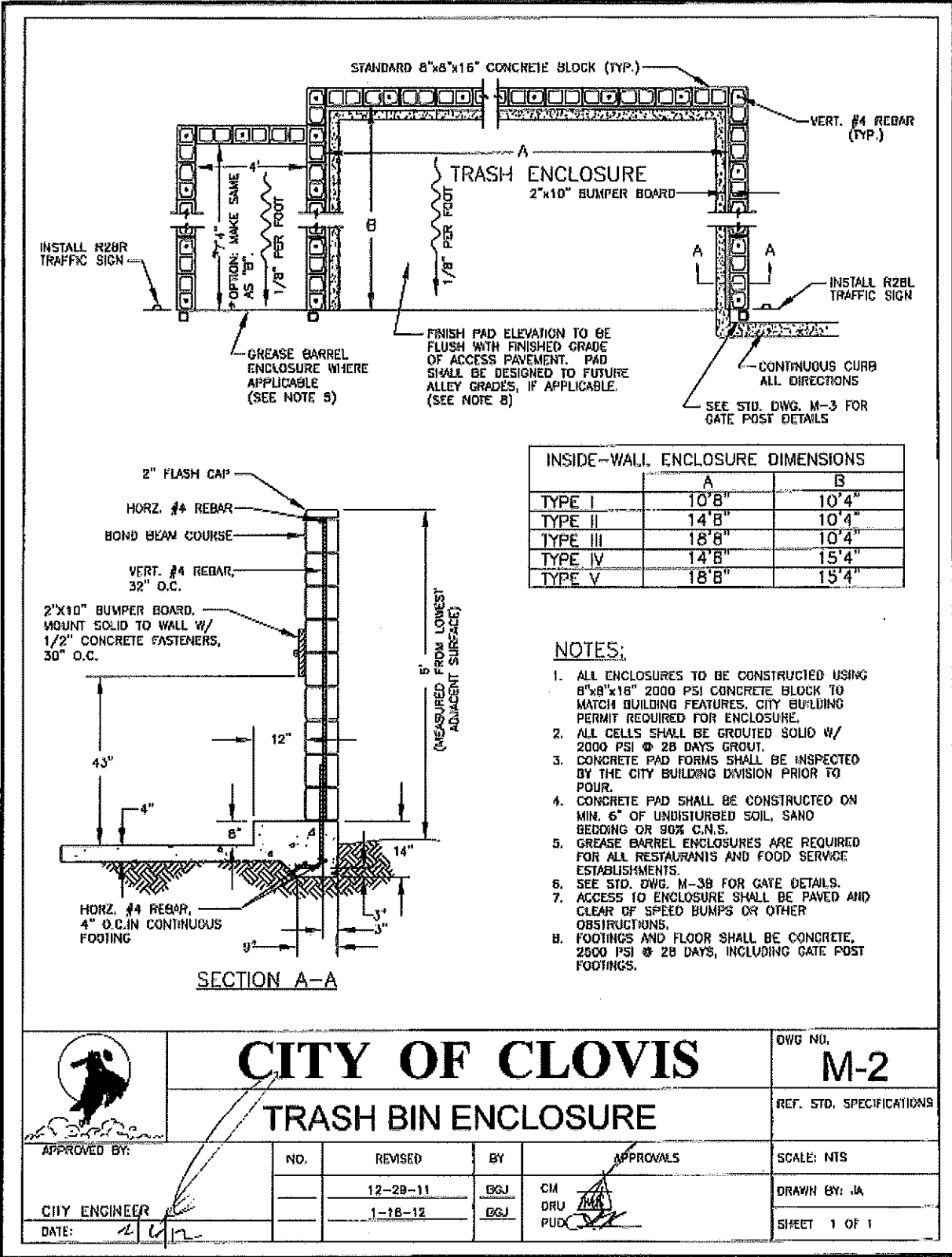
(TO BE ADDED PRIOR TO CLOSING)

ATTACHMENT 6

**PLANS AND SPECIFICATIONS FOR
SOUTH FENCE, GATES, TRASH ENCLOSURE, AND UTILITY
STUBS AND CONDUITS**









CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 7, 2018

SUBJECT: Consider - League of California Cities' Annual Resolutions set for Consideration at the Annual Conference on October 16-18, 2019

Staff: Luke Serpa, City Manager
Recommendation: Consider

ATTACHMENTS: 1. Packet of Resolutions

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider the League of California Cities' Annual Resolutions set for approval at the Annual Conference on October 16-18, 2019, and provide policy direction for voting delegates.

EXECUTIVE SUMMARY

Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolutions and provide policy direction to the City's voting delegate. On September 3, 2019, Council assigned Councilmember Mouanoutoua as the voting delegate and Councilmember Whalen as the alternate.

BACKGROUND

Resolutions of policy action to come before the League of Cities' Board of Directors are submitted each year to a vote by cities at the Annual Business Meeting of the League of California Cities to occur during the Annual Conference from October 16-18, 2019. There

are two resolutions this year for consideration for voting by the delegation. The City will have one voting delegate at the Annual Business Meeting and any policy direction with respect to the resolution should be provided to the voting delegate in advance of the meeting.

Resolution No. 1: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Summary - This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background - Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities.

The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of 'if' a wildfire will strike, but 'when.'"

Staff Recommendation:

In 1982 in conjunction with the State and the League of California Cities, Rule 20 was established. This law required the California Public Utility Commission to require local utility companies to allocate a certain amount of money each year for underground utility

line conversion projects. The law allows the Commission to authorize the utility companies to recover their cost from the ratepayers.

Because ratepayers contribute the bulk of the costs of Rule 20A programs through utility rates, undergrounding projects currently must be in the public interest by meeting one or more of the following criteria:

1. Eliminate an unusually heavy concentration of overhead lines;
2. Involve a street or road with a high volume of public traffic;
3. Benefit a civic or public recreation area or area of unusual scenic interest;
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

The determination of "general public interest" under these criteria is made by the local government, after holding public hearings, in consultation with the utilities.

Currently the list of underground projects meeting the above criteria has an estimated cost of over \$1 Billion dollars. The utility companies currently only contribute \$120 Million annually for the program. By adding the fifth category (allowing for the undergrounding of overhead electrical lines in fire prone areas deemed high hazard), the estimated cost for projects would more than double the current amount to \$2 Billion dollars. This is only a rough estimate since it is unclear what the actual costs would be and how many miles of overhead lines would need to be placed underground. Since the rate payers from throughout the state pay into this fund, but only about a third are in wild fire prone areas, this could be viewed as passing on the costs to others who don't have these risks.

All Fire Agencies are in favor of reducing the wild fire risk and obviously undergrounding electrical lines in the wildland area which would significantly reduce these risks. Almost all of the electrical lines in the wildland area are currently above ground, so this is the reason why the costs would be so high. The question this change does not answer is what will the rate payer have to pay and would the lines in high hazard wild prone areas move to the top of the list. These are the concerns that appear to be unanswered in the proposed resolution. Therefore, staff is recommending taking no position on this resolution.

Resolution No. 2: A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Summary - This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background - The League of California Cities' San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an "impaired water body" because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Staff Recommendation:

This resolution seems to be very narrow in focus and only affecting the southern border jurisdictions within the San Diego area. It recommends funding and working with Mexico to stop the contaminant flow from the Tijuana River in Mexico into California border towns. There is no direct impact on the City of Clovis. Therefore, staff is recommending taking no position on this resolution.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The City Council should provide policy direction to the City's voting delegate to the Annual Business Meeting concerning policies of the League on behalf of all cities in the state.

ACTIONS FOLLOWING APPROVAL

The City Manager will follow up with any action as directed by the City Council.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League’s regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League’s seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee 2 – General Resolutions Committee 3 - General Assembly		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee’s page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study
- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process.](#)

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian’s report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC’s recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set “called out” reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after ‘called out’ reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California’s Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor’s Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California’s fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities’ funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California’s wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a “comprehensive roadmap” to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom’s Wildfire Strike Force program report concludes, “It’s not a question of “if” wildfire will strike, but “when.”

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state’s population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire’s maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC’s Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government’s Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities’ service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E’s Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E’s annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor’s Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, “The Billion Dollar Risk,” California Public Utilities Commission.
[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the [High Fire Threat District or HFTD](#)). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled [“Conceptual Study for Undergrounding Utility Wires in Berkley.”](#) found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities’ authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city’s general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

- The City of Hidden Hills
- The City of La Cañada Flintridge
- The City of Laguna Beach
- The City of Lakeport
- The City of Malibu
- The City of Moorpark
- The City of Nevada City
- The City of Palos Verdes Estates
- The City of Rolling Hills Estates
- The City of Rolling Hills
- The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

AGENDA ITEM NO: 21.

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

AGENDA ITEM NO: 21.

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

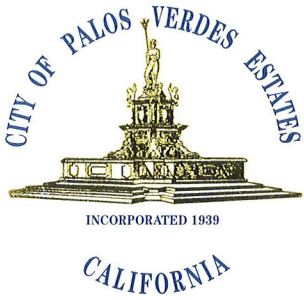
The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF

Palos Verdes Estates

AGENDA ITEM NO: 21.

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore

293



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

AGENDA ITEM NO: 21.

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor



July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.


Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California’s coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California’s environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency’s (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State’s primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California’s southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.

Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution’s language. In current form, the resolution’s resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including* ~~to the U.S–Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California’s southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

- The City of Calexico
- The City of Coronado
- The City of Imperial Beach
- The City of San Diego

In their individual capacity:

- Amanda Young Rigby, City of Vista Council Member
- Bill Baber, City of La Mesa Council Member
- Consuelo Martinez, City of Escondido Deputy Mayor
- George A. Nava, City of Brawley Council Member
- John Minto, City of Santee Mayor
- Judy Ritter, City of Vista Mayor
- Luke Hamby, City of Brawley Council Member
- Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore
- Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92510
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

AGENDA ITEM NO: 21.

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO



David Dale
City Manager

Cc: Honorable Mayor Bill Hodge



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division’s resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state’s water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California’s southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,


Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

AGENDA ITEM NO: 21.

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach,

AGENDA ITEM NO: 21.

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

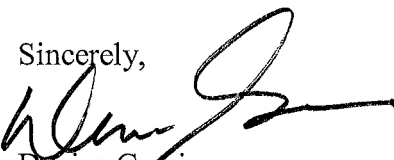
The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





AMANDA YOUNG RIGBY
CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;


As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION

Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,



Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

AGENDA ITEM NO: 21.

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



AGENDA ITEM NO: 21.
CITY OF SANTEE

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER
MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

AGENDA ITEM NO: 21.

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

AGENDA ITEM NO: 21.

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

AGENDA ITEM NO: 21.

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley