



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

December 11, 2023

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 and mic 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 wanting to make a verbal comment via call will need to ensure that they accessed the WebEx meeting with audio and microphone transmission capabilities.

CALL TO ORDER

FLAG SALUTE - Councilmember Pearce

ROLL CALL

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.

- [1.](#) Administration - Approval - Minutes from the December 4, 2023, Council Meeting.
- [2.](#) Administration – Approval - 2024 Street Closure Requests; and Approval – Res. 23-____, Declaring Certain Events as Old Town Special Events and Setting Precise Boundaries for Those Old Town Special Events.
- [3.](#) Administration - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July - September 2023.
- [4.](#) Finance – Receive and File – Status Report of Community Facilities District 2004-1 Revenues and Expenditures.
- [5.](#) Planning and Development Services – Approval – Final Acceptance for CIP 17-13 Nees Avenue Widening Minnewawa Avenue to Clovis Avenue.
- [6.](#) Planning and Development Services – Approval – Final Acceptance for CIP 21-11 Fowler Avenue Street Rehabilitation.

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.

- [7.](#) Consider Introduction – Ord. 23-____, an Ordinance of the City Council of the City of Clovis Amending Sections 5.22.02 and 5.22.05 of Chapter 5.22, of Title 5 of the Clovis Municipal Code Pertaining to Definitions and Regulations for Deliveries of Medical Marijuana within the City.

Staff: Matthew M. Lear, Deputy City Attorney

Recommendation: Approve

- [8.](#) Consider Introduction – Ord. 23-____, an Ordinance of the City Council of the City of Clovis Amending Sections 5.29.102, 5.29.203, and 5.29.301 of Chapter 5.29, of Title 5 of the Clovis Municipal Code Pertaining to Definitions and Regulations Relating to Multiple Responses to Nuisance Violations. (To be continued to a date uncertain)

Staff: Matthew M. Lear, Deputy City Attorney

Recommendation: Continue to a date uncertain

- [9.](#) Consider items associated with approximately 155 acres of land located on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. Great Bigland, LP., owner/ applicant; Harbour and Associates, representative. (To be continued to Tuesday, January 16, 2024)

a. Consider Approval - Res. 23-____, A Resolution of the Clovis City Council: (1) Certifying the Final Environmental Impact Report for the Shepherd North Project; (2) Adopting CEQA Findings of Fact and a Statement of Overriding Consideration; and (3) Adopting a Mitigation Monitoring and Reporting Program.

b. Consider Approval – Res. 23-____, A Resolution of the Clovis City Council approving a request to expand the City’s sphere of influence to include approximately 155 acres of land.

c. Consider Approval - Res. 23-____, GPA2021-006, A Resolution of the Clovis City Council approving a request to amend the circulation element of the General Plan to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues.

d. Consider Approval - Res. 23-____, GPA2021-005, A Resolution of the Clovis City Council approving a request to amend the land use element of the General Plan for the Development Area (approximately 77 acres) from the Rural Residential land use designation to the Medium-High Density Residential land use designation.

e. Consider Introduction - Ord. 23-____, R2021-009, An Ordinance of the Clovis City Council approving a request to prezone property within the Development Area (approximately 77 acres) of the Project site from the Fresno County AL20 Zone District to the Clovis R-1-PRD Zone District.

f. Consider Approval - Res. 23-____, TM6205, A Resolution of the Clovis City Council approving a request to approve a vesting tentative tract map for a 605-lot single-family planned residential development.

g. Consider Approval - Res. 23-____, PDP2021-004, A Resolution of the Clovis City Council approving a request to approve a planned development permit for a 605-lot single-family residential development.

h. Consider Approval - Res. 23-____, RO307, A Resolution of the Clovis City Council approving Application for the Annexation of the Territory known as the Shepherd-Sunnyside Northeast Reorganization for the Development Area (approximately 77 acres).

i. Consider Approval - Res. 23-____, A Resolution of the Clovis City Council approving an amendment to the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding a Sphere of Influence Expansion to add approximately 155 acres and the Standards of Annexation to address the annexation of approximately 77 acres of property (Shepherd-Sunnyside Northeast Reorganization).

Staff: George González, Senior Planner

Recommendation: Continue to the January 16, 2024, Council Meeting

COUNCIL ITEMS

[10.](#) Consider Approval – Second Amendment to the City Manager Employment Agreement.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

[11.](#) Consider Approval – Appointments to City of Clovis Youth Commission.

Staff: Chad McCollum, Director of Economic Development, Housing and Communications

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

FUTURE MEETINGS

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

Dec. 18, 2023 (Mon.) (Cancelled)

Jan. 2, 2024 (Tue.) (Cancelled)

Jan. 8, 2024 (Mon.)

Jan. 16, 2024 (Tue.)

Feb. 5, 2024 (Mon.)

Feb. 12, 2024 (Mon.)

Feb. 20, 2024 (Tue.)

CLOVIS CITY COUNCIL MEETING

December 4, 2023

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Ashbeck at 6:01
Flag Salute led by Councilmember Mouanoutoua

Roll Call: Present: Councilmembers, Basgall, Mouanoutoua, Pearce
Mayor Ashbeck
Absent: Councilmember Bessinger

PUBLIC COMMENTS – 6:03

Members of the public thanked the City Council and staff for the dedication of a bench to Dr. Sidney Carpenter “The Dancing Man”.

Desiree Martinez, resident, commented on housing issues in Clovis.

Nathan Magsig, County Supervisor, commented on the City’s partnership with the County to address housing issues.

Malcolm Gibson, resident, thanked staff for their assistance in providing hearing aid solutions for City Council meetings. He also commented on housing issues and encouraged the City Council to establish a citizens committee to address these issues.

CONSENT CALENDAR – 6:22

Motion by Councilmember Basgall, seconded by Councilmember Pearce, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Councilmember Bessinger absent.

1. Administration - Approved - Minutes from the November 13, 2023, Special Meeting, and the November 13, 2023, Council Meeting.
2. Finance – Received and Filed – Investment Report for the Month of July 2023.
3. Finance – Received and Filed – Treasurer’s Report for the Month of July 2023.
4. General Services – Approved – **Res. 23-105**, Authorizing Amendments to the City’s Classification Plan by Revising the Deputy Fire Chief Classification in the Fire Department.
5. Planning and Development Services - Approved – **Res. 23-106**, Final Map Tract 6125, located at the northwest area of Peach and Stuart Avenues (Beal Developments, LLC).
6. Planning and Development Services - Approved – **Res. 23-107**, Annexation of Proposed Tract 6125, located at the northwest area of Peach and Stuart Avenues, to the Landscape Maintenance District No. 1 of the City of Clovis. (Beal Developments, LLC).
7. Public Utilities - Approved - Waive Formal Bidding Requirements and Authorize the Purchase of One AutoCar/Amrep Frontloading Refuse Truck from Affinity Truck Center Using the Sourcewell Purchasing Contract in the Total Amount of \$420,081.94.

CHRISTMAS TREE LIGHTING CEREMONY – 6:23

Meeting called to order by Mayor Ashbeck at 7:02

ADMINISTRATIVE ITEMS – 7:03

7:03 – ITEM 8 - APPROVED – **RES. 23-108**, APPROVING THE CITY’S UPDATED MASTER ADMINISTRATIVE FEE SCHEDULE.

Motion for approval by Councilmember Pearce, seconded by Councilmember Basgall.
Motion carried 4-0-1 with Councilmember Bessinger absent.

7:05 – ITEM 9 - APPROVED - 2022-23 ANNUAL COMPREHENSIVE FINANCIAL REPORT

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Basgall. Motion carried 4-0-1 with Councilmember Bessinger absent.

COUNCIL ITEMS – 7:28

7:28 – ITEM 10 - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.

Motion for approval by Councilmember Pearce, seconded by Councilmember Basgall.
Motion carried 4-0-1 with Councilmember Bessinger absent.

CITY MANAGER COMMENTS – 7:29

COUNCIL COMMENTS – 7:29

CLOSED SESSION – 7:36

ITEM 11 - GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION CASE NAME: DESIREE MARTINEZ V. CITY OF CLOVIS, ET AL., CASE NO. F082914

ITEM 12 - GOVERNMENT CODE SECTION 54957 PUBLIC EMPLOYEE EVALUATION TITLE: CITY MANAGER

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION – 9:11

No action was taken by the City Council during the closed session.

ADJOURNMENT

Mayor Ashbeck adjourned the meeting of the Council to December 11, 2023

Meeting adjourned: 9:12 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 11, 2023

SUBJECT: Administration – Approval - 2024 Street Closure Requests; and Approval – Res. 23-___, Declaring Certain Events as Old Town Special Events and Setting Precise Boundaries for Those Old Town Special Events.

ATTACHMENTS: 1. Resolution 23-____
2. Letter of PBI
3. Summary of Old Town Special Events Ordinance

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

That the City Council approve the requests from BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center for street closures in the City of Clovis for the calendar year 2024; and approve Res. 23-___, declaring certain events as Old Town Special Events and setting precise boundaries for those Old Town Special Events.

EXECUTIVE SUMMARY

Staff requests street closure simultaneously, and in advance, to allow for proper event planning. A resolution (Attachment 1) is required by Ordinance 00-03, adopted January 10, 2000, declaring certain events as Old Town Special Events and the setting of precise boundaries. Requests for street closure are attached.

BACKGROUND

Attached is a matrix of the events (Attachment A of Attachment 1), sponsored by BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center for closure of streets in Clovis during the calendar year 2024. Each activity has a unique street closure request. The boundaries and time of street closure remain the same as 2023 for all returning events.

A letter was sent to Old Town merchants and property owners on November 6, 2023 (Attachment 2), soliciting comments/concerns regarding the 2024 street closures. Staff has received no comments or concerns on these events.

The Old Town Special Events Ordinance was adopted by Council on January 10, 2000, and provides guidelines for the operation of Old Town Special Events. A summary of the Old Town Special Events Ordinance is attached (Attachment 3). A resolution (Attachment 1) is required by Ordinance 00-03, adopted January 10, 2000, declaring certain events as Old Town Special Events and the setting of precise boundaries.

Additionally, staff requests the ability to implement street closures at Centennial Plaza, Clovis Veterans Memorial District (CVMD), and Dry Creek Industrial Park with less than 60-day lead time. If approved, this method of processing street closure request(s) will require staff review; Special Event Committee Review; written notification distribution to all residents, property owners, and business operators who may be affected by the street closure/event – giving them ten calendar days to respond; Traffic control plan; ABC license application (if necessary); insurance documents; and appropriate permit applications. Like all other street closure requests, staff will continue to work with neighbors and applicant to assure a safe and successful event.

FISCAL IMPACT

The City of Clovis is positively impacted by the proposed events. Local businesses benefit from large numbers of people visiting their neighborhood and the City of Clovis benefits from the increased tax revenue.

Some events require additional City services. Per Council's decision of November 16, 2009, and starting July 1, 2010, the City of Clovis will help offset the costs of certain events. These include, and are limited to: Big Hat Days, Clovis Rodeo Parade, Farmers Market, Freedom Fest, Clovis Fest, Antique and Collectible Fair, and Children's Electric Christmas Parade.

REASON FOR RECOMMENDATION

In previous years, more than 300,000 people have attended the various events held in Clovis annually, many of whom have returned to Clovis to patronize local businesses. In the past, BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, Fleet Feet Sports, Grill Masters, and the Clovis Senior Activity Center requested street closures to hold events in Old Town on an individual basis, prior to the event. There have been several occasions where the requests were not processed in time to allow for proper planning from the City's perspective. Therefore, staff is requesting street closure simultaneously for all the special events to ensure adequate time for event planning.

ACTIONS FOLLOWING APPROVAL

1. Staff will notify BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center of Council's decision.

2. Staff will work with BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center to ensure that the sponsors provide security and cleanup of the events on an individual basis.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager *AM*

RESOLUTION 23-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DECLARING CERTAIN EVENTS AS OLD TOWN SPECIAL EVENTS

WHEREAS, BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center have requested public street closures in the City of Clovis for the 2024 calendar year to conduct such special events as listed in 2024 City of Clovis Special Events Request for Old Town Street Closures; and

WHEREAS, the special events sponsored by BOOT, Clovis Chamber of Commerce, Clovis Elks Lodge, Clovis Rodeo Association, Old Town Clovis Kiwanis, Clovis Veterans Memorial District, California Classic Weekend, Grill Masters, and the Clovis Senior Activity Center shall be declared Old Town Special Events; and

WHEREAS, the City Council of the City of Clovis approves and authorizes the closure of public streets to be used for the special events listed in Attachment A.

NOW, THEREFORE BE IT RESOLVED that the City of Clovis hereby declares that the events as described in the 2024 City of Clovis Special Events Request for Old Town Street Closures be declared as Old Town Special Events.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on December 11, 2023, by the following vote, to wit:

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

DATED: December 11, 2023

Mayor

City Clerk

**2024 CITY OF CLOVIS SPECIAL EVENTS
REQUEST FOR OLD TOWN STREET CLOSURES**

AGENDA ITEM NO. 2.

DATE	TIME	EVENT	SPONSOR	STREETS
Every Saturday	7 AM to 12:30 PM	Year Round Farmers Mkt	BOOT	Pollasky (5 th to 7 th); Bullard (Woodworth to Pollasky)
March 17 (Sunday)	12 PM to 10 PM	Craft Beer Crawl	BOOT	Pollasky (4 th to 7 th) Fifth Street to remain open
March 24 (Sunday)	2 AM to 8 PM	Vintage Market & Antiques	BOOT	Pollasky (3rd to 7th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
April 6 & 7 (Sat. & Sun.)	Sat @ 3 AM to Sun @ 11:45 PM	Big Hat Days	Chamber of Commerce	Parking lots #1, #2, & #3. Pollasky (3 rd to 9 th); Bullard (Dewitt to Clovis); 4 th (Clovis to Woodworth); 7 th (Clovis to Woodworth); Woodworth (5 th to 7 th); 8 th (Clovis to Woodworth); 5 th (Clovis to Woodworth) 5AM – 9PM each day only. Set-up will take place on Friday, April 6 on 4 th starting at 3PM and on Bullard (Woodworth to Pollasky) starting at 8PM.
April 13, 2024 (Saturday)	5 AM to 5 PM	Water Tower Car Show	Hod Rods Fresno	Pollasky (3rd to 8th); Parking Lot #1; 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky)
April 27 (Saturday)	8 AM to 12 PM	Rodeo Parade	Rodeo Association	Clovis (3 rd to Barstow); Pollasky (3 rd to Barstow); 3 rd , 4 th , 5 th , Bullard, 7 th , 8 th , 9 th , 10 th , Lincoln, Barstow (Pollasky to Clovis); Jefferson (Clovis to Brookhaven); San Jose (Cole to Railroad); Railroad (Jefferson to San Jose).
May 3 thru Oct 25 (Friday Nights)	4:00 PM to 11:00 PM	Friday Night Farmer's Market	BOOT	Pollasky (3 rd to 7 th); 5 th OPEN; Bullard (Pollasky to Woodworth); 4 th (Woodworth to Pollasky/Clovis alley).
May 4 (Saturday)	3:30 PM to 10 PM	Old Town Wine Walk	BOOT	Pollasky (4 th to 5 th).
May 18 (Saturday)	5 AM to 5 PM	Old Town Motorama	BOOT	Pollasky (3rd to 8th); Parking Lot #1; 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky)
May 25 (Saturday)	6 AM to NOON	Memorial 5K	CSAC	Various Streets
May 26 (Sunday)	2 AM to 8 PM	Glorious Junk Days	BOOT	Pollasky (3rd to 7th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
June 14 (Friday)	10:30 AM to 1:30 PM	Flag Day Observation	Clovis Elks Lodge	Pollasky (5 th to 7 th); Bullard (Woodworth to Pollasky).
August 10 (Saturday)	Sat: 5 AM to 3 PM	Hot August Daze	Clovis Elks Lodge	Woodworth (Bullard to 5 th), Parking Lot #3).
September 22 (Sunday)	2 AM to 8 PM	Glorious Junk Days	BOOT	Pollasky (3rd to 7th); 4 th (Woodworth to Clovis); 5 th (Woodworth to Clovis); Bullard (Woodworth to Pollasky).
September 28 & 29 (Sat. & Sun.)	Sat @ 3 AM to Sun @ 11:45 PM	Clovis Fest	Chamber of Commerce	Parking lots #1, #2, & #3. Pollasky (3 rd to 8 th); Bullard (Dewitt to Clovis); 4 th (Clovis to Woodworth); 7 th (Clovis to Woodworth); Woodworth (5 th to 7 th); 8 th (Clovis to Woodworth); 5 th (Clovis to Woodworth) 5AM – 9PM each day only. Set-up will take place on Friday, October 26 on 4 th starting at 3PM and on Bullard (Woodworth to Pollasky) starting at 8PM.
October 19 (Saturday)	3:30 PM to 10 PM	Walk-Tober Fest	BOOT	Pollasky (4 th to 5 th).
October 27 (Sunday)	2 AM to 8 PM	O.T. Mac & Cheese Fest	BOOT	Pollasky (4 th to 7 th); Fifth Street to remain open
November 3 (Sunday)	6 AM to 11 AM	2 Cities Marathon	Fleet Feet Sports	Various Old Town Streets
November 9 (Saturday)	8 AM to 3 PM	BBQ Contest	Grill Masters	Parking Lot @ Elks Lodge; Woodworth (Bullard to Fifth); Bullard (east of Woodworth to alley)
November 21 (Thursday)	4 PM to 9 PM	One Enchanted Evening	BOOT	Pollasky (3 rd to 7 th); 5 th OPEN; 4 th (Clovis to Woodworth); Bullard (Pollasky to Woodworth). Fifth street to remain open.
December 7 (Saturday)	5 PM to 8 PM	Children's Electric Christmas Parade	Old Town Clovis Kiwanis	Clovis Ave. (3 rd to 9 th); Pollasky (3 rd to 9 th); 3 rd , 4 th , 5 th , 7 th Bullard, 8 th (Pollasky to Clovis).



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

November 6, 2023

Subject: 2024 Old Town Street Closures

Dear Old Town Merchant, Resident and/or Property Owner:

Attached is a list of requested street closures for calendar year 2024. The Clovis City Council will consider these requests in December.

Please review and forward any concerns, in writing, to my attention by Monday, November 20, 2023.

If you have any questions or need further information, Please feel free to contact me at 324-2083, or by email at shawnm@cityofclovis.com.

Sincerely,

Shawn A. Miller, Business Development Manager
City of Clovis

ORDINANCE NO. 00-02**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING CHAPTER 20, OF TITLE 5, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO OLD TOWN SPECIAL EVENTS****THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 20, of Title 5, of the Clovis Municipal Code is added to read as follows:

Chapter 20: OLD TOWN SPECIAL EVENTS**Section 5.20.01 Findings and declaration of intent.**

The City Council finds and declares that it has historically closed City streets in portions of the downtown area, commonly referred to as Old Town Clovis, for the purpose of assisting certain community and regional events benefitting Old Town Clovis, the community at large and non-profit business organizations operating in the City. Control over the operation of these community and regional events has traditionally been turned over to the entity sponsoring the event. The City Council finds and declares that there is a need to provide written guidelines and regulations on how these Old Town community and regional events shall operate. In enacting this chapter, it is not the intent of the Council to declare all events held in Old Town Clovis a declared "Old Town Special Event." Events not declared "Old Town Special Events" shall be subject to other applicable City ordinances. (§ 1, Ord. 00-02, eff. February 17, 2000)

Section 5.20.03 Old Town Special Event.

(a) "Old Town Special Event" means any outdoor public event utilizing public areas, including streets and parking lots temporarily closed by the City Council, in the vicinity of Old Town Clovis, and which event has been declared an Old Town Special Event by resolution of the City Council. The outside maximum boundaries for a declared Old Town Special Event shall consist of the eastern line of the Clovis Old Town Trail (former railroad right-of-way corridor), the southern line of Barstow Avenue, the western line of Woodworth Avenue, and the northern line of Second Avenue.

Old Town Special Events include, but are not limited to, the following:

- (1) Farmers' Market, generally held from May to September;
- (2) Antique and Collectible Fair, generally held several times a year;
- (3) Clovisfest Musicale, generally held in September;
- (4) Big Hat Days, generally held in April;
- (5) Children's Christmas Parade, generally held in December.

(b) Any person seeking to have a public event declared an Old Town Special Event shall seek a declaration from the City Council at least ninety (90) days prior to the event. If a street closure is required in connection with the proposed Old Town Special Event, such request shall be made at the same time.

(c) The declaration of the City Council shall establish the precise boundaries of the Old Town Special Event and designate an event sponsor.

(d) The City Council may by resolution delegate the authority to declare an Old Town Special Event, and to temporarily close City streets in connection therewith, to the City Manager and the City Manager's designee. (§ 1, Ord. 00-03, eff. February 17, 2000)

Section 5.20.04 Permit required.

(a) The sponsor (event sponsor) of an Old Town Special Event shall obtain an Old Town Special Event permit from the City Clerk.

(b) Application for the permit shall be made not less than sixty (60) days prior to the event and shall contain the information required by the City Clerk. The application shall also be accompanied by a street plan showing the proposed location of planned activities and vendor booths.

(c) Upon receipt of an application, the City Clerk shall circulate the application to the following departments for comments and approval: Police Department, Fire Department, Planning and Development Services Department, Public Works Department, and Risk Management Department. These departments may impose terms and conditions upon the Old Town Special Event permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the City harmless, maintaining minimum limits of liability insurance in accordance with City standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of City services.

(d) The Old Town Special Event permit may be revoked for noncompliance with the conditions of the permit and the provisions of this chapter. Revocation may be made by the City Manager, the Chief of Police, or their designees. If the grounds for revocation occur during the Old Town Special Event, the City Manager, the Chief of Police, or their designee, shall first advise the event sponsor of the grounds for revocation and provide an opportunity to correct the same.

(e) The Old Town Special Event permit may also be revoked during the event if fire or another emergency requires the event to be terminated to protect the public safety. When the Old Town Special Event permit is revoked for this reason, all event participants must immediately comply with instructions from any City Police Officer or Fire Department personnel. (§ 1, Ord. 00-02 eff. February 17, 2000)

Section 5.20.07 Minimum requirements.

(a) The event sponsor shall abide by the following minimum requirements:

(1) Maintain openings between vendor booths of sizes, and at locations and distances, required by the City. The required openings shall be specified in the terms and conditions of the Old Town Special Event permit and be identified on the event sponsor's street plan;

(2) Not use any permanent or semi-permanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot;

(3) Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin or familial association;

(4) Require that all vendors obtain and display all appropriate permits, licenses and certificates, and comply with all applicable federal, state and local laws, ordinances and regulations.

(5) Require that vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area;

(6) Require that vendors take sufficient measures to keep the City storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots;

(7) Provide on-site personnel who can be contacted by appropriate City officials for immediate corrective action either for noncompliance with this chapter or the permit conditions, for emergencies, or for actions deemed necessary by the City official. Such personnel shall be equipped with appropriate means of communication to be made known to the City by the event sponsor prior to the event;

(8) Distribute the rules and regulations to each person participating in the Old Town Special Event.

(b) These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the City Council. (§ 1, Ord. 00-02, eff. February 17, 2000)

Section 5.20.08 Cost of special event.

(a) The event sponsor will be responsible for the costs associated with the Old Town Special Event, including, but not limited to:

(1) The cost of City services related to the Old Town Special Event;

(2) The cost to repair any damage caused to any public property and rights-of-way, including landscaping.

(b) The event sponsor may apply to the City Council for cooperation in presenting an Old Town Special Event and request financial assistance for some or all of the costs of City services related to the Old Town Special Event. (§ 1, Ord. 00-02, eff. February 17, 2000)



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 11, 2023

SUBJECT: Administration - Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, July - September 2023.

ATTACHMENTS: 1. EDC First Quarter Report, July 1 – September 30, 2023

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

That the City of Clovis receive and file the First Quarter Report, July - September 2023, from the Economic Development Corporation Serving Fresno County.

EXECUTIVE SUMMARY

The Economic Development Corporation serving Fresno County (EDC) has submitted their First Quarter Report of activities for the City Council to receive and file, as required per the 2023-2024 Agreement with the City.

BACKGROUND

In the summer of 2023, the City of Clovis and the EDC entered into a contract for the 2023-2024 fiscal year to provide regional marketing and business services to Clovis businesses. The contract provides for \$40,000 in baseline funding and provides \$10,000 for focused outreach and project support for the City of Clovis in developing the Five Year Comprehensive Economic Development Strategy plan update. This allows Clovis to be part of a regional effort in attracting commercial and industrial businesses to Clovis. Attached is a report detailing the progress of their activities to provide information to industrial/commercial representatives not currently located in Clovis for recruiting purposes, and to continue to assist existing Clovis businesses with informational and/or technical assistance to access statewide business support programs.

Highlights of the EDC quarterly report include:

Q1 Snapshot

The EDC team conducts outreach marketing business expansion and retention services by:

- Providing an operational analysis to evaluate the health of the business. This tool offers us a thorough understanding of the appropriate referrals or resources needed for business growth or retention;
- Connecting businesses to labor subsidy programs;
- Providing education on federal/state/local tax Incentives; and
- Providing referrals and information on financing assistance.

Stemming from direct outreach, workshops, one-on-one meetings, and marketing efforts, the areas of interest and number of referrals generated are reflected below:

	Q1	FY24
Businesses Served	9	9

Type	Goal	Q1	FY24	Completion
Top 50 Business List	1	0	0	In Progress
Economic Profile Update	1	1	1	100%
Broker Events	2	0	0	In Progress
New Business Leads	40	6	6	15%

FISCAL IMPACT

The City will forward the First Quarter installment payment to EDC. The funds were budgeted in the 2023-2024 fiscal year budget.

REASON FOR RECOMMENDATION

The attached report meets the requirement established in the 2023-2024 Agreement between the EDC and the City of Clovis.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

Prepared by: Chad McCollum, Economic Development, Housing and Communications Director

Reviewed by: City Manager *AA*



City of Clovis
Quarterly Activity Report
Quarter 1
Fiscal Year 2023-24
July 1, 2023 – September 30, 2023

Will Oliver	President/CEO & VP of Business Services
Lee Ann Eager	President/CEO
Sherry Neil	Chief Operating Officer
Paul Thorn	Controller
Chris Zeitz	Director of Special Projects
Julian Ramos	Client Services Manager
Jackie Cuevas	Business Expansion and Retention Coordinator
Spencer Bremer	Research Analyst
Marcia Dansby	Economic Development Specialist
Cindy De La Rosa	Employer Engagement Specialist
Danielle Dixon-Oglesby	Workforce Training Coordinator
Darian Galindo	Business Retention Specialist
Ray Jones	Accountant
Cody Laird	Economic Development Specialist
Marcella Lara	Business Retention Specialist
Tiffany Louk	Business Attraction Specialist
Kaila Lugo	Office Administrator
Merritt Pacini	Executive Assistant to the CEO
Jennifer Sanchez	Economic Development Specialist
Nicole Teraoka	Contracts Compliance Manager
Mai See Vang	Program Coordinator
Malee Vang	Social Care Coordinator
Ross Williams	Research Analyst

City of Clovis Quarterly Activity Report

This report summarizes the agreement requirements between the City of Clovis and the Fresno County Economic Development Corporation (EDC).

Fresno County EDC Services

The Economic Development Corporation serving Fresno County is a nonprofit organization established to market Fresno County as the premier location for business prosperity. We facilitate site selection for new businesses within Fresno County, and assist in the retention and expansion of businesses through our alliance with collaborative partners and resources.

The EDC agrees to the following services:

- (a) Provide informational resources and technical assistance to retain and expand existing Clovis businesses.
- (b) For the purpose of recruiting new businesses and industries to the City, provide information to industrial and office representatives.
- (c) Assist in the development of marketing materials to attract new investment to the City.
- (d) Assist in marketing the City's industrial/commercial properties, including the Research and Technology Park.
- (e) Market the City to commercial and industrial brokers, developers, site selectors, and businesses.
- (f) Distribute City economic development materials.
- (g) Assist the City in the implementation of the City's Economic Development Strategy and the Business Retention, Expansion and Attraction Program.
- (h) Assist the City in preparing for, and conducting, proactive targeted outreach to companies identified in the Clovis Comparative Healthcare Analysis, or other business prospecting tools, if available.
- (i) The Economic Development team will work towards fostering a closer working relationship with local business associations to enhance the accessibility of EDC's services to City employers. Level of partnership is dependent on willingness and capacity of local business associations to participate.
- (j) Assist City points-of-contact in fully utilizing social media and online marketing tools to advance economic and community development efforts in the City.
- (k) The EDC will inform the City of legislation important to the Economic and Community Development of the region and advocate on their behalf.
- (l) In addition to periodic reports to the Economic Development Director and City Manager, submit quarterly status reports to the City Council, detailing the progress of the EDC and related activities.
- (m) The EDC shall assist in identifying economic development projects and priorities on the City's behalf for inclusion in the County of Fresno's Comprehensive Economic Development Strategy (CEDS) for potential grant funding.
- (n) The EDC agrees to provide a designated Economic Development Specialist as an EDC staff member to respond to City business attraction and expansion leads and to ensure City participation.

Q1 Snapshot

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Clients and Businesses Served

Aramark
 City of Clovis
 Clovis Christian Schools
 Achievements Unlimited

Elite Landscaping
 High Performance Academy
 Live Action General
 Engineering

Omni Underground
 Construction
 Westech Systems, Inc

City of Clovis Economic Snapshot

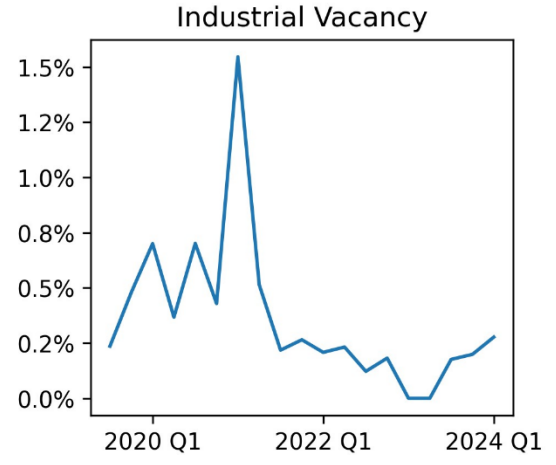
Quarter 1, FY 23-24

Industrial, Office, and Retail Vacancy

In the City of Clovis this quarter the industrial vacancy rate increased from 0.2% to 0.3%, the office vacancy rate decreased from 7.9% to 5.6%, and the retail vacancy rate decreased from 4.3% to 3.4%.

Q1 FY23-24	Industrial	Office	Retail
Fresno County	2.7%	7.9%	4.7%
City of Clovis	0.3%	5.6%	3.4%

Source: CoStar.com

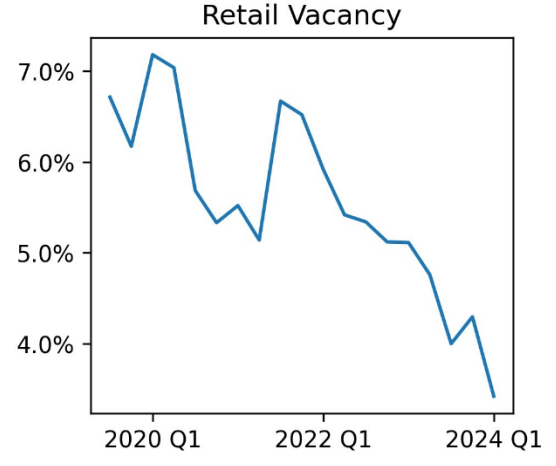
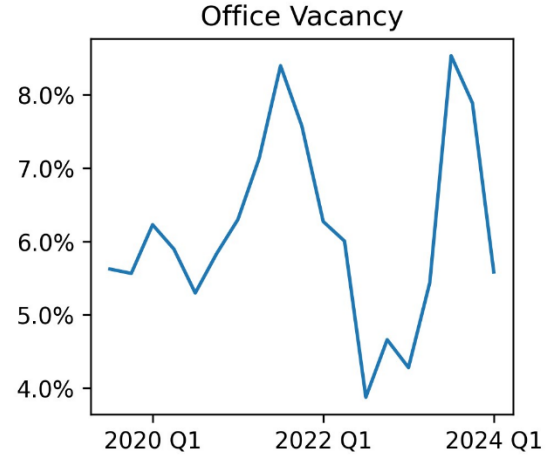


August 2023 Unemployment Rates

The preliminary unemployment rate in the City of Clovis was 4.8% in August 2023, up from 3.6% in May 2023. This compares to a non-seasonally adjusted unemployment rate of 5.1% for California and 3.8% for the nation during the same period.

Area	Labor Force	Unemployment Rate
Fresno County	458,400	7.0%
City of Clovis	58,800	4.8%

Source: State of California Employment Development Department



Business Attraction and Expansion Activity

AGENDA ITEM NO. 3.

During the first quarter, the EDC generated **6** new business leads and responded to **3** requests for information.

	Q1 FY24	FY24
New Business Leads	6	6
Requests for Information	3	3

New Leads

MONTH	CLIENT NUMBER	SOURCE	INDUSTRY	JOBS	SITE REQUIREMENTS	PARTICIPATING CITIES
JULY	CCVEDC 2315	CCVEDC Lead	Transportation & Logistics	TBD	800,000-1,000,000 SF Warehouse	All
	230801A1	Website	Manufacturing: Chemical Products	8	80,000-110,000 SF 1,000 SF Office	All
	230620A1	Local Partner	Battery Storage	2	TBD	All
	Project London	GO-Biz Lead	Pharmaceuticals	200	88,000SF, 20AC	All
AUGUST	230816	Other	Semiconductors & Renewable Energy	TBD	TBD	TBD
SEPTEMBER	230908	Website	Plastics	4	22,000-35,000SF Industrial	All

Requests For Information

	CLIENT NUMBER	SOURCE	INDUSTRY	DETAILS
AUGUST	RFI - 230817	Website	Real Estate	Client is a Bay Area investor interested in investing in multifamily developments in Fresno or Clovis.
	RFI - 230824	Direct Lead	Renewable Energy	Client uses patented process to generate renewable biomass energy.
	RFI - 230809	Website	Renewable Energy	Client develops and deploys renewable energy microgrids.

Partnership with Department of Social Services

The EDC has been contracted to assist the Fresno County Department of Social Services in marketing the New Employment Opportunities (NEO) program, Ready2Hire, and identify prospective employers to hire from the pool of eligible NEO job seekers.

Customized Workforce Trainings

Realizing the current labor demands among our local businesses, the EDC, Department of Social Services and educational partners have worked with industry stakeholders to develop customized trainings to fulfill today's workforce needs. Utilizing input from various industry practitioners, each training curriculum is developed to create career pathways to meet tomorrow's industry needs, help businesses grow, and put individuals back to work. Below is a list of customized training programs underway:

Valley Apprenticeship Connections

Pre-Apprenticeship Program. The partnership between Fresno County EDC, the Department of Social Services, and Fresno EOC will provide a 12-week program comprised of classroom and construction-based training.

John Lawson Truck Driving

Class A Truck Driving Class. The 10-week training is a partnership between Fresno County EDC, the Department of Social Services, West Hills Community College, and Lawson Rock and Oil.

Central Valley Training Center

Pre-Apprenticeship Program. The partnership between Fresno County EDC, the City of Selma, and High-Speed Rail Authority will provide a 12-week program comprised of classroom and construction-based training.

Good Jobs Manufacturing Generalist

Six Week Program. The partnership between San Joaquin Manufacturing Alliance, The National Manufacturing Institute, California Tooling & Machining Apprenticeship Association (CTMAA), City of Reedley, and Reedley College provides a 6-week program comprised of applied and classroom-based instruction in Computer Aided Drafting & Design, Computer Aided Manufacturing & Machining, Electrical Systems Technology, Maintenance Mechanics, and Welding.

Highlights

July 2023

Good Jobs Challenge Manufacturing Generalist Program | Fresno County

Congratulations to the pilot Manufacturing Generalist Training Program cohort! Eight motivated students successfully completed the 5-week training program at Reedley College and received their Certificate of Completion on July 28, 2023. The graduation ceremony was attended by Fresno County EDC President & CEO, Lee Ann Eager, along with EDC staff, Good Jobs Challenge backbone partner Genelle Taylor Kumpfe of the San Joaquin Valley Manufacturing Alliance, President of Reedley College Dr. Jerry Buckley and his staff, training instructor Dick Herman from California Tooling & Machining Apprenticeship Association, and instructor Estevan Arreguin of Reedley College. Three students shared inspiring journey experiences, expressing their genuine passion for manufacturing careers and the value of the Manufacturing Generalist Training Program. Exciting news - a couple of our exceptional graduates have already secured positions with PNM Company, a testament to their remarkable skills and dedication. More employers are eager to interview this talented cohort in the upcoming weeks.



Comprehensive Economic Development Strategy Grant Award | Fresno County

The County of Fresno received notification that they were awarded a \$150,000 grant from the Economic Development Administration to support the 5 Year CEDS update. EDC staff worked closely with County staff on developing the grant application, which includes additional funding to digitize the CEDS online, provide translation in multiple languages, and to conduct robust outreach throughout the 14 participating cities and unincorporated areas. EDA shared that they hope the Fresno County project will serve as a model for conducting extensive community engagement as part of the CEDS process. EDC staff will support the County on issuing a competitive RFP process for qualified consultants and project coordination.

NEO/R2H Marketing | Fresno County

Economic Development Specialists Marcia Dansby and Jennifer Sanchez have taken the initiative to market NEO enrollment for businesses and job seekers in rural cities. They distributed updated NEO program flyers, available in both English and Spanish, promoting NEO and EDC training programs at strategic locations such as Department of Social Services offices, City Halls, and nutrition centers. As a result of these marketing efforts, we expect increased awareness of and enrollment in the EDC training programs.

Talent Pipeline Management Training | All

Fresno County EDC’s Program Coordinator, Mai See Vang, recently completed the Talent Pipeline Management (TPM) training in Ventura, CA. TPM, developed by the U.S. Chamber of Commerce Foundation, offers six powerful strategies to foster employer collaboration and tackle vital workforce challenges. Mai See is looking forward to applying these invaluable frameworks and creating meaningful engagement with our local employers.



Commercial Real Estate Course | All

Business Attraction Specialist Tiffany Louk completed the 2023 Foresite Commercial Real Estate Launch Program hosted by Colliers. Her spot was generously sponsored by Fresno’s Commercial Real Estate Women chapter, which she joined to enhance professional relationships with local brokers. The program was an intensive 9-week course of study that required twice-a-week lecture attendance, weekly research topics, modules, exams, and assignments. Assignments were a direct application of knowledge learned in class and included: Lease Abstracting, Submarket Study, Letter of Intent, Purchase Agreement, Loan Quotes, Underwriting, and Investment Offering. Tiffany excelled at the course; her submarket study was presented by broker partners to their own clients as an accurate depiction of local market conditions.



New Employment Opportunities Program | Fresno County

The BEAR team has been dedicating its efforts to the New Employment Opportunities program, achieving success in July with the enrollment of one new NEO business and the renewal of three others. BEAR Coordinator Jackie Cuevas, collaborated closely with Bonnie Smith, owner of Forever Care Inc. Having been a part of the NEO program in the past, Forever Care Inc. experienced remarkable success, leading them to renew their participation to meet their workforce needs. The company's plans for expansion, including the opening of a second location in the coming months, make it even more essential for our participants in the NEO program as they will provide valuable on-the-job training. The EDC will continue to support Forever Care with their expansion and retention needs.

Economic Development Specialist Cody Laird has been actively supporting the business expansion of Espinoza Brothers Food Distribution Inc. by offering various beneficial business resources, including enrolling the company in the NEO program. Cody Laird's involvement will continue as he works closely with the business, providing assistance with workforce-related matters and addressing any other inquiries that may arise.

Wootzano | All

Fresno's Attractions team welcomed Wootzano to Fresno as Dr. Atif Syed, CEO, Dr. Jesse Opoku, COO, and their engineering team arrived to begin work on their first US installation. Tiffany coordinated with Business Street Media Group on a press release 8/7/2023 showcasing the company's entry into the US market. Fresno EDC provided extensive assistance in site selection as well as pivotal connections to local partners and institutions. Wootzano's technology is set to transform our region's packing industry by providing exciting job opportunities and innovative solutions to the industry's greatest challenges. Business Attraction Specialist Tiffany Louk and COO Sherry Neil will be attending Wootzano's event, "NOVA," as part of the EDC's Trade Mission to the UK and Italy to meet with partners and recruit food processing and agtech businesses to Fresno County.



CVTC Graduation | Fresno County

On July 7th, 11 students from cohort 9 graduated from the CVTC program. This year graduation was held at a new location, the Selma Arts Center. Family, friends, supporters, and dignitaries wished the students well. Each student received a gift bag with tools and certificates of completion. 2 students spoke about their experience in the program and supporters gave remarks about the success of the program and congratulated them.



August 2023

Will Oliver, President & CEO | All

Fresno County EDC is thrilled to announce the appointment of our new President and CEO, William Oliver. A third-generation Central Valley native, Will's outstanding efforts at the EDC over the past ten years have resulted in immeasurable economic and social advancement opportunities for Fresno County. A tireless champion of our community, he was not only instrumental in bringing \$23 million of investment to Fresno County through the U.S. Economic Development Administration's Good Jobs Challenge. He has also overseen Fresno County EDC's high-speed rail development, foreign direct investment, economics research, and capital recruitment initiatives.



Lee Ann's Retirement | All

Lee Ann Eager and the entire team at Fresno County EDC would like to thank all our treasured partners for the opportunity to serve you these past 14 years. It has been an honor and a privilege working together to make Fresno County the premier location for business prosperity. She also looks forward to continuing to advocate for the Central Valley as Chair of the California Transportation Commission. The staff at Fresno EDC thank her for her incredible work on behalf of our community, and for embodying what it means to lead by serving. We are eager to continue her valuable work blazing a path forward to a bright future full of opportunity for all in Fresno County.



New Employment Opportunities Program | Fresno County

The BEAR team has been dedicating its efforts to the New Employment Opportunities program, achieving success in August with the enrollment of four new NEO businesses. BEAR Coordinator Jackie Cuevas has collaborated closely with Kirk Ringgold, owner of Auberry Sawmill. Kirk Ringgold is hoping to turn land he purchased years ago back into a sawmill and make use of trees burned in the Creek Fire. EDC has referred a few participants to interview and hire from the NEO program to help fill their hiring needs. EDC has also provided assistance with funding resources.

BEAR Coordinator Jackie Cuevas assisted Dough for Dough DBA Bread and Butter and Dough for Dough DBA Spoon and Fork enroll into the NEO Program. The business has expanded from the last time Jackie met the business at a farmers market. The business is seeking employees for both locations and are excited to utilize and benefit from the NEO program.

Economic Development Specialist Marcia Dansby has been working closely with Trinity Construction to help them join the NEO program, specifically by assisting them in finding an Office Manager through the Ready2Hire website. In the past month, Marcia has been dedicated to supporting businesses in both rural eastern cities and the metropolitan area, focusing on making the NEO contract signing process smoother and ensuring that these businesses have all the necessary paperwork to stay in the program. She's also been organizing an upcoming 5 Cities executive committee meeting in Fowler and offering important services like helping rural cities in Fresno County find suitable locations and secure funding. Additionally, Marcia participated in the Sanger Community Task Force meeting and the Sanger Downtown Revitalization meeting. She also attended "Good Morning Reedley" and the August Selma Chamber Mixer, meeting and networking with local business owners.

WootZano – Tropical Food Machinery Targeted Mission | All

During the month of August, EDC staff finalized plans for a September targeted mission around two foreign direct investment client, WootZano (UK) and Tropical Food Machinery (Italy). Both companies represent significant technology transfer application around the agricultural technology sector, with Tropical Food Machinery's first US installation set to launch at Sierra Agra USA later this Fall. EDC has helped facilitate an exclusive agreement between WootZano and Packline Technology in Fowler to accelerate their market entrance and access to packhouse customers. Both companies have contributed to the mission's itinerary, scheduling meetings with industry peers interested in US expansions in the future. During August, EDC procured predictive analytics software that utilizes AI to identify companies poised for locating in Fresno County and has successfully used this tool to research, vet and contact prospective companies to engage in UK – Italy.

Fresno State Collaboration for TechHubs Application | All

EDC staff provided project leadership to Fresno State’s AI-Enabled Agriculture Technology Hub application, which brings together the Lyles School of Engineering, Jordan School of Agriculture, UC Merced, existing and prospective advanced agricultural technology companies, venture capital organizations, and community stakeholders.

The proposed Tech Hub Application endeavors to leverage the region’s core economic and applied research competencies to develop across four key technology areas with an agricultural throughline:

Artificial Intelligence, Energy, Advanced Manufacturing & Robotics, and Semiconductors. EDC staff helped mobilize the multi-disciplinary private and public sector consortium members. The Tech Hub includes a myriad of projects that will accelerate commercialization of the key technology focus areas, including modernization of Fresno State’s 1,000-acre farm and adjacent 12,000SF facility to lease to early-stage companies, providing access to venture capital, support key workforce development efforts in-line with Good Jobs and advance technology development and maturation through integration and incubator facilities. If awarded a Designation, Fresno State will be eligible to compete for \$50M to \$75M in implementation projects.

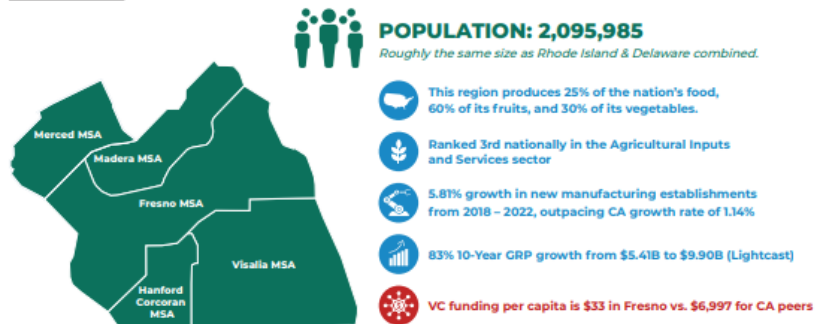
The AI-Enabled Agriculture Technology Hub

EXECUTIVE SUMMARY

The proposed case for designation leverages the assets of two California Valleys: the San Joaquin Valley, home to the most productive agriculture in the world, and the Silicon Valley, home to America’s leading artificial intelligence and semiconductor design ecosystem. The AI-Enabled Agriculture (AI.Ag.) Technology Hub couples these assets with our region’s core economic and applied research competencies to develop across four key technology focus areas - AI, Energy, Robotics, & Semiconductors - all with an agricultural throughline. With this approach, the region is poised to become the global leader in commercialization of critical Ag-Tech applications.

The result will be global leadership in Ag-Tech products and services, which will in turn strengthen regional and U.S. economic resiliency, national security, and U.S. leadership in combatting growing global food insecurity. It will increase farm productivity; increase efficiency of water and energy use; provide access to early-stage capital; anticipate climate change impacts; improve farmworker safety; enhance innovation, technology transfer and commercialization; and develop a high skilled workforce benefiting tens of thousands in the San Joaquin Valley of California.

OUR REGION



The proposed region covers several adjoining MSAs that include Fresno, Madera, Kings, Tulare, and Merced counties. Two of the included MSA’s are small rural communities. It is a region of rich diversity and culture, with over 104 languages spoken and many ethnic communities. The region which is only 1 percent of the US farmland is globally distinctive for its agricultural economy. The region is ranked 3rd nationally in the Agricultural Inputs and Services cluster; 14th in Food Processing and Manufacturing; and 26th in Livestock Processing. According to the U.S. Census Bureau, the vast majority of the Central Valley’s population lives in persistent poverty, with some areas experiencing poverty rates as high as 21.9 percent. More than 50% of the region’s population identify as people of color and represent the vast majority of those in poverty.

Thanks to extensive collaboration across counties and institutions, the economic fortunes of the Valley have started to turn. Productivity in the technology sector grew by 17.3% between the years 2007-2022. Because of its prime location as the most productive agricultural region of the country, customer base, strategic location for supply chain and logistics, higher education institutions, 2Gen workforce development programs, and strong commitment by regional government to grow manufacturing, the region is attractive to both homegrown and overseas industry and investors in the areas of advanced ag-tech.

California Forward / American Manufacturing Communities Collaborative Roadshow | All

Fresno County EDC and Good Jobs partners, including the Manufacturing Institute and the San Joaquin Valley Manufacturing Alliance, hosted California Forward, U.S. EDA, and the American Manufacturing Communities Collaborative Roadshow in Fresno. The Roadshow traveled the state of California and made stops in San Francisco, Sacramento, Fresno, and Los Angeles. Along for the ride were senior representatives of the US Economic Development Administration and Jobs for the Future. In the Fresno region, the Roadshow included an employer site tour of Sierra Agra USA, a longtime EDC client, and a CEO Roundtable at Chukchansi Park. The Chancellor of State Center Community College District and other employers participated in the event as well.



Valley CERF Regional Congress | All

Fresno County EDC attended the first ever Valley CERF (Community Economic Resilience Fund) Congress in Visalia. CERF is a multi-year state investment intended to deploy community and economic development funding across the state focused on meeting the needs of diverse stakeholder groups. Fresno EDC has participated in the CERF planning process for the Central Valley region for nearly one year and the Regional Congress was an opportunity to connect with other participants and help identify top priorities for funding in the coming years.



September 2023

UK-Italy Trade Mission | All

After 8 months of planning, Fresno County EDC COO Sherry Neil and Business Attraction Specialist Tiffany Louk completed Fresno County EDC’s Trade Mission to the UK and Italy. The primary purpose of the Mission was to meet with existing partners and capitalize on warm handoffs and introductions to their business partners interested in U.S. Expansion. The team met with 5 UK businesses, several lead generators, and 30 Italian businesses and entrepreneurs at events organized by existing EDC foreign business partners. The secondary benefit of the trip was to strengthen existing relationships with existing UK and Italian Business partners Wootzano and Tropical Food Machinery in order to facilitate onshoring and expansion of the companies’ footprints in Fresno.

Tiffany and Sherry showcased Fresno County and the EDC’s services at NOVA, Wootzano’s media-covered event showcasing their technology and partnership with Packline Technologies, Inc. The partnership was facilitated by the EDC and fast-tracked Wootzano’s entry into the US market while concentrating the benefits of their technology in Fresno County. They also met with UK semiconductor and technology companies at an event organized by the UK Consul General, attending in tandem with Wootzano’s CEO. The team also spoke at Made in Italy Straight to Central Valley, an event organized by Tropical Food Machinery, at which they networked with 30 Italian businesses specialized in food and food manufacturing technology. These in-person meetings are enabling the Business Attractions team to work with the company owners to bring their ideas, technology, and companies to Fresno.



EPA Repair, Renovate, Paint (RRP) Lead Training | All

Fresno County EDC's Central Valley Training Center (CVTC) and Fresno EOC's Valley Apprenticeship Connections (VAC) conducted their first training sessions in partnership with the County's Department of Public Health Lead Paint Repair, Renovate, Paint (RRP) Lead Training grant. This training results in an industry-recognized credential in addition to the other credentials and certificates included in these programs focused on construction pre-apprenticeship. State and Federal funding is available for lead paint RRP projects, which can only be bid on by contractors employing individuals with this Environmental Protection Agency certification. A total of 31 participants attended this training in September and will receive the EPA Certification. Training for this certification will be included in upcoming CVTC and VAC Cohorts through at least 2024.

**CalOSBA - Fresno's Impact Economy Presentation | All**

EDC President/CEO Will Oliver, Director of Special Projects Chris Zeitz, and Research Analyst Ross Williams met with Tara Lynn Gray, Director of the California Office of the Small Business Advocate (CalOSBA) to present updates on Fresno's Impact Economy. The team shared how they have incorporated Harvard Business School's Impact Weighted Account framework for evaluating business and economic development with community perspectives and priorities. This leading framework for investment and development decision making is relevant to both public and private stakeholders. Previously, EDC has shared this methodology with GO-Biz and the U.S. Small Business Administration as well as several private investors.

SJVMA Q3 Membership Meeting | All

Employer Engagement Specialist Cindy De La Rosa and Economic Development Specialist Cody Laird attended SJVMA’s quarterly membership meeting. Cody presented on incentives for members to take advantage of including reductions in utility costs available for economic development through PG&E. Other presenters included Gardener Carrick from the Manufacturing Institute, the workforce development organization of the National Association of Manufacturers, a Good Jobs Challenge (GJC) partner. Eric Ceballos, a recent graduate of the GJC manufacturing generalist program held at Reedley College, discussed his experience transitioning careers and how the GJC grant assisted him and his new employer, Borga Steel.



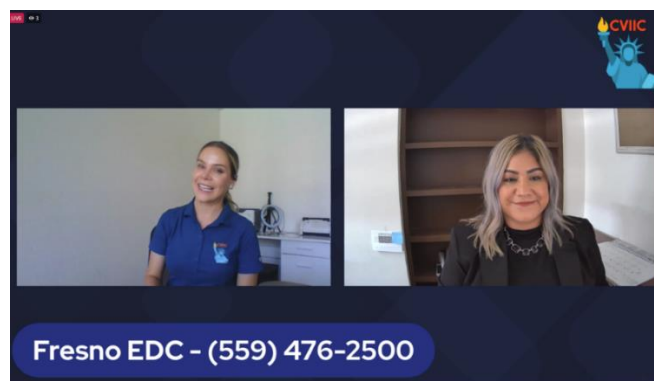
Harvard Business School FIE Presentation | All

EDC President/CEO Will Oliver and Research Analysts Ross Williams and Spencer Bremer gave a presentation on Fresno’s Impact Economy to Dr. Ethan Rouen’s “Reimagining Capitalism: Business and Big Problems” class at the Harvard Business School. As one of the authors of Harvard’s Impact Weighted Accounts (IWA) framework, Dr. Rouen’s work has served as a foundational building block for Fresno’s Impact Economy. Will provided an overview of how the IWA methodology has been adapted to meet the needs of the region as well as the inclusion of community metrics as determined by the Resident Leaders for Equitable Economic Development group, and Ross provided a demonstration of the workbook and community dashboard.

CVIIC NEO program Presentation | Fresno County

BEAR Coordinator Jackie Cuevas had the privilege of presenting about the NEO program during a live broadcast on the Central Valley Immigrant Integration Collaborative (CVIIC) Facebook platform, with a focus on reaching Spanish-speaking entrepreneurs. During this presentation, Jackie effectively conveyed valuable information about the NEO program, which is designed to support existing businesses in their growth endeavors by addressing their workforce needs and providing up to a year in wage reimbursement for every employee hired through the program.

Through a collaborative effort with CVIIC, the EDC has received referrals to provide assistance to small businesses in the areas of business resources, site selection, and workforce development. The EDC is committed to continuing their efforts in disseminating information about a range of business services to further empower and support local entrepreneurs.



FY 23-24 Overview of Work Product	Deliverables	FY 2023 – 2024 Target Outcomes	Q1 FY24
<p>Economic Development Corporation Serving Fresno County</p> <p>Contract: \$40,000</p> <p>Comprehensive Economic Development Strategy</p> <p>Phase 1: \$10,000 - Plan Participation and Outreach</p> <p>Staff:</p> <p>President & CEO Will Oliver</p> <p>Chief Operating Officer Sherry Neil</p> <p>Director of Special Project Chris Zeitz</p>	<p>Business Retention:</p> <ul style="list-style-type: none"> • Provide informational resources and technical assistance to retain and expand existing Clovis businesses. • The Economic Development team will work towards fostering a closer working relationship with local business associations to enhance the accessibility of EDC’s services to City employers. <p>New Business Recruitment: Facilitate information and conduct tours for company representatives not currently located in Clovis for the purpose of recruiting new businesses to the City of Clovis. Assist the City of Clovis in promoting future industrial areas and existing industrial sites to new clients.</p> <ul style="list-style-type: none"> • Coordinate virtual and in-person site tours for the purpose of business attraction and expansion. • Create and update marketing materials. • Support in-person or virtual commercial and industrial broker events for the City of Clovis. • Communicate leads status during monthly EDC – City of Clovis meeting. • Assist the City in preparing for, and conducting, proactive targeted outreach to companies identified in the Clovis Comparison Healthcare 	Respond to all City of Clovis business inquires and connect them to appropriate resources	9 Clients Served
		New Business Leads	6 New Leads
		Outreach and project support for 5 Year CEDS Update	In progress
		Economic Profile Update	Completed
		Targeted HCA Outreach	In progress

	<p>Analysis, or other business prospecting tools, if available.</p> <p>Comprehensive Economic Development Strategy Participation and Engagement Planning for the County of Fresno Comprehensive Economic Development Five Year Update is set to occur beginning in 2023. EDC will partner with the City in providing focused outreach and project support to ensure the City's goals and objectives are included in the CEDS update.</p>		
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CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: December 11, 2023

SUBJECT: Finance – Receive and File – Status Report of Community Facilities District 2004-1 Revenues and Expenditures.

ATTACHMENTS: None

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

That the Council receive and file the report on the status of the Community Facilities District 2004-1 Revenues and Expenditures.

EXECUTIVE SUMMARY

In March 2004, the Council approved the formation of Community Facilities District 2004-1 (CFD), which provides funding for public safety operations in new growth areas generally located north of Herndon or east of Locan Avenues. During formation, the Council directed staff to prepare an annual report indicating the amounts received from CFD tax revenues and expenditures applicable to the CFD area. The Council also directed that an independent citizens oversight committee (Committee) be established to review the revenues and expenditures of the CFD annually.

BACKGROUND

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

There were 9,716 parcels assessed in 2022-2023, generating \$2,700,000 in special taxes. The per-unit tax for 2022-2023 was \$272.42 for single family units and \$235.21 for multi-family units. The revenue received is allocated between Police (67%) and Fire (33%) which goes into the Police and Fire department budgets as non-discretionary general fund revenue. The revenue received in 2022-2023 provides funding for approximately 9 Police Officers and 5 Fire Fighters.

Expenditures for public safety services associated with growth in the CFD area for 2022-2023 were \$6,788,000. In 2022-2023, CFD tax revenue covered 40% of CFD area expenditures.

	<u>2022-2023</u>	<u>2021-2022</u>	<u>2020-2021 and prior</u>
Expenditures	\$6,788,000	\$5,206,000	\$48,079,000
Revenues	\$2,700,000	\$2,188,000	\$14,863,000

FISCAL IMPACT

This report provides a status of the CFD revenue and expenditures attributable to the CFD. The report reflects that the CFD tax revenue is contributing approximately 40% of the total expenditures attributable to the public safety services provided in the CFD.

REASON FOR RECOMMENDATION

This annual status report is for information only and no action is required.

ACTIONS FOLLOWING APPROVAL

Staff will file the report and copies of the report will be made available to the Committee and any member of the public who requests a copy.

Prepared by: Ran Chan, Accountant

Reviewed by: City Manager *AA*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: December 11, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 17-13 Nees Avenue Widening Minnewawa Avenue to Clovis Avenue.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

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

EXECUTIVE SUMMARY

This project consisted of widening westbound Nees Avenue from Minnewawa to Clovis Avenues. The work included the installation of sewer, potable water, storm drain, Fresno Irrigation utilities, new streetlights, pavement reconstruction, and concrete improvements. In addition, the construction work included rehabilitation of the eastbound pavement and modifications to the existing traffic signals. The project also included the installation of new traffic loops, new pavement markings, and new signs.

BACKGROUND

Bids were received on October 4, 2022, and the project was awarded by the City Council to the low bidder, Agee Construction Corporation, on October 17, 2022. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

FISCAL IMPACT

1.	Award	\$2,854,012.00
2.	Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	\$24,611.85
3.	Contract Change Orders CCO No. 1 & 3 - 13. CCO No. 2 Lateral Tie in CCO No. 14 Striping Modifications	<u>\$226,265.06</u>

Final Contract Cost	<u>\$3,104,888.91</u>
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REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

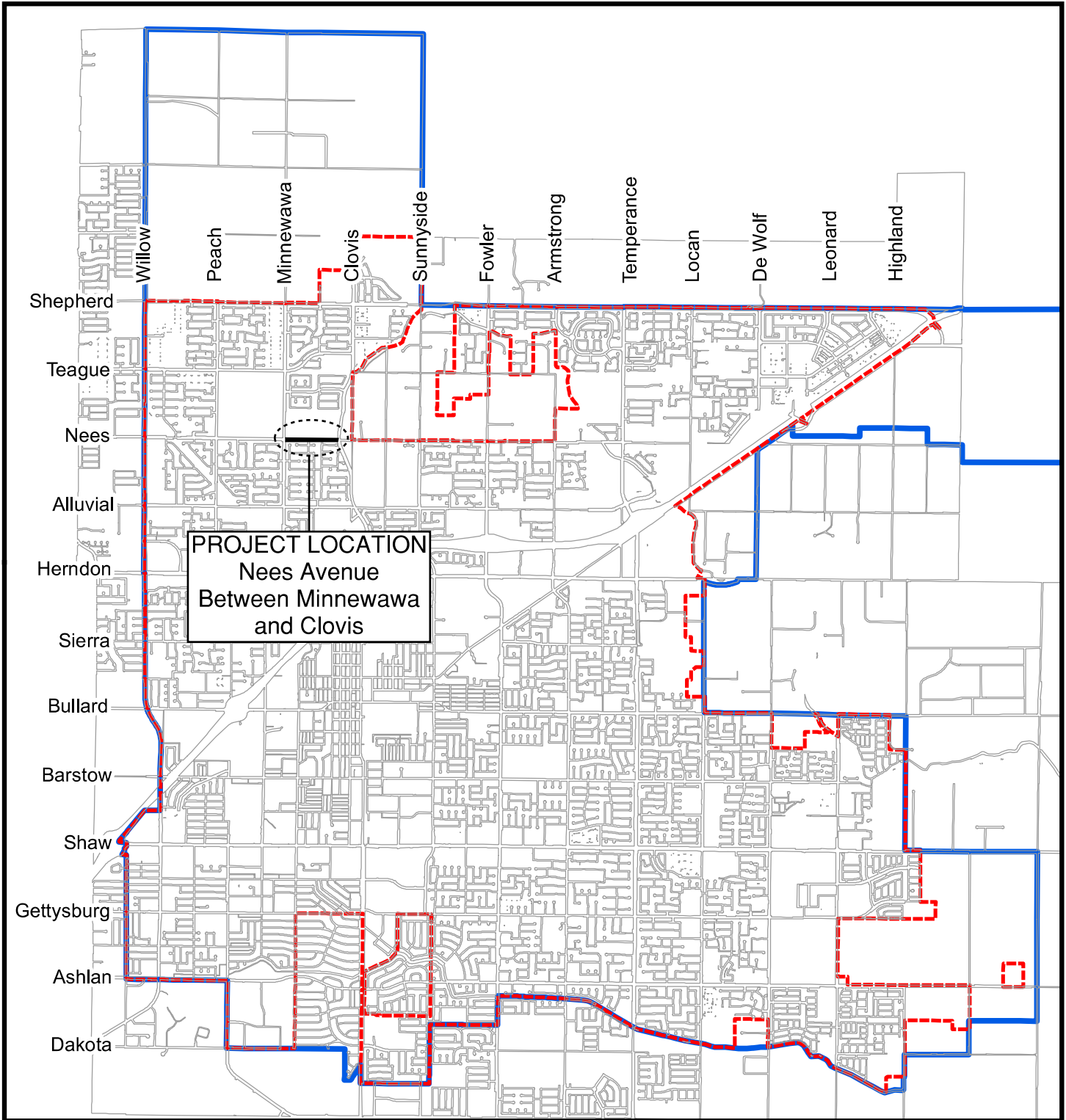
1. The Notice of Completion will be recorded; and
2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

Prepared by: Rami Abunamous, Engineering Inspector

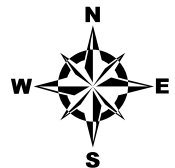
Reviewed by: City Manager *AH*

VICINITY MAP

CIP 17-13 Nees Avenue Street Widening



Attachment 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: December 11, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 21-11 Fowler Avenue Street Rehabilitation.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

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

EXECUTIVE SUMMARY

The project involves 0.3-mile of street rehabilitation on Fowler Avenue from Ashlan Avenue to City Limits, including grinding and replacing A.C. pavement, adjustment of existing utility boxes, manholes, and utility valve boxes to finish grade, replacement of traffic striping, markings and signage, and reinstallation of traffic loop detectors.

BACKGROUND

The bid opening was on August 1, 2023, and City Council awarded the project to the lowest bidder, Emmett Valley Construction, Inc., on August 7, 2023. The project was completed in accordance with the construction documents and within the total contract time allotted.

FISCAL IMPACT

1. Contract Award Amount	\$353,187.50
2. Cost increases resulting from differences between estimated quantities used for award and actual quantities installed.	\$11,294.60
3. Contract Change Orders	\$8,093.10
CCO1 Installed Concrete Sidewalk	
CCO2 Installed new Traffic DLCs	
4. Liquidated Damages Assessed	<u>\$0.00</u>
Final Contract Cost	<u>\$372,575.20</u>

This project is supported by federal funding with the Surface Transportation Block Grant through the City Community Investment Program.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

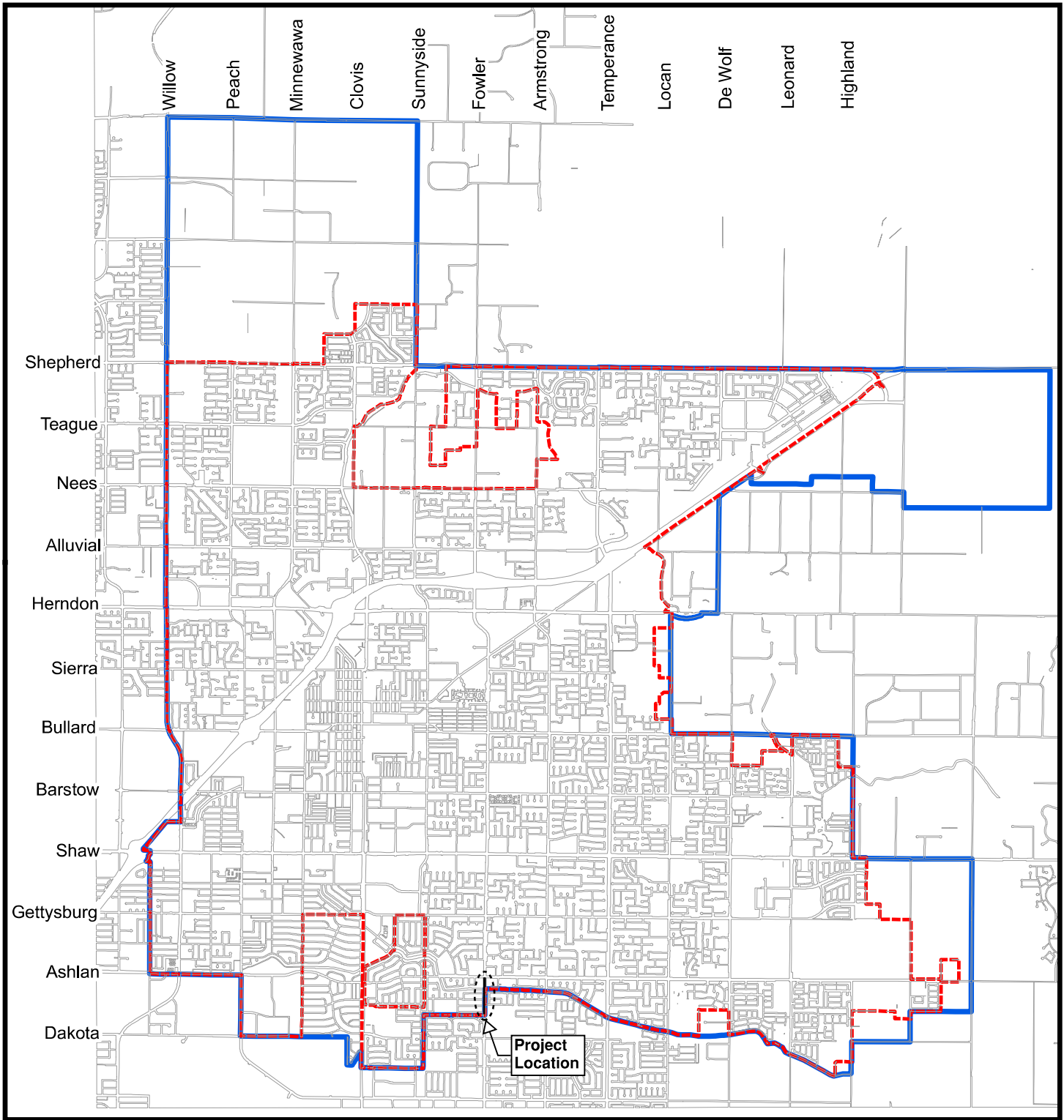
1. The notice of completion will be recorded; and
2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

Prepared by: Matt Buller, Senior Engineering Inspector

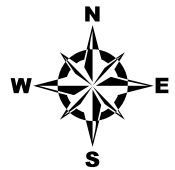
Reviewed by: City Manager *AA*

VICINITY MAP

CIP 21-11 Fowler Avenue Street Improvements



Attachment 1





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 11, 2023

SUBJECT: Consider Introduction – Ord. 23-____, an Ordinance of the City Council of the City of Clovis Amending Sections 5.22.02 and 5.22.05 of Chapter 5.22, of Title 5 of the Clovis Municipal Code Pertaining to Definitions and Regulations for Deliveries of Medical Marijuana within the City.

Staff: Matthew M. Lear, Deputy City Attorney

Recommendation: Approve

ATTACHMENTS: 1. Ordinance 23-____
2. Senate Bill 1186

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

For the City Council to approve the introduction of Ordinance 23-____, amending various provisions in Chapter 5.22 of the Clovis Municipal Code to update applicable definitions and comply with Senate Bill (SB) 1186 pertaining to the delivery of medical marijuana.

EXECUTIVE SUMMARY

With the enactment of SB 1186, which adds Section 26322 to the Business and Professions Code beginning January 1, 2024, a local jurisdiction is prohibited from limiting the delivery of medical marijuana to patients or their primary caregivers by licensed medical marijuana businesses. The Clovis Municipal Code (CMC) currently prohibits the delivery of all marijuana including medical marijuana, except to and from cannabis testing facilities as permitted in CMC section 5.22.09.

BACKGROUND

SB 1186 (also known as the Medicinal Cannabis Patents' Right of Access Act) adds Business and Professions Code section 26322 effective January 1, 2024, which prohibits local jurisdictions from adopting or enforcing any regulation that prohibits the retail sale by delivery within a local

jurisdiction of medicinal marijuana to medicinal marijuana patients and their licensed caregivers. This ordinance amendment will allow delivery of medical marijuana in compliance with state law, while prohibiting delivery in all other instances, except to and from cannabis testing facilities as currently authorized in CMC section 5.22.05, subdivision (c). The amendment will also require that prior to any person engaging any medicinal marijuana deliveries, such persons must first receive a business tax certificate from the City, consistent with Business and Professions Code section 26322, subdivision (b)(3).

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Adopting the Ordinance amending Clovis Municipal Code sections 5.22.02 and 5.22.05 is necessary to bring the Municipal Code into compliance with state law effective January 1, 2024.

ACTIONS FOLLOWING APPROVAL

The Ordinance will return for a second reading and adoption at the next City Council meeting.

Prepared by: Scott Cross, City Attorney

Reviewed by: City Manager *JH*

ORDINANCE 23-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 5.22.02 AND 5.22.05 OF CHAPTER 5.22, OF TITLE 5 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO DEFINITIONS AND REGULATIONS FOR THE DELIVERY OF MEDICINAL MARIJUANA.

The City Council of the City of Clovis does ordain as follows:

Section 1. Section 5.22.02 of Chapter 5.22, of Title 5 of the Clovis Municipal Code is hereby amended to read as follows:

5.22.02 Definitions.

(f) “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, or as otherwise set forth in California Business and Professions Code section 26001, subdivision (k).

(i) “Commercial cannabis operation” means any commercial cannabis activity, and all facilities and equipment that support that activity, as set forth in California Business and Professions Code Section 26001, subdivision (m), and allowed under the Act, and as the Act and implementing regulations may be amended from time to time.

(j) “Cultivate” or “cultivation” shall have the meaning set forth in California Business and Professions Code Section 26001, subdivision (n).

(k) “Delivery” shall have the meaning set forth in California Business and Professions Code Section 26001, subdivision (r) and shall also include any technological platform that enables persons to arrange or facilitate the transfer of cannabis.

(l) “Medical marijuana or medical marijuana use” means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5 and 11362.7 et seq., and as otherwise set forth in paragraph (1) of subdivision (a) of California Business and Professions Code section 26001.

(m) “Medicinal marijuana business” shall have the same meaning as paragraph (2) of subdivision (b) of California Business and Professions Code section 26321.

(n) “Medicinal marijuana patient” shall have the same meaning as paragraph (3) of subdivision (b) of California Business and Professions Code section 26321.

(o) “Operator” means the business owner and any other person designated by the business owner as responsible for the day-to-day cannabis operations.

(p) “Police Chief” means the Police Chief of the City of Clovis or his or her designee.

(q) “Premises” means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used in connection with the a commercial cannabis operation.

(r) “Recreational marijuana,” “recreational marijuana use,” or “adult use marijuana” means all uses of cannabis not included within the definition of “medical marijuana use.”

(s) “Responsible party” shall mean the business owner, operator, manager(s), and any employee having significant control over the commercial cannabis operations, and the owner of the property where the commercial cannabis operations are taking place.

Section 2. Section 5.22.05 of Chapter 5.22, of Title 5 of the Clovis Municipal Code is hereby amended to read as follows:

5.22.05 Regulations applicable to commercial cannabis operations, dispensaries, and deliveries.

(a) Commercial cannabis operations. Except as provided in Section 5.22.09, commercial cannabis operations as defined in Section 5.22.02(i) are prohibited within the City.

(b) Dispensaries. Cannabis dispensaries as defined in Section 5.22.02(e) are prohibited within the City.

(c) Deliveries. The delivery of cannabis as defined in Section 5.22.02(k) is prohibited in the City, except as follows:

- (1) To and from cannabis testing facilities as permitted by Section 5.22.09, regardless of whether the delivery is initiated within or outside of the City, and regardless of whether a technology platform is used for delivery by the dispensary.
- (2) The delivery of Medical marijuana to a Medicinal marijuana patient consistent with Section 26322 of the California Business and Professions Code. No person may engage in any delivery of Medicinal marijuana within the City unless the person is currently in compliance with all applicable state and local laws, and has been issued a valid business tax certificate by the City pursuant to Chapter 3.1 of Title 3 of the Clovis Municipal Code.

(d) Exceptions to dispensary ban for certain healthcare facilities. The following facilities providing medical marijuana to patients are not subject to the dispensary ban provided they are in strict compliance with Health and Safety Code Sections 11362.5 and 11362.7, et seq., and all other State and local laws pertaining to the uses, including zoning, permitting, and licensing requirements:

- A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.

With track changes

ORDINANCE 23-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTIONS 5.22.02 AND 5.22.05 OF CHAPTER 5.22, OF TITLE 5 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO DEFINITIONS AND REGULATIONS FOR THE DELIVERY OF MEDICINAL MARIJUANA.

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(k) “Delivery” shall have the meaning set forth in California Business and Professions Code Section 26001, subdivision (~~p~~r) and shall also include any technological platform that enables persons to arrange or facilitate the transfer of cannabis.

(l) “Medical marijuana or medical marijuana use” means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5 and 11362.7 et seq., and as otherwise set forth in paragraph (1) of subdivision (a) of California Business and Professions Code section 26001.

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(n) “Medicinal marijuana patient” shall have the same meaning as paragraph (3) of subdivision (b) of California Business and Professions Code section 26321.

(~~mo~~) “Operator” means the business owner and any other person designated by the business owner as responsible for the day-to-day cannabis operations.

(~~pd~~) “Police Chief” means the Police Chief of the City of Clovis or his or her designee.

(~~ge~~) “Premises” means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used in connection with the a commercial cannabis operation.

(~~pr~~) “Recreational marijuana,” “recreational marijuana use,” or “adult use marijuana” means all uses of cannabis not included within the definition of “medical marijuana use.”

(~~es~~) “Responsible party” shall mean the business owner, operator, manager(s), and any employee having significant control over the commercial cannabis operations, and the owner of the property where the commercial cannabis operations are taking place.

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(c) Deliveries. The delivery of cannabis as defined in Section 5.22.02(k) is prohibited in the City, except ~~as follows: to and from cannabis testing facilities as permitted by Section 5.22.09, regardless of whether the delivery is initiated within or outside of the City, and regardless of whether a technology platform is used for delivery by the dispensary.~~

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City Clerk

Senate Bill No. 1186

CHAPTER 395

An act to amend Section 26200 of, and to add Chapter 26 (commencing with Section 26320) to Division 10 of, the Business and Professions Code, relating to cannabis.

[Approved by Governor September 18, 2022. Filed with
Secretary of State September 18, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, Wiener. Medicinal Cannabis Patients' Right of Access Act.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by Proposition 215 at the November 6, 1996, statewide general election, declares that its purpose is, among other things, to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes, as specified, and exempts from state criminal liability certain patients and their primary caregivers who possess or cultivate marijuana for the personal medical purposes of the patient. Existing law, known as the Medical Marijuana Program, establishes a voluntary registration program for qualified medicinal cannabis patients and their primary caregivers through a statewide identification card system maintained by the State Department of Public Health and sets forth guidelines for the possession of medicinal cannabis.

The Control, Regulate and Tax Adult-Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana. AUMA reserved to a local jurisdiction specified powers regarding commercial adult-use cannabis activity, including adopting and enforcing local ordinances regulating commercial adult-use cannabis activity. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including the retail sale of medicinal cannabis.

This bill would enact the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024, would prohibit a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily

Senate Bill No. 1186

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accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified. The bill, on and after January 1, 2024, would provide that the act may be enforced by an action for writ of mandate brought by a medicinal cannabis patient or their primary caregiver, a medicinal cannabis business, the Attorney General, or any other party otherwise authorized by law.

This bill would incorporate additional changes to Section 26200 of the Business and Professions Code proposed by AB 2210 to be operative only if this bill and AB 2210 are enacted and this bill is enacted last.

To the extent this bill would impose additional duties on local jurisdictions, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Section 26200 of the Business and Professions Code is amended to read:

26200. (a) (1) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.

(2) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.

(b) This division shall not be interpreted to require the department to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.

(c) A local jurisdiction shall notify the department upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 60 days of being so informed, the department shall begin the process to determine

whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).

(d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the department, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(e) (1) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair event, district agricultural association event, or at another venue expressly approved by a local jurisdiction for the purpose of holding temporary events of this nature, provided that the activities, at a minimum, comply with all the following:

(A) The requirements of paragraphs (1) to (3), inclusive, of subdivision (g).

(B) All participants who are engaged in the onsite retail sale of cannabis or cannabis products at the event are licensed under this division to engage in that activity.

(C) The activities are otherwise consistent with regulations promulgated and adopted by the department governing state temporary event licenses.

(D) A state temporary event license shall only be issued in local jurisdictions that authorize such events.

(E) A licensee who submits an application for a state temporary event license shall, 60 days before the event, provide to the department a list of all licensees that will be providing onsite sales of cannabis or cannabis products at the event. If any changes occur in that list, the licensee shall provide the department with a final updated list to reflect those changes. A person shall not engage in the onsite retail sale of cannabis or cannabis products, or in any way participate in the event, who is not included in the list, including any updates, provided to the department.

(2) The department may impose a civil penalty on any person who violates this subdivision, or any regulations adopted by the department governing state temporary event licenses, in an amount up to three times the amount of the license fee for each violation, consistent with Sections 26018 and 26038.

(3) The department may require the event and all participants to cease operations without delay if in the opinion of the department or local law enforcement it is necessary to protect the immediate public health and safety of the people of the state. The department may also require the event organizer to immediately expel from the event any participant selling cannabis or cannabis products without a license from the department that

authorizes the participant to sell cannabis or cannabis products. If the unlicensed participant does not leave the event, the department may require the event and all participants to cease operations immediately.

(4) The order by the department for the event to cease operations pursuant to paragraph (3) does not entitle the event organizer or any participant in the event to a hearing or an appeal of the decision. Chapter 3 (commencing with Section 490) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to the order by the department for the event to cease operations pursuant to paragraph (3).

(5) The smoking of cannabis or cannabis products at temporary events authorized pursuant to this subdivision is prohibited in locations where smoking is prohibited. For purposes of this section, “smoking” has the same meaning as defined in subdivision (c) of Section 22950.5.

(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

(1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.

(2) Cannabis consumption is not visible from any public place or nonage-restricted area.

(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(h) This division shall not be interpreted to supersede Section 6404.5 of the Labor Code.

SEC. 1.5. Section 26200 of the Business and Professions Code is amended to read:

26200. (a) (1) Except as set forth in the Medicinal Cannabis Patients’ Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.

(2) Except as set forth in the Medicinal Cannabis Patients’ Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.

(b) This division shall not be interpreted to require the department to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.

(c) A local jurisdiction shall notify the department upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 60 days of being so informed, the department shall begin the process to determine whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).

(d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the department, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(e) (1) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair event, district agricultural association event, or at another venue expressly approved by a local jurisdiction for the purpose of holding temporary events of this nature, provided that the activities, at a minimum, comply with all the following:

(A) The requirements of paragraphs (1) to (3), inclusive, of subdivision (g).

(B) All participants who are engaged in the onsite retail sale of cannabis or cannabis products at the event are licensed under this division to engage in that activity.

(C) The activities are otherwise consistent with regulations promulgated and adopted by the department governing state temporary event licenses, except as otherwise provided in paragraphs (6), (7), and (8).

(D) A state temporary event license shall only be issued in local jurisdictions that authorize such events.

(E) A licensee who submits an application for a state temporary event license shall, 60 days before the event, provide to the department a list of all licensees that will be providing onsite sales of cannabis or cannabis products at the event. If any changes occur in that list, the licensee shall provide the department with a final updated list to reflect those changes. A person shall not engage in the onsite retail sale of cannabis or cannabis products, or in any way participate in the event, who is not included in the list, including any updates, provided to the department.

(2) The department may impose a civil penalty on any person who violates this subdivision, or any regulations adopted by the department governing

state temporary event licenses, in an amount up to three times the amount of the license fee for each violation, consistent with Sections 26018 and 26038.

(3) The department may require the event and all participants to cease operations without delay if in the opinion of the department or local law enforcement it is necessary to protect the immediate public health and safety of the people of the state. The department may also require the event organizer to immediately expel from the event any participant selling cannabis or cannabis products without a license from the department that authorizes the participant to sell cannabis or cannabis products. If the unlicensed participant does not leave the event, the department may require the event and all participants to cease operations immediately.

(4) The order by the department for the event to cease operations pursuant to paragraph (3) does not entitle the event organizer or any participant in the event to a hearing or an appeal of the decision. Chapter 3 (commencing with Section 490) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to the order by the department for the event to cease operations pursuant to paragraph (3).

(5) The smoking of cannabis or cannabis products at temporary events authorized pursuant to this subdivision is prohibited in locations where smoking is prohibited. For purposes of this section, “smoking” has the same meaning as defined in subdivision (c) of Section 22950.5.

(6) (A) All licensees who are issued a state temporary event license allowed pursuant to this subdivision may, upon completion or cessation of the temporary event, reconcile unsold inventory of cannabis or cannabis products and return it to the licensee’s retail premises.

(B) All unsold inventory of cannabis or cannabis products from the temporary event shall be noted in track and trace prior to transport.

(C) All unsold inventory of cannabis or cannabis products from the temporary event shall be in its original packaging in which it was placed pursuant to Chapter 12 (commencing with Section 26120).

(7) The inventory of cannabis or cannabis products authorized to be sold by a state temporary event license pursuant to this subdivision shall only be transported to and from the temporary event by a licensed distributor or licensed microbusiness.

(8) The department shall not deny an application for a state temporary event license pursuant to this subdivision solely on the basis that there is a license issued pursuant to the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000)) for the proposed premises of the event. Furthermore, the Department of Alcoholic Beverage Control shall not take any disciplinary action against a person licensed pursuant to the Alcoholic Beverage Control Act on the basis of a state temporary event license issued by the department to a licensee pursuant to this subdivision that utilizes the same premises as the person licensed pursuant to the Alcoholic Beverage Control Act.

(A) All on- and off-sale privileges of alcoholic beverages at the venue shall be suspended for the day of the event and shall not resume until 6 a.m. on the day after the event has ended.

(B) Alcohol consumption on the venue premises shall be strictly prohibited for the day of the event and shall not resume until 6 a.m. on the day after the event has ended.

(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

(1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.

(2) Cannabis consumption is not visible from any public place or nonage-restricted area.

(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(h) This division shall not be interpreted to supersede Section 6404.5 of the Labor Code.

(i) This section does not alter or affect the prohibition on the sale of alcoholic beverages by a licensee, as provided in Section 26054, on or at a venue premises licensed under this division.

SEC. 2. Chapter 26 (commencing with Section 26320) is added to Division 10 of the Business and Professions Code, to read:

CHAPTER 26. MEDICINAL CANNABIS PATIENTS' RIGHT OF ACCESS ACT

26320. The Legislature finds and declares as follows:

(a) Access to medicinal cannabis is an integral aspect of access to health care, and eliminating barriers to medicinal cannabis access is essential to promoting and preserving the health of Californians for whom physicians have recommended the use of cannabis or cannabis products.

(b) It is the policy of the state and the intent of the Legislature to ensure that Californians throughout the state have timely and convenient access to safe, effective, and affordable medicinal cannabis.

26321. (a) This act shall be known, and may be cited, as the Medicinal Cannabis Patients' Right of Access Act.

(b) For purposes of this chapter:

(1) "Medicinal cannabis" means medicinal cannabis or medicinal cannabis products, as those terms are defined in paragraph (1) of subdivision (ai) of Section 26001.

(2) “Medicinal cannabis business” means a retailer authorized to engage in the retail sale by delivery of medicinal cannabis to medicinal cannabis patients pursuant to an M-license.

(3) “Medicinal cannabis patient” means a qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who possesses a physician’s recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2, or a qualified patient or primary caregiver for a qualified patient issued a valid identification card pursuant to Section 11362.71 of the Health and Safety Code.

(4) “Regulation” means a local ordinance, regulation, policy, or practice.

26322. (a) A local jurisdiction shall not adopt or enforce any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers, or that otherwise has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, including, but not limited to, regulation of any of the following that has the effect of prohibiting the retail sale by delivery of medicinal cannabis:

(1) The number of medicinal cannabis businesses authorized to deliver medicinal cannabis in the local jurisdiction.

(2) The operating hours of medicinal cannabis businesses.

(3) The number or frequency of sales by delivery of medicinal cannabis.

(4) The types or quantities of medicinal cannabis authorized to be sold by delivery.

(5) The establishment of physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted by a licensed nonstorefront retailer, except that this paragraph shall not be construed to require the establishment of additional physical premises in a local jurisdiction that allowed medicinal cannabis retail as of January 1, 2022, and in which at least one physical premises engaged in the retail sale of medicinal cannabis, whether storefront or delivery, is already established.

(b) Nothing in this chapter shall be construed to prohibit the adoption or enforcement of reasonable regulations on retail sale by delivery of medicinal cannabis, including, but not limited to, reasonable regulations related to:

(1) Zoning requirements that are not inconsistent with subdivision (a). If compliance with subdivision (a) would otherwise require a local jurisdiction to authorize a physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted, this paragraph shall not be construed to alter that requirement.

(2) Security or public health and safety requirements.

(3) Licensing requirements.

(4) The imposition, collection, and remittance of any applicable state or local taxes upon retail sales occurring within the local jurisdiction.

(5) Regulations consistent with requirements or restrictions imposed on cannabis businesses by this division or regulations issued under this division.

(c) Nothing in this chapter shall be construed to limit or otherwise affect the ability of a local jurisdiction to adopt or enforce any regulations on commercial cannabis operations other than retail sale by delivery of medicinal cannabis in the local jurisdiction.

(d) This section shall become operative on January 1, 2024.

26323. (a) This chapter may be enforced by an action brought pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure by any of the following parties, who shall be beneficially interested within the meaning of Section 1086 of the Code of Civil Procedure:

(1) A medicinal cannabis patient or their primary caregiver who seeks to purchase medicinal cannabis or medicinal cannabis products within the local jurisdiction.

(2) A medicinal cannabis business that seeks to offer medicinal cannabis for sale within the local jurisdiction.

(3) The Attorney General.

(4) Any other party otherwise authorized by law.

(b) This section shall not be construed to limit the availability of any other remedy otherwise available to enforce this chapter. The existence of any other remedy shall not restrict the availability of relief to enforce this chapter under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.

(c) This section shall become operative on January 1, 2024.

26324. Nothing in this chapter shall be construed to limit or otherwise affect the ability or right of a local jurisdiction to regulate adult-use cannabis pursuant to Section 26200.

26325. This chapter addresses a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 26200 of the Business and Professions Code proposed by both this bill and Assembly Bill 2210. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 26200 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2210, in which case Section 1 of this bill shall not become operative.

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

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CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: December 11, 2023

SUBJECT: Consider Introduction – Ord. 23-____, an Ordinance of the City Council of the City of Clovis Amending Sections 5.29.102, 5.29.203, and 5.29.301 of Chapter 5.29, of Title 5 of the Clovis Municipal Code Pertaining to Definitions and Regulations Relating to Multiple Responses to Nuisance Violations. (To be continued to a date uncertain)

Staff: Matthew M. Lear, Deputy City Attorney
Recommendation: Continue to a date uncertain

ATTACHMENTS: None.

Staff is recommending that this item be continued to a date uncertain.

Please direct questions to the City Manager's office at 559-324-2060.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: December 11, 2023

SUBJECT: Consider items associated with approximately 155 acres of land located on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. Great Bigland, LP., owner/ applicant; Harbour and Associates, representative. (To be continued to Tuesday, January 16, 2024)

- a. Consider Approval - Res. 23-____, A Resolution of the Clovis City Council: (1) Certifying the Final Environmental Impact Report for the Shepherd North Project; (2) Adopting CEQA Findings of Fact and a Statement of Overriding Consideration; and (3) Adopting a Mitigation Monitoring and Reporting Program.
- b. Consider Approval – Res. 23-____, A Resolution of the Clovis City Council approving a request to expand the City’s sphere of influence to include approximately 155 acres of land.
- c. Consider Approval - Res. 23-____, GPA2021-006, A Resolution of the Clovis City Council approving a request to amend the circulation element of the General Plan to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues.
- d. Consider Approval - Res. 23-____, GPA2021-005, A Resolution of the Clovis City Council approving a request to amend the land use element of the General Plan for the Development Area (approximately 77 acres) from the Rural Residential land use designation to the Medium-High Density Residential land use designation.
- e. Consider Introduction - Ord. 23-____, R2021-009, An Ordinance of the Clovis City Council approving a request to prezone property within the Development Area (approximately 77 acres) of the Project site from the Fresno County AL20 Zone District to the Clovis R-1-PRD Zone District.

- f. Consider Approval - Res. 23-____, TM6205, A Resolution of the Clovis City Council approving a request to approve a vesting tentative tract map for a 605-lot single-family planned residential development.
- g. Consider Approval - Res. 23-____, PDP2021-004, A Resolution of the Clovis City Council approving a request to approve a planned development permit for a 605-lot single-family residential development.
- h. Consider Approval - Res. 23-____, RO307, A Resolution of the Clovis City Council approving Application for the Annexation of the Territory known as the Shepherd-Sunnyside Northeast Reorganization for the Development Area (approximately 77 acres).
- i. Consider Approval - Res. 23-____, A Resolution of the Clovis City Council approving an amendment to the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding a Sphere of Influence Expansion to add approximately 155 acres and the Standards of Annexation to address the annexation of approximately 77 acres of property (Shepherd-Sunnyside Northeast Reorganization).

Staff: George González, Senior Planner

Recommendation: Continue to the January 16, 2024, Council Meeting

ATTACHMENTS: None

The proposed Shepherd North Project has been publicly noticed for the December 11, 2023, City Council meeting. However, City staff will be requesting a continuance of the Project to a date certain. Staff will be requesting that the City Council continue the item to the January 16, 2024, City Council meeting. The continuance is necessary to allow the City to adequately respond to all the late comment letters received prior to the Planning Commission hearing. The applicant is in support of the continuance request to the January 16, 2024, City Council meeting.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: General Services
 DATE: December 11, 2023
 SUBJECT: Consider Approval – Second Amendment to the City Manager Employment Agreement.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

ATTACHMENTS: 1. City Manager Employment Agreement Dated November 1, 2021
 2. First Amendment to City Manager Employment Agreement
 3. Second Amendment to City Manager Employment Agreement

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

For City Council to approve the Second Amendment to the City Manager Employment Agreement (Attachment 3), which sets forth the terms and conditions of the employment of John Holt as City Manager, effective January 1, 2024, through December 31, 2024.

EXECUTIVE SUMMARY

The City Council appointed John Holt as the City Manager effective January 1, 2022, and approved an employment agreement which sets forth the terms and conditions of that appointment (Attachment 1). The Council originally set the City Manager's annual salary at Step 1 of the City Manager's salary schedule that was in effect on January 1, 2022, and approved an amendment placing the City Manager at Step 2 of the salary schedule effective as of January 1, 2023 (Attachment 2). Approving this Second Amendment will place the City Manager at Step 3 of the salary schedule effective as of January 1, 2024 (Attachment 3), with a monthly salary of \$22,843, and \$274,116 annual salary.

BACKGROUND

The City Council appointed John Holt as the City Manager effective January 1, 2022, and approved an employment agreement which sets forth the terms and conditions of that appointment.

City salary schedules provide for 5 steps, with 5% increases from one step to the next. New City employees who perform according to City standards are eligible to receive annual step increases based on performance until they have reached the highest step. After recently evaluating the City Manager’s performance, the City Manager and Council are authorized to agree to an amendment to the Employment Agreement for a salary step increase to Step 3 of the current City Manager salary schedule, which amounts to a 5% increase to the current salary. Below is an excerpt of the City Manager’s monthly salary from the current Management Salary Schedule.

Position	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	20,719	21,755	22,843	23,985	25,184

It should be noted that since the approval of the City Manager Employment Agreement on November 1, 2021, the City Council approved changes to the salary schedule on July 5, 2022, and on August 1, 2022, and a 3% cost of living increase provided to all full-time employees effective July 1, 2023, which resulted in increases to the steps on the City Manager salary schedule. Step 3 of the current City Manager salary schedule is \$22,843 monthly, and \$274,116 annually. If the Second Amendment is approved, Mr. Holt will begin receiving this salary effective as of January 1, 2024. In accordance with the Employment Agreement, Mr. Holt shall also be entitled to receive cost of living adjustments made applicable to all executive management employees, including those that may become effective in fiscal years 2024/2025.

FISCAL IMPACT

There are sufficient funds available in the Administration budget to accommodate the step increase. The salary increase from Step 2 to Step 3 for the City Manager position is \$13,056 per year.

REASON FOR RECOMMENDATION

City Manager employment agreements and amendments require approval by the City Council in open session.

ACTIONS FOLLOWING APPROVAL

The Second Amendment will be executed by all parties and a personnel action form will be prepared consistent with the terms of the Employment Agreement as amended.

Prepared by: Shonna Halterman, General Services Director

Reviewed by: Assistant City Manager *AH*

**EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Employment Agreement (Agreement") is entered into on November 1, 2021, by and between the City of Clovis ("City") and John Holt ("Holt"), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City's current City Manager, Luke Serpa ("Serpa") is retiring effective December 30, 2021.
- B. City has completed the process for selecting a new City Manager to replace Serpa upon his retirement.
- C. Holt is currently serving as the Assistant City Manager and has been selected by the City Council to serve as the new City Manager upon Serpa's retirement.
- D. Holt desires to become the new City Manager upon Serpa's retirement and City desires to appoint Holt as the City Manager effective upon Serpa's retirement, subject to the terms of this Agreement.

NOW, THEREFORE, City and Holt agree as follows:

- 1. Employment. City employs Holt as the City Manager effective beginning on January 1, 2022. Holt will be an at-will employee serving at the pleasure of the City Council subject to the terms and conditions set forth below. Holt's employment with the City as City Manager is at the mutual consent of both Holt and the City. There are no express or implied agreements contrary to the foregoing.
- 2. Term. This Agreement shall be in effect for a period of three (3) years beginning on January 1, 2022, unless terminated in accordance with Section 6 below. In the event of termination pursuant to Section 6, Holt shall not be entitled to any additional compensation except as provided in Section 6.
- 3. Salary. Holt shall be placed on Step 1 of the City Manager's salary schedule in effect on January 1, 2022. Holt shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Holt's December performance evaluation as addressed in Section 5 herein, City and Holt may mutually agree to a contract amendment implementing a salary step increase.
- 4. Duties and Professional Conduct. Holt shall have the powers and shall perform the duties prescribed in the Clovis Municipal Code for the City Manager. Holt shall also perform such additional responsibilities as may be assigned by the City

ATTACHMENT 1

Council. Holt shall adhere to the professional standards of conduct as prescribed by the International City/County Management Association.

5. Evaluation. Holt shall receive a performance evaluation in June and December of each year during the Term of this Agreement, or more often as may be requested by the City Council. It shall be the responsibility of Holt to schedule those evaluations. Failure to evaluate shall have no effect on the rights, duties, and obligations of the parties herein.

6. Termination and Severance.

a. Termination Without Cause. The majority of the entire City Council may terminate this Agreement at any time without cause by providing at least thirty (30) days written notice to Holt. The provisions of the Clovis Municipal Code, § 2.2.109, pertaining to a 90-day waiting period after a Council election shall not apply.

In the event of termination without cause, Holt shall be entitled to severance compensation equal to Holt's salary for the balance of the term of this Agreement, or three (3) months, whichever is less. Severance shall be paid in one lump sum and in the same manner as the customary payout of earned benefits.

b. Termination for Cause. City may terminate this Agreement immediately for cause. If Holt is terminated for cause, Holt shall not be entitled to the severance compensation under this Section.

c. For Cause Defined. Cause shall be defined to include, but shall not be limited to, any of the following: (a) the refusal to follow the lawful directions of the Council; (b) failure to substantially perform any of the required duties of the City Manager; (c) repeated unexcused absences from the City Manager's office and duties; (d) violation of City policies; (e) conviction of a felony or a misdemeanor crime involving acts of moral turpitude under California law; (f) use or possession of illegal drugs; (g) breach of this Agreement.

d. Termination Defined. Termination shall mean removal from office or a request that the City Manager resign. Termination shall not mean a reduction of benefits generally applicable to all management employees.

7. Notice of Resignation. Holt shall provide to City at least sixty (60) days written notice of his intent to voluntarily resign as the City Manager.

8. Conviction of Crime Involving Abuse of Office. Regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement related to the termination shall be fully reimbursable to Clovis if Holt is convicted of a crime involving an abuse of his office.

9. Benefits and Allowances. During the Term of this Agreement, Holt shall continue to receive all of City's best miscellaneous executive management benefits for PERS retirement, annuities, deferred compensation, life and other insurance, expense and reimbursement allowances, medical, dental and vision plans, automobile allowances, sick leave, vacation, compensatory time off, credit union, worker's compensation and similar subsequent or replacement benefits, all in accordance with the terms and conditions thereof as adopted or approved by the City Council.

10. Professional Meetings. Holt is expected to attend appropriate professional meetings at local and state levels and to periodically report to the City Council regarding meetings attended and shall be reimbursed for the expense of attending those meetings.

11. Expense Reimbursement. City shall reimburse Holt for actual and necessary expenses incurred within the scope of employment in accordance with City's reimbursement schedules and policies.

12. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be personally served or shall be sufficiently given and deemed served upon the other party if sent by United State Postal Service, first class postage prepaid, and addressed as follows:

TO CITY: City Council
c/o City Attorney
City of Clovis
1033 Fifth Street
Clovis, CA 93612

TO EMPLOYEE: John Holt
City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the US Postal Service.

13. General Provisions.

a. Governing Law and Venue. This Agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of the State of California. The parties also agree that, in the event of litigation, venue shall be the state courts located in Fresno County, California.

b. Entire Agreement. This Agreement contains the entire agreement and understanding between Holt and City with respect Holt's employment as City Manager.

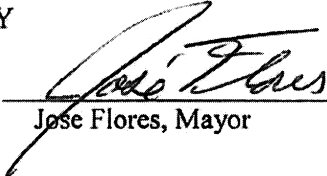
There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied not contained in this Agreement.

c. No Assignment. Holt may not assign or transfer any rights granted or obligations assumed under this Agreement.

d. Modification. This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties.

e. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provision of the Agreement shall continue in full force and effect.

CITY

By: 
Jose Flores, Mayor

CITY MANAGER

By: 
John Holt

APPROVED AS TO FORM


Scott G. Cross, City Attorney

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This First Amendment to Employment Agreement (“First Amendment”) is entered into effective January 1, 2023, between the City of Clovis (“City”) and John Holt (“Holt”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City and Holt entered into a City Manager Employment Agreement on November 1, 2021, effective January 1, 2022, (“Agreement”), under which City placed Holt at Step 1 of the City Manager’s salary schedule.
- B. The City Council approved subsequent changes to the City Manager salary schedule on July 5, 2022, and August 1, 2022, which resulted in increases to the steps on the salary schedule.
- C. City desires to place Holt on Step 2 of the current City Manager’s salary schedule, which is a monthly salary of \$21,112, and an annual salary of \$253,344.

NOW, THEREFORE, City and Holt agree as follows:

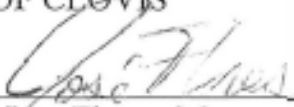
AGREEMENT

1. Section 3 of the Agreement is amended to read as follows:

3. Salary. Holt shall be placed on Step 2 of the City Manager’s salary schedule, effective as of January 1, 2023. Holt shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Holt’s December performance evaluation as addressed in Section 5 herein, City and Holt may mutually agree to a contract amendment implementing a salary step increase.

2. Except as expressly set forth herein, all other terms of the Agreement shall remain unchanged and in full force and effect, and the Agreement shall be interpreted to give full force and effect to this First Amendment.

CITY OF CLOVIS

By: 
Jose Flores, Mayor

CITY MANAGER

By: 
John Holt

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT
CITY MANAGER, CITY OF CLOVIS**

This Second Amendment to Employment Agreement (“Second Amendment”) is entered into effective January 1, 2024, between the City of Clovis (“City”) and John Holt (“Holt”), with respect to the following Recitals, which are a substantive part of this Agreement:

RECITALS

- A. City and Holt entered into a City Manager Employment Agreement on November 1, 2021, effective January 1, 2022, (“Agreement”), under which City placed Holt at Step 1 of the City Manager’s salary schedule.
- B. The City Council approved subsequent changes to the City Manager salary schedule on July 5, 2022, and August 1, 2022, which resulted in increases to the steps on the salary schedule.
- C. City and Holt entered into a First Amendment to the City Manager Employment Agreement in December 2022 which was effective beginning on January 1, 2023, and placed Holt at Step 2 of the City Manager’s salary schedule.
- D. Holt has requested to be placed and City desires to place Holt at Step 3 of the current City Manager’s salary schedule, which is a monthly salary of \$22,843.00, and an annual salary of \$274,116.00.

NOW, THEREFORE, City and Holt agree as follows:

AGREEMENT

- 1. Section 3 of the Agreement is amended to read as follows:
 - 3. Salary. Holt shall be placed on Step 3 of the City Manager’s salary schedule, effective beginning on January 1, 2024. Holt shall not be entitled to receive any step increases but will be entitled to cost of living adjustments made applicable to all executive management employees. Following Holt’s December performance evaluation as addressed in Section 5 herein, City and Holt may mutually agree to a contract amendment implementing a salary step increase.
- 2. Except as expressly set forth herein, all other terms of the Agreement shall remain unchanged and in full force and effect, and the Agreement shall be interpreted to give full force and effect to this Second Amendment.

CITY OF CLOVIS

CITY MANAGER

By: _____
Lynne Ashbeck, Mayor

By: _____
John Holt

ATTACHMENT 3



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: December 11, 2023
 SUBJECT: Consider Approval – Appointments to City of Clovis Youth Commission.

Staff: Chad McCollum, Director of Economic Development, Housing and Communications

Recommendation: Approve

ATTACHMENTS: None.

CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

RECOMMENDATION

It is recommended that the Mayor, subject to approval by the City Council, consider the appointment of the following individuals to the inaugural City of Clovis Youth Commission. The appointment is for one term, which is currently scheduled to run through May 2024.

- Emily Albertson
- Mina Berumen
- Victoria Chiu
- Bonnie Barlow
- Jocelyn DeLaCruz
- Kameryn Fedele
- Camila Gutierrez
- Rajbir Longoia
- Kiera Mouanoutoua
- Isaac Perry
- David Perez
- Eli Pugliese
- Noor Riar

- Avereet Samra
- Daniel Salgado
- Grace Yang

EXECUTIVE SUMMARY

On October 2, 2023, the Clovis City Council unanimously voted to create a Youth Commission for the purpose of engaging youth voices in the City of Clovis and instructed staff to begin the process of creating the Commission. Staff created an informational website and social media marketing materials in preparation of the outreach efforts to students. Staff also worked with community partners including Clovis Unified School District and the local media to assist in sharing information with the public. From November 1 – November 30, 2023, applications were accepted from high school sophomore and junior students who reside in the City of Clovis. Qualified applicants were invited to interview in person in front of a panel made up of staff members from multiple City departments. The panel spent time with each applicant learning more about their interest and goals pertaining to the Youth Commission. Staff selected all qualifying applicants who were interviewed to participate in the Commission, subject to confirmation by the City Council.

BACKGROUND

The Clovis City Council, recognizing the need to create a formal avenue for young people to contribute to the development and progress of the community, instructed staff to establish a Youth Commission. Establishing a Youth Commission is a proactive step towards promoting civic engagement among the youth and fostering a sense of ownership and responsibility in shaping the City's future. The purpose of the Youth Commission is to engage youth voices in the City of Clovis and the Youth Commission will be an advisory body subject to the Brown Act.

The program's first year will run January through May 2024 and the Commission will meet once a month.

The inaugural Youth Commission's mission will be to formally establish the Commission's charter and bylaws. The Youth Commission will have an opportunity to learn about local government and will be coached by City Council members and City staff to assist them in completing this mission. Upon completion of their mission, the Youth Commission members will present their work to the City Council in May 2024.

Staff is proposing that the application process for the Youth Commission be reopened each year to provide new and returning students an opportunity to participate in the Commission. Subsequent Commissions will follow the charter and bylaws set forth by the inaugural session.

FISCAL IMPACT

At this point in the discussion, there is no fiscal impact. There are some available funds in the City Council's budget to cover minor administrative costs for establishing and operating the first year of the Youth Commission, but it will not cover the significant staff time required. Existing resources from other department budgets may also be leveraged to support the Youth Commission in its first year as appropriate. The on-going costs are unknown at this time and will

need to be evaluated after the completion of the first year for appropriate funding allocation in the next fiscal year.

REASON FOR RECOMMENDATION

Students listed in this document have been found qualified by staff to participate in the first City of Clovis Youth Commission.

ACTIONS FOLLOWING APPROVAL

Staff will inform students of their appointment and continue planning for the January meeting of the City of Clovis Youth Commission.

Prepared by: Chad McCollum, Director of Economic Development, Housing and Communications.

Reviewed by: City Manager *JH*