



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

June 6, 2022

6:00 PM

Council Chamber

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

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/agendas.

Written Comments

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

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



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic

Webex Participation

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

CALL TO ORDER

FLAG SALUTE - Councilmember Whalen

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- [1.](#) Presentation of Proclamation Declaring June as Men's Health Month.

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

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

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

2. Administration - Approval - Minutes from the May 16, 2022, Council Meeting.
3. Planning and Development Services - Approval – Final Acceptance for CIP 21-23 Bus Bay at the Department of Social Services.
4. Planning and Development Services - Approval – Bid Award for CIP 20-05, Video Vehicle Detection Replacement, and authorize the City Manager to execute the contract on behalf of the City.
5. Planning and Development Services - Approval – Res. 22-____, Final Map Tract 6277, located at the northeast corner of North Locan Avenue and Teague Avenue (Tarlton Fresno, LLC).
6. Planning and Development Services - Approval – Res. 22-____, Annexation of Proposed Tract 6277, located at the northeast corner of North Locan Avenue and Teague Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Tarlton Fresno, LLC).
7. Public Utilities – Approval – Contract Award for CIP 22-03, Dry Creek Playground Resurfacing; and Approval – Authorize the City Manager to Execute the Contract on Behalf of the City.

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

8. Consider Approval – Res. 22-____, A resolution approving various actions related to a proposed general tax ballot measure for the November 8, 2022, General Municipal Election:
 - a. Calling and giving notice of the November 8, 2022, General Municipal Election to present a general tax measure proposing a two percent (2%) increase to the City's Transient Occupancy Tax (TOT or Hotel Tax);
 - b. Requesting consolidation of the Clovis Municipal Election with the Statewide General Election to be held on the same date;
 - c. Requesting that the Fresno County Board of Supervisors authorize the Fresno County Clerk to render specified services to the City of Clovis relating to the conduct of the General Municipal Election;
 - d. Approving the proposed ballot measure description;
 - e. Authorizing the City Attorney to prepare the impartial analysis.

Staff: Karey Cha, City Clerk
Recommendation: Approve

9. Consider Actions related to Annexation of Territory (Annexation #73, T6208 – Northwest Corner Dakota/Highland, T6203 – Northwest Corner Dakota/Thompson, T6161 – Southeast Corner Ashlan/Thompson, & T6340 Southeast Corner Ashlan/Thompson) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 22-____, A Resolution annexing territory (Annexation #73) (T6208 – Northwest Corner Dakota/Highland, T6203 – Northwest Corner Dakota/Thompson, T6161 – Southeast Corner Ashlan/Thompson, & T6340 Southeast Corner Ashlan/Thompson) 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 #73) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 22-____, 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

10. Consider Approval – Declare Results of Election Regarding an Assessment Increase in Landscape Maintenance District No. 1; and Res. 22-____, A Resolution Confirming the Diagram and Assessments for the 2022-23 Annual Levy for Landscape Maintenance District No. 1.

Staff: Glenn Eastes, Assistant Public Utilities Director

Recommendation: Approve

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

11. Consider – A request from Clovis-Big Dry Creek Historical Society for the City Council to Create a Historical Preservation Commission.

Staff: Andrew Haussler, Assistant City Manager

Recommendation: Consider request and provide direction

COUNCIL ITEMS

12. Consider Approval – To submit a letter of Opposition for Assembly Bill 2550- Arambula, State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.

Staff: John Holt, City Manager

Recommendation: Approve

13. Consider Approval – To submit a letter of Opposition for Assembly Bill 2011- Wicks, Affordable Housing and High Road Jobs Act of 2022.

Staff: John Holt, City Manager

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

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

14. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: John Holt, Andrew Haussler, Jeffrey Blanks, Shonna Halterman, Lori Shively, Scott G. Cross, Mary Lerner, John Binaski, Curt Fleming.
Employee Organization: Clovis Police Officers Association, Clovis Firefighters Association, Clovis Employees Association, Clovis Public Works Employees Association, Clovis Public Safety Employees Association, Clovis Professional and Technical Employees Association, Clovis Transit Employees Bargaining Unit, Clovis Technical and Financial Professionals Association, and Unrepresented Employee: Management Employees
15. Government Code Section 54957
Public Employee Performance Evaluation
Title: City Manager

ADJOURNMENT

MEETINGS AND KEY ISSUES

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

June 13, 2022 (Mon.) Budget Adoption
June 20, 2022 (Mon.)
July 5, 2022 (Tue.)
July 11, 2022 (Mon.)
July 18, 2022 (Mon.)

CITY of CLOVIS
PROCLAMATION

Declaring June as Men's Health Month

WHEREAS, despite advances in medical technology and research, men continue to live an average of five years less than women, with Native American and African-American men having the lowest life expectancy; and

WHEREAS, COVID-19 variants continue to spread across the country, with the Centers for Disease Control reporting that males are more likely to die from this pandemic; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, fathers who stay connected to their children and maintain a healthy lifestyle are role models for their children and have happier, healthier children; and

WHEREAS, Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, the Men's Health Month website has been established at www.MensHealthMonth.org and features resources, proclamations, and information about awareness events and activities, including Wear Blue Day (www.WearBlueDay.com); and


WHEREAS, Clovis' Men's Health Month will focus on a broad range of men's health issues, including heart disease, mental health, diabetes, and prostate, testicular and colon cancer; and

WHEREAS, the citizens of Clovis are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups.

NOW, THEREFORE, BE IT PROCLAIMED, that the Clovis City Council, does Declare June as

Men's Health Month

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 6th day of June, 2022.



Mayor

CLOVIS CITY COUNCIL MEETING

May 16, 2022

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Flores at 6:02
Flag Salute led by Councilmember Mouanoutoua

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

PRESENTATION – 6:02

6:03 – ITEM 1 - PRESENTATION OF PROCLAMATION HONORING THE LIFE AND LEGACY OF DARYLE LAMONICA.

The City Council presented a proclamation honoring the life and legacy of Daryle Lamonica to his wife and son.

6:10 – ITEM 2 - PRESENTATION OF PROCLAMATION CELEBRATING STATE FARM'S 100 YEAR ANNIVERSARY.

The City Council presented a proclamation celebrating State Farm's 100-year anniversary to the local State Farm office, and declared June 7, 2022, as State Farm Day.

6:13 – ITEM 3 - PRESENTATION OF PROCLAMATION DESIGNATING MAY 15 - 21, 2022 AS NATIONAL PUBLIC WORKS WEEK.

The City Council presented a proclamation designating the week of May 15 – 21, 2022, as National Public Works Week.

Scott Redelfs, Public Utilities Director, presented a short video highlighting Public Utilities employees and the work that they do.

Steven Mejia, President of the Clovis Public Works Employees Association, thanked Council for recognizing the importance of this week and for honoring the public works employees.

PUBLIC COMMENTS – 6:25

None.

CONSENT CALENDAR – 6:26

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

4. Administration - Approved - Minutes from the May 9, 2022, Council Meeting.
5. Administration - Adopted - **Ord. 22-04**, An ordinance adding section 1.9.03 (Electronic Filing) to Title 1 Chapter 9 of the Clovis Municipal Code relating to Campaign Contribution Limits to provide for electronic filing of campaign statements and Statements of Economic Interests (Form 700). (Vote: 5-0)
6. Administration – Approved – **Res. 22-40**, Approving Owner-Occupied Home Rehabilitation Loan Program and First Time Homebuyer and Mortgage Assistance Loan Program Guidelines for the City of Clovis Affordable Housing Programs.
7. Administration - Approved – **Res. 22-41**, Supporting the Fresno County 2022 Homelessness Priorities as Adopted by the Board of Supervisors of the County of Fresno.
8. Administration - Approved – Purchase of Support and Maintenance Contract for Network and Telecommunications equipment from Zones, Inc.
9. General Services – Approved – Waive the City’s Usual Purchasing Requirements and Authorize the Purchase of the Spare Platform with Spare Pooled OnDemand; and Approved – **Res. 22-42**, Amending the FY2021-2022 Transit Budget to add funds for purchase of the Spare Platform.
10. Planning and Development Services – Approved – **Res. 22-43**, Adopt a list of projects funded by SB1: The Road Repair and Accountability Act.

PUBLIC HEARINGS – 6:28

6:28 – ITEM 10A – APPROVED – CONSIDER APPROVAL – **RES. 22-XX**, SPR2001-018A2, A REQUEST TO APPROVE A SITE PLAN REVIEW FOR THE CONSTRUCTION OF A NEW ± 2,500 SQUARE FOOT VISITOR CENTER FOR THE BOTANICAL GARDEN LOCATED AT 945 N. CLOVIS AVENUE. CLOVIS BOTANICAL GARDEN, ANNE CLEMONS, APPLICANT; CITY OF CLOVIS, OWNER; DWIGHT KROLL, REPRESENTATIVE.

ITEM 10A.1 – APPROVED – ADD ITEM 10A TO THE AGENDA FOR COUNCIL CONSIDERATION.

Motion for approval by Councilmember Whalen, seconded by Councilmember Ashbeck. Motion carried by unanimous vote.

ITEM 10A.2 – APPROVED – CONTINUE ITEM 10A TO A FUTURE DATE.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Whalen. Motion carried by unanimous vote.

6:32 – ITEM 11 - APPROVED – **RES. 22-44**, GPA2022-002, A REQUEST TO AMEND THE GENERAL PLAN TO REDESIGNATE APPROXIMATELY 2.51 ACRES FROM THE INDUSTRIAL CLASSIFICATION TO THE OFFICE CLASSIFICATION FOR PROPERTY LOCATED ON THE WEST SIDE OF N. CLOVIS AVENUE, IMMEDIATELY NORTH OF FREEWAY 168. CITY OF CLOVIS, APPLICANT.

David White, resident, questioned if traffic studies of the area has been conducted, if the adjacent residential properties were already in place when the designation mistake was

made, and shared concerns regarding the privacy of the residential homes in the surrounding area if a multi-story building is to be built on the property.

Motion for approval by Councilmember Whalen, seconded by Councilmember Ashbeck.
Motion carried by unanimous vote.

6:53 – ITEM 12 - APPROVED – CONDUCT PUBLIC HEARING AND CLOSE ELECTION REGARDING AN ASSESSMENT INCREASE IN LANDSCAPE MAINTENANCE DISTRICT NO. 1.

David White, resident, expressed his support for the increase in rates but did not agree with the timing as the economy is experiencing inflation. He also shared his concerns with the requirements to wash bottles before recycling as we are in a drought.

Paul Williams, resident, commented on his support for the rate increase.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Whalen.
Motion carried by unanimous vote.

7:02 – ITEM 13 - APPROVED – RES. 22-45, ADOPTION OF THE CITY OF CLOVIS 2022-2023 ANNUAL ACTION PLAN FOR THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. (CONTINUED FROM THE MAY 9, 2022, MEETING)

Motion for approval by Councilmember Whalen, seconded by Councilmember Mouanoutoua. Motion carried by unanimous vote.

7:29 – ITEM 14 - APPROVED REVIEW AND INTRODUCTION - RES. 22-46, 2022-23 CITY OF CLOVIS ANNUAL BUDGET, FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM, AND INFORMATION REGARDING THE CLOVIS SUCCESSOR AGENCY.

Paul Williams, resident, commented on the City's efforts to plan for the growth of the Police Department.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger.
Motion carried by unanimous vote.

COUNCIL ITEMS – 7:47

7:47 – ITEM 15 - APPROVED – TO SUBMIT A LETTER OF SUPPORT FOR SENATE BILL 1410-CABALLERO, CALIFORNIA ENVIRONMENTAL QUALITY ACT: TRANSPORTATION IMPACTS.

Motion for approval by Councilmember Lynne, seconded by Councilmember Bessinger.
Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 7:49

COUNCIL COMMENTS – 7:50

Mayor Flores adjourned the meeting of the Council to June 6, 2022

Meeting adjourned: 8:05 p.m.

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Planning and Development Services Department
 DATE: June 6, 2022
 SUBJECT: Planning and Development Services - Approval – Final Acceptance for CIP 21-23 Bus Bay at the Department of Social Services.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

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

EXECUTIVE SUMMARY

The project consists of constructing a bus bay reinforced concrete pad for the street shoulder on the east side of Peach Avenue just north of West Dakota Avenue. This is the location of a regional bus stop near the new Department of Social Services facility that includes services from Fresno Area Express. The area is long enough for multiple busses to stop along the curb.

BACKGROUND

The bid opening was December 7, 2021, and the project was awarded by City Council on January 10, 2022, to the lowest responsible bidder, which was determined to be Heavy Road and Rail, Inc. The project was completed in accordance with the construction documents and within the total contract time allotted.

FISCAL IMPACT

| | |
|---|--------------------|
| 1. Contract Award Amount | \$76,974.00 |
| 2. Cost increase resulting from differences between estimated quantities used for award and actual quantities installed | \$2,314.24 |
| 3. Contract Change Orders | \$0.00 |
| 4. Liquidated Damages Assessed | \$0.00 |
| Final Contract Cost | \$79,288.24 |

This project was funded by the Transit Oriented Development Housing program through the City Community Investment Program.

REASON FOR RECOMMENDATION

The Public Utilities Department, City Engineer, Senior Engineering Inspector, and 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, Heavy Road and Rail, Inc., has requested final acceptance.

ACTIONS FOLLOWING APPROVAL

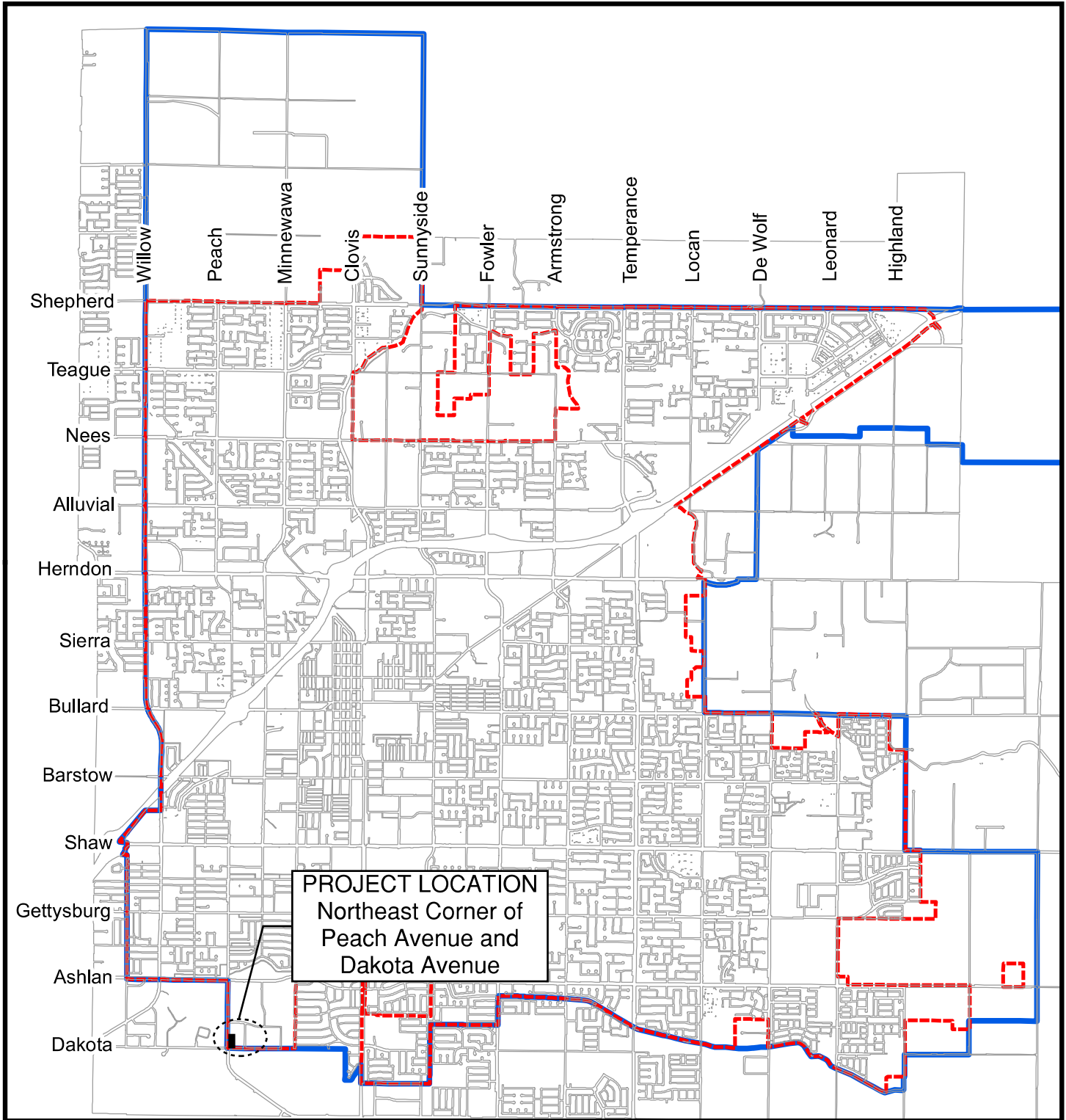
1. The notice of completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may be released within 60 days after the date of completion, provided 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: Matt Buller, Senior Engineering Inspector

Reviewed by: City Manager *AM*

VICINITY MAP

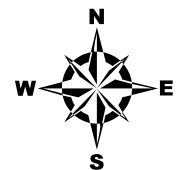
CIP 21-23 Bus Bay at Department of Social Services



PROJECT LOCATION
 Northeast Corner of
 Peach Avenue and
 Dakota Avenue



Attachment 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: June 6, 2022

SUBJECT: Planning and Development Services - Approval – Bid Award for CIP 20-05, Video Vehicle Detection Replacement, and authorize the City Manager to execute the contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmember Bessinger owns property within 1,000 feet of one of the 15 locations for this project. Since this project is for maintenance purposes of signals with specific equipment throughout the City, it is not considered a conflict of interest for Councilmember Bessinger.

RECOMMENDATION

1. For the City Council to award a contract for CIP 20-05, Video Vehicle Detection Replacement to California Professional Engineering, Inc., in the amount of \$887,721.60; 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 California Professional Engineering, Inc., who was the lowest responsible bidder from a bid opening that took place on May 3, 2022.

The work to be performed includes removing and replacing the remaining video detection equipment at 15 intersections in the City with a magnetic loop detection system. The work includes the installation of loop detection wire, DLC cable, loop detection amplifiers, conduit, and pull boxes.

BACKGROUND

The following is a summary of the bid results from May 3, 2022:

| BIDDERS | BASE BID |
|---|---------------------|
| California Professional Engineering, Inc. | \$887,721.60 |
| Tennyson Electric, Inc. | \$979,467.00 |
| Traffic Loops Crackfilling, Inc. | \$1,145,540.25 |
| ENGINEER'S ESTIMATE | \$785,357.75 |

All bids were examined, and the bidder's submittals were found to be in order. California Professional Engineering, Inc. is the lowest responsible bidder. Staff has validated the lowest bidder contractor's license status and bid bond.

FISCAL IMPACT

This project was budgeted in the 2021-2022 Community Investment Program. The project is funded by Measure C through the City Community Investment Program.

REASON FOR RECOMMENDATION

California Professional Engineering, Inc., is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

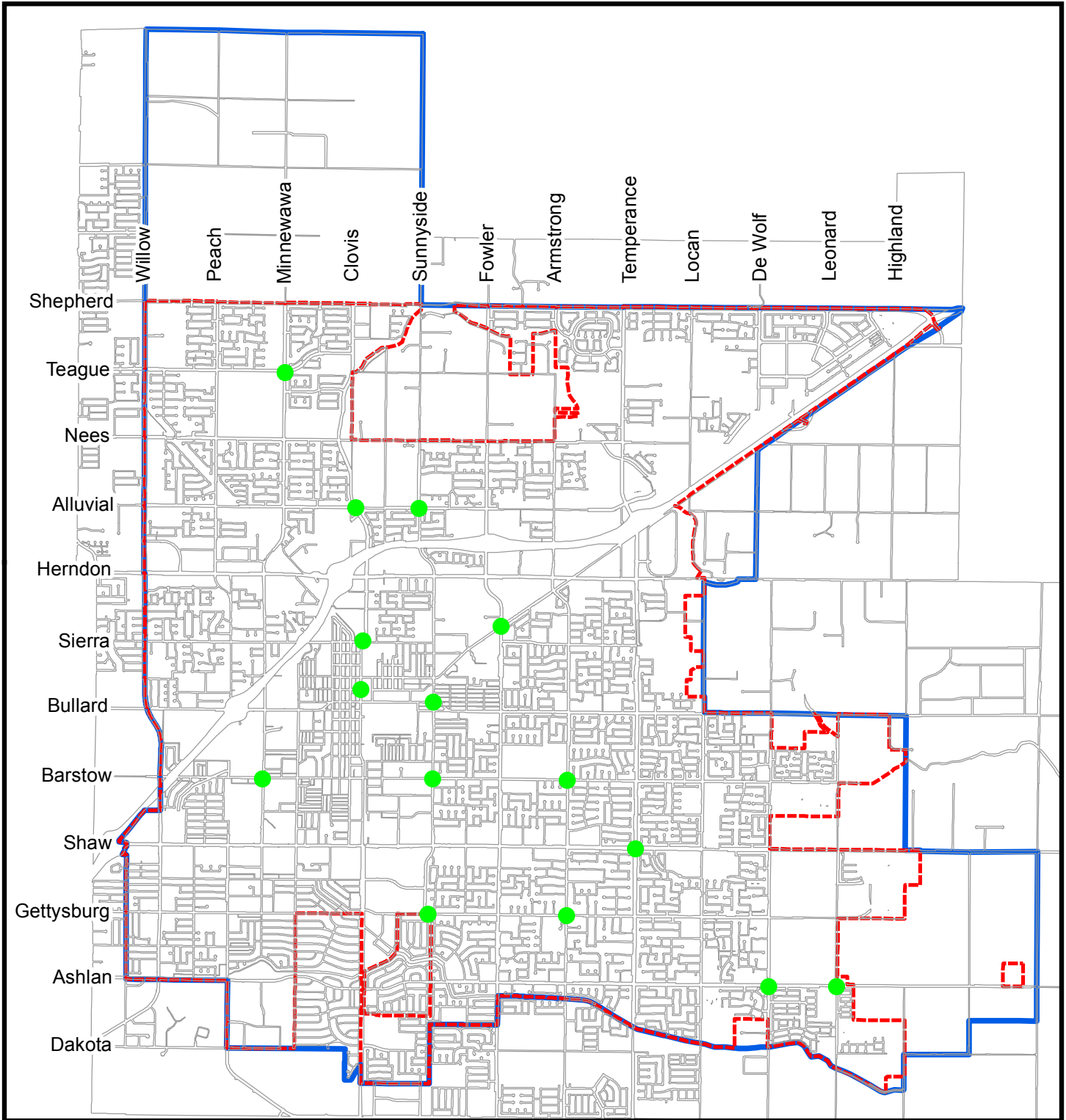
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City; and
2. Construction shall begin approximately two (2) weeks after contract execution and shall be completed in sixty (60) working days thereafter.

Prepared by: John Cross, Engineer II

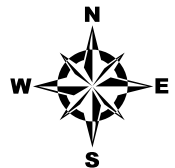
Reviewed by: City Manager *AC*

VICINITY MAP

CIP 20-05 Video Vehicle Detection Replacement



Attachment 1



- PROJECT LOCATIONS
- CITY LIMITS
- SPHERE OF INFLUENCE



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: June 6, 2022

SUBJECT: Planning and Development Services - Approval – Res. 22-____, Final Map Tract 6277, located at the northeast corner of North Locan Avenue and Teague Avenue (Tarlton Fresno, LLC).

ATTACHMENTS: 1. Res. 22-____
2. Vicinity Map
3. Copy of Final Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 22-____, which will:

1. Accept the offer of dedication of parcels and public utility easements within Tract 6277; and
2. Authorize the recording of the final map.

EXECUTIVE SUMMARY

The owner, Tarlton Fresno, LLC, 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, streetlights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is at the northeast corner of North Locan and Teague Avenues. It contains approximately 3.43 acres and consists of 8 residential units, zoned R-1-AH.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, fire hydrants, street paving, sanitary sewer, water mains, and landscaping, which will be perpetually maintained by the City of Clovis. For the streetlights, the City will pay for the power and PG&E will provide the maintenance.

REASON FOR RECOMMENDATION

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with the Municipal Code. The agreement provides for the developer

to complete a technically correct map and improvement plans, and to complete all the 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: Jeff Brown, Engineer I

Reviewed by: City Manager AA

RESOLUTION 22-___**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6277**

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6277, 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 6277, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
2. The subdivision improvement plans for said tract have been approved 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 \$206,000.00.
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 \$206,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$103,000.00 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 \$20,600.00 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 June 6, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

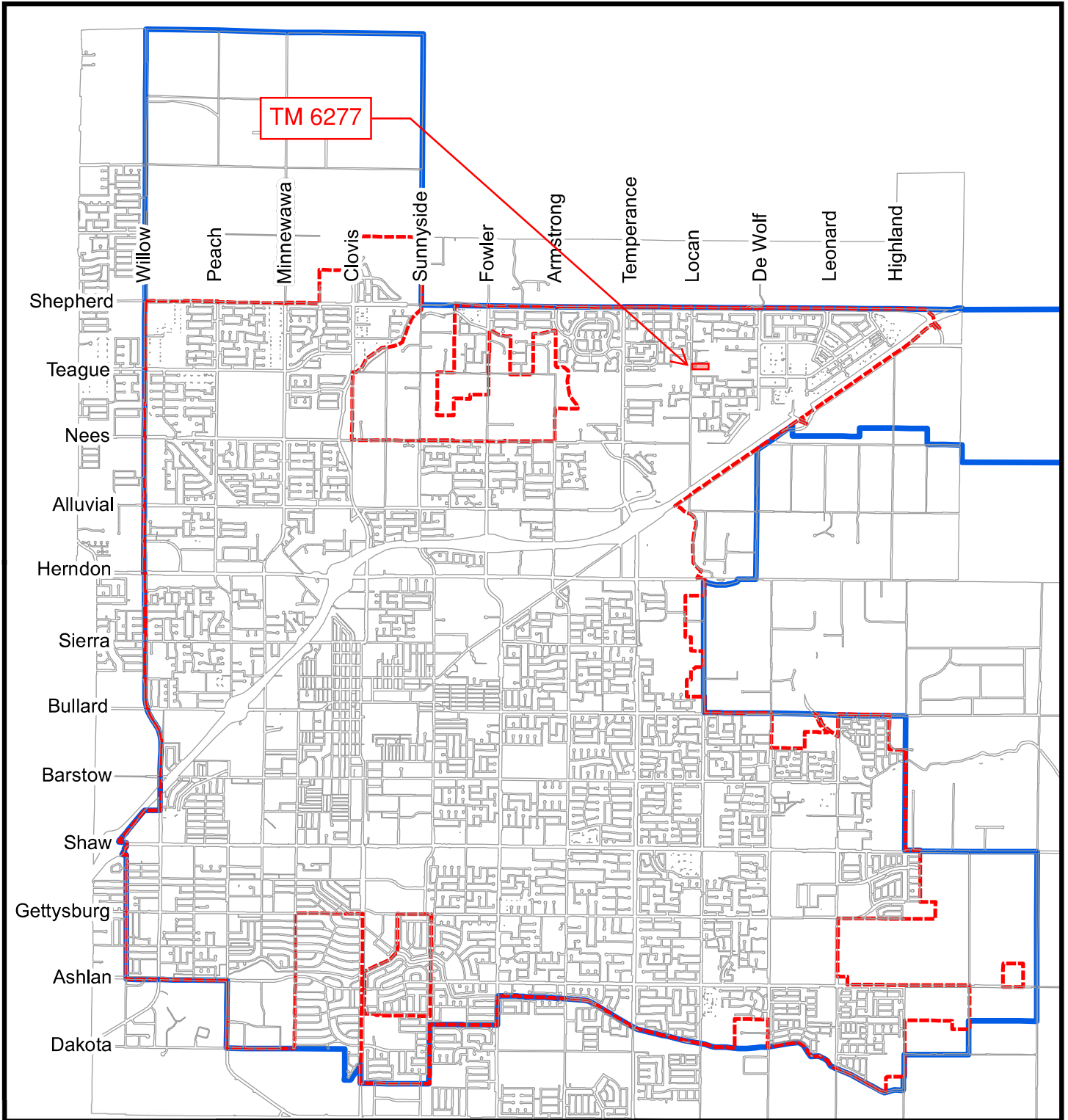
DATED: June 6, 2022

Mayor

City Clerk

VICINITY MAP

TM 6277 (Tarlton Fresno, LLC)



Attachment 2



TRACT No. 6277

OWNER'S STATEMENT

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

TARLTON FRESNO, LLC
a California Limited Liability Company

BY: [Signature] DATED: 4-19-22
TOMMY TARLTON, MANAGER

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA

SURVEYED AND PLATTED BY R. W. GREENWOOD ASSOCIATES, INC.
CIVIL ENGINEERING - LAND SURVEYING, 2558 EAST OLIVE AVENUE, FRESNO, CALIFORNIA, 93701, PHONE (559) 268-7831

OCTOBER 2019 SHEET ONE OF TWO SHEETS

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF TARLTON FRESNO, LLC IN OCTOBER, 2019. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP. IF ANY OF THE MONUMENTS ARE OF THE CHARACTER AND IN THE LOCATIONS SHOWN HEREON AND SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

[Signature]
MARK W. GREENWOOD LS 6945
EXPIRES 09-30-21
05/18/2022
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 April 19, 2022 BEFORE ME, Kristin L. Messenlehner
NOTARY PUBLIC, PERSONALLY APPEARED Tommy Tarlton

WHO PROVED TO BE 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 IS TRUE AND CORRECT.

WITNESS MY HAND

Kristin L. Messenlehner
NAME

[Signature]
SIGNATURE

October 15, 2022
MY COMMISSION EXPIRES

Fresno
COUNTY OF

2258732
COMMISSION NO.

LEGAL DESCRIPTION

Real property in the City of Clovis, County of Fresno, State of California, described as follows:

PARCELS "A" AND "B" OF PARCEL MAP No. 2455, ACCORDING TO THE MAP THEREOF RECORDED JUNE 4, 1975 IN BOOK 16, PAGE 43 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE EAST 300.22 FEET OF SAID PARCEL "A" AND THE NORTH 21.00 FEET OF THE EAST 300.22 FEET OF SAID PARCEL "B".

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL "A" GRANTED TO THE CITY OF CLOVIS IN FEE BY DOCUMENT No. 2018-0064112, RECORDED ON MAY 31, 2018, OFFICIAL RECORDS OF FRESNO COUNTY.



CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND 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 PLS 8088 DATE _____
CITY SURVEYOR

CITY CLERK'S CERTIFICATE

I, KAREY CHA, CITY CLERK OF THE CITY OF CLOVIS, HEREBY CERTIFY THAT THE CITY ENGINEER APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

BY: _____ DATE _____
KAREY CHA
CITY CLERK OF THE CITY OF CLOVIS

RECORDER'S CERTIFICATE

DOCUMENT No. _____
FILED THIS _____ DAY OF _____, 20____
AT _____, M. IN VOLUME _____ OF PLATS, AT PAGE(S) _____,
FRESNO COUNTY RECORDS AT THE REQUEST OF
LENNAR TITLE.

FEE: _____
PAUL DICTOS, C.P.A.
FRESNO COUNTY ASSESSOR - RECORDER

BY: _____ DEPUTY

THIS PROPERTY IS SUBJECT TO:

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 THE CITY OF FRESNO, RECORDED JULY 31, 1995 AS INSTRUMENT NO. 95092128 OF OFFICIAL RECORDS.
2. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED DECEMBER 3, 1970 AS BOOK 5841, PAGE 2 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION, OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, GENETIC INFORMATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SOURCE OF INCOME (AS DEFINED IN CALIFORNIA GOVERNMENT CODE § 12955(P)) OR ANCESTRY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 U.S.C. § 3604(C) OR CALIFORNIA GOVERNMENT CODE § 12955. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MARCH 24, 2017 AS SERIAL NO. 2017-0037171-00 OF OFFICIAL RECORDS.
3. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ANNEXATION MAP NO. 66 COMMUNITY FACILITIES DISTRICT NO. 2004-1", RECORDED JANUARY 28, 2021 AS 2021-0013822 OF OFFICIAL RECORDS.
4. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AMENDED NOTICE OF SPECIAL TAX LIEN", RECORDED JANUARY 28, 2021 AS 2021-0013823 OF OFFICIAL RECORDS.

REV. 10/25/2021 P/M
REV. 09/08/2021 P/M
REV. 09/02/2021 M/W
REV. 08/02/2021 M/W
REV. 04/15/2021 P/M
REV. 04/07/2021 P/M
REV. 11/04/2020 P/M
REV. 10/07/2020 P/M
PL. 281705 AJ
PLOT VIEW: FPM 01
AUTOCAD ID: 16005.0MG

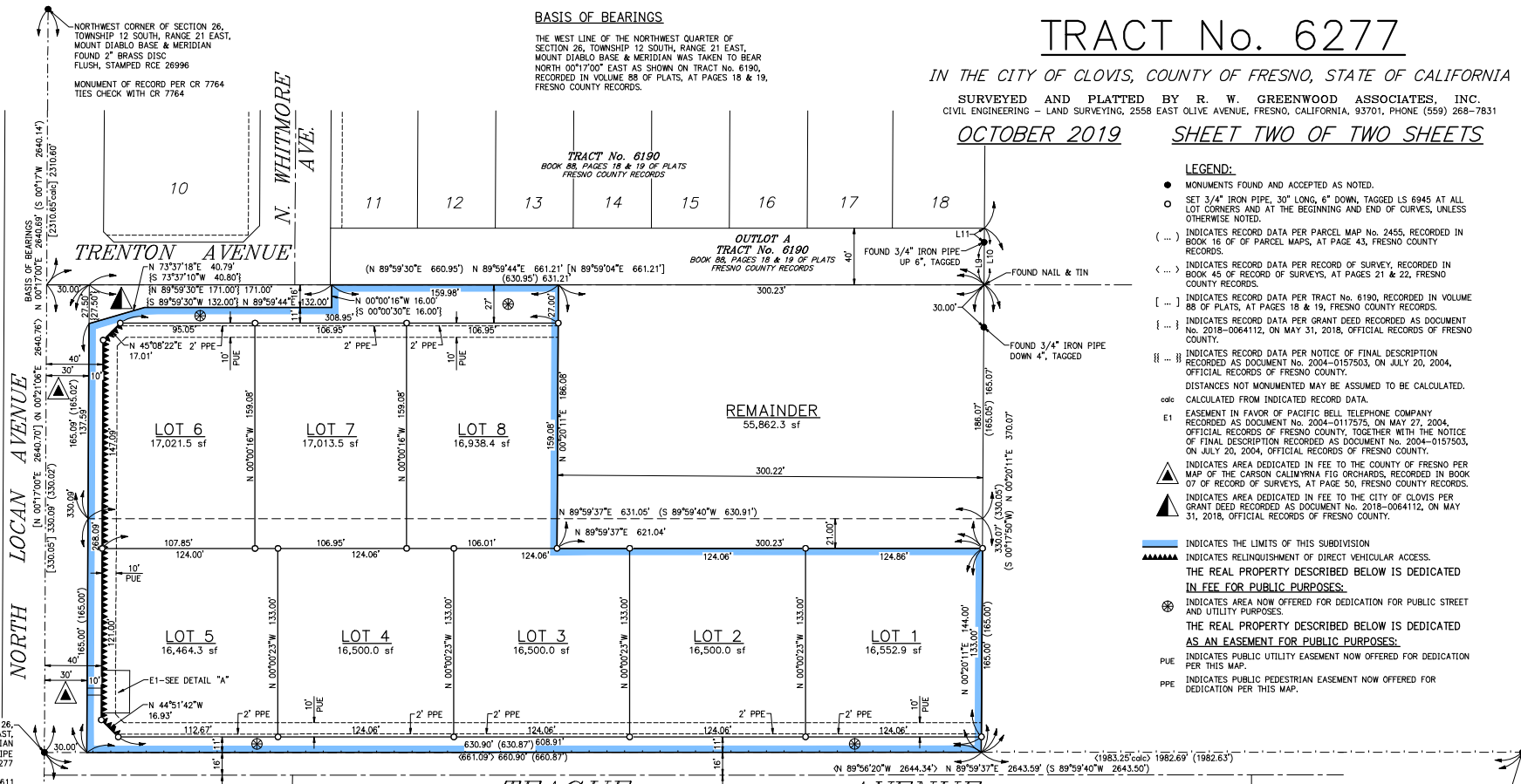
TRACT No. 6277

IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA

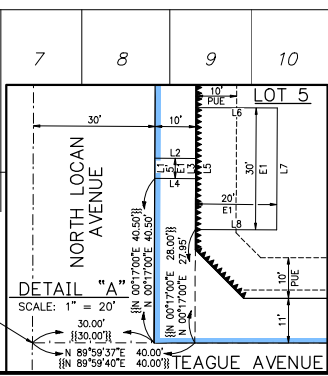
SURVEYED AND PLATTED BY R. W. GREENWOOD ASSOCIATES, INC.
 CIVIL ENGINEERING - LAND SURVEYING, 2558 EAST OLIVE AVENUE, FRESNO, CALIFORNIA, 93701, PHONE (559) 268-7831

OCTOBER 2019 SHEET TWO OF TWO SHEETS

BASIS OF BEARINGS
 THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE & MERIDIAN WAS TAKEN TO BEAR NORTH 00°17'00" EAST AS SHOWN ON TRACT No. 6190, RECORDED IN VOLUME 88 OF PLATS, AT PAGES 18 & 19, FRESNO COUNTY RECORDS.

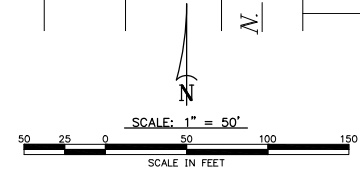


- LEGEND:**
- MONUMENTS FOUND AND ACCEPTED AS NOTED.
 - SET 3/4" IRON PIPE, 30" LONG, 6" DOWN, TAGGED LS 6945 AT ALL LOT CORNERS AND AT THE BEGINNING AND END OF CURVES, UNLESS OTHERWISE NOTED.
 - (...) INDICATES RECORD DATA PER PARCEL MAP No. 2455, RECORDED IN BOOK 16 OF OF PARCEL MAPS, AT PAGE 43, FRESNO COUNTY RECORDS.
 - <...> INDICATES RECORD DATA PER RECORD OF SURVEY, RECORDED IN BOOK 45 OF RECORD OF SURVEYS, AT PAGES 21 & 22, FRESNO COUNTY RECORDS.
 - [...] INDICATES RECORD DATA PER TRACT No. 6190, RECORDED IN VOLUME 88 OF PLATS, AT PAGES 18 & 19, FRESNO COUNTY RECORDS.
 - {...} INDICATES RECORD DATA PER GRANT DEED RECORDED AS DOCUMENT No. 2018-0064112, ON MAY 31, 2018, OFFICIAL RECORDS OF FRESNO COUNTY.
 - ||...|| INDICATES RECORD DATA PER NOTICE OF FINAL DESCRIPTION RECORDED AS DOCUMENT No. 2004-0157503, ON JULY 20, 2004, OFFICIAL RECORDS OF FRESNO COUNTY.
 - o...o CALCULATED FROM INDICATED RECORD DATA.
 - E1 EASEMENT IN FAVOR OF PACIFIC BELL TELEPHONE COMPANY RECORDED AS DOCUMENT No. 2004-0117575, ON MAY 27, 2004, OFFICIAL RECORDS OF FRESNO COUNTY, TOGETHER WITH THE NOTICE OF FINAL DESCRIPTION RECORDED AS DOCUMENT No. 2004-0157503, ON JULY 20, 2004, OFFICIAL RECORDS OF FRESNO COUNTY.
 - ▲ INDICATES AREA DEDICATED IN FEE TO THE COUNTY OF FRESNO PER MAP OF THE CARSON CALIMYRNA FIG ORCHARDS, RECORDED IN BOOK 07 OF RECORD OF SURVEYS, AT PAGE 50, FRESNO COUNTY RECORDS.
 - ▲ INDICATES AREA DEDICATED IN FEE TO THE CITY OF CLOVIS PER GRANT DEED RECORDED AS DOCUMENT No. 2018-0064112, ON MAY 31, 2018, OFFICIAL RECORDS OF FRESNO COUNTY.
 - INDICATES THE LIMITS OF THIS SUBDIVISION
 - ▲▲▲▲ INDICATES RELINQUISHMENT OF DIRECT VEHICULAR ACCESS.
 - THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES.
 - ⊗ INDICATES AREA NOW OFFERED FOR DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES.
 - THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES.
 - PUE INDICATES PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION PER THIS MAP.
 - PPE INDICATES PUBLIC PEDESTRIAN EASEMENT NOW OFFERED FOR DEDICATION PER THIS MAP.



LINE TABLE

| L# | BEARING | DISTANCE | L# | BEARING | DISTANCE |
|----|----------------|----------|-----|----------------|----------|
| L1 | N 00°17'00"E | 5.00' | L6 | S 89°43'00"E | 20.00' |
| L2 | [N 00°17'00"E] | [5.00'] | L7 | [S 89°43'00"E] | [20.00'] |
| L3 | S 89°43'00"E | 10.00' | L8 | S 00°17'00"W | 30.00' |
| L4 | [S 89°43'00"E] | [10.00'] | L9 | [N 00°17'00"W] | [30.00'] |
| L5 | S 00°17'00"W | 5.00' | L10 | N 89°43'00"W | 20.00' |
| | [S 00°17'00"W] | [5.00'] | L11 | [N 89°43'00"W] | [20.00'] |
| | N 89°43'00"W | 10.00' | | N 00°20'11"E | 30.00' |
| | [N 89°43'00"W] | [10.00'] | | N 00°20'11"E | 40.00' |
| | N 00°17'00"E | 30.00' | | N 00°20'11"E | 10.00' |
| | [N 00°17'00"E] | [30.00'] | | | |



WEST QUARTER CORNER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN FOUND 3/4" IRON PIPE FLUSH, TAGGED LS 5277

NORTHWEST CORNER OF SECTION 35, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN POINT FALLS ON SEWER MANHOLE FOUND SCRIBE MARKS ON RIM & 2" SWING TIES WEST AND SOUTH

WEST QUARTER CORNER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN

CENTER QUARTER CORNER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN FOUND 2" BRASS DISC & CONE TAGGED LS 7985

REV. 09/08/2021 PHL
 REV. 09/02/2021 MWG
 REV. 08/02/2021 MWG
 REV. 04/07/2021 PHL
 REV. 11/04/2020 PHL
 REV. 10/07/2020 PHL
 PL. 281/06-AJ
 PLOT VIEW: FPM 01
 AUTOCAD ID: 16005.DWG



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: June 6, 2022

SUBJECT: Planning and Development Services - Approval – Res. 22-____, Annexation of Proposed Tract 6277, located at the northeast corner of North Locan Avenue and Teague Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Tarlton Fresno, LLC).

ATTACHMENTS: 1. Res. 22-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 22-____, which will annex proposed Tract 6277, located at the northeast corner of North Locan Avenue and Teague Avenue to the Landscape Maintenance District (LMD) No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Tarlton Fresno, LLC, acting as the subdivider, has requested to be annexed to the LMD No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract 6277.

BACKGROUND

Tarlton Fresno, LLC, the developer of Tract 6277, has executed a covenant that this development be annexed to the City of Clovis, LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

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

FISCAL IMPACT

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

| | <u>Tract 6277</u> | <u>Year to Date</u> |
|------------------------|-------------------|---------------------|
| LMD Landscaping added: | 0.089 acres | 8.015 acres |
| Resource needs added: | 0.009 persons | 0.801 persons |

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

Tract 6277 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Jeff Brown, Engineer I

Reviewed by: City Manager AH

RESOLUTION 22-___

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

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

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6277, as described in Attachment A attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, BE IT RESOLVED, as follows:

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 6, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: June 6, 2022

Mayor

City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 8, inclusive, of Tract Map 6277 recorded in Volume _____ of Plats at Pages _____ through _____, Fresno County Records.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: June 6, 2022

SUBJECT: Public Utilities – Approval – Contract Award for CIP 22-03, Dry Creek Playground Resurfacing; and Approval – Authorize the City Manager to Execute the Contract on Behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmember Drew Bessinger owns property within 1,000 feet of subject property and, pursuant to law, must abstain from participation and decision regarding this item.

RECOMMENDATION

1. For the City Council to award a contract for CIP 22-03, Dry Creek Park Playground Resurfacing, to SpectraTurf in the amount of \$316,558.00; 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 Council authorize the City Manager to execute the contract with SpectraTurf in the amount \$316,558.00.

This is a maintenance project to address the deteriorated condition of the surface material, safety issues, and resident concerns at Dry Creek Park by replacing the existing playground surfacing that is beyond repair and making the play equipment fall zones safety compliant. The work consists of site security, removal and disposal of the existing pour-in-place rubber surfacing, removal and relocation of the rubber bark, and installation of new pour-in-place rubber surfacing and engineered wood fiber at Dry Creek Park. The work also includes removal and replacement of the pour-in-place rubber surfacing at the exercise stations along the Dry Creek Trail.

BACKGROUND

Dry Creek Park was originally constructed in 2008. The Park included multiple playground areas that implemented the use of rubber surfacing and rubber bark. The surfacing material has aged

significantly and is in such a worn-out condition that it can no longer be repaired with normal maintenance. Staff is recommending that the surfacing material be replaced in all play areas and that the rubber bark fill material surrounding the rubber surfacing be replaced with engineered wood fiber simultaneously to provide a complete solution for play equipment fall protection.

This project went through the formal bidding procedure in accordance with applicable provisions of the Public Contract Code and Chapter 2.9 of the Clovis Municipal Code. However, no bids were submitted. Public Contract Code Section 22038 allows the City to pursue quotes from vendors/contractors and negotiate a price if no bids are received. Staff contacted multiple vendors and requested quotes. After receiving two quotes from applicable vendors, staff negotiated a price with SpectraTurf in the amount of \$316,558.00.

The quote was found to be consistent for the work to be performed. Staff has validated the contractor's license and the company is in good standing. With the favorable quote, staff recommends proceeding with awarding a contract to SpectraTurf in the amount of \$316,558.00.

FISCAL IMPACT

This project was budgeted in the 2021-2022 Parks budget.

REASON FOR RECOMMENDATION

SpectraTurf provided the lowest quote. Dry Creek Park's playground surfacing is in poor condition and needs to be replaced to be safety compliant. Staff cannot perform the repairs needed to maintain the surfacing through usual maintenance practices.

ACTIONS FOLLOWING APPROVAL

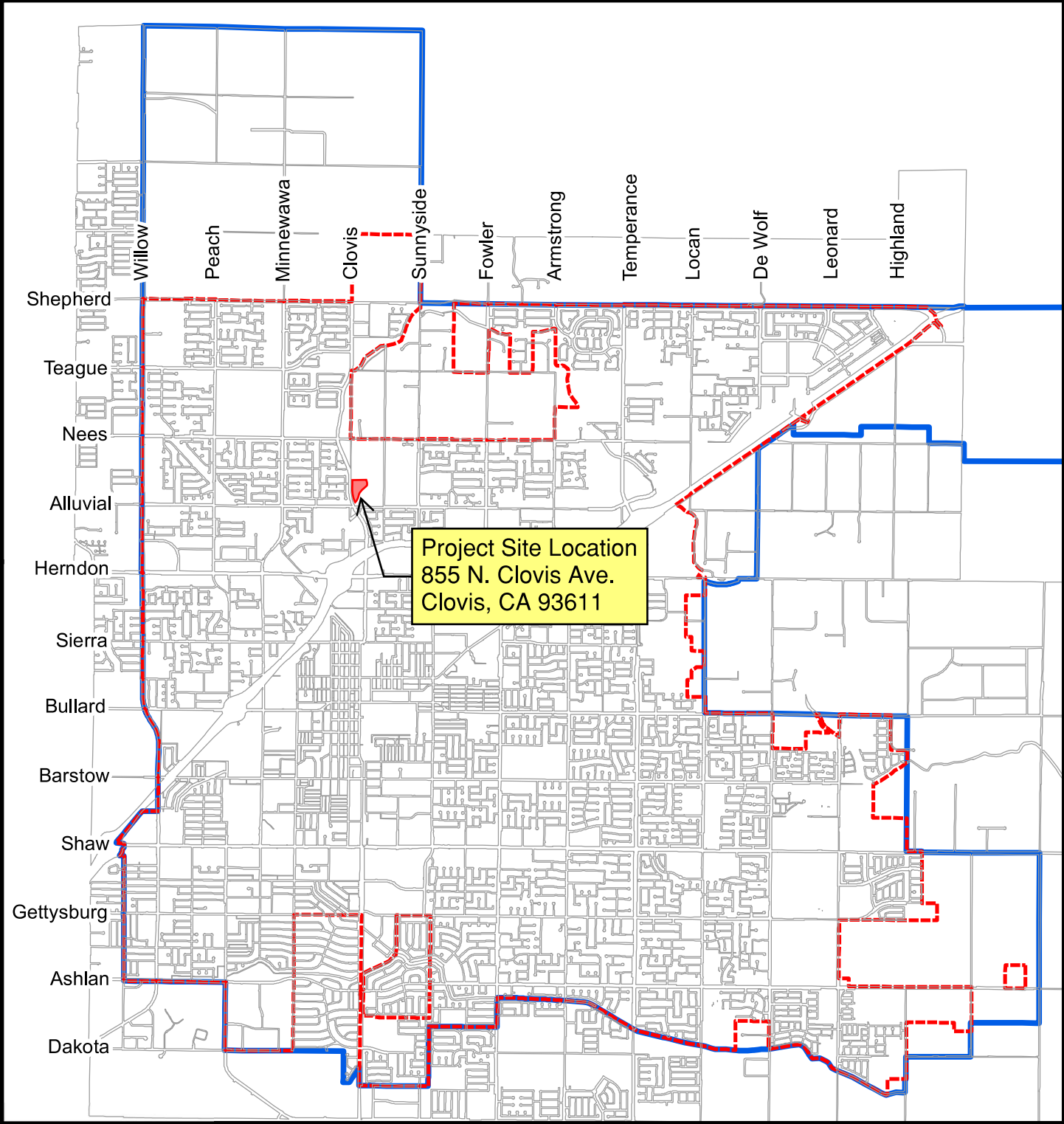
The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.

Prepared by: Haya Qutob, Engineer I

Reviewed by: City Manager AA

VICINITY MAP

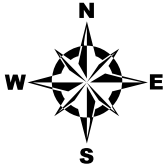
CIP 22-03 Dry Creek Park Playground Resurfacing



Project Site Location
 855 N. Clovis Ave.
 Clovis, CA 93611



ATTACHMENT 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: June 6, 2022

SUBJECT: Consider Approval – Res. 22-____, A resolution approving various actions related to a proposed general tax ballot measure for the November 8, 2022, General Municipal Election:

- a. Calling and giving notice of the November 8, 2022, General Municipal Election to present a general tax measure proposing a two percent (2%) increase to the City's Transient Occupancy Tax (TOT or Hotel Tax);
- b. Requesting consolidation of the Clovis Municipal Election with the Statewide General Election to be held on the same date;
- c. Requesting that the Fresno County Board of Supervisors authorize the Fresno County Clerk to render specified services to the City of Clovis relating to the conduct of the General Municipal Election;
- d. Approving the proposed ballot measure description;
- e. Authorizing the City Attorney to prepare the impartial analysis.

Staff: Karey Cha, City Clerk
Recommendation: Approve

ATTACHMENTS: 1. Res. 22-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve a resolution approving various actions related to a proposed general tax ballot measure for the November 8, 2022, General Municipal Election:

1. Calling and giving notice of the November 8, 2022, General Municipal Election to present a general tax measure proposing a two percent (2%) increase to the City's Transient Occupancy Tax (TOT or Hotel Tax), increasing from 10% to 12%;
2. Requesting consolidation of the Clovis Municipal Election with the Statewide General Election to be held on the same date;
3. Requesting that the Fresno County Board of Supervisors authorize the Fresno County Clerk to render specified services to the City of Clovis relating to the conduct of the General Municipal Election;
4. Approving the proposed ballot measure description;
5. Authorizing the City Attorney to prepare the impartial analysis.

A 2/3 vote of the entire City Council (4 votes) is required to approve the proposed measure for placement on the ballot for the voters to decide.

EXECUTIVE SUMMARY

In November 2021, Police Chief Fleming presented the State of the Police Department to the City Council indicating a shortage in staffing and forecasting cutbacks in services due to the need for additional funding. In January 2022, the City Council appointed a 25-member Citizens Advisory Committee (CAC) to evaluate the staffing levels of the Police Department, determine if additional funding is needed, and to identify what kind of city they want to live in. After six committee meetings, the CAC presented its findings at a joint meeting with the City Council. At the May 9, 2022, City Council meeting, the Council held a workshop to discuss the next steps in addressing the issue the Police Department is facing and the CAC recommendations. It was the consensus of the City Council to pursue a 2% general tax increase to the City's Transient Occupancy Tax (TOT or Hotel Tax) for the November 2022 election, proposing to increase the TOT rate from 10% to 12%.

The City Council directed staff to prepare a sample ballot measure description for the proposed general tax increase to the existing Transient Occupancy (Hotel) Tax to be discussed at the June 6, 2022, City Council meeting. Staff is now returning with a resolution approving various actions related to a proposed ballot measure for the November 2022 General Municipal Election.

BACKGROUND

In November 2021, Police Chief Fleming presented the State of the Police Department to the City Council indicating a shortage in staffing and forecasting cutbacks in services due to the need for additional funding. In January 2022, the City Council appointed a 25-member Citizens Advisory Committee (CAC) to evaluate the staffing levels of the Police Department, determine if additional funding is needed, and to identify what kind of city they want to live in. After six committee meetings, the CAC presented the following findings at a joint meeting with the City Council: a majority of the Committee do not feel that the current Clovis Police Department staffing and funding is adequate for Clovis to remain the safest city in the Valley; a majority of the Committee agree that additional sworn police officers are needed over the next five years; and a majority of the Committee agree that if an increase in services and resources is pursued, it should be funded by some form of tax increase ballot measure for the voters to decide.

At the May 9, 2022, City Council meeting, the City Council directed staff to prepare materials for the Council to consider placing a proposed ballot measure for a general tax increase for the Transient Occupancy Tax (TOT or Hotel Tax) rate by 2% from its current 10% to 12%. The proposed Hotel Tax increase will be placed on the November 2022 ballot. Staff is now returning to the City Council with a resolution approving various actions related to a proposed ballot measure for the November 2022 General Municipal Election:

1. Calling and giving notice of the November 8, 2022, General Municipal Election to present a general tax measure proposing a two percent (2%) increase to the City's Transient Occupancy Tax (TOT or Hotel Tax);
2. Requesting consolidation of the Clovis Municipal Election with the Statewide General Election to be held on the same date;
3. Requesting that the Fresno County Board of Supervisors authorize the Fresno County Clerk to render specified services to the City of Clovis relating to the conduct of the General Municipal Election;
4. Approving the proposed ballot measure description;
5. Authorizing the City Attorney to prepare the impartial analysis.

1. Calling and giving notice of the November 8, 2022, General Municipal Election for a ballot measure

In accordance with the California Elections Code, the 2022 General Municipal Election for ballot measures must be called and noticed by a resolution of the City Council. The Elections Official shall consolidate the notice of election and the measure to be voted on into one notice if the measure is placed on the ballot before the notice of election is published pursuant to Elections Code section 12101.

By calling and noticing the election, the City Council is presenting a measure proposing a two percent (2%) increase to the existing Transient Occupancy Tax (TOT or Hotel Tax) in Clovis – a proposed increase from 10% to 12%. The proposed TOT increase and ballot measure is for a general tax, available for general fund use and not legally restricted to a particular use. Approval of the 2% TOT increase will require a 'yes' vote by a simple majority of votes cast on the measure at the November 8, 2022, election.

2. Requesting consolidation of the Clovis Municipal Election with the Statewide General Election to be held on the same date

In 2017, the City Council approved an ordinance changing the election dates from March of odd years to November of even years beginning in 2022 to comply with Senate Bill 415. Effective January 1, 2016, SB 415 prohibits a city from holding an election on any date other than a statewide election date (i.e. March). In doing so in the past, voter turnout resulted in at least 25 percent below the average turnout than in the last four statewide general elections. The City will hold its first "on-cycle" election this year in November 2022 to be consolidated with the Statewide General Election.

3. Requesting that the Fresno County Board of Supervisors authorize the Fresno County Clerk to render specified services to the City of Clovis relating to the conduct of the General Municipal Election

On September 14, 2007, the City issued a Request for Proposals (RFP) soliciting proposals for services in support of a General Municipal Election held for the City Council in March of each odd year alternating between two and three Council candidates. Four proposals were received by the October 26, 2007, deadline. A review of the four proposals considering references, experience, cost, and services proposed, led staff to recommend award to the Fresno County Elections Division. On December 10, 2007, City Council approved the award of election services to the Fresno County Elections Division beginning with the March 2009 Election. The 2011, 2013, and the 2015 elections were cancelled as only the incumbents had been nominated. The Fresno County Elections Division conducted the March 2009, March 2017, March 2019, and March 2021 elections without incident. The Fresno County Elections Division is the Registrar of Voters in Fresno County and is well versed and capable of managing the election and staff is recommending Council authorize the Fresno County Elections Division to conduct the November 2022 General Municipal Election.

4. Approving ballot measure description

Elections Code sections 9051 and 13247 limit the text of ballot measure questions to be submitted to voters to 75 words, not including the title. The proposed question to be placed on the ballot for Council consideration is as follows:

CITY OF CLOVIS PUBLIC SAFETY IMPROVEMENT MEASURE: To maintain and improve public safety services including emergency response times, police protection, neighborhood services, anti-gang and anti-drug programs; repair infrastructure; and provide other City services; shall the City of Clovis increase the current Transient Occupancy Tax, also known as a hotel bed tax paid only by hotel guests, from 10% to 12%, with the 2% increase providing approximately \$500,000 annually until ended by voters, subject to publicly available annual audits, with all funds benefitting Clovis residents?

YES NO

The above proposed text is exactly 75 words (as counted in accordance with Elections Code section 9, and not including the title), and may be modified by the City Council before it is approved to be placed on the ballot, but the text must not exceed 75 words. Once the language is finalized and approved, staff will return at the next City Council meeting on June 13, 2022, to introduce an ordinance amending Chapter 3.3 of the Clovis Municipal Code relating to the Transient Occupancy Tax. The proposed ordinance amending the TOT rate in the Municipal Code will be conditioned upon approval of the tax increase measure by the voters at the election.

5. Authorizing the City Attorney to prepare the impartial analysis

In accordance with the Elections Code section 9280, the City Council may direct the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on

the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of votes or by the City Council. The analysis shall be printed in the voter's pamphlet preceding the arguments for and against the measure and shall not exceed 500 words in length.

FISCAL IMPACT

The City incurs a cost every other year to conduct an election. The estimated cost to conduct the regularly scheduled election will be budgeted and accounted for in the 2022-23 budget. Staff is estimating the total cost for the election will not exceed \$100,000. With the addition of the measure to be placed on the ballot, additional costs may be incurred, but it is unknown at this time. If additional costs are incurred, staff will return to the City Council with a budget amendment request.

If the proposed TOT increase measure is approved by the voters, it is expected to initially raise approximately \$500,000 annually in additional general fund revenue. That additional revenue will increase in the future with additional hotels and higher room rates.

REASON FOR RECOMMENDATION

The City Council directed staff to prepare a sample ballot measure description for a proposed 2% general tax increase to the existing Transient Occupancy (Hotel) Tax to be discussed at the June 6, 2022, City Council meeting.

ACTIONS FOLLOWING APPROVAL

Staff will return to the City Council to introduce an ordinance amending Chapter 3.3 of the Clovis Municipal Code relating to the Transient Occupancy Tax.

Prepared by: Karey Cha, City Clerk

Reviewed by: City Manager *[Signature]*

RESOLUTION NO. 22-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO PRESENT TO VOTERS A MEASURE TO AMEND CHAPTER 3.3 OF THE MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX BY TWO PERCENT (2%), AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK TO RENDER SPECIFIED SERVICES TO THE CITY OF CLOVIS RELATING TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION; APPROVING THE PROPOSED BALLOT MEASURE DESCRIPTION; AND AUTHORIZING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

WHEREAS, in January 2022, the City Council of the City of Clovis formed a 25-member Citizen's Advisory Committee ("Committee") and appointed the committee members to review the Police Department funding and staffing and to make recommendations to the City Council; and

WHEREAS, the Committee held several meetings to review and discuss information on Police Department staffing and funding, hear presentations from City staff, consider funding constraints and options for raising revenue to fund City services including public safety staffing and services; and

WHEREAS, on April 6, 2022, the City Council held a joint meeting with the Committee during which the Committee's recommendations to add additional sworn police officers over the next five years and seek additional revenue in the form of a tax measure to be considered by the voters were provided to and discussed with the City Council; and

WHEREAS, the City Council met at its regularly scheduled meeting of May 9, 2022, to discuss and consider the Committee's recommendations, and directed City staff to prepare materials for the Council to consider placement of a proposed ballot measure for a proposed general tax increase to the City's current Transient Occupancy Tax rate of 10%; and

WHEREAS, applicable provisions of the California Revenue and Taxation Code authorize the City to increase a transient occupancy tax for general purposes by ordinance following approval by a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the City currently imposes a uniform Transient Occupancy Tax of ten percent (10%) on visitors who stay overnight in hotels, inns, motels, or other short-term rentals in the City for thirty (30) days or less; and

WHEREAS, in accordance with applicable provisions of the California Constitution and California Elections Code the City Council desires to submit to the voters of the City of Clovis a ballot measure proposal to increase the existing rate of the transient occupancy tax in the

City of Clovis by two percent (2%), for a total rate of twelve percent (12%) (hereinafter the “Measure”); and

WHEREAS, if the Measure is approved by the voters, the increased transient occupancy tax is a general tax, the revenue of which will be placed in the City’s general fund and be used to pay for any general City services; and

WHEREAS, if the Measure is approved by the voters, every operator of a hotel, motel, inn, or other short-term rental property in the City shall collect the tax from occupants who stay for thirty (30) days or less and are subject to the tax and remit the funds to the City; and

WHEREAS, Section 10401 of the Elections Code authorizes the Fresno County Board of Supervisors to consolidate the general municipal election with the statewide general election scheduled for November 8, 2022; and

WHEREAS, the transient occupancy tax increase required by the Measure cannot be imposed without voter approval; and

WHEREAS, voter approval of the Measure increasing the City’s transient occupancy tax rate will require an ordinance amending the Clovis Municipal Code defining the rate and more completely describing the Measure and details of the tax, which ordinance shall be prepared by the City Attorney so as to be enacted if the Measure is approved by the voters (hereinafter “Ordinance”).

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

SECTION 1. Pursuant to article XIII C, Section 2(b) of the California Constitution, Section 53724 of the Government Code, and applicable provisions of the Elections Code, the City Council of the City of Clovis hereby calls and orders an election at which the Measure relating to the increase of the City’s transient occupancy tax shall be submitted to the qualified voters of the City.

SECTION 2. The City Council requests the Fresno County Board of Supervisors to consolidate the general municipal election for this Measure with the statewide general election on November 8, 2022, pursuant to section 10403 of the Elections Code.

SECTION 3. The City requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City agrees to pay the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk to be directly related to the conduct of the City of Clovis' special municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's special municipal election with the elections being held by other jurisdictions, if any, in the City of Clovis on November 8, 2022.

SECTION 4. At the statewide general election to be held on November 8, 2022, the following question shall be submitted to registered voters of the City of Clovis and shall be printed on the election ballot in the form set forth as follows:

CITY OF CLOVIS PUBLIC SAFETY IMPROVEMENT MEASURE: To maintain and improve public safety services including emergency response times, police protection, neighborhood services, anti-gang and anti-drug programs; repair infrastructure; and provide other City services; shall the City of Clovis increase the current Transient Occupancy Tax, also known as a hotel bed tax paid only by hotel guests, from 10% to 12%, with the 2% increase providing approximately \$500,000 annually until ended by voters, subject to publicly available annual audits, with all funds benefitting Clovis residents?

YES NO

SECTION 5. The measure shall be designated on the ballot by a letter, as provided in Elections Code Section 13116. This measure shall be designated by letter by the Fresno County Clerk.

SECTION 6. Passage of the Measure requires a simple majority of votes from qualified voters of the City voting in the election.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Pursuant to Elections Code section 12111, the City Council hereby directs the City Clerk, with the assistance of the City Attorney, to prepare a synopsis of the Measure and transmit the synopsis to the Fresno County Clerk/Registrar of Voters to be published in accordance with section 12111.

SECTION 9. The full text of the Measure submitted to the voters will appear in the sample ballot and voter’s pamphlet. The Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, will not be printed in the sample ballot and voter’s pamphlet. However, the full text of the Measure and the full text of the Ordinance will be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the City Clerk.

SECTION 10. Arguments in favor of or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar of Voters in accordance with applicable provisions of the Elections Code, including sections 9280 through 9287 thereof.

SECTION 11. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution and the Measure to be placed on the ballot as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

SECTION 14. California Environmental Quality Act (CEQA). The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a Special Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transient occupancy tax increase submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Clovis hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 6, 2022, by the following vote, to wit.

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

DATED:

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: June 6, 2022

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #73, T6208 – Northwest Corner Dakota/Highland, T6203 – Northwest Corner Dakota/Thompson, T6161 – Southeast Corner Ashlan/Thompson, & T6340 Southeast Corner Ashlan/Thompson) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 22-____, A Resolution annexing territory (Annexation #73) (T6208 – Northwest Corner Dakota/Highland, T6203 – Northwest Corner Dakota/Thompson, T6161 – Southeast Corner Ashlan/Thompson, & T6340 Southeast Corner Ashlan/Thompson) 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 #73) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 22-____, 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

CONFLICT OF INTEREST

None.

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #73) to Community Facilities District No. 2004-1.

- Consider Approval – Res. 22-____, A Resolution of annexation of territory (Annexation #73) 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. 22-____, 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 #73 (ROI) to annex territory to the CFD on April 18, 2022. The ROI set a public hearing for June 6, 2022. 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 #73 (ROI) to annex territory to the CFD. The ROI set a public hearing for June 6, 2022. 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 \$265.88 for single family residential and \$229.56 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 *SN*

RESOLUTION NO. 22-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
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. 73**

WHEREAS, this Council, on April 18, 2022, 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. 73 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED,

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. 73 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. 22-33 adopted by this Council for the District on April 18, 2022, each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant to the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on June 6, 2022, 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 June 6, 2022, 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 June 6, 2022, by the following vote, to wit.

AYES:

NOES:

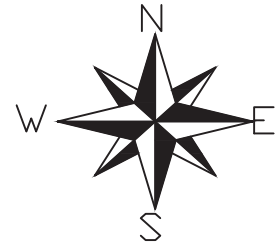
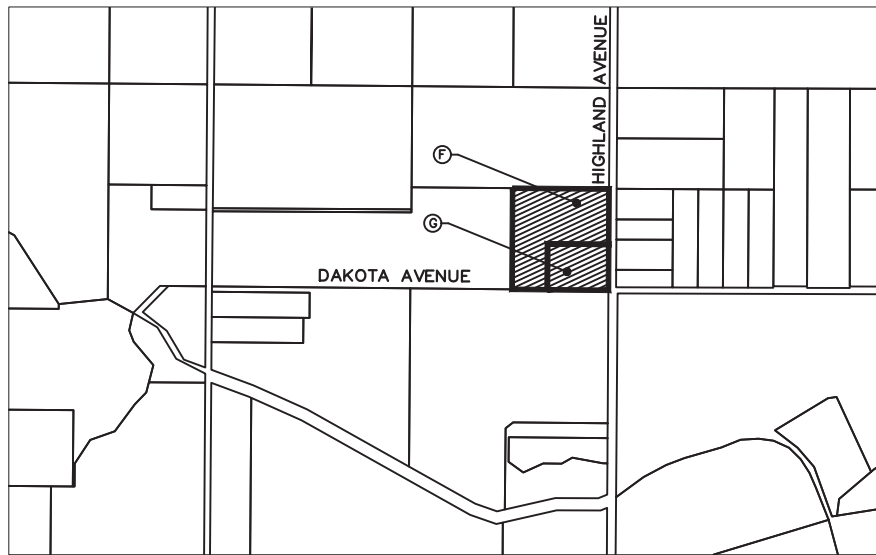
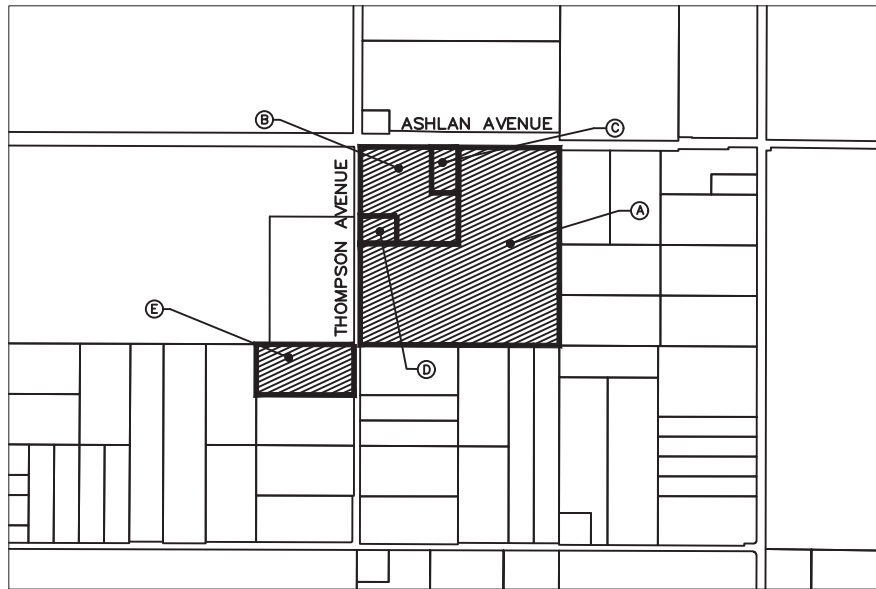
ABSENT:

ABSTAIN:

DATED: June 6, 2022

Mayor

City Clerk



- LEGEND**
- PARCEL
 - ANNEXATION BOUNDARY
 - (A) APN 309-022-52
 - (B) APN 309-022-69
 - (C) APN 309-022-66
 - (D) APN 309-022-68
 - (E) APN 309-021-02
 - (F) APN 310-300-16
 - (G) APN 310-300-17

FILED IN THE OFFICE OF THE CITY CLERK THIS ___ DAY OF _____, 2022. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 73 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 6th DAY OF JUNE, 2022, BY ITS RESOLUTION NO. 22-__.

KAREY CHA
CITY CLERK
CITY OF CLOVIS

FILED THIS _____ DAY OF _____, 2022, 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.

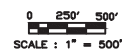
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

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

ANNEXATION MAP NO. 73

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

CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA



RESOLUTION NO. 22-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA 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. 73**

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; and

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

NOW, THEREFORE, BE IT RESOLVED,

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. 22-33, 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 June 6, 2022.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.
4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 6, 2022, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: June 6, 2022

Mayor

City Clerk

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 73**

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. 73 Special Tax Annexation Election, June 6, 2022. | | | | |
| | | | | |

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. 22-___ of the City of Clovis, adopted by its Council on June 6, 2022?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2022.

CITY OF CLOVIS

By: _____
City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: June 6, 2022

SUBJECT: Consider Approval – Declare Results of Election Regarding an Assessment Increase in Landscape Maintenance District No. 1; and Res. 22-____, A Resolution Confirming the Diagram and Assessments for the 2022-23 Annual Levy for Landscape Maintenance District No. 1.

Staff: Glenn Eastes, Assistant Public Utilities Director

Recommendation: Approve

ATTACHMENTS: 1. Proposition 218 Election Ballot Results
2. Resolution Confirming Diagram and Assessments
3. Assessment Diagrams

CONFLICT OF INTEREST

None.

RECOMMENDATION

1. Declare Results of Election Regarding an Assessment Increase in Landscape Maintenance District No. 1;
2. Conduct public hearing; and
3. Adopt Resolution No. 22-____, confirming the diagram and assessments for the annual levy of Landscape Maintenance District No. 1 for FY 2022-23.

EXECUTIVE SUMMARY

An election was held to increase the assessment within Landscape Maintenance District No. 1 for Benefit Zones 1 and 5. Acceptance of ballots was closed at the May 16, 2022, Council meeting, and the matter was continued to the June 6, 2022, Council meeting to allow for tabulation of the election results. Ballots were publicly tabulated on May 17, 2022. Zone 1 passed with 63.13% of the vote in favor of the rate increase. Zone 5 failed with 50.09% not in favor of the rate increase.

The public hearing is required by the Landscape and Lighting Act of 1972 (ACT) to consider all written statements and to afford all interested persons the opportunity to hear and be heard concerning the Landscape Maintenance District assessments for the coming year. There have been no written comments made or filed as of the writing of this report. At the conclusion of the public hearing, the Council will confirm the diagram and assessments in the Engineer's Report, as presented or amended, to levy assessments on parcels in the LMD for the following fiscal year.

BACKGROUND

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

The yearly assessments established for all properties within the District provide funding for the City's cost for operation, maintenance, and related services. The required operation and maintenance include mowing, edging, fertilizing, weed control, irrigation systems, pruning, plant replacement, lighting, and a depreciation fund to periodically replace picnic area amenities, playground equipment, and other items such as neighborhood monuments. The assessments are collected by the County as a special assessment on the property tax bills.

On March 21, 2022, Council approved the Preliminary Engineer's Report and adopted Resolution No. 22-24, declaring the City's intention to levy and collect the annual assessments for Landscape Maintenance District No. 1 and giving notice of public hearing. The notice was published in The Business Journal on May 27, 2022. At this time, the Council is to consider all oral and written statements, make any changes to the Engineer's Report, and adopt the Resolution to levy assessments for FY 2022-23.

Fifteen Assessment Zones will receive a rate increase, twenty-eight Assessment Zones will receive no rate change, and five Assessment Zones will receive a rate decrease.

As required by the ACT, the Engineer's Report for Landscape District No. 1 is on file with the City Clerk and includes the following:

- A full and detailed description of the improvements;
- A description of the assessable lots and parcels of land within the LMD;
- A diagram for the Landscape Maintenance District No. 1, showing the exterior boundaries and the boundaries of any zones within the LMD;
- The estimated costs of the improvements; and
- The proposed assessments.

FISCAL IMPACT

Approval of the Engineer's Report will provide the necessary funding for the Landscape Maintenance District No. 1 to continue the operation and maintenance of landscaped areas benefiting development throughout the City for the next fiscal year.

REASON FOR RECOMMENDATION

This resolution confirming the diagram and assessments in the Engineer's Report is required annually by the Landscaping and Lighting Act of 1972. Adoption of the Resolution establishes the levy of assessments in the amount specified in the Engineer's Report for each parcel for the coming fiscal year.

ACTIONS FOLLOWING APPROVAL

1. The Engineer's Report, as amended and approved by Council, will be recorded with the Fresno County Recorder's Office and filed with the Fresno County Auditor-Controller.
2. The assessments will be collected with the property taxes.

Prepared by: Glenn Eastes, Assistant Public Utilities Director

Reviewed by: City Manager *JA*

City of Clovis
Landscape Maintenance Assessment District
May 16, 2022 Proposition 218 Results

Results for Benefit Zone 1

| Type of Vote | Number of Ballots Returned | Weighted Assessment Amount | Percent of Weighted Assessment |
|--------------|----------------------------|----------------------------|--------------------------------|
| Yes | 2,308 | \$309,464.90 | 63.13% |
| <u>No</u> | <u>1,638</u> | <u>\$180,727.82</u> | <u>36.87%</u> |
| Total | 3,946 | \$490,192.72 | |

Results Benefit Zone 1: The Assessment Increase Passed 63.13% to 36.87%

Total number of ballots mailed: 11,241 for \$ 1,427,056.86
- You had a 35.1% return

Results for Benefit Zone 5

| Type of Vote | Number of Ballots Returned | Weighted Assessment Amount | Percent of Weighted Assessment |
|--------------|----------------------------|----------------------------|--------------------------------|
| Yes | 561 | \$40,560.30 | 49.91% |
| <u>No</u> | <u>563</u> | <u>\$40,704.90</u> | <u>50.09%</u> |
| Total | 1,124 | \$81,265.20 | |

Results Benefit Zone 5: The Assessment Increase Did Not Pass 49.91% to 50.09%

Total number of ballots mailed: 3,652 for \$ 267,437.70
- You had a 30.78% return

RESOLUTION 22-____**A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA,
CONFIRMING THE DIAGRAM AND ASSESSMENTS IN THE ENGINEER'S REPORT FOR
THE ANNUAL LEVY, 2022-23, LANDSCAPE MAINTENANCE DISTRICT NO. 1**

WHEREAS, on March 21, 2022, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, the Council of the City of Clovis did adopt Resolution No. 22-24, a Resolution of Intention to Levy and Collect the Annual Assessment for Landscape Maintenance District No. 1 of the City of Clovis, (herein "LMD No. 1"); and

WHEREAS, the Council did declare in said Resolution of Intention its intention to levy and collect the annual assessment for the maintenance and operation of the landscaping facilities in said LMD No. 1; and

WHEREAS, notice of the public hearing was given as provided by law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Council determines that the territory within the LMD No. 1, whose boundaries are set forth in the Engineer's Report of the City of Clovis LMD No. 1 dated June 6, 2022, as amended and on file with the City Clerk of the City of Clovis, will be the territory benefited by the maintenance and servicing of the improvements described in said Engineer's Report.
2. The assessments are in compliance with Part 2 of Division 15 of the Streets and Highways Code, and are levied without regard to property valuation. The City Council directs the placement of the assessments on the tax roll for collection.
3. The Public Hearing on said annual levy of assessments was held in accordance with law, and all persons filing protests or requesting to speak and who appeared were heard.
4. The Engineer's Report and the assessment of the estimated costs of the improvements contained therein and each and every part of said report, as amended, is adopted and approved; and the assessments upon the land in the LMD No. 1 being found to be in proportion to the benefits to be received from the improvements, are finally approved and confirmed as the assessments to pay the costs of each improvement and the expenses incidental thereto.

5. The Council hereby orders the levy of the assessments described in the Engineer's Report, as amended.

6. The subdivisions of land within the District are to be assessed to pay the costs of the landscape maintenance.

7. The City Clerk shall file the Engineer's Report and assessments, as confirmed, or a certified copy thereof, with the Recorder of the County of Fresno.

* * * * *

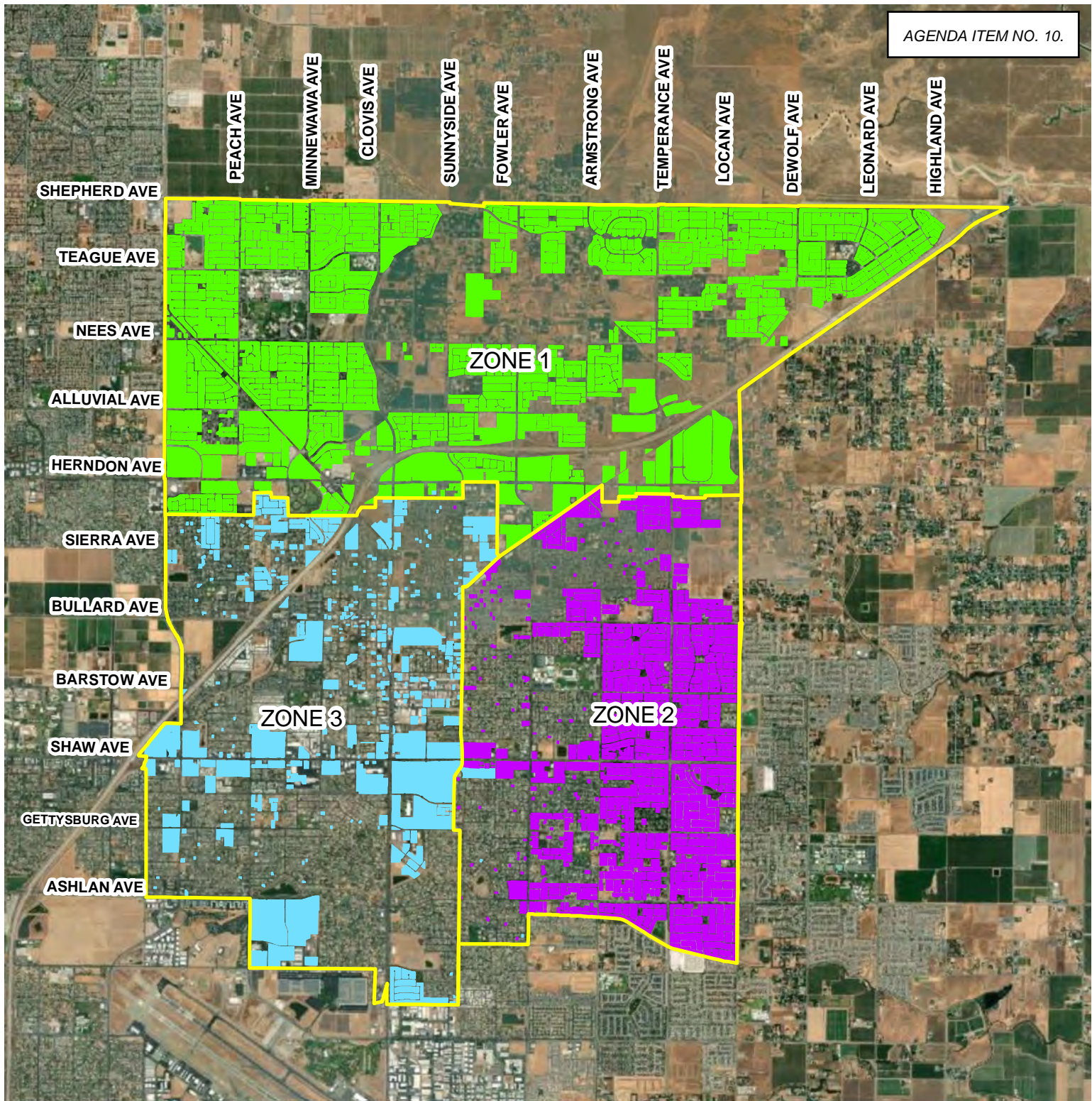
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 6, 2022 by the following vote, to wit.

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

DATED: June 6, 2022

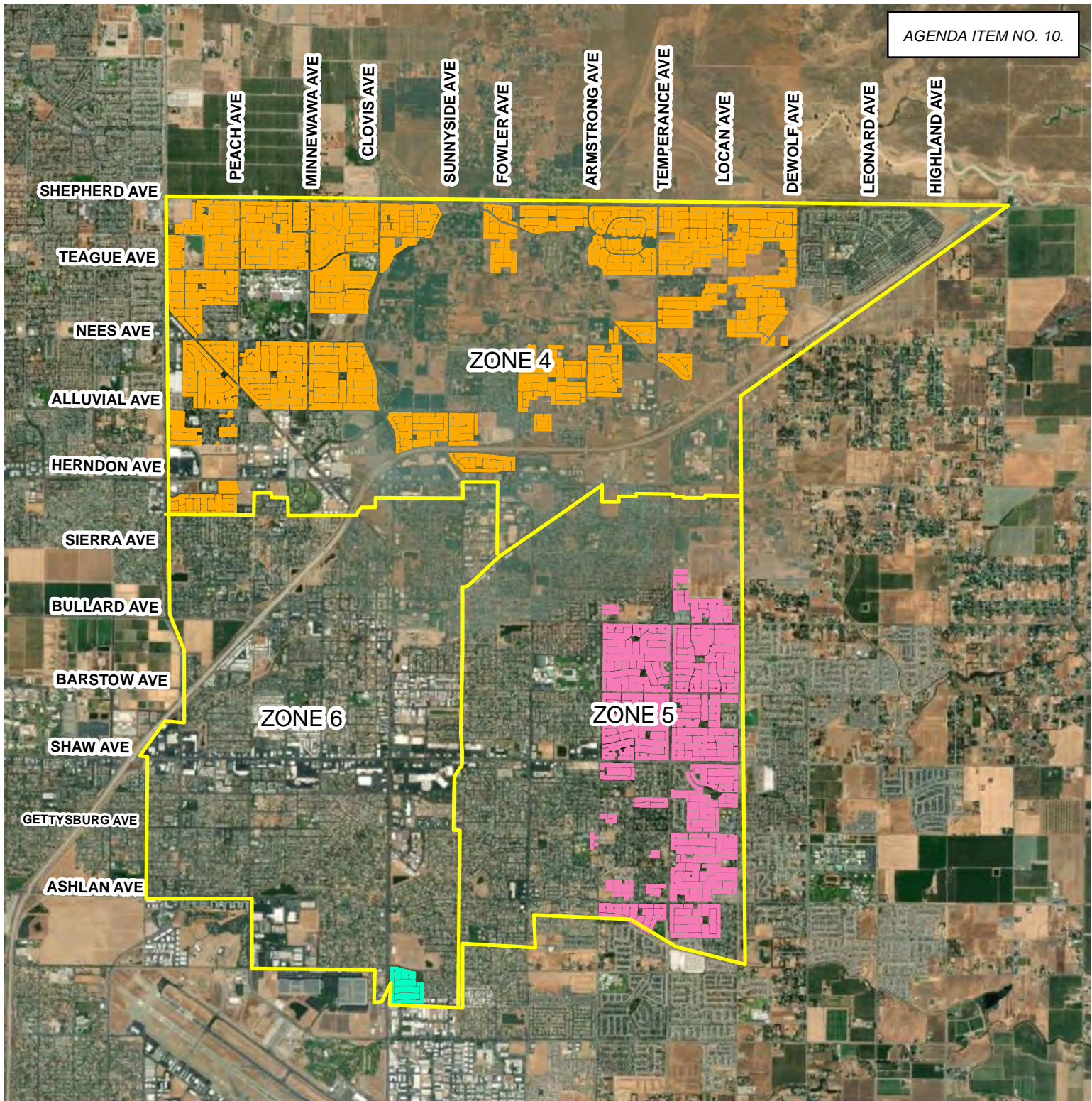
Mayor

City Clerk



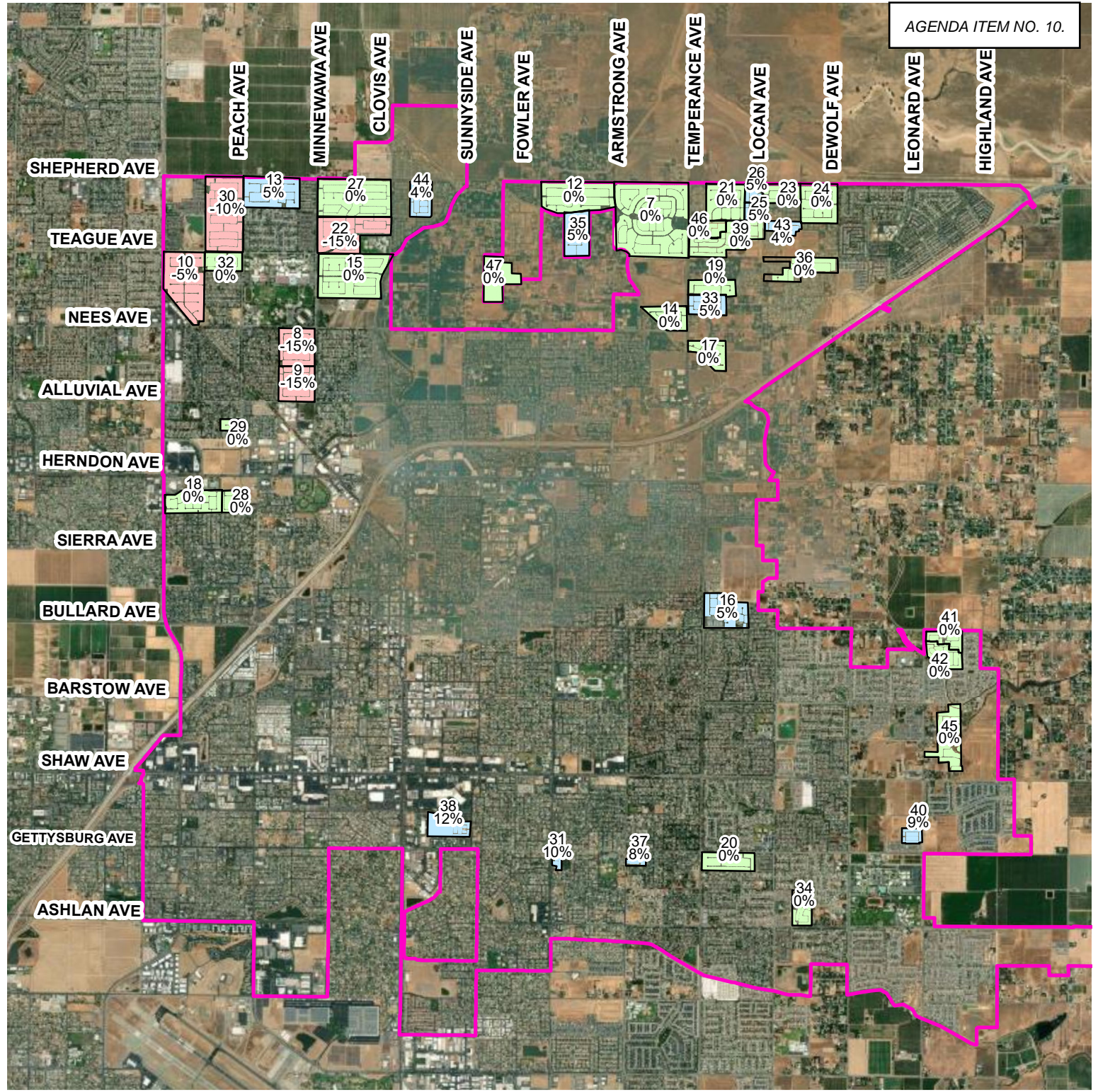
**LMD ZONES 1-3
 GENERAL LANDSCAPING
 2022/2023 ASSESSMENT CHANGES
 ASSESSMENT INCREASE FOR ZONE 1
 NO ASSESSMENT CHANGES ZONES 2 & 3**





**LMD ZONES 4-6
PARKS
2022/2023 ASSESSMENT CHANGES
NO ASSESSMENT CHANGES ZONES 4-6**



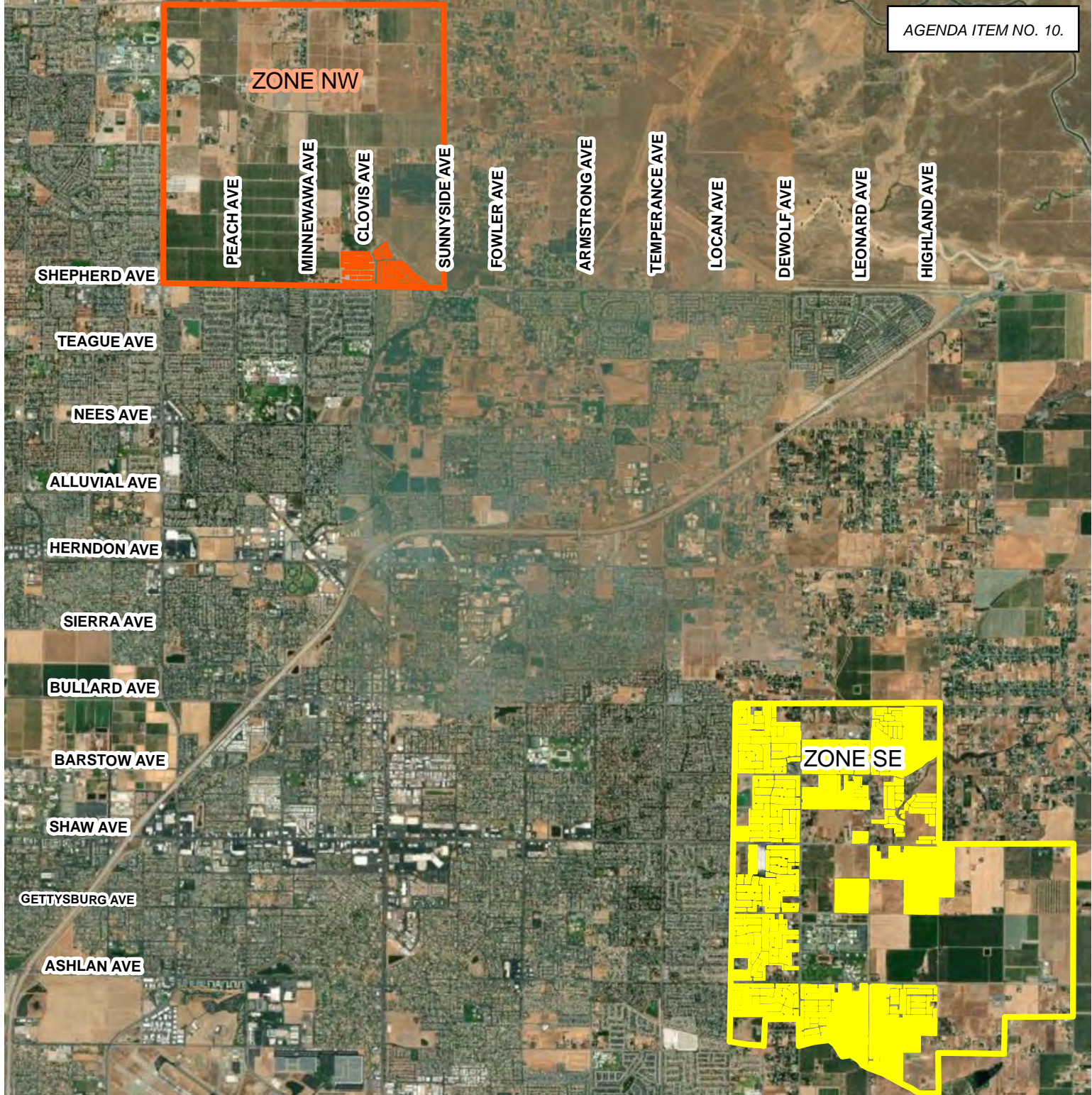


LMD ZONES 7 - 47 NEIGHBORHOOD ENHANCEMENTS 2022/2023 ASSESSMENT CHANGES



Assessment Changes No Change Decrease Increase





LMD ZONES SOUTHEAST AND NORTHWEST
 2022/2023 ASSESSMENT CHANGES
 5% ASSESSMENT INCREASE FOR ZONE NW
 NO ASSESSMENT CHANGE FOR ZONE SE





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: June 6, 2022

SUBJECT: Consider – A request from Clovis-Big Dry Creek Historical Society for the City Council to Create a Historical Preservation Commission.

Staff: Andrew Haussler, Assistant City Manager

Recommendation: Consider request and provide direction.

ATTACHMENTS: 1. Letter from Clovis-Big Dry Creek Historical Society

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to provide direction to staff based on the request from the Clovis-Big Dry Creek Historical Society to form a Historical Preservation Commission.

EXECUTIVE SUMMARY

Staff is in receipt of a request (attached) to the City Manager from the Clovis-Big Dry Creek Historical Society to form a historical preservation commission.

BACKGROUND

After the discussion regarding the status of the Clovis Carnegie Library Building on May 2, 2022, the Clovis-Big Dry Creek Historical Society submitted a letter on May 16, 2022, to the City Manager requesting that the City form a Historical Preservation Commission. The City currently does not have a Historical Preservation Commission. The letter from the Clovis-Big Dry Creek Historical Society refers to the Council giving verbal direction to staff at the May 2nd Council meeting to initiate the formation of a Historical Preservation Commission. However, no action was taken at that meeting. Staff now seeks Council's direction on the potential formation of such a Commission.

When the Zoning Code was updated in 2014, a definition for "Historical Preservation Board" was included in Chapter 9.120, and defined to be a *City review board designated to promote the cultural, economic, educational, and general welfare of the City through the preservation and*

protection of buildings, sites, structures, areas, and districts of historic significance and interest. Although a definition for the Board was included, no other provisions in the Zoning Code address a Historic Preservation Board or require its creation, *and* the City has not taken action to establish such a Board. To establish a Historic Preservation Commission (or Board) the City Council would need to initiate and approve an amendment to the Zoning Code to incorporate such a Board into the development review process for designated buildings and sites.

The role of a Historic Preservation Commission can vary as determined by the City Council. Many similar commissions in other cities review historic resources such as buildings, sites, structures, areas, and districts of historic significance and interest, and determine what should be recommended as designated for protection, subject to City Council approval. A commission may also serve as an additional reviewing/advisory body, reviewing and making recommendations on a designated site application to the Planning Commission. If an owner of one of those designated buildings, sites, structures, areas, and districts of historic significance and interest wants to make improvements and/or changes the Historic Preservation Commission would review and determine if the request is appropriate and then recommend approval or denial of the application to the Director, Planning Commission, and City Council, depending on the entitlement. While this would add a layer of protection to designated historic resources it may also deter investment as it could increase approval timeframes and potentially increase expenses to make improvements.

It is likely amendments and/or additions to the City's General Plan would also be required for the Historic Preservation Commission to determine standards to apply. Currently in the City of Clovis, historic preservation is governed by the General Plan in the Open Space and Conservation Element under *Goal 2: Natural, agricultural, and historic resources that are preserved and promoted as key features for civic pride and identity.* This is implemented by the following policies:

- Policy 2.9: National and state historic resources. Preserve historical sites and buildings of state or national significance in accordance with the Secretary of Interior Standards for Historic Rehabilitation.
- Policy 2.10: Local historic resources. Encourage property owners to maintain the historic integrity of the site by (listed in order of preference): preservation, adaptive reuse, or memorialization.
- Policy 2.11: Old Town. Prioritize the preservation of the historic character and resources of Old Town.
- Policy 2.12: Public education. Support public education efforts for residents and visitors about the unique historic, natural, and cultural resources in Clovis.

In addition, the Central Clovis Specific Plan further implemented the above goal and policies with design guidelines and language desiring to preserve the historic nature of the Old Town area.

Staff is currently seeking direction from Council regarding a request to establish a Historic Preservation Commission. Below are some options for Council to consider:

- 1) Keep status quo as currently determined in the General Plan as provided above.
- 2) Direct staff to review historic preservation in the General Plan Update currently underway to determine any new goals, policies, and implementation steps such as establishing a Historical Preservation Commission.
- 3) Direct staff to bring back the necessary items for Council to consider establishing a Historical Preservation Commission before completing the General Plan Update.

FISCAL IMPACT

At this point in the discussion there is no fiscal impact.

REASON FOR RECOMMENDATION

Staff is in receipt of a request to the City Manager from the Clovis-Big Dry Creek Historical Society to form a historical preservation commission.

ACTIONS FOLLOWING APPROVAL

Staff will implement Council direction.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager *GH*

SAVE OUR 1914 CARNEGIE LIBRARY COMMITTEE

c/o Clovis-Big Dry Creek Historical Society

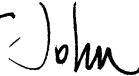
401 Pollasky Avenue
Clovis, CA 93612-1141

AGENDA ITEM NO. 11.

May 16, 2022

Mr. John Holt
City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Holt,



Two years ago the Clovis-Big Dry Creek Historical Society formed a committee to advocate for the preservation of the Carnegie Library building in Old Town Clovis, listed among the Fresno County Historical Landmarks and Records Advisory Commission's Inventory of Historic Sites in Fresno County.

We believe that Old Town Clovis should continue to be defined by its authentic historical buildings wherever feasible. The campaign to protect the Carnegie Library building has accentuated the absence of a City of Clovis Historic Preservation Commission to review projects and plans that may affect the City's historic and cultural heritage. Typically such commissions encourage public participation.

We believe that prompt action by the City to establish a Historic Preservation Commission will:

- discourage demolition of our cultural history
- take a vital step toward applying to be a state Certified Local Government to expedite environmental reviews and create opportunities for grant funding
- promote conservation of resources and reduce waste and expense by repairing and reusing existing buildings, greatly reducing their carbon footprint
- encourage identification of significant buildings to educate the public about local history
- contribute expertise in period architecture to maintain the authenticity of Old Town and other historical sites, and
- generate enthusiasm for Clovis' unique character, both as a destination and for the benefit of local citizens.

Many municipalities maintain a Local Register of Historic Resources. Such resources are researched and evaluated as to their significance, and often are marked by plaques or other insignia to illuminate a town's historical development. We believe that Clovis is worthy of such a project.

The Council gave verbal direction to staff at the City Council meeting on May 2, 2020, to initiate the formation of a Historic Preservation Commission. Our citizen group endorses this action with enthusiasm. In addition to the committee—comprised of seven Clovis citizens who are passionate about the preservation of historically significant landmarks—we have consulted an advisory group comprised of John Wright, former City of Clovis Planning Director; Elizabeth Laval, President, Fresno County Historical Society; Karana Hattersley-Drayton, former City of Fresno Historic Preservation Project Manager; and Chris Johnson, AIA, Principal and Project Lead for the 2005 restoration of Fresno's Santa Fe Depot. We offer our services to aid the City in the establishment of a Clovis Historic Preservation Commission.

If you would like to discuss this issue, please contact me by phone at (559) 930-3619, or by email at sayremcfarlanemiller@gmail.com.

Sincere regards,



Sayre Miller
Committee Co-chair
Past Chairman, Fresno County Historical Society

Peg Bos, Committee Co-chair
Past President, Clovis-Big Dry Creek Historical Society

Paul Halajian
Architect, Old Town Clovis

Tom Wright
Board Chairman, Clovis Veterans Memorial District

Carol Smittcamp Copeland
Business Owner, Old Town Clovis

Don Bremseth
Architect / 1979-85 Carnegie Library
Restoration Committee Member

Betsy Smittcamp Kimball
President, Smittcamp Family Foundation



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: June 6, 2022

SUBJECT: Consider Approval – To submit a letter of Opposition for Assembly Bill 2550- Arambula, State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.

Staff: John Holt, City Manager
Recommendation: Approve

ATTACHMENTS: 1. Proposed Legislation – AB 2550

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council provide policy direction to oppose Assembly Bill 2550- Arambula, State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.

EXECUTIVE SUMMARY

Assembly Bill 2550- Arambula, State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment is being considered by the California Legislature. Staff has reviewed the bill and is recommending City Council provide policy direction to oppose the legislation. The bill would require the State Air Resources Board, if the San Joaquin Valley Air Pollution Control District (District) does not receive a determination of attainment from the United States Environmental Protection Agency by the applicable attainment date for that standard, to undertake additional activities and place the State Air Resources Control Board in control of these local issues. If the recommendation is approved, staff will draft a letter to submit to the legislature for consideration.

BACKGROUND

Assembly Bill 2550- Arambula, State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment is being considered by the California Legislature. Staff has reviewed the bill and is recommending City Council provide policy direction to oppose the legislation. The legislation is now up for a floor vote in the Assembly.

The bill would require the State Air Resources Board, if the San Joaquin Valley Air Pollution Control District (District) does not receive a determination of attainment from the United States Environmental Protection Agency by the applicable attainment date for that standard, to undertake certain activities. This includes coordinating with the District and community-based organizations in the District and conducting outreach to under-resourced communities in the District to identify gaps in the state implementation plan and the district's attainment plan, rules, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain that ambient air quality standard. This would increase costs on the businesses in the District and minimize the District's role in regulating and improving air quality within the District, and place the State Air Resources Control Board in control of these local issues. In addition, it would require a duplicative input process from community groups on air quality issues. It is noted that much of the air pollution that causes non-attainment in the District is from mobile sources, of which the District has no ability to regulate.

The position of the League of Cities is stated as "watch" at this time. The San Joaquin Valley Air Pollution Control District is listed as an "oppose" at this time.

If the recommendation is approved, staff will draft a letter to submit to the legislature for consideration.

FISCAL IMPACT

None at this time.

REASON FOR RECOMMENDATION

The position on this bill recommended are in the best interest of the City and allowing decisions on air quality mitigation programs and resources to be made at the local level.

ACTIONS FOLLOWING APPROVAL

Staff will draft a letter of opposition for the Mayor's signature.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager *AH*

AMENDED IN ASSEMBLY APRIL 28, 2022

AMENDED IN ASSEMBLY APRIL 19, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2550

Introduced by Assembly Member Arambula

February 17, 2022

An act to add Section 41501 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2550, as amended, Arambula. State Air Resources Board: ~~national ambient air quality standards: nonattainment districts. San Joaquin Valley Air Pollution Control District: nonattainment.~~

Existing law generally designates local air districts with primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources ~~Board,~~ *Board* to coordinate air pollution control activities throughout the state and to ensure that the entire state is, or will be, in compliance with state standards, to review a district's attainment plan, and any revised plan, to determine whether the plan will achieve and maintain the state's ambient air quality standards by the earliest practicable date, to review the rules, regulations, and programs submitted by an air district to determine whether they are sufficiently effective to achieve and maintain the state ambient air quality standards, and to review the enforcement practices of a district to determine whether reasonable action is being taken to enforce the district's programs, rules, and regulations. Existing law authorizes the state board, if, after a public hearing, it finds that a

96

program or the rules and regulations of an air district will not likely achieve and maintain the state’s ambient air quality standards, to establish a program, or portion thereof, or rules and regulations it deems necessary to enable the air district to achieve and maintain ambient air quality standards.

This bill would require the state board, ~~if a district in severe or extreme nonattainment for a national ambient air quality standard has not received the San Joaquin Valley Air Pollution Control District does not receive a determination of attainment from the United States Environmental Protection Agency for a national ambient air quality standard established by the agency pursuant to the federal Clean Air Act by the applicable attainment date for that standard,~~ to undertake certain activities, including coordinating with the district and community-based organizations in the district and conducting outreach to under-resourced communities in the district to identify gaps in the state implementation plan and the district’s attainment plan, rules, regulations, programs, and enforcement practices that impact the district’s ability to attain and maintain that ambient air quality ~~standard and to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district, as provided.~~ *standard.* The bill would require the state board to conduct at least one public hearing in the district regarding the district’s attainment plan, and would require the state board to solicit public comment on specified topics, including the state board’s review of the district’s attainment plan, rules, regulations, programs, and enforcement practices, data regarding stationary sources in the district, including monitoring and enforcement of those sources, and the state board’s plan to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Joaquin Valley Air Pollution Control District.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

- 1 (a) The United States Environmental Protection Agency is
2 responsible for establishing national ambient air quality standards
3 for a number of pollutants, including ozone and particulate matter
4 below 10 microns (PM10) and below 2.5 microns (PM2.5) in size.
- 5 (b) Poor air quality is intimately linked with negative health
6 impacts, including respiratory illness and premature deaths, with
7 recent studies estimating air pollution as the cause of over 100,000
8 premature deaths in the United States in 2011.
- 9 (c) The distribution of premature deaths is not equal.
10 Low-socioeconomic status communities are at higher risk than
11 higher-income communities. Additionally, Hispanic, Asian, and
12 Black individuals experience higher risk of premature death than
13 White individuals.
- 14 (d) Specific to PM2.5, research has found that for elders enrolled
15 in Medicare, it is estimated that reaching the World Health
16 Organization’s standards, which are only slightly more stringent
17 than the most recent national standards, would prevent nearly
18 140,000 early deaths of elderly individuals over the next decade.
19 For the San Joaquin Valley, data suggests that PM2.5 exposure is
20 responsible for 1,200 cases of premature death in the valley each
21 year.
- 22 (e) However, the eight counties forming the San Joaquin Valley
23 Air Pollution Control District continue to be in nonattainment of
24 annual national PM2.5 air standards set in 1997, let alone more
25 stringent national standards passed in 2006 and 2012.
- 26 (f) The United States Environmental Protection Agency also
27 establishes timelines for attainment of national ambient air quality
28 standards, and the San Joaquin Valley has consistently exceeded
29 deadlines since the initial deadline for 1997 standards.
- 30 (g) In November 2021, a lawsuit was filed against the United
31 States Environmental Protection Agency claiming prolonged
32 inaction by the agency to address continued nonattainment of
33 national ambient air quality standards in the San Joaquin Valley.
- 34 (h) If the United States Environmental Protection Agency
35 imposes sanctions on the state as a result of litigation regarding
36 nonattainment areas in the state, the agency may prohibit approval
37 of state highway construction projects not directly linked to
38 improving public safety or emissions reductions.
- 39 (i) Beyond the clear negative impacts to public health, continued
40 nonattainment poses a risk to construction and economic growth

1 in the San Joaquin Valley. To reduce the risk of premature deaths
 2 for hundreds of thousands of state residents and to remove the risk
 3 of federal sanctions, the state needs to enact legislation to ensure
 4 consistent progress and rapid attainment of national ambient air
 5 quality standards in the state.

6 SEC. 2. Section 41501 is added to the Health and Safety Code,
 7 to read:

8 ~~41501. If a~~

9 *41501. (a) For purposes of this section, the following terms*
 10 *have the following meanings:*

11 *(1) "Agency" means the United States Environmental Protection*
 12 *Agency.*

13 *(2) "District" means the San Joaquin Valley Air Pollution*
 14 *Control District.*

15 ~~*(b) If the district in severe or extreme nonattainment for a*~~
 16 ~~*national ambient air quality standard established by the United*~~
 17 ~~*States Environmental Protection Agency pursuant to the federal*~~
 18 ~~*Clean Air Act (42 U.S.C. Sec. 7401 et seq.) has not received does*~~
 19 ~~*not receive a determination of attainment from the United States*~~
 20 ~~*Environmental Protection Agency agency for a national ambient*~~
 21 ~~*air quality standard established by the agency pursuant to the*~~
 22 ~~*federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) by the*~~
 23 ~~*applicable attainment date for that standard, the state board shall*~~
 24 ~~*do all of the following:*~~

25 ~~(a)~~

26 *(1) Coordinate with the district and community-based*
 27 *organizations in the district, and conduct outreach to*
 28 *under-resourced communities, as defined in subdivision (g) of*
 29 *Section 71130 of the Public Resources Code, in the district to*
 30 *identify gaps in the state implementation plan and the district's*
 31 *attainment plan, rules, regulations, programs, and enforcement*
 32 *practices that impact the district's ability to attain and maintain*
 33 *that national ambient air quality standard.*

34 ~~(b)~~

35 *(2) Coordinate with the district to provide additional monitoring*
 36 *and enforcement capacity for stationary sources in the district,*
 37 *including, but not limited to, independently inspecting, or*
 38 *accompanying the district on inspections of, the largest stationary*
 39 *sources in the district.*

40 ~~(e)-(1)~~

1 (3) (A) Develop a program, or portion thereof, or rules or
2 regulations that the state board deems necessary to enable the
3 district to attain and maintain that national ambient air quality
4 standard.

5 ~~(2)~~

6 (B) Any program, or portion thereof, or rule or regulation
7 established by the state board for the district shall have the same
8 force and effect as a program, rule, or regulation adopted by the
9 district and shall be enforced by the district.

10 ~~(d)~~

11 (4) Conduct at least one public hearing in the district regarding
12 the district’s attainment plan submitted pursuant to Section 40911,
13 and solicit public comment on, all of the following:

14 ~~(1)~~

15 (A) The state board’s review of the district’s attainment plan,
16 rules, regulations, programs, and enforcement practices.

17 ~~(2)~~

18 (B) Gaps in the state implementation plan and the district’s
19 attainment plan, rules, regulations, programs, and enforcement
20 practices, either independently identified by the state board or
21 identified pursuant to ~~subdivision (a), paragraph (1)~~ that impact
22 the district’s ability to attain and maintain that national ambient
23 air quality standard.

24 ~~(3)~~

25 (C) Data regarding stationary sources in the district, including
26 monitoring and enforcement of those sources, and the state board’s
27 plan to coordinate with the district to provide additional monitoring
28 and enforcement capacity pursuant to ~~subdivision (b), paragraph~~
29 (2).

30 ~~(4)~~

31 (D) The programs, rules, or regulations that the state board
32 developed pursuant to ~~paragraph (1) of subdivision (e)~~
33 *subparagraph (A) of paragraph (3)* and that the state board deems
34 necessary to enable the district to attain and maintain that national
35 ambient air quality standard.

36 ~~(5)~~

37 (E) Any other data, analysis, evaluation, or information relevant
38 to the district’s ability to attain and maintain that national ambient
39 air quality standard, including, but not limited to, the impact of
40 nonattainment on public health in the district and in the state.

1 *SEC. 3. The Legislature finds and declares that a special statute*
2 *is necessary and that a general statute cannot be made applicable*
3 *within the meaning of Section 16 of Article IV of the California*
4 *Constitution because of the need to protect public health in the*
5 *San Joaquin Valley Air Pollution Control District, including*
6 *reducing the risk of premature deaths, due to air pollution in the*
7 *district and the risk of federal sanctions from the United States*
8 *Environmental Protection Agency regarding the district's failure*
9 *to consistently meet established timelines for attainment of national*
10 *ambient air quality standards.*

O



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: June 6, 2022

SUBJECT: Consider Approval – To submit a letter of Opposition for Assembly Bill 2011- Wicks, Affordable Housing and High Road Jobs Act of 2022.

Staff: John Holt, City Manager
Recommendation: Approve

ATTACHMENTS: 1. Proposed Legislation – AB 2011

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council provide policy direction to oppose Assembly Bill 2011- Wicks, Affordable Housing and High Roads Jobs Act of 2022.

EXECUTIVE SUMMARY

Assembly Bill 2011- Wicks, Affordable Housing and High Roads Jobs Act of 2022 is being considered by the California Legislature. Staff has reviewed the bill and is recommending City Council provide policy direction to oppose the legislation. The bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a by-right land-use within a zone where office, retail, or parking are a principally permitted use, and would subject these development projects to streamlined ministerial review processes. This would disregard the City's General Plan and public input processes for land use changes and potentially severely impact the City's ability to maintain land for job generating uses. If the recommendation is approved, staff will draft a letter to submit to the legislature for consideration.

BACKGROUND

Assembly Bill 2011- Wicks, Affordable Housing and High Roads Jobs Act of 2022 is being considered by the California Legislature. Staff has reviewed the bill and is recommending City Council provide policy direction to oppose the legislation. The legislation is now up for a floor vote in the Assembly.

The bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a by-right land-use within a zone where office, retail, or parking are a principally permitted use, and would subject these development projects to streamlined ministerial review processes. If a developer chose to utilize this new process, it would be required to pay prevailing wage, which may be required to be monitored by the City. This would disregard the City's General Plan and public input processes for land use changes and potentially severely impact the City's ability to maintain land for job generating uses. In addition, it would bring into question the City's Housing Element Process as the bill does not allow the City to count the sites as part of its inventory to meet Regional Housing Needs Allocation.

The position of the League of Cities is stated as "oppose" at this time.

If the recommendation is approved, staff will draft a letter to submit to the legislature for consideration.

FISCAL IMPACT

None at this time.

REASON FOR RECOMMENDATION

The position on this bill recommended are in the best interest of the City and encouraging the fulfillment of the City's General Plan.

ACTIONS FOLLOWING APPROVAL

Staff will draft a letter of opposition for the Mayor's signature.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager *JA*

AMENDED IN ASSEMBLY MAY 11, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2011

**Introduced by Assembly Members Wicks, Bloom, Grayson,
Quirk-Silva, and Villapudua**

(Principal coauthor: Senator Wiener)

**(Coauthors: Assembly Members Berman, Mike Fong, Reyes, and
~~Robert Rivas~~ *Robert Rivas, and Blanca Rubio*)**

February 14, 2022

An act to add Chapter 4.1 (commencing with Section 65912.100) to Division 1 of Title 7 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as amended, Wicks. Affordable Housing and High Road Jobs Act of 2022.

The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards.

This bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a use by right within a zone where office, retail, or parking are a principally permitted use, and would subject these development projects to one of 2 streamlined, ministerial review processes. The bill would require a development proponent for a housing development

project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including that all construction workers shall be paid at least the general prevailing rate of wages, as specified. The bill would require a development proponent to certify to the local government that those standards will be met in project construction. By expanding the crime of perjury, the bill would impose a state-mandated local program. ~~The~~

This bill would require the Labor Commissioner to enforce the obligation to pay prevailing wages. The bill would require a development proponent for a development of 50 or more housing units to require construction contractors to participate in an apprenticeship program or request dispatch of apprentices from a state-approved apprenticeship program, and to make specified health care expenditures for construction craft employees. The bill would require the development proponent to certify compliance with those requirements to the local government and to report monthly to the local government that they are in compliance with those requirements. The bill would subject the development proponent and the construction contractors and subcontractors to specified civil penalties for failing to comply with those requirements, and would require the penalty funds to be deposited in the State Public Works Enforcement Fund. The bill would prohibit a local government from imposing any requirement, including increased fees, on the basis that the project is eligible to receive ministerial or streamlined approval. Because the bill would impose new duties on local governments, the bill would impose a state-mandated local program.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

The approval process established by this bill would be ministerial in nature, thereby exempting the approval of development projects subject to that approval process from CEQA.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.1 (commencing with Section
2 65912.100) is added to Division 1 of Title 7 of the Government
3 Code, to read:

4

5 CHAPTER 4.1. AFFORDABLE HOUSING AND HIGH ROAD JOBS
6 ACT OF 2022

7

8 Article 1. General Provisions

9

10 65912.100. This chapter shall be known and cited as the
11 Affordable Housing and High Road Jobs Act of 2022.

12 65912.101. For purposes of this chapter, the following terms
13 have the following meanings:

14 (a) "Commercial corridor" means a highway, as defined in
15 Section 360 of the Vehicle Code, that is not a freeway, as defined
16 in Section 332 of the Vehicle Code, and that has a right-of-way,
17 as defined in Section 525 of the Vehicle Code, of at least 70 and
18 not greater than 150 feet.

19 (b) "Development proponent" means a developer who submits
20 a housing development project application to a local government
21 under the streamlined, ministerial review process pursuant to this
22 chapter.

- 1 (c) “Health care expenditures” include contributions under
 2 Sections 501(c) or (d) or 401(a) of the Internal Revenue Code and
 3 payments toward “medical care” as defined under Section 213(d)(1)
 4 of the Internal Revenue Code.
- 5 (d) “Industrial use” means utilities, manufacturing, transportation
 6 storage and maintenance facilities, and warehousing uses.
 7 “Industrial use” does not include power substations or utility
 8 conveyances such as power lines, broadband wires, and pipes.
- 9 (e) “Local government” means a city, including a charter city,
 10 a county, including a charter county, or a city and county, including
 11 a charter city and county.
- 12 (f) “Major transit stop” has the same meaning as defined in
 13 subdivision (b) of Section 21155 of the Public Resources Code.
- 14 (g) “Side street” means a highway, as defined in Section 360
 15 of the Vehicle Code, that is not a freeway, as defined in Section
 16 332 of the Vehicle Code, and that has a right-of-way, as defined
 17 in Section 525 of the Vehicle Code, of at least 25 and fewer than
 18 70 feet.
- 19 (h) “Single-family property” means a property with a single
 20 residential dwelling unit. For purposes of this chapter, a residential
 21 dwelling unit does not include accessory dwelling units, as defined
 22 in Section 65852.2, or junior accessory dwelling units, as defined
 23 in Section 65852.22.
- 24 (i) *“Specific plan” means a plan adopted pursuant to Article 8*
 25 *(commencing with Section 65450) of Chapter 3.*
- 26 (i)
- 27 (j) “Urban uses” means any current or former residential,
 28 commercial, public institutional, transit or transportation passenger
 29 facility, or retail use, or any combination of those uses.
- 30 65912.102. The department may review, adopt, amend, and
 31 repeal guidelines to implement uniform standards or criteria that
 32 supplement or clarify the terms, references, or standards set forth
 33 in this chapter. Any guidelines or terms adopted pursuant to this
 34 section are not subject to Chapter 3.5 (commencing with Section
 35 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- 36 65912.103. *For purposes of establishing the total number of*
 37 *units in a development under this chapter, a development project*
 38 *includes both of the following:*
- 39 (a) *All projects developed on a site, regardless of when those*
 40 *developments occur.*

1 (b) All projects developed on sites adjacent to a site developed
2 pursuant to this chapter if, after January 1, 2022, the adjacent site
3 had been subdivided from the site developed pursuant to this
4 chapter.

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Article 2. Affordable Housing Developments in Commercial
Zones

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65912.110. Notwithstanding any inconsistent provision of a
local government’s general plan, specific plan, zoning ordinance,
or regulation, a housing development shall be a use by right within
a zone where office, retail, or parking are a principally permitted
use and shall be subject to streamlined, ministerial review pursuant
to Section 65912.114 if the proposed housing development satisfies
all of the requirements in Sections 65912.111, 65912.112, and
65912.113.

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65912.111. A development project shall not be subject to the
streamlined, ministerial review process provided by Section
65912.114 unless the development is proposed to be located on a
site that satisfies all of the following criteria:

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(a) It is a legal parcel or parcels that meet either of the following:
(1) It is within a city where the city boundaries include some
portion of either an urbanized area or urban cluster, as designated
by the United States Census Bureau.

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(2) It is in an unincorporated area, and the legal parcel or parcels
are wholly within the boundaries of an urbanized area or urban
cluster, as designated by the United States Census Bureau.

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(b) At least 75 percent of the perimeter of the site adjoins parcels
that are developed with urban uses. For purposes of this
subdivision, parcels that are only separated by a street or highway
shall be considered to be adjoined.

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(c) It is not adjacent to any site where more than ~~two-thirds~~
one-third of the square footage on the site is dedicated to industrial
use.

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(d) It satisfies the requirements specified in subparagraphs (B)
to (K), inclusive, of paragraph (6) of subdivision (a) of Section
65913.4.

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(e) It is not an existing parcel of land or site that is governed
under the Mobilehome Residency Law (Chapter 2.5 (commencing
with Section 798) of Title 2 of Part 2 of Division 2 of the Civil

1 Code), the Recreational Vehicle Park Occupancy Law (Chapter
 2 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of
 3 Division 2 of the Civil Code), the Mobilehome Parks Act (Part
 4 2.1 (commencing with Section 18200) of Division 13 of the Health
 5 and Safety Code), or the Special Occupancy Parks Act (Part 2.3
 6 (commencing with Section 18860) of Division 13 of the Health
 7 and Safety Code).

8 *(f) For a site within a specific plan area, the site satisfies both*
 9 *of the following conditions:*

10 *(1) The specific plan applicable to the site was adopted on or*
 11 *before January 1, 2024, and a notice of preparation was issued*
 12 *before January 1, 2022, pursuant to the requirements of Sections*
 13 *21080.4 and 21092 of the Public Resources Code.*

14 *(2) The specific plan applicable to the site allows residential*
 15 *use on the site.*

16 65912.112. A development project shall not be subject to the
 17 streamlined, ministerial review process provided by Section
 18 65912.114 unless the development proposal meets all of the
 19 following affordability criteria:

20 (a) One hundred percent of the units within the development
 21 project, excluding managers' units, shall be dedicated to lower
 22 income households, as defined in Section 50079.5 of the Health
 23 and Safety Code, at an affordable cost, as defined by Section
 24 50052.5, or an affordable rent set in an amount consistent with the
 25 rent limits established by the California Tax Credit Allocation
 26 Committee.

27 (b) The units shall be subject to a recorded deed restriction for
 28 a period of 55 years for rental units and 45 years for
 29 owner-occupied units.

30 65912.113. A development project shall not be subject to the
 31 streamlined, ministerial review process provided by Section
 32 65912.114 unless the development proposal meets all of the
 33 following objective development standards:

34 (a) The development shall be a multifamily housing project and
 35 at least 67 percent of the square footage of the new construction
 36 associated with the project shall be designated for residential use.

37 (b) The residential density for the development will meet or
 38 exceed the applicable density deemed appropriate to accommodate
 39 housing for lower income households in that jurisdiction as
 40 specified in paragraph (3) of subdivision (c) of Section 65583.2.

1 (c) The development will meet the following objective zoning
2 standards, objective subdivision standards, and objective design
3 review standards:

4 (1) The applicable standards shall be those for the zone that
5 allows residential use at a greater density between the following:

6 (A) The existing zoning designation for the parcel.

7 (B) The closest parcel that allows residential use at a density
8 that meets the requirements of subdivision (b).

9 (2) The applicable standards shall be those in effect at the time
10 that the development is submitted to the local government pursuant
11 to this article.

12 (3) The applicable standards shall not preclude any additional
13 density or any other concessions, incentives, or waivers of
14 development standards granted pursuant to the Density Bonus Law
15 in Section 65915.

16 (d) For purposes of this section, “objective zoning standards,”
17 “objective subdivision standards,” and “objective design review
18 standards” mean standards that involve no personal or subjective
19 judgment by a public official and are uniformly verifiable by
20 reference to an external and uniform benchmark or criterion
21 available and knowable by both the development applicant or
22 proponent and the public official before submittal. These standards
23 may be embodied in alternative objective land use specifications
24 adopted by a city or county, and may include, but are not limited
25 to, housing overlay zones, specific plans, inclusionary zoning
26 ordinances, and density bonus ordinances, subject to the following:

27 (1) A development shall be deemed consistent with the objective
28 zoning standards related to housing density, as applicable, if the
29 density proposed is compliant with the maximum density allowed
30 within that land use designation, notwithstanding any specified
31 maximum unit allocation that may result in fewer units of housing
32 being permitted.

33 (2) In the event that objective zoning, general plan, subdivision,
34 or design review standards are mutually inconsistent, a
35 development shall be deemed consistent with the objective zoning
36 and subdivision standards pursuant to this section if the
37 development is consistent with the standards set forth in the general
38 plan.

39 65912.114. (a) If the local government determines that the
40 proposed development is in conflict with any of the objective

1 planning standards specified in this article, it shall provide the
2 development proponent written documentation of which standard
3 or standards the development conflicts with, and an explanation
4 for the reason or reasons the development conflicts with that
5 standard or standards, within the following timeframes:

6 (1) Within 60 days of submittal of the development proposal to
7 the local government if the development contains 150 or fewer
8 housing units.

9 (2) Within 90 days of submittal of the development proposal to
10 the local government if the development contains more than 150
11 housing units.

12 (b) If the local government fails to provide the required
13 documentation pursuant to subdivision (a), the development shall
14 be deemed to satisfy the required objective planning standards.

15 (c) For purposes of this section, a development is consistent
16 with the objective planning standards if there is substantial
17 evidence that would allow a reasonable person to conclude that
18 the development is consistent with the objective planning standards.

19 (d) The determination of whether a proposed project submitted
20 pursuant to this section is or is not in conflict with the objective
21 planning standards is not a “project” as defined in Section 21065
22 of the Public Resources Code.

23 (e) Design review of the development may be conducted by the
24 local government’s planning commission or any equivalent board
25 or commission responsible for review and approval of development
26 projects, or the city council or board of supervisors, as appropriate.
27 That design review shall be objective and be strictly focused on
28 assessing compliance with criteria required for streamlined,
29 ministerial review of projects, as well as any reasonable objective
30 design standards published and adopted by ordinance or resolution
31 by a local jurisdiction before submittal of the development to the
32 local government, and shall be broadly applicable to developments
33 within the jurisdiction. That design review shall be completed as
34 follows and shall not in any way inhibit, chill, or preclude the
35 ministerial approval provided by this section or its effect, as
36 applicable:

37 (1) Within 90 days of submittal of the development proposal to
38 the local government pursuant to this section if the development
39 contains 150 or fewer housing units.

1 (2) Within 180 days of submittal of the development proposal
2 to the local government pursuant to this section if the development
3 contains more than 150 housing units.

4 (f) The local government shall ensure that the project satisfies
5 the requirements specified in subdivision (d) of Section 66300,
6 regardless of whether the development is within or not within an
7 affected city or within or not within an affected county.

8 (g) If the development is consistent with all objective
9 subdivision standards in the local subdivision ordinance, an
10 application for a subdivision pursuant to the Subdivision Map Act
11 (Division 2 (commencing with Section 66410)) shall be exempt
12 from the requirements of the California Environmental Quality
13 Act (Division 13 (commencing with Section 21000) of the Public
14 Resources Code).

15 (h) A local government’s approval of a development pursuant
16 to this section shall, notwithstanding any other law, be subject to
17 the expiration timeframes specified in subdivision (f) of Section
18 65913.4.

19 (i) Any proposed modifications to a development project
20 approved pursuant to this section shall be undertaken pursuant to
21 subdivision (g) of Section 65913.4.

22 (j) A local government shall not adopt or impose any
23 requirement, including, but not limited to, increased fees or
24 inclusionary housing requirements, that applies to a project solely
25 or partially on the basis that the project is eligible to receive
26 streamlined, ministerial review pursuant to this section.

27 (k) A local government shall issue a subsequent permit required
28 for a development approved under this section pursuant to
29 paragraph (2) of subdivision (h) of Section 65913.4.

30 (l) A public improvement that is necessary to implement a
31 development that is approved pursuant to this section shall be
32 undertaken pursuant to paragraph (3) of subdivision (h) of Section
33 65913.4.

34

35 Article 3. Mixed-Income Housing Developments Along
36 Commercial Corridors

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38 65912.120. Notwithstanding any inconsistent provision of a
39 local government’s general plan, specific plan, zoning ordinance,
40 or regulation, a housing development shall be a use by right within

1 a zone where office, retail, or parking are a principally permitted
 2 use and shall be subject to streamlined, ministerial review pursuant
 3 to Section 65912.124 if the proposed housing development satisfies
 4 all of the requirements in Sections 65912.121, 65912.122, and
 5 65912.123.

6 65912.121. A development project shall not be subject to the
 7 streamlined, ministerial review process provided by Section
 8 65912.124 unless the development project is on a site that satisfies
 9 all of the following criteria:

10 (a) It is located on a legal parcel or parcels that meet either of
 11 the following:

12 (1) It is within a city where the city boundaries include some
 13 portion of either an urbanized area or urban cluster, as designated
 14 by the United States Census Bureau.

15 (2) It is in an unincorporated area, and the legal parcel or parcels
 16 are wholly within the boundaries of an urbanized area or urban
 17 cluster, as designated by the United States Census Bureau.

18 (b) The project site abuts a commercial corridor.

19 (c) The project site has a frontage along the commercial corridor
 20 of a minimum of 50 feet.

21 (d) The site is not greater than 20 acres.

22 (e) At least 75 percent of the perimeter of the site adjoins parcels
 23 that are developed with urban uses. For purposes of this
 24 subdivision, parcels that are only separated by a street or highway
 25 shall be considered to be adjoined.

26 (f) It is not adjacent to any site where more than ~~two-thirds~~
 27 *one-third* of the square footage on the site is dedicated to industrial
 28 use.

29 (g) The parcel satisfies the requirements specified in
 30 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision
 31 (a) of Section 65913.4.

32 (h) The development is not located on a site where any of the
 33 following apply:

34 (1) The development would require the demolition of the
 35 following types of housing:

36 (A) Housing that is subject to a recorded covenant, ordinance,
 37 or law that restricts rents to levels affordable to persons and
 38 families of moderate, low, or very low income.

39 (B) Housing that is subject to any form of rent or price control
 40 through a public entity's valid exercise of its police power.

1 (C) Housing that has been occupied by tenants within the past
2 10 years, excluding any manager’s units.

3 (2) The site was previously used for housing that was occupied
4 by tenants, excluding any manager’s units, that was demolished
5 within 10 years before the development proponent submits an
6 application under this article.

7 (3) The development would require the demolition of a historic
8 structure that was placed on a national, state, or local historic
9 register.

10 (4) The property contains housing units that are occupied by
11 tenants, and units at the property are, or were, subsequently offered
12 for sale to the general public by the subdivider or subsequent owner
13 of the property.

14 (i) The development shall not be upon an existing parcel of land
15 or site that is governed under the Mobilehome Residency Law
16 (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2
17 of Division 2 of the Civil Code), the Recreational Vehicle Park
18 Occupancy Law (Chapter 2.6 (commencing with Section 799.20)
19 of Title 2 of Part 2 of Division 2 of the Civil Code), the
20 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)
21 of Division 13 of the Health and Safety Code), or the Special
22 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)
23 of Division 13 of the Health and Safety Code).

24 (j) *For a site within a specific plan area, the site satisfies both*
25 *of the following conditions:*

26 (1) *The specific plan applicable to the site was adopted on or*
27 *before January 1, 2024, and a notice of preparation was issued*
28 *before January 1, 2022, pursuant to the requirements of Sections*
29 *21080.4 and 21092 of the Public Resources Code.*

30 (2) *The specific plan applicable to the site allows residential*
31 *use on the site.*

32 65912.122. A development project shall not be subject to the
33 streamlined, ministerial review process provided by Section
34 65912.124 unless the development project meets all of the
35 following affordability criteria:

36 (a) A rental housing development shall have a recorded deed
37 restriction that ensures, at a minimum, that for a period of 55 years,
38 15 percent of the units shall be set at an affordable rent, as defined
39 in Section 50053 of the Health and Safety Code, to lower income

1 households, as defined in Section 50079.5 of the Health and Safety
2 Code.

3 (b) An owner-occupied housing development shall have a
4 recorded deed restriction that ensures, at a minimum, either of the
5 following affordability criteria for a period of 45 years:

6 (1) Thirty percent of the units must be offered at an affordable
7 housing cost, as defined in Section 50052.5 of the Health and
8 Safety Code, to moderate-income households, as defined in Section
9 50093 of the Health and Safety Code.

10 (2) Fifteen percent of the units must be offered at an affordable
11 housing cost, as defined in Section 50052.5 of the Health and
12 Safety Code, to lower income households, as defined in Section
13 50079.5 of the Health and Safety Code.

14 (c) If the amount of affordable housing required by a local
15 inclusionary housing ordinance exceeds that of this section, then
16 the project shall abide by the local inclusionary housing ordinance.

17 65912.123. A development project shall not be subject to the
18 streamlined, ministerial review process provided by Section
19 65912.124 unless the development project meets all of the
20 following objective development standards:

21 (a) The development shall be a multifamily housing project and
22 at least 67 percent of the square footage of the new construction
23 associated with the project is designated for residential use.

24 (b) The residential density for the development shall be
25 determined as follows:

26 (1) In a metropolitan jurisdiction, as determined pursuant to
27 subdivisions (d) and (e) of Section 65853.2, the residential density
28 for the development shall meet or exceed the greater of the
29 following:

30 (A) The residential density allowed on the parcel by the local
31 government.

32 (B) *For sites of less than one acre in size, 30 units per acre.*

33 ~~(B)~~

34 (C) *For sites of one acre in size or greater located on a*
35 *commercial corridor of less than 100 feet in width, 40 units per*
36 *acre.*

37 ~~(C)~~

38 (D) *For sites of one acre in size or greater located on a*
39 *commercial corridor of 100 feet in width or greater, 60 units per*
40 *acre.*

- 1 ~~(D)~~
- 2 (E) Notwithstanding subparagraph ~~(B)~~ or ~~(C)~~, (C) or (D), for
- 3 sites within one-half mile of a major transit stop, 80 units per acre.
- 4 (2) In a jurisdiction that is not a metropolitan jurisdiction, as
- 5 determined pursuant to subdivisions (d) and (e) of Section 65853.2,
- 6 the residential density for the development shall meet or exceed
- 7 the greater of the following:
- 8 (A) The residential density allowed on the parcel by the local
- 9 government.
- 10 (B) *For sites of less than one acre in size, 20 units per acre.*
- 11 ~~(B)~~
- 12 (C) *For sites of one acre in size or greater located on a*
- 13 *commercial corridor of less than 100 feet in width, 30 units per*
- 14 *acre.*
- 15 ~~(C)~~
- 16 (D) *For sites of one acre in size or greater located on a*
- 17 *commercial corridor of 100 feet in width or greater, 50 units per*
- 18 *acre.*
- 19 ~~(D)~~
- 20 (E) ~~Notwithstanding paragraphs (2) and (3), subparagraph (C)~~
- 21 ~~or (D), for sites within one-half mile of a major transit stop, 70~~
- 22 ~~units per acre.~~
- 23 (c) The height limit applicable to the housing development shall
- 24 be the greater of the following:
- 25 (1) The height allowed on the parcel by the local government.
- 26 (2) For sites on a commercial corridor of less than 100 feet in
- 27 width, 35 feet.
- 28 (3) For sites on a commercial corridor of ~~100~~ 100 feet in width
- 29 or greater, 45 feet.
- 30 (4) Notwithstanding paragraphs (2) and (3), for sites within
- 31 one-half mile of a major transit stop, 65 feet.
- 32 (d) The property meets the following setback standards:
- 33 (1) For the portion of the property that fronts a commercial
- 34 corridor, the following shall occur:
- 35 (A) No setbacks shall be required.
- 36 (B) All parking must be set back at least 25 feet.
- 37 (C) On the ground floor, the development must abut within 10
- 38 feet of the property line for at least 80 percent of the frontage.

1 (2) For the portion of the property that fronts a side street, the
2 development must abut within 10 feet of the property line for at
3 least 60 percent of the frontage.

4 (3) When the property line of a development site abuts a
5 single-family property, the following shall occur:

6 (A) The ground floor of the development project shall be set
7 back at 10 feet from the single-family property. The amount
8 required to be set back may be decreased by the local government.

9 (B) Starting with the third floor of the property, each subsequent
10 floor of the development project shall be stepped back from the
11 single-family property in an amount equal to five feet multiplied
12 by the floor number. For purposes of this paragraph, the ground
13 floor counts as the first floor. The amount required to be stepped
14 back may be decreased by the local government.

15 (4) When the property line of a development site abuts a
16 property that is not a single-family property, starting with the third
17 floor of the property, each subsequent floor of the development
18 project shall be stepped back from the other property in an amount
19 equal to five feet multiplied by the floor number. For purposes of
20 this paragraph, the ground floor counts as the first floor. The
21 amount required to be stepped back may be decreased by the local
22 government.

23 (e) No parking shall be required, except that this article shall
24 not reduce, eliminate, or preclude the enforcement of any
25 requirement imposed on a new multifamily residential or
26 nonresidential development to provide bicycle parking, electric
27 vehicle supply equipment installed parking spaces, or parking
28 spaces that are accessible to persons with disabilities that would
29 have otherwise applied to the development if this article did not
30 apply.

31 (f) Other objective zoning standards, objective subdivision
32 standards, and objective design review standards as follows:

33 (1) The applicable standards shall be those for the closest zone
34 in the city, county, or city and county that allows residential use
35 at the residential density determined pursuant to subdivision (b).
36 If no zone exists that allows the residential density determined
37 pursuant to subdivision (b), the applicable standards shall be those
38 for the zone that allows the greatest density within the city, county,
39 or city and county.

1 (2) The applicable standards shall be those in effect at the time
2 that the development is submitted to the local government pursuant
3 to this article.

4 (3) The applicable standards shall not preclude any additional
5 density requirements or any other concessions, incentives, or
6 waivers of development standards granted pursuant to the Density
7 Bonus Law in Section 65915.

8 (4) For purposes of this section, “objective zoning standards,”
9 “objective subdivision standards,” and “objective design review
10 standards” mean standards that involve no personal or subjective
11 judgment by a public official and are uniformly verifiable by
12 reference to an external and uniform benchmark or criterion
13 available and knowable by both the development applicant or
14 proponent and the public official before submittal. These standards
15 may be embodied in alternative objective land use specifications
16 adopted by a city or county, and may include, but are not limited
17 to, housing overlay zones, specific plans, inclusionary zoning
18 ordinances, and density bonus ordinances. In the event that
19 objective zoning, general plan, subdivision, or design review
20 standards are mutually inconsistent, a development shall be deemed
21 consistent with the objective zoning and subdivision standards
22 pursuant to this subdivision if the development is consistent with
23 the standards set forth in the general plan.

24 65912.124. (a) If the local government determines that the
25 proposed housing development is in conflict with any of the
26 objective planning standards specified in this article, it shall provide
27 the development proponent written documentation of which
28 standard or standards the development conflicts with, and an
29 explanation for the reason or reasons the development conflicts
30 with that standard or standards, within the following timeframes:

31 (1) Within 60 days of submittal of the development proposal to
32 the local government if the development contains 150 or fewer
33 housing units.

34 (2) Within 90 days of submittal of the development proposal to
35 the local government if the development contains more than 150
36 housing units.

37 (b) If the local government fails to provide the required
38 documentation pursuant to subdivision (a), the development shall
39 be deemed to satisfy the required objective planning standards.

1 (c) For purposes of this section, a development is consistent
2 with the objective planning standards if there is substantial
3 evidence that would allow a reasonable person to conclude that
4 the development is consistent with the objective planning standards.
5 (d) The determination of whether a proposed project submitted
6 pursuant to this section is or is not in conflict with the objective
7 planning standards is not a “project” as defined in Section 21065
8 of the Public Resources Code.
9 (e) Design review of the development may be conducted by the
10 local government’s planning commission or any equivalent board
11 or commission responsible for review and approval of development
12 projects, or the city council or board of supervisors, as appropriate.
13 That design review shall be objective and be strictly focused on
14 assessing compliance with criteria required for streamlined,
15 ministerial review of projects, as well as any reasonable objective
16 design standards published and adopted by ordinance or resolution
17 by a local jurisdiction before submittal of the development to the
18 local government, and shall be broadly applicable to developments
19 within the jurisdiction. That design review shall be completed as
20 follows and shall not in any way inhibit, chill, or preclude the
21 ministerial approval provided by this section or its effect, as
22 applicable:
23 (1) Within 90 days of submittal of the development proposal to
24 the local government pursuant to this section if the development
25 contains 150 or fewer housing units.
26 (2) Within 180 days of submittal of the development proposal
27 to the local government pursuant to this section if the development
28 contains more than 150 housing units.
29 (f) The local government shall ensure that the project satisfies
30 the requirements specified in subdivision (d) of Section 66300,
31 regardless of whether the development is within or not within an
32 affected city or within or not within an affected county.
33 (g) If the development is consistent with all objective
34 subdivision standards in the local subdivision ordinance, an
35 application for a subdivision pursuant to the Subdivision Map Act
36 (Division 2 (commencing with Section 66410)) shall be exempt
37 from the requirements of the California Environmental Quality
38 Act (Division 13 (commencing with Section 21000) of the Public
39 Resources Code).

1 (h) A local government’s approval of a development pursuant
2 to this section shall, notwithstanding any other law, be subject to
3 the expiration timeframes specified in subdivision (f) of Section
4 65913.4.

5 (i) Any proposed modifications to a development project
6 approved pursuant to this section shall be undertaken pursuant to
7 subdivision (g) of Section 65913.4.

8 (j) A local government shall not adopt or impose any
9 requirement, including, but not limited to, increased fees or
10 inclusionary housing requirements, that applies to a project solely
11 or partially on the basis that the project is eligible to receive
12 streamlined, ministerial review pursuant to this section.

13 (k) A local government shall issue a subsequent permit required
14 for a development approved under this section pursuant to
15 paragraph (2) of subdivision (h) of Section 65913.4.

16 (l) A public improvement that is necessary to implement a
17 development that is approved pursuant to this section shall be
18 undertaken pursuant to paragraph (3) of subdivision (h) of Section
19 65913.4.

20
21 Article 4. Labor Standards
22

23 65912.130. ~~(a) A proponent of a~~ A development project
24 approved by a local government pursuant to Article 2 (commencing
25 with Section 65912.110) or Article 3 (commencing with Section
26 65912.120) shall ~~require~~ *meet all of the following labor standards:*

27 (a) *The development proponent shall require* in contracts with
28 construction contractors, and shall certify to the local government,
29 that the standards specified in this section will be met in project
30 construction.

31 (b) A development that is not in its entirety a public work for
32 purposes of Chapter 1 (commencing with Section 1720) of Part 7
33 of Division 2 of the Labor Code and approved by a local
34 government pursuant to Article 2 (commencing with Section
35 65912.110) or Article 3 (commencing with Section 65912.120)
36 shall be subject to all of the following:

37 (1) All construction workers employed in the execution of the
38 development shall be paid at least the general prevailing rate of
39 per diem wages for the type of work and geographic area, as
40 determined by the Director of Industrial Relations pursuant to

1 Sections 1773 and 1773.9 of the Labor Code, except that
 2 apprentices registered in programs approved by the Chief of the
 3 Division of Apprenticeship Standards may be paid at least the
 4 applicable apprentice prevailing rate.

5 (2) The development proponent shall ensure that the prevailing
 6 wage requirement is included in all contracts for the performance
 7 of the work for those portions of the development that are not a
 8 public work.

9 (3) All contractors and subcontractors for those portions of the
 10 development that are not a public work shall comply with both of
 11 the following:

12 (A) Pay to all construction workers employed in the execution
 13 of the work at least the general prevailing rate of per diem wages,
 14 except that apprentices registered in programs approved by the
 15 Chief of the Division of Apprenticeship Standards may be paid at
 16 least the applicable apprentice prevailing rate.

17 (B) Maintain and verify payroll records pursuant to Section
 18 1776 of the Labor Code and make those records available for
 19 inspection and copying as provided in that section. This
 20 subparagraph does not apply if all contractors and subcontractors
 21 performing work on the development are subject to a project labor
 22 agreement that requires the payment of prevailing wages to all
 23 construction workers employed in the execution of the development
 24 and provides for enforcement of that obligation through an
 25 arbitration procedure. For purposes of this subparagraph, “project
 26 labor agreement” has the same meaning as set forth in paragraph
 27 (1) of subdivision (b) of Section 2500 of the Public Contract Code.

28 (c) (1) The obligation of the contractors and subcontractors to
 29 pay prevailing wages pursuant to this section may be enforced by
 30 ~~the~~ any of the following:

31 (A) The Labor Commissioner through the issuance of a civil
 32 wage and penalty assessment pursuant to Section 1741 of the Labor
 33 Code, which may be reviewed pursuant to Section 1742 of the
 34 Labor Code, within 18 months after the completion of the
 35 development.

36 (B) An underpaid worker through an administrative complaint
 37 or civil action.

38 (C) A joint labor-management committee through a civil action
 39 under Section 1771.2 of the Labor Code.

1 (2) If a civil wage and penalty assessment is issued pursuant to
2 this section, the contractor, subcontractor, and surety on a bond or
3 bonds issued to secure the payment of wages covered by the
4 assessment shall be liable for liquidated damages pursuant to
5 Section 1742.1 of the Labor Code.

6 (3) This subdivision does not apply if all contractors and
7 subcontractors performing work on the development are subject
8 to a project labor agreement that requires the payment of prevailing
9 wages to all construction workers employed in the execution of
10 the development and provides for enforcement of that obligation
11 through an arbitration procedure. For purposes of this subdivision,
12 “project labor agreement” has the same meaning as set forth in
13 paragraph (1) of subdivision (b) of Section 2500 of the Public
14 Contract Code.

15 (d) Notwithstanding subdivision (c) of Section 1773.1 of the
16 Labor Code, the requirement that employer payments not reduce
17 the obligation to pay the hourly straight time or overtime wages
18 found to be prevailing does not apply to those portions of
19 development that are not a public work if otherwise provided in a
20 bona fide collective bargaining agreement covering the worker.

21 (e) The requirement of this section to pay at least the general
22 prevailing rate of per diem wages does not preclude use of an
23 alternative workweek schedule adopted pursuant to Section 511
24 or 514 of the Labor Code.

25 65912.131. ~~(a) For~~ *In addition to the requirements of Section*
26 *65912.130*, a development of 50 or more housing units approved
27 by a local government pursuant to Article 2 (commencing with
28 Section 65912.110) or Article 3 (commencing with Section
29 ~~65912.120~~), ~~the development proponent 65912.120~~ shall require
30 *meet all of the following labor standards:*

31 *(a) The development proponent shall require* in contracts with
32 construction contractors and shall certify to the local government
33 that each contractor of any tier who will employ construction craft
34 employees or will let subcontracts for at least 1,000 hours shall
35 satisfy the requirements in subdivisions (b) and (c). A construction
36 contractor is deemed in compliance with subdivisions (b) and (c)
37 if it is signatory to a valid collective bargaining agreement that
38 requires utilization of registered apprentices and expenditures on
39 health care for employees and dependents.

1 (b) A contractor with construction craft employees shall either
2 participate in an apprenticeship program approved by the State of
3 California Division of Apprenticeship Standards pursuant to
4 Section 3075 of the Labor Code, or request the dispatch of
5 apprentices from a state-approved apprenticeship program under
6 the terms and conditions set forth in Section 1777.5 of the Labor
7 Code. A contractor without construction craft employees shall
8 show a contractual obligation that its subcontractors comply with
9 this subdivision.

10 (c) Each contractor with construction craft employees shall
11 make health care expenditures for each employee in an amount
12 per hour worked on the development equivalent to at least the
13 hourly pro rata cost of a Covered California Platinum level plan
14 for two ~~40-year-old~~ *40-year-old* adults and two dependents 0 to
15 14 years of age for the Covered California rating area in which the
16 development is located. A contractor without construction craft
17 employees shall show a contractual obligation that its
18 subcontractors comply with this subdivision. Qualifying
19 expenditures shall be credited toward compliance with prevailing
20 wage payment requirements set forth in Section 65912.102.

21 (d) (1) The development proponent shall provide to the local
22 government, on a monthly basis while its construction contracts
23 on the development are being performed, a report demonstrating
24 compliance with subdivisions (b) and (c). The reports shall be
25 considered public records under the California Public Records Act
26 (Division 10 (commencing with Section 7920.000) of Title 1), and
27 shall be open to public inspection.

28 (2) A development proponent that fails to provide the monthly
29 report shall be subject to a civil penalty for each month for which
30 the report has not been provided, in the amount of 10 percent of
31 the dollar value of construction work performed by that contractor
32 on the development in the month in question, up to a maximum
33 of ten thousand dollars (\$10,000). Any contractor or subcontractor
34 that fails to comply with subdivision (b) or (c) shall be subject to
35 a civil penalty of two hundred dollars (\$200) per day for each
36 worker employed in contravention of subdivision (b) or (c).

37 (3) Penalties may be assessed by the Labor Commissioner within
38 18 months of completion of the development using the procedures
39 for issuance of civil wage and penalty assessments specified in
40 Section 1741 of the Labor Code, and may be reviewed pursuant

1 to Section 1742 of the Labor Code. Penalties shall be deposited in
 2 the State Public Works Enforcement Fund established pursuant to
 3 Section 1771.3 of the Labor Code.

4 (e) Each construction contractor shall maintain and verify payroll
 5 records pursuant to Section 1776 of the Labor Code. Each
 6 construction contractor shall submit payroll records directly to the
 7 Labor Commissioner at least monthly in a format prescribed by
 8 the Labor Commissioner in accordance with subparagraph (A) of
 9 paragraph (3) of subdivision (a) of Section 1771.4 of the Labor
 10 Code. The records shall include a statement of fringe benefits.
 11 Upon request by a joint labor-management cooperation committee
 12 established pursuant to the Federal Labor Management Cooperation
 13 Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided
 14 pursuant to subdivision (e) of Section 1776 of the Labor Code.

15 (f) All construction contractors shall report any change in
 16 apprenticeship program participation or health care expenditures
 17 to the local government within 10 business days, and shall reflect
 18 those changes on the monthly report. The reports shall be
 19 considered public records pursuant to the California Public Records
 20 Act (Division 10 (commencing with Section 7920.000) of Title 1)
 21 and shall be open to public inspection.

22 (g) A joint labor-management cooperation committee established
 23 pursuant to the Federal Labor Management Cooperation Act of
 24 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a
 25 construction contractor for failure to make health care expenditures
 26 pursuant to subdivision (c) in accordance with Section 218.7 or
 27 218.8 of the Labor Code.

28
 29
 30

Article 5. Severability

31 65912.140. The provisions of ~~this chapter are severable. If any~~
 32 ~~portion, section, subdivision, paragraph, clause, sentence, phrase,~~
 33 ~~word, or application of this chapter is for any reason held to be~~
 34 ~~invalid by a decision of any court of competent jurisdiction, that~~
 35 ~~decision shall not affect the validity of the remaining portions of~~
 36 ~~this chapter. The people of the State of California hereby declare~~
 37 ~~that they would have adopted this chapter and each and every~~
 38 ~~portion, section, subdivision, paragraph, clause, sentence, phrase,~~
 39 ~~word, and application not declared invalid or unconstitutional~~
 40 ~~without regard to whether any other portion of this chapter or~~

1 application thereof would be subsequently declared invalid. In
 2 particular, the provisions of Section 65912.130 and the provisions
 3 of Section 65912.131 are distinct and severable from one another,
 4 and the provisions of subdivision (c) of Section 65912.131
 5 concerning health care expenditure are distinct and severable from
 6 the remaining provisions of Article 4 (commencing with Section
 7 65912.131). If Section 65912.130 is held invalid, the requirements
 8 of Section 65912.131 shall stand alone and vice versa. If any
 9 portion of Section 65912.131 is held invalid, the remaining
 10 provisions of this article shall continue in effect with the exception
 11 of subdivision (g) of Section 65912.131. *this chapter. However,*
 12 *Article 4 (commencing with Section 65912.130) is a material and*
 13 *integral part of this chapter and is not severable. If any provision*
 14 *of Article 4 (commencing with Section 65912.130) or its*
 15 *application, exclusive of those included in subdivision (c) of Section*
 16 *65912.131, is held invalid, this entire chapter shall be null and*
 17 *void.*

18 SEC. 2. No reimbursement is required by this act pursuant to
 19 Section 6 of Article XIII B of the California Constitution for certain
 20 costs that may be incurred by a local agency or school district
 21 because, in that regard, this act creates a new crime or infraction,
 22 eliminates a crime or infraction, or changes the penalty for a crime
 23 or infraction, within the meaning of Section 17556 of the
 24 Government Code, or changes the definition of a crime within the
 25 meaning of Section 6 of Article XIII B of the California
 26 Constitution.

27 However, if the Commission on State Mandates determines that
 28 this act contains other costs mandated by the state, reimbursement
 29 to local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.

O