



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

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

February 1, 2021

6:00 PM

Council Chamber

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

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

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

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

Written Comments

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

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



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

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

Verbal Comments

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

Webex Participation

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

CALL TO ORDER

FLAG SALUTE - Councilmember Mouanoutoua

ROLL CALL

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 January 19, 2021 Council Meeting.
- [2.](#) Administration - Adopt - Ord. 21-01, R2020-004, A request to amend the P-C-C Zone District to establish the Loma Vista Marketplace P-C-C Zone District Standards for approximately 23 acres of property located at the southwest corner of Shaw and Leonard Avenues. Loma Vista Marketplace, LP, applicant; Provost & Pritchard Consulting Group, representative. (Vote: 5-0)
- [3.](#) Administration – Approval – Res. 21-___, Approving procedures to resolve a tie vote in a City of Clovis general municipal election.
- [4.](#) General Services – Approval – Res. 21-___, Approving the Reallocation of Proposition 1B Transit Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program Funds.
- [5.](#) General Services - Approval – Res. 21-___, Amending the FY2020-2021 Transit Budget to Add \$156,230.00 in Capital Expenditures; and Approve the Receipt of Grant Fund Revenue in the Amount of \$156,230.00; and Waive the City's Usual Purchasing Procedures and Authorize the Purchase of Security Cameras from Surveillance Systems Incorporated Utilizing Pricing from a Competitive Bid Award Through the General Services Department/Federal Acquisition Services.
- [6.](#) Planning and Development Services - Approval – Res. 21-___, Amending the Official List of Designated Special Speed Zones.
- [7.](#) Planning and Development Services - Approval – Res. 21-___, Annexation of Miscellaneous Properties to the Landscape Maintenance District No. 1.
- [8.](#) Public Utilities – Approval – Res. 21-___, Authorizing the submission of an application to the Department of Resources Recycling and Recovery (CalRecycle) for City Payment Program Funds.

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.

- [9.](#) Consider Approval – Res. 21-___, Adoption of a Resolution Amending the FY 2019-2020 Community Development Block Grant Annual Action Plan; and Amending the FY 2020-2021 Community Development Block Grant Annual Action Plan.

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

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

- 10. Consider Approval - Naming the new transit facility The William “Harry” Armstrong Transit Center; and Naming the new senior center The Clovis Senior Activity Center – A Smittcamp Family Legacy.

Staff: Shonna Halterman, General Services Director
Recommendation: Approve

- 11. Receive and File – 2020 Clovis Trail Count Report.

Staff: Colleen Vidinoff, Engineer II
Recommendation: Receive and File

COUNCIL ITEMS

- 12. Consider Approval – A Request for a Letter of Support for AB 262 to Amend the Penal Code to Improve the Record Clearing Process for Victims of Human Trafficking.

Staff: Luke Serpa, City Manager
Recommendation: Approve

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

- 13. Consider Approval – Res. 21-___, Adopting Emergency Order 2021-01, Suspending Certain City Transit Service Rider Eligibility Requirements for COVID-19 Vaccination Appointment Transportation.

Staff: Luke Serpa, City Manager
Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

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

- February 8, 2021 (Mon.)
- February 16, 2021 (Tue.)
- March 1, 2021 (Mon.)
- March 8, 2021 (Mon.)
- March 15, 2021 (Mon.)

CLOVIS CITY COUNCIL MEETING

January 19, 2021

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Bessinger
Flag Salute led by Eagle Scout Amanda Bales

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Mayor Bessinger
Absent: Councilmember Whalen (arrived at 6:30)

6:07 – ITEM 1 - PRESENTATION OF PROCLAMATION DECLARING JANUARY AS NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH.

Councilmember Mouanoutoua presented a proclamation declaring January as National Slavery and Human Trafficking prevention month to Amber Secundino, Outreach Coordinator, Central Valley Against Human Trafficking, Fresno Economic Opportunities Commission.

CONSENT CALENDAR – 6:20

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Councilmember Whalen absent.

- 2. Administration - Approved - Minutes from the January 11, 2021 Council Meeting.
- 3. Finance – Received and Filed – Investment Report for the Month of October 2020.
- 4. Finance – Received and Filed – Treasurer’s Report for the Month of October 2020.
- 5. Finance – Received and Filed – Investment Report for the Month of November 2020.
- 6. Finance – Received and Filed – Treasurer’s Report for the Month of November 2020.
- 7. Finance – Received and Filed – Status Report of Development Fee Funds for the fiscal year ended June 30, 2020.
- 8. Planning and Development Services - Approved – **Res. 21-11**, Amending the Fresno Metropolitan Flood Control District (FMFCD) Schedule of Drainage Costs and Fees for 2021-2022.

PUBLIC HEARINGS

6:21 – ITEM 9 - APPROVED - **RES. 21-12**, AMENDING THE 2017 AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF FRESNO AND CITY OF CLOVIS REGARDING STANDARDS OF ANNEXATION TO ADDRESS THE ANNEXATION OF APPROXIMATELY 40 ACRES OF PROPERTY AT THE SOUTHEAST CORNER OF ASHLAN AND THOMPSON AVENUES. CITY OF CLOVIS, APPLICANT.

Senior Planner George Gonzales presented a report on a request to amend the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding Standards of Annexation to address the annexation of approximately 40 acres of property at the southeast corner of Ashlan and Thompson Avenues. The Ashlan-Thompson Southeast Reorganization includes two previously approved vesting tentative tract maps 6161 and 6340, proposing the development of 183

single-family residential homes on approximately 40 acres. This reorganization would extend a peninsula of the City limits eastwardly along the south side of Ashlan Avenue. This configuration is not consistent with the Standards for Annexation set forth in the City's Memorandum of Understanding with the County of Fresno. A Third Amendment to the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis is necessary to accommodate the annexation of the Ashlan-Thompson Southeast Reorganization to the City of Clovis. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution amending the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding Standards of Annexation to address the annexation of approximately 40 acres of property at the southeast corner of Ashlan and Thompson Avenues. Motion carried 4-0-1 with Councilmember Whalen absent.

6:27 – ITEM 10 - APPROVED INTRODUCTION - **ORD. 21-01**, R2020-004, AMENDING THE P-C-C ZONE DISTRICT TO ESTABLISH THE LOMA VISTA MARKETPLACE P-C-C ZONE DISTRICT STANDARDS FOR APPROXIMATELY 23 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SHAW AND LEONARD AVENUES. LOMA VISTA MARKETPLACE, LP, APPLICANT; PROVOST & PRITCHARD CONSULTING GROUP, REPRESENTATIVE.

Councilmember Whalen arrived at 6:30 p.m.

City Planner Dave Merchen presented a report on a request to amend the P-C-C Zone District to establish the Loma Vista Marketplace P-C-C Zone District Standards for approximately 23 acres of property located at the southwest corner of Shaw and Leonard Avenues. The applicant is proposing to amend the existing P-C-C (Planned Commercial Center) Zone District to establish a set of planned commercial standards specific to the Marketplace commercial center proposed at the southwest corner of Shaw and Leonard Avenues in the Loma Vista community. Approval of this Project will allow the applicant to move forward with the construction of the first phase of the commercial center. Will Dyke, representing Loma Vista Marketplace, LP, commented and spoke in support of the amendments. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve the introduction of an ordinance amending P-C-C Zone District to establish the Loma Vista Marketplace P-C-C Zone District Standards for approximately 23 acres of property located at the southwest corner of Shaw and Leonard Avenues. Motion carried by unanimous vote.

7:09 – ITEM 11 - APPROVED – VARIOUS ACTIONS RELATED TO ANNEXATION OF TERRITORY (ANNEXATION #66, T6277-NORTHEAST CORNER OF LOCAN AND TEAGUE) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); ITEM 11a - APPROVED - **RES. 21-13**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #66) (T6277-NORTHEAST CORNER OF LOCAN AND TEAGUE) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT

NO. 2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #66) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), AND 11b - APPROVED - **RES. 21-14**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES).

Finance Director Jay Schengel presented a report on actions related to annexation of Territory (Annexation #66, T6277-Northeast Corner of Locan and Teague) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Jay Schengel provided an overview of Annexation #66. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-13**, for the Council to approve a resolution annexing territory Annexation #66, T6277-Northeast Corner of Locan and Teague) to the City of Clovis Community Facilities District (CFD) No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #66) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of one ballot representing 5 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 20-14**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

7:13 – ITEM 12 - APPROVED – **RES. 21-15**, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AGREEMENT BETWEEN THE CITY OF CLOVIS AND ASCENT ENVIRONMENTAL, INC. ADDRESSING THE PREPARATION OF THE GENERAL PLAN HOUSING ELEMENT AND RELATED SERVICES.

Planning and Development Services Director Renee Mathis presented a report on a request to authorize the City Manager to execute a consultant agreement between the City of Clovis and Ascent Environmental, Inc. addressing the preparation of the General Plan Housing Element and related services. The City’s next general plan housing element (sixth cycle) is due at the end of December 2023. The process of establishing the Regional

Housing Needs Allocation (RHNA) for Fresno County is scheduled to begin in the next few weeks. A request for proposals (RFP) was developed and circulated by City staff to select a consulting firm to assist the City with the preparation of the housing element. The scope of work also includes assistance with the City’s review of the RHNA methodology as well as preparation of the next three housing element annual reports. Ascent Environmental has been selected by a team of City staff to perform this work. There being no comment, Mayor Bessinger closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a request to authorize the City Manager to execute a consultant agreement between the City of Clovis and Ascent Environmental, Inc. addressing the preparation of the General Plan Housing Element and related services. Motion carried by unanimous vote.

WORKSHOP – 7:25

City Manager Luke Serpa provided City Council an update on the Fresno County and City of Clovis pandemic numbers.

CITY MANAGER COMMENTS - 7:41

City Manager Luke Serpa commented on a groundbreaking for Landmark Square on Tuesday, February 16, 2021, at 2:00 p.m.

COUNCIL COMMENTS – 7:42

Councilmember Mouanoutoua reported out on a League of California Cities Housing Committee meeting that he attended.

Mayor Bessinger reported out on a League of California Cities Public Safety Committee meeting that he and Councilmember Whalen attended.

CLOSED SESSION 7:46 p.m.

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

Mayor Bessinger adjourned the meeting of the Council to February 1, 2021

Meeting adjourned: 8:40 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: February 1, 2021

SUBJECT: Administration - Adopt - Ord. 21-01, R2020-004, A request to amend the P-C-C Zone District to establish the Loma Vista Marketplace P-C-C Zone District Standards for approximately 23 acres of property located at the southwest corner of Shaw and Leonard Avenues. Loma Vista Marketplace, LP, applicant; Provost & Pritchard Consulting Group, representative. (Vote: 5-0)

ATTACHMENTS: None

This item was approved for introduction on January 19, 2021 with a unanimous vote.

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: February 1, 2021

SUBJECT: Administration – Approval – Res. 21-___, Approving procedures to resolve a tie vote in a City of Clovis general municipal election.

ATTACHMENTS: 1. Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve the amended procedures to resolve a tie vote in a City of Clovis general municipal election.

EXECUTIVE SUMMARY

In the unlikely event that an election for City Council ends up in a tie vote, it is recommended that the City Council approve procedures to break the tie vote. The California Elections Code authorizes the City Council to break the tie vote by lot (any method of chance).

In March 2003, the City Council approved a coin toss process. The City Clerk is recommending for Council to approve the same process with amended procedures to add clarity and avoid disputes.

BACKGROUND

In the unlikely event that an election for City Council ends up in a tie vote, California Elections Code Section 15651 authorizes the City Council to break the tie vote by lot. The “by lot” procedures can be any method of chance. Typical methods used are a coin toss, drawing straws, and selecting random numbers from an envelope.

In an election with three City Council seats available, a tie vote would be defined as two candidates receiving the same number of votes for the third council seat (the two top vote recipients would fill the first two positions). In an election with two City Council seats available, a tie vote would be defined as two candidates receiving the same number of votes for the second council seat (the top vote recipient would fill the first position).

In March 2003, the City Council approved a coin toss process. It is recommended that Council approves the same coin toss process with amended procedures, outlined in Attachment A, to add clarity and avoid disputes.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

In the unlikely event that an election for City Council may end up in a tie vote, the California Elections Code authorizes the City Council to determine the method of breaking that tie by lot (any method of chance). It is recommended that a procedure for breaking that tie be approved by Council prior to the possible occurrence.

ACTIONS FOLLOWING APPROVAL

The City Clerk will implement as necessary.

Prepared by: Karey Cha, Deputy City Clerk

Reviewed by: City Manager *JA*

RESOLUTION 21-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING PROCEDURES TO RESOLVE A TIE VOTE IN THE GENERAL
MUNICIPAL ELECTION**

WHEREAS, California Elections Code Section 15651 sets forth the procedures available for resolving tie votes in elections other than primary elections. Under Section 15651, tie votes in general municipal elections may be decided by lot, or the Council may adopt a policy of requiring a special runoff election. Any policy requiring a special runoff election must be in place prior to the election; and

WHEREAS, on March 3, 2003, the City Council approved procedures for resolving a tie vote in Clovis General Municipal Elections (“2003 Procedures”); and

WHEREAS, the 2003 Procedures established a coin toss process; and

WHEREAS, the next City of Clovis General Municipal Election will be held on March 2, 2021; and

WHEREAS, the City Clerk reviewed the 2003 Procedures and is recommending that the coin toss process remain, but that the 2003 Procedures be revised to add clarity and avoid the potential for disputes.

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

1. Adopts the procedures set forth in **Attachment A** as the official procedures for resolving a tie vote in City of Clovis General Municipal Elections (“2021 Procedures”).
2. The 2021 Procedures shall supersede the 2003 Procedures and shall apply to all General Municipal Elections until repealed, amended, or superseded by a policy requiring a special runoff election.

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the __ day of February, 2021, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dated:

Mayor

City Clerk

ATTACHMENT A**PROCEDURES FOR RESOLVING TIE VOTES IN CITY OF CLOVIS
GENERAL MUNICIPAL ELECTIONS****Background**

In the unlikely event that an election for City Council ends up in a tie vote, California Elections Code Section 15651 authorizes the City Council to break the tie vote by lot. The “by lot” procedures can be any method of chance. Typical methods used are a coin toss, drawing straws, and selecting random numbers from an envelope.

In an election with three City Council seats available, a tie vote would be defined as two candidates receiving the same number of votes for the third council seat (the two top vote recipients would fill the first two positions). In an election with two City Council seats available, a tie vote would be defined as two candidates receiving the same number of votes for the second council seat (the top vote recipient would fill the first position).

In March 2003, the City Council approved a coin toss process. These procedures continue the coin toss process, but reflect changes to add clarity and avoid disputes.

Policy

- Coin toss using U.S. minted quarter.
- The toss will be made by the City Clerk at a meeting of the City Council following the canvass of the votes and certification of results and be conducted in the Council Chambers at 1033 Fifth Street at a regularly scheduled Council Meeting.
- Of the candidates who ended up in a tie vote, the candidate whose name appears above the other candidate on the ballot for the election (“First Candidate”) will be given the choice of selecting "Heads" or "Tails". "Heads" being defined as the side of the coin that has a human face on it. "Tails" being defined as the opposite side of the "Heads".
- Prior to tossing the coin, the City Clerk will memorialize in writing the selection by the First Candidate and ask the First Candidate to verify that is their selection.
- Selection of "Heads" is defined as having the position of the coin such that the face of the coin faces the ceiling of the council chambers when it has completely come to rest in a flat position. Selection of "Tails" is defined as having the position of the coin such that the face of the coin faces the floor of the council chambers when it has completely come to rest in a flat position.

- When directed by the Mayor, the City Clerk will "toss" the coin and allow it to hit the ground as follows: the City Clerk shall throw the coin into the air past a line that is marked three (3) feet from the City Clerk.
- The results of the coin toss will be one of the following:
 - If the coin comes to rest with the face of the coin facing the ceiling of the chambers ("Heads"), and the First Candidate chose "Heads", then that candidate will be considered the winner of the tie and winner of the election and sworn into office to fill the term.
 - If the coin comes to rest with the face of the coin facing the floor of the chambers ("Tails"), and the First Candidate chose "Tails", then that candidate will be considered the winner of the tie and winner of the election and sworn into office to fill the term.
 - If the coin comes to rest with the face of the coin facing the ceiling of the chambers ("Heads"), and the First Candidate chose "Tails", then the First Candidate will be considered the loser of the tie and of the election and the other candidate will be considered the winner of the tie and winner of the election and sworn into office to fill the term.
 - If the coin comes to rest with the face of the coin facing the floor of the chambers ("Tails"), and the First Candidate chose "Heads", then First Candidate will be considered the loser of the tie and of the election and the other candidate will be considered the winner of the tie and winner of the election and sworn into office to fill the term.
- Before announcing the results of the coin toss, the City Clerk shall take a photograph of the coin.
- If the coin is lost or does not come to rest in flat position beyond the three foot line with either "Heads" or "Tails" clearly being read, the City Clerk will be authorized to call the toss void and repeat as necessary until a winner is determined. In the event a coin is required to be tossed more than once, the First Candidate will be given the choice of selecting "Heads" or "Tails" for each toss.
- Any questions or disputes shall be answered and resolved then and there by the City Clerk.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: February 1, 2021

SUBJECT: General Services – Approval – Res. 21-____, Approving the Reallocation of Proposition 1B Transit Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program Funds.

ATTACHMENTS: 1. Res. 21-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Resolution 21-____, approving the reallocation of Proposition 1B Transit Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program Funds.

EXECUTIVE SUMMARY

The City of Clovis was an eligible recipient of Proposition 1B Transit Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program Funds. The PTMISEA Bond Program allocated eight years of funding to Clovis Transit totaling \$3,371,356. These funds have been spent on a variety of capital projects, including \$354,882 for the regional farebox project. In 2020, the regional farebox project was determined infeasible and the funds spent on the project were returned to the City. Staff is requesting these funds be reallocated to the administrative office expansion project, an already-approved Prop 1B PTMISEA project that will be used to construct the William “Harry” Armstrong Transit Center at Landmark Square.

BACKGROUND

In 2006, the voters of California approved the Public Transit Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program known as Proposition 1B. As a transit agency that is eligible for Local Transportation Funds, Clovis Transit applied for funding through the PTMISEA grant. The grant was for eligible projects that made

improvements to transit system infrastructure and/or equipment and was to be used for capital, not operations. The program is administered through Caltrans and the General Services Manager is authorized to oversee the grant for the City of Clovis.

The final appropriation of funds to the Prop 1B PTMISEA program was in FY 2014/2015 and Clovis Transit has received all allocated funds. The total allocation for the eight years of funding cycles was \$3,371,356. Funds have been received and spent on a variety of transit projects including the purchase of twelve (12) buses, two (2) wheelchair-accessible vans, an electronic pre-trip software and hardware program, bus stop improvements and furniture, and a dispatch software program. Two additional projects were approved: the regional electronic farebox project and the administrative office expansion project. The electronic farebox project was partially funded with \$354,882 in PTMISEA funds, and the administrative office expansion project has approximately \$2,157,000 of PTMISEA funds ready to be used for construction costs which will occur in 2021 and 2022.

In 2020, the electronic farebox project was determined to be infeasible and funds spent on the project were returned to the City. Staff is requesting to reprogram the Prop 1B PTMISEA funds used on the electronic farebox project to the administrative office expansion project. If approved, the total amount of Prop 1B PTMISEA funding allocated to the administrative office expansion project would grow to approximately \$2,512,000, plus interest of approximately \$137,000. Caltrans requires a City Council resolution acknowledging and approving the reallocation of the funds from the electronic farebox project to the administrative office expansion project.

FISCAL IMPACT

Prop 1B PTMISEA revenue in the amount of \$354,882 would be moved from the electronic farebox project into the administrative office expansion project.

REASON FOR RECOMMENDATION

Caltrans requires a City Council resolution acknowledging and approving the reallocation of the funds from the electronic farebox project to the administrative office expansion project.

ACTIONS FOLLOWING APPROVAL

Staff will submit a copy of the resolution to Caltrans. The General Services Manager will continue to complete required program reporting and documentation requirements.

Prepared by: Amy Hance, General Services Manager

Reviewed by: City Manager *AH*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING THE REALLOCATION OF PROPOSITION 1B TRANSIT MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) BOND PROGRAM FUNDS

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

WHEREAS, the City of Clovis is an eligible project sponsor and has received funding from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA);

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 88 (2007) named the Department of Transportation (Department) as the administrative agency for the PTMISEA bond program; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing PTMISEA funds to eligible project sponsors (local agencies); and

WHEREAS, the City of Clovis wishes to reallocate previously received PTMISEA funds in the amount of \$354,882 from the Regional Electronic Farebox Project to the Administrative Office Expansion Project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the fund recipient agrees to comply with all conditions and requirements set forth in applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

* * * * *
The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: February 1, 2021

Mayor

City Clerk



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: February 1, 2021

SUBJECT: General Services - Approval – Res. 21-____, Amending the FY2020-2021 Transit Budget to Add \$156,230.00 in Capital Expenditures; and Approve the Receipt of Grant Fund Revenue in the Amount of \$156,230.00; and Waive the City's Usual Purchasing Procedures and Authorize the Purchase of Security Cameras from Surveillance Systems Incorporated Utilizing Pricing from a Competitive Bid Award Through the General Services Department/Federal Acquisition Services.

ATTACHMENTS: 1. Res. 21-____

CONFLICT OF INTEREST

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

RECOMMENDATION

For the City Council to approve a resolution amending the FY2020-2021 Transit Budget to add \$156,230.00 in capital expenditures; and approve the receipt of grant fund revenue in the amount of \$156,230.00; and waive the City's usual purchasing procedures and authorize purchase of security cameras from Surveillance Systems Incorporated utilizing pricing from a competitive bid award through the General Services Department/Federal Acquisition Services.

EXECUTIVE SUMMARY

Staff recommends the purchase of security cameras for the William "Harry" Armstrong Transit building and the exterior of the Landmark Square project, utilizing the pricing from the General Services Department/Federal Acquisition bid (GSA/FAS). The transit building is one of two buildings to be constructed as new City facilities at Landmark Square in 2021. The cameras, along with necessary system components and additional security systems, will be purchased using Proposition 1B Homeland Security grant funds. The proposed budget amendment will include Proposition 1B grant expenditures and revenue in the amount of

\$156,230.00, which were received in FY2013/2014 and FY2014/2015 but not included in this year's budget.

BACKGROUND

The City of Clovis received \$76,882 in FY2013/2014 and \$79,348 in FY2014/2015 in Proposition 1B Homeland Security grant funds as a two-year allocation for the approved project entitled Transit Office Security. The funds will be used to purchase internal and external security cameras, recording devices, building security system, employee card entry system, and monitoring stations. The installation of the equipment will enhance the safety of passengers, employees, and visitors to Landmark Square.

The General Services Administration/Federal Acquisition Services (GSA/FAS) purchasing cooperative offers government agencies with the opportunity to purchase equipment from a competitive bidding process. The City's existing camera system is comprised of Pelco cameras, and Pelco has a current contract with GSA/FAS with distribution of products through Surveillance Systems Incorporated (SSI). The purchase of the Pelco cameras will be from SSI through the GSA/FAS contract, and will include needed mounts and switches. Additional security system equipment, which includes servers and monitoring stations, will be acquired by the Information Technology Department through existing contracts.

Also included in this project is the wiring, key pads, and other components for the Sonitrol Electronic Security System for the Armstrong Transit Building. The City of Clovis has standardized its security, access control, and fire alarm monitoring with Sonitrol, and all City buildings and facilities utilize the service.

FISCAL IMPACT

Funding for the cameras and security monitoring systems is through utilization of \$151,865.00 of the FY2013/2014 and FY2014/2015 Proposition 1B Homeland Security grant, and using the GSA/FAS bid for purchase of the Pelco cameras from Surveillance Systems Incorporated, Dell Corporation, Best Buy, and Sonitrol. Pricing is as follows:

GSA/FAS Bid Pricing Pelco Cameras from SSI	
Cameras, pole mounts, and switches	\$91,850.00
Estimated Freight Charges	\$758.00
CA State Sales Tax	\$7,066.50
SUB TOTAL	\$99,674.50

Existing City Purchasing Agreements (includes tax and shipping)	
Dell Servers and Monitoring Stations	\$28,172.32
Best Buy Two 50" Monitors	\$1,500.00
Sonitrol Security System	\$22,518.18
SUB TOTAL	\$52,190.50
GRAND TOTAL	\$151,865.00

Approximately \$4,400 of Proposition 1B Homeland Security grant funds will be remaining following the purchase through GSA/FAS. Since the Armstrong Transit Facility is just starting construction in February 2021, the remaining balance will be used to purchase incidentals and yet unknown additional equipment needed to complete the camera and security project.

REASON FOR RECOMMENDATION

Safety and security for visitors and employees on City property is a priority. The proposed suite of safety systems, which includes cameras, monitoring stations, data storage, and a building security system, will provide the desired level of security to the community and employees on and around the Landmark Square site.

ACTIONS FOLLOWING APPROVAL

Purchase orders will be prepared for the City Manager's approval and the equipment will be ordered. Installation of the equipment will occur at the appropriate times during construction of Landmark Square in 2021.

Prepared by: Amy Hance, General Services Manager

Reviewed by: City Manager *JA*

RESOLUTION 21-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE FY2020-2021 GENERAL SERVICES DEPARTMENT BUDGET

WHEREAS, the City Council adopted the FY2020-2021 City Budget on June 1, 2020; and

WHEREAS, the City Council has approved the receipt and expenditure of additional funds for the Landmark Square security systems; and

WHEREAS, the expenditures were not originally included in the FY2020-2021 City Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clovis does hereby approve the budget amendment as shown in the "Summary of Expenditures by Department: and "Summary of Expenditures by Fund" as attached.

* * * * *

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the 1st day of February, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated:

Mayor

City Clerk

SUMMARY OF EXPENDITURES BY DEPARTMENT

Department: General Services

	\$156,230.00
Total	\$156,230.00

SUMMARY OF EXPENDITURES BY FUND

Fund: Transit

	\$156,230.00
Total	\$156,230.00

SUMMARY OF REVENUES BY DEPARTMENT

Department: General Services

	\$156,230.00
Total	\$156,230.00

SUMMARY OF REVENUES BY FUND

Fund: Transit

	\$156,230.00
Total	\$156,230.00

NET GENERAL FUND SUPPORT

Total	\$0
--------------	------------



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: February 1, 2021

SUBJECT: Planning and Development Services - Approval – Res. 21-____,
Amending the Official List of Designated Special Speed Zones.

ATTACHMENTS: 1. Res. 21-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 21-____, which will amend the Official List of Designated Special Speed Zones.

EXECUTIVE SUMMARY

There is a need to update the Official List of Designated Special Speed Zones pursuant to Clovis Municipal Code Chapter 4.5, Article 16, Section 4.5.1600. The update will reflect speed changes and additions which are necessitated by new development, increased traffic volumes, annexations, and construction of new streets in the City of Clovis.

BACKGROUND

The California Vehicle Code (“CVC”) authorizes local authorities to determine and regulate speed limits on streets under local jurisdiction, subject to certain requirements. Pursuant to CVC Sections 22357 and 22358, speed limits may be adopted in 5 mph increments ranging from 25 mph to 65 mph, and must be justified on the basis of engineering and traffic surveys. At the local level, Clovis Municipal Code Chapter 4.5, Article 16, Section 1600 provides for an Official List of Special Speed Zones and provides for modification of speed zones by resolution. For this reason, it is not necessary to amend the Clovis Municipal Code itself each time speed zones are changed or added. A comprehensive speed zone ordinance was adopted by Council on February 5, 2018. This amendment (or regular update) is relatively minor in scope.

The updated list includes posting three previously unposted segments of roadway. Engineering and traffic surveys (“E&TS”) in compliance with CVC requirements were completed for each zone listed. A summary of the E&TS results and the updated “Official List of Special Speed Zones” for the City of Clovis are attached to this report.

FISCAL IMPACT

No fiscal impact will occur as a result of updating the Official List of Special Speed Zones. Maintenance and replacement of traffic signs is a regular budgeted expense which will not change as a result of this update.

REASON FOR RECOMMENDATION

Engineering and traffic surveys have been completed for each speed zone listed in order to determine speed limits which are “reasonable and safe” as defined in accordance with the requirements of the CVC and should therefore be declared prima facie reasonable and safe.

ACTIONS FOLLOWING APPROVAL

Adopt the attached resolution to amend the official list of designated special speed zones.

Prepared by: Colleen Vidinoff, Engineer II

Reviewed by: City Manager 

RESOLUTION 21- ____**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING THE OFFICIAL LIST OF DESIGNATED SPECIAL SPEED ZONES**

WHEREAS, the California Vehicle Code (CVC) authorizes local authorities to determine and regulate speed limits on streets under local jurisdiction, subject to certain limitations, and requires that an Engineering and Traffic Survey (E&TS) be conducted every five (5) to seven (7) years to justify the prima facie speed limits; and

WHEREAS, Title 4, Chapter 4.5, Article 16, Section 4.5.1600 of the Clovis Municipal Code provides for an Official List of Special Speed Zones; and

WHEREAS, the official list of designated special speed zones needs to be updated to reflect speed changes and additions which have been made due to development, increased traffic volumes, annexations, locations left off of the previous ordinance, and construction of new streets and various locations in the City of Clovis; and

WHEREAS, an E&TS has been completed for each speed zone in the City to determine speed limits which are “reasonable and safe” as defined in accordance with the CVC, the California Manual of Uniform Traffic Control Devices (MUTCD), and established traffic engineering practices, a summary of which E&TS reports is attached as **Attachment A** hereto; and

WHEREAS, based on the E&TS for each speed zone, staff recommends that the City Council adopt a resolution amending the official list of designated special speed zones throughout the City; and

WHEREAS, the Council has reviewed and considered the staff report on this matter, all written materials submitted in connection with it, and all public comment, testimony and evidence presented; and

WHEREAS, pursuant to Ordinance 18-06, adopted on February 5, 2018 and effective March 5, 2018, a list of recommended citywide speed zones to be adopted is attached as **Attachment B**.

NOW, THEREFORE BE IT RESOLVED, that:

1. The City Council of the City of Clovis does hereby approve and adopt as its own findings the Engineering and Traffic Surveys summarized in **Attachment A**, attached hereto and incorporated herein as part of this Resolution.
2. The Council, pursuant to Ordinance 18-06 and consistent with California Vehicle Code sections 32 (“Actions Local Authorities May Take by Resolution”), 627

ATTACHMENT 1

(“Engineering and Traffic Survey”), 22352 (“Prima Facie Speed Limits”), 22354.5 (“Speed Limit Change: Consultation and Consideration Requirements”), 22357 (“Increase of Local Speed Limits to 65 miles per hour”), and 22358 (“Decrease of Local Speed Limits”), does find that the list of recommended citywide speed limits presented in **Attachment B**, attached hereto and incorporated herein by reference, have been established by the Engineering and Traffic Surveys summarized in **Attachment A** and is, therefore, adopted as the “Official List of Clovis Speed Zones and Limits.”

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021, by the following vote, to wit:

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

DATED:

Mayor

City Clerk

Summary of Proposed Speed Limit Additions

Surveyed Street	Segment Bounded by these Streets	Ave. 85% Speed (mph)	Proposed Speed Limit (mph)	Justification
Leonard Avenue	Shaw Avenue/Gettysburg Avenue	48	45	
Leonard Avenue	Barstow Avenue/Shaw Avenue	48	45	
Leonard Avenue	Bullard Avenue/Barstow Avenue	48	45	

Justification Key			
Symbol	Meaning	Symbol	Meaning
SC	School	NL	Narrow Lanes
HC	Horizontal Curve	NR	Narrow Roadways
P	Park	NSW	No Sidewalk on all/some of the road
C	Collisions	Road	Residential Density/Driveways
SH	No Shoulder/Narrow Shoulder	CDD	Central Downtown District

ATTACHMENT A TO ATTACHMENT 1

CITY OF CLOVIS
List of Speed Zones and Limits

SECTION 1. The prima facie speed limit for the following streets, or portions thereof, designated in this subsection is hereby determined and declared to be *thirty (30) miles per hour*:

<u>STREET NAME</u>	<u>SEGMENT</u>
BULLARD	MINNEWAWA TO DE WITT
COLE	SHAW TO HOBLITT
GETTYSBURG	MINNEWAWA TO CRESCENT
HARLAN RANCH	DARA TO LEONARD
LEONARD	POWERS TO SHEPHERD
LIND	DAKOTA TO PONTIAC
MAGILL	WILLOW TO PEACH
NEVER FORGET LANE	DAKOTA TO PONTIAC
WINERY	ASHLAN TO FAIRMONT

SECTION 2. The prima facie speed limit for the following streets, or portions thereof, designated in this subsection is hereby determined and declared to be *thirty-five (35) miles per hour*:

<u>STREET NAME</u>	<u>SEGMENT</u>
BARSTOW	MINNEWAWA TO CLOVIS
BARSTOW	BROOKHAVEN TO SUNNYSIDE
CLOVIS	BARSTOW TO FIFTH
CLOVIS	THIRD TO SIERRA
GETTYSBURG	VILLA TO MINNEWAWA
HARLAN RANCH	DE WOLF TO DARA
HOBLITT	RAILROAD TO SUNNYSIDE
JEFFERSON	CLOVIS TO SUNNYSIDE
MINNEWAWA	DAKOTA TO SHAW
POLLASKY	SHAW TO EIGHTH
POWERS	DE WOLF TO SANDERS
SPRUCE/HELM	WILLOW TO HERNDON
SPRUCE	HELM TO PEACH
VILLA	PONTIAC TO ASHLAN
VILLA	SANTA ANA TO SHAW

ATTACHMENT B TO ATTACHMENT 1

SECTION 3. The prima facie speed limit for the following streets, or portions thereof, designated in this subsection is hereby determined and declared to be *forty (40) miles per hour*:

<u>STREET NAME</u>	<u>SEGMENT</u>
ALLUVIAL	WILLOW TO MINNEWAWA
ALLUVIAL	FOWLER TO TEMPERANCE
ARMSTRONG	ASHLAN TO HERNDON
ARMSTRONG	ALLUVIAL TO TEAGUE
BARSTOW	WILLOW TO MINNEWAWA
BARSTOW	SUNNYSIDE TO LOCAN
BULLARD	VILLA TO MINNEWAWA
BULLARD	SUNNYSIDE TO FOWLER
CLOVIS	SHAW TO BARSTOW
CLOVIS	SIERRA TO HERNDON
DE WOLF	OWENS MOUNTAIN TO SHEPHERD
FOWLER	SHAW TO BULLARD
FOWLER	TOLLHOUSE TO SR 168
GETTYSBURG	WINERY TO VILLA
GETTYSBURG	CLOVIS TO LOCAN
LEONARD	ASHLAN TO GETTYSBURG
LOCAN	GETTYSBURG TO BARSTOW
MINNEWAWA	SHAW TO BULLARD
MINNEWAWA/VILLA	HERNDON TO ALLUVIAL
NEES	ARMSTRONG TO TEMPERANCE
PEACH	ASHLAN TO SHAW
PEACH	SIERRA TO TEAGUE
SANTA ANA	CLOVIS TO SIERRA VISTA
SHAW	WILLOW TO CLOVIS
SIERRA	WILLOW TO CLOVIS
SIERRA	FOWLER TO TEMPERANCE
SUNNYSIDE	SHAW TO ALLUVIAL
TEAGUE	PEACH TO CLOVIS
THIRD	CLOVIS TO SUNNYSIDE
VILLA	SHAW TO BULLARD

SECTION 4. The prima facie speed limit for the following streets, or portions thereof, designated in this subsection is hereby determined and declared to be *forty-five (45) miles per hour*:

<u>STREET NAME</u>	<u>SEGMENT</u>
ALLUVIAL	MINNEWAWA TO FOWLER
ARMSTRONG	GOULD CANAL TO ASHLAN
ARMSTRONG	HERNDON TO ALLUVIAL
ASHLAN	WINERY TO MINNEWAWA
ASHLAN	SUNNYSIDE TO FOWLER
ASHLAN	DE WOLF TO LEONARD
BARSTOW	LOCAN TO LEONARD
BULLARD	WILLOW TO VILLA
BULLARD	FOWLER TO DEWOLF
CLOVIS	GETTYSBURG TO SHAW
CLOVIS	HERNDON TO SHEPHERD
DAKOTA	PEACH TO LIND
DE WOLF	GOULD CANAL TO BARSTOW
FOWLER	DAKOTA TO SHAW
FOWLER	BULLARD TO TOLLHOUSE
FOWLER	SR 168 TO NEES
FOWLER	TEAGUE TO SHEPHERD
GETTYSBURG	LOCAN TO DE WOLF
HERNDON	VILLA TO TEMPERANCE
LEONARD	GOULD CANAL TO ASHLAN
LEONARD	GETTYSBURG TO BULLARD
LOCAN	GOULD CANAL TO GETTYSBURG
LOCAN	BARSTOW TO HERNDON
LOCAN	NEES TO SHEPHERD
MINNEWAWA	ALLUVIAL TO SHEPHERD
NEES	WILLOW TO ARMSTRONG
NEES	TEMPERANCE TO LOCAN
PEACH	DAKOTA TO ASHLAN
PEACH	TEAGUE TO SHEPHERD
SHAW	CLOVIS TO FOWLER
SIERRA VISTA	GETTYSBURG TO SHAW
SUNNYSIDE	ALLUVIAL TO SHEPHERD
TEAGUE	WILLOW TO PEACH
TOLLHOUSE	SUNNYSIDE TO ARMSTRONG
VILLA	BULLARD TO HERNDON

WILLOW

ASHLAN TO SHAW

SECTION 5. The prima facie speed limit for the following streets, or portions thereof, designated in this subsection is hereby determined and declared to be *fifty (50) miles per hour*:

STREET NAME

SEGMENT

ASHLAN

FOWLER TO DE WOLF

DE WOLF

BARSTOW TO BULLARD

HERNDON

WILLOW TO VILLA

SHAW

FOWLER TO HIGHLAND

SHEPHERD

WILLOW TO SUNNYSIDE

SHEPHERD

FOWLER TO SR 168

TEMPERANCE

GOULD CANAL TO SHEPHERD

WILLOW

SHAW TO SHEPHERD



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: February 1, 2021

SUBJECT: Planning and Development Services - Approval – Res. 21-____, Annexation of Miscellaneous Properties to the Landscape Maintenance District No. 1.

ATTACHMENTS: 1. Res. 21-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Resolution 21-____, an annexation of miscellaneous properties into City of Clovis Landscape Maintenance District (LMD) No. 1.

EXECUTIVE SUMMARY

The developers/property owners of the properties listed in Attachment A have submitted executed landscape maintenance covenants, copies of which are on file with the City Clerk, indicating consent to annexation of the subject property into the City of Clovis Landscape Maintenance District No. 1. This action will annex each of these properties into the Landscape Maintenance District so that they can be assessed for maintenance costs within their respective areas.

BACKGROUND

Council formed the original district on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks. These properties are being brought to Council for annexation to the district as a group rather than separately in an effort to conserve staff resources and Council's time. Under the provisions of the Landscaping and Lighting Act of 1972, if all of the owners of property proposed for annexation provide written consent to annexation, then noticing, hearing, and filing of an Engineer's Report is not required.

Under the provisions of the Landscaping and Lighting Act of 1972, and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for

annexation have provided a written request and consent to annexation, and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add any landscaped areas and will incrementally increase maintenance revenue through annual assessments from the annexed properties. The miscellaneous properties to be annexed into the City of Clovis LMD No. 1 will not be adding any landscaping area. In addition, all the landscaping for the miscellaneous properties is to be privately maintained and not maintained by the City, therefore no additional human resources will be needed. Current year to date status of landscape maintenance district facilities is as follows:

	<u>Various LMD's Under Consideration</u>	<u>Year to Date</u>
LMD Landscaping added:	0.000 acres	6.554 acres
Resource needs added:	0.000 person	0.537 person

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

REASON FOR RECOMMENDATION

The property owners for the miscellaneous properties have requested or consented to annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

The miscellaneous properties shall become a part of the City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Christian Esquivias, Engineer II

Reviewed by: City Manager *JE*

RESOLUTION 21-____

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

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

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed developments as described in **Attachment A** attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

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

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

Attachment A

Miscellaneous properties to be added to the Landscape Maintenance District No. 1 of the City of Clovis:

	Project Number	Address	Developer/Owner
1	Building Permit No. 6070-2019	3175 Stanford Avenue	Mayra L. Mansilla
2	Building Permit No. 6975-2019	587 Adler Avenue	Jeffrey A. Pecson and Jeralyn A. Pecson
3	Building Permit No. 1101-2020	1827 N. Locan Avenue	Charisse Jacque Jones and Pamela Michelle Rosenbery
4	Building Permit No. 1188-2020	3196 Claremont Avenue	Potluck Investments LLC, a California Limited Liability Company
5	Parcel Map 18-14	NWC of Shaw Avenue & Leonard Avenue	Cloverleaf Capital, LLC a California Limited Liability Company
6	Parcel Map 2019-002	1460 & 1462 Gibson Avenue	Steven Lee Siebert and Debora Sue Siebert
7	SPR 2002-002A	2391 Tollhouse Road	Nickolas Hafen and Brianna Hafen
8	SPR 2018-007	2995 Phillip Avenue	Rosalind Cox and Jonathan T. Cox
9	SPR 2018-020	2780, 2820, & 2880 Herndon Avenue	Fresno Community Hospital and Medical Center



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: February 1, 2021

SUBJECT: Public Utilities – Approval – Res. 21-____, Authorizing the submission of an application to the Department of Resources Recycling and Recovery (CalRecycle) for City Payment Program Funds

ATTACHMENTS: 1. Resolution
2. City Payment Program Application

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution authorizing the submittal of a CalRecycle Beverage Container Recycling Payment Program application. The resolution would authorize the City Manager as the Signature Authority for all documents necessary to implement and secure payment.

EXECUTIVE SUMMARY

CalRecycle has established the City Payment Program to qualifying jurisdictions to implement and promote beverage container recycling programs within the City. The City is eligible for \$29,478 for fiscal year 2020-21. The application was submitted on January 19, 2021, and approval of this action as recommended will allow staff to continue the process of securing the grant and associated funds.

BACKGROUND

CalRecycle offers the Beverage Container Recycling City Payment Program pursuant to Public Resource Code (PRC) Section 14581 (a)(3)(A) of the California Beverage Recycling and Litter Reduction Act. CalRecycle is distributing \$10,500,000 in fiscal year 2020-21 to eligible cities and counties specifically for beverage container recycling and litter cleanup activities.

FISCAL IMPACT

The City is expecting to receive a total of \$29,478 from the CalRecycle Beverage Container Recycling City Payment Program for funding request cycle 2020-21.

REASON FOR RECOMMENDATION

The City will benefit from the CalRecycle City Payment Program by using the funds to improve recycling efforts throughout the City.

ACTIONS FOLLOWING APPROVAL

The approved and signed resolution will be submitted to CalRecycle as required in the grant application.

Prepared by: Ivette Rodriguez, Solid Waste Manager

Reviewed by: City Manager *JH*

RESOLUTION 21-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAMS
AND RELATED AUTHORIZATIONS**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle’s procedures for administering payment programs require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED that the City of Clovis is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that City Manager Luke Serpa or his designee is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this governing body.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

ATTACHMENT 1



**Beverage Container Recycling City/County Payment
City/County Annual Payment and Reporting System
Funding Request Certification**

AGENDA ITEM NO. 8.

Clovis

Funding Request Cycle: FY 2020-21 Type: Individual Eligible Funds (\$): 29,478

Program Requirements

1) PRC 14581 (a)(3)(B)

Project Description:

The City of Clovis would like to use City Payment funds toward the purchase of recycling and trash receptacles for park and trails in the City.

2) PRC 14581 (a)(3)(F) (Supermarket sites refer to certified recycling centers at supermarkets (PRC 14526.6))

Have you prohibited the siting of a supermarket site?

No

Have you caused a supermarket to close its business?

No

Have you adopted a land use policy that restricts or prohibits the siting of a supermarket site within your jurisdiction?

No

3) Are you currently participating in mediation mandated by AB 506 ? Have you attempted to initiate such mediation or have you declared a fiscal emergency within the last 12 months? *Note: The answer is for informational purposes and will not be used to determine eligibility for payment funding.*

No

4) California Labor Code section 1782 prohibits a charter city from receiving state funding or financial assistance for construction projects if that charter city does not comply with Labor Code sections 1770-1782. If any applicants or participating jurisdictions are charter cities, the lead applicant must certify that Labor Code section 1782 does not prohibit any included charter city from receiving state funds for the project described in this Funding Request. If it is determined after award that a participating jurisdiction is a charter city prohibited from receiving state funds for this project, the agreement will be terminated and any disbursed program funds shall be returned to CalRecycle. If any applicant or participating jurisdiction is a charter city , does Labor Code section 1782 prohibit those charter cities from receiving state funding for the project described in this Funding Request? Check the following, as applicable.

Not Applicable, This Funding Request does not include any charter cities.

5) These funds shall not be used for activities unrelated to beverage container recycling or litter reduction, Public Resources Code 14581 (a)(3)(C). Applicant acknowledges that submittal of this Funding Request constitutes acceptance of all provisions contained in the [City/County Payment Program Guidelines](#).

Yes, I Accept

Contacts

Name	Contact Type	Title	Phone	Email
Mr. Luke Serpa	Signature Authority	City Manager	(559) 324-2614	lukes@ci.clovis.ca.us
Mrs. Ivette Rodriguez	Primary (Funding Request)	Solid Waste Manager	(559) 324-2612	ivetter@ci.clovis.ca.us
Mr. Glenn Eastes	Secondary	Public Utilities Assistant Director	(559) 324-2684	glenne@ci.clovis.ca.us

Addresses

Address	Address Type	County
155 N. Sunnyside Avenue Clovis, 93611	Payment, Physical, Mailing	Fresno

ATTACHMENT 2



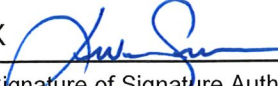
Funding Request Certification

Documents		
Document Type	Date	Title
Resolution	01/19/2021	Resolution

Activity Expenditures		
Current Activity Group	Current Activity Item	Budgeted Funds (\$)
Beverage Container Collection Programs	Public Parks / Recreational Areas	29,478
Total:		29,478

Penalty of Perjury Statement:

"I certify under penalty of perjury, under the laws of the State of California that I am authorized to sign this Funding Request on behalf of Recipient, that I have read the City/County Payment Program Guidelines and that to the best of my knowledge and belief that information provided in this Funding Request is true and correct."

X  JANUARY 19, 2021
 Signature of Signature Authority (as authorized in Resolution) or Date
 Authorized Designee (as authorized in Letter of Designation)

LUKE SERPA CITY MANAGER
 Print Name Print Title

IMPORTANT! Recipient must print out this page, obtain signature of Signature Authority, upload signed document to the City/County Annual Payment and Reporting System, and retain the original document in the Recipient's cycle file.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: February 1, 2021

SUBJECT: Consider Approval – Res. 21-____, Adoption of a Resolution Amending the FY 2019-2020 Community Development Block Grant Annual Action Plan; and Amending the FY 2020-2021 Community Development Block Grant Annual Action Plan.

Staff: Andrew Haussler, Community and Economic Development Director

Recommendation: Approve

ATTACHMENTS: 1. Resolution Amending 2019-20 and 2020-21 Annual Action Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider amending the FY 2019-2020 Community Development Block Grant (CDBG) Annual Action Plan to reinstate the ADA Improvements activity in the amount of \$60,000; and amend the FY 2020-2021 CDBG Annual Action Plan to reinstate the Dennis/Beverly Alley Reconstruction activity in the amount of \$140,000.

EXECUTIVE SUMMARY

Demand for the Emergency Housing Payments Program was greater than funding previously made available. Council previously approved cancelling the ADA Improvements and the Dennis/Beverly Alley Reconstruction activities in order to provide more funding for the Emergency Housing Payment Program. Staff has identified availability of CDBG funds remaining from previous allocations to reinstate these activities.

BACKGROUND

To further fund the Emergency Housing Payment Program, only CDBG funding from either the 2019-2020 or 2020-2021 Annual Action Plans could be utilized. This was due to a waiver provided through the federal CARES Act that the cap on CDBG Public Service activities was lifted. As such, the amendments were made to cancel CDBG projects from those funding years and redirect them to the Emergency Housing Payment Program. The ADA Improvements and

the Dennis/Beverly Alley Reconstruction activities could then be reinstated using remaining pre-2019 CDBG funds.

The U.S. Department of Housing and Urban Development (HUD) requires that grantees follow their adopted Citizen Participation Plan when a substantial change is proposed to the allocation priorities or a substantial change in the method of distribution of funds for activities funded in the City's Annual Action Plan. This includes notification to the public of the proposed amendment with a period of review and comment. On January 1, 2021, the proposed amendment notice was published for public review and comment in The Business Journal for the required 30-day period.

FISCAL IMPACT

The stated activities would be reinstated and completed. HUD distributes the funds on a reimbursement basis. There would be no impact to the General Fund Budget.

REASON FOR RECOMMENDATION

To reinstate the ADA Improvements and the Dennis/Beverly Alley Reconstruction activities.

ACTIONS FOLLOWING APPROVAL

Staff will submit the amendments to HUD, and the City of Clovis Engineering Department can proceed with the activities.

Prepared by: Heidi Crabtree, Housing Program Coordinator

Reviewed by: City Manager *JH*

RESOLUTION NO. 21-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING THE 2019-2020 ANNUAL ACTION PLAN AND THE 2020-2021 ANNUAL
ACTION PLAN**

WHEREAS, the City Council of the City of Clovis is a U. S. Department of Housing and Urban Development (HUD) entitlement city for the purpose of receiving Community Development Block Grant funds; and

WHEREAS, HUD requires that grantees follow their adopted Citizen Participation Plan when a substantial change is proposed to the allocation priorities, or a substantial change in the method of distribution of funds for activities, funded in the City’s Annual Action Plans; and

WHEREAS, approval of the amendment will allow the City to reinstate previously cancelled 2019-2020 and 2020-2021 activities.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council approve an amendment of the 2019-2020 and 2020-2021 Annual Action Plans to reinstate the FY 2019 ADA Improvements activity in the originally-funded amount of \$60,000; and to reinstate the FY 2020 Dennis/Beverly Alley Reconstruction Project in the originally funded amount of \$140,000.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 1st day of February 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: February 1, 2021

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services

DATE: February 1, 2021

SUBJECT: Consider Approval - Naming the new transit facility The William “Harry” Armstrong Transit Center; and Naming the new senior center The Clovis Senior Activity Center – A Smittcamp Family Legacy.

Staff: Shonna Halterman, General Services Director

Recommendation: Approve

ATTACHMENTS: 1. None

CONFLICT OF INTEREST

None. Councilmember Flores owns property within 1,000 feet of subject property and would normally require him to recuse himself from participation and decision regarding this item due to a potential conflict of interest. The action being recommended here to name certain public facilities and does not appear to have any potential material financial impact that would require recusal.

RECOMMENDATION

For the City Council to approve the naming of the new transit center as The William “Harry” Armstrong Transit Center, and to approve the naming of the new senior center as The Clovis Senior Activity Center – A Smittcamp Family Legacy.

EXECUTIVE SUMMARY

Staff is requesting the formal approval of naming the new transit facility as The William “Harry” Armstrong Transit Center, and naming the new senior center as the Clovis Senior Activity Center – A Smittcamp Family Legacy, as befitting the notable contributions of their namesakes to the Clovis community.

BACKGROUND

Staff is requesting that the two City of Clovis buildings at Landmark Square be named after notable individuals/families as per the Municipal Facility Naming Policy.

The transit facility would be named The William “Harry” Armstrong Transit Center in honor of the late Councilmember. Harry Armstrong served on the Clovis City Council for 46 years. Mr.

Armstrong also served on the California League of Cities for 27 years, the Fresno County Transportation Authority Board for 22 years, and was instrumental in leading the efforts to build Highways 180 and 168. Mr. Armstrong was a beloved member of the community whose contributions are seen throughout Clovis, including Old Town redevelopment, Clovis Community Medical Center, and the Police and Fire Headquarters construction.

The senior center would be called The Clovis Senior Activity Center – A Smittcamp Family Legacy. The Smittcamp Family Foundation has generously pledged a \$1,000,000 donation in honor of Earl and Muriel Smittcamp. In addition to creating a successful agribusiness, Earl and Muriel have been generous philanthropists within the Clovis community and with Fresno State University, where Muriel, Earl and all of their children acquired degrees. The Smittcamp Family Foundation continues to contribute to the betterment of the community through support of a multitude of organizations. Earl was a regular visitor to the current senior center where he enjoyed playing bridge with friends. The City appreciates the Smittcamp family support of the new senior center to provide activities and programs for the next generation of older citizens.

FISCAL IMPACT

There is no specific financial impact for the naming of The William “Harry” Armstrong Transit Center. The naming of the senior center as part of the donation agreement with the Smittcamp Family Foundation will allow for a reduced annual debt service for the new facility, which will reduce reliance on the general fund.

REASON FOR RECOMMENDATION

While discussed on many occasions, the naming of the transit facility after Harry Armstrong has not been voted upon during a Council meeting. It is fitting that the transit facility be named after Mr. Armstrong considering his many contributions to the City of Clovis and transportation. In addition, the generous Smittcamp Family Foundation gift and the involvement of Earl and Muriel in helping build and develop our community, is also befitting of facility naming. The naming of these buildings complies with the Municipal Facility Naming Policy criteria which states “Recognizes a local citizen, group or other individual who has provided a notable amount of services or contributions to the City of Clovis; or, whose accomplishments have brought honor to the community” and “Memorializes an individual(s) whose life is noteworthy to the community”.

ACTIONS FOLLOWING APPROVAL

Signage with the new names will be incorporated into the new buildings during construction, along with website and changes to identifying documents.

Prepared by: Shonna Halterman, General Services Director

Reviewed by: City Manager *JH*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning & Development Services

DATE: February 1, 2021

SUBJECT: Receive and File – 2020 Clovis Trail Count Report.

Staff: Colleen Vidinoff, Engineer II
Recommendation: Receive and File

ATTACHMENTS: 1. 2020 Clovis Trail Count Report

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council receive and file the 2020 Clovis Trail Count Report.

EXECUTIVE SUMMARY

The City of Clovis Trail Count is performed annually to document the volume of trail usage and to extrapolate the actual usage to determine annual estimated projection.

The trails and paseos are an important part of the Clovis Way of Life and were obviously invaluable during this past year of difficulty in our community. The Clovis Trails provided outdoor space where residents could be physically active at a safe social distance during the COVID-19 pandemic, keeping the mind and body healthy.

There is data to confidently indicate that the trails of Clovis were visited by over 3 million trail users in 2020 (as shown in Attachment 1). Usage will continue to increase with improved connectivity, amenities, and destinations.

BACKGROUND

Collecting bicycle and pedestrian count data allows for the evaluation of bicycle and pedestrian facilities, policies and programs. Counts can be used to evaluate the impacts of specific improvement projects or to measure progress towards a municipality or agency goal, such as an increase in the number of walking and bicycling trips. Furthermore,

quantifying the benefits of bicycle and walking investments is often required as a part of grant applications to fund non-motorized transportation projects. The Trail Count information supports more insightful planning and design approaches as well as better operations and maintenance.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

As this is a Receive and File report, no action is required.

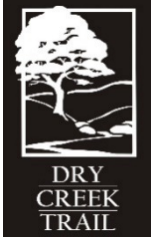
ACTIONS FOLLOWING APPROVAL

City staff will continue to provide Council with updated reports as appropriate.

Prepared by: Colleen Vidinoff, Engineer II

Reviewed by: City Manager *JH*

2020 CLOVIS TRAIL COUNT



ATTACHMENT 1

Table of Contents

- Part 1: Purpose 3
- Part 2: Findings 4
- Part 3: Methodology..... 4
- Part 4: Considerations 5
- Part 5: Data Collection Locations/Dates..... 9
 - A. **Sierra Gateway Trail: 09/24/2020 to 09/30/2020**..... 9
 - B. **Loma Vista Paseos: 09/24/2020 to 09/30/2020**..... 9
 - C. **Old Town Trail: 10/02/2020 to 10/08/2020** 9
 - D. **Dry Creek Trail: 10/13/2020 to 10/19/2020**..... 9
 - E. **Enterprise Trail: 10/22/2020 to 10/28/2020** 10
- Part 6: Data Analysis 10
 - A. **Sierra Gateway Trail** 10
 - B. **Loma Vista Paseos** 11
 - C. **Old Town Trail**..... 12
 - D. **Dry Creek Trail**..... 14
 - E. **Enterprise Trail**..... 17
- Part 7: Comparison of Permanent Monthly Count Data with Estimate 20
- Part 8: Comparison of Permanent Annual Count Data with Extrapolated Estimate 20
- Part 9: Annual Trail Use Trend..... 21
- Part 10: Summary 22
- ATTACHMENT A..... 24
 - 2020 Trail Counts Exhibit..... 25
- ATTACHMENT B 26
- National Bicycle & Pedestrian Documentation Project..... 27
 - How to Use This Data 27
 - How Many Counts Can it Be Based On? 27
 - Bicyclists versus Pedestrians 27
 - Start with the Hour Count 27
 - Hourly Adjustment Factors..... 30
 - Daily Adjustment Factors 31
 - Monthly Adjustment Factors by Climate Area 32

ATTACHMENT C 33
Map of Trails of Clovis 34



Old Town Trail



Paseo near Pasa Tiempo Park

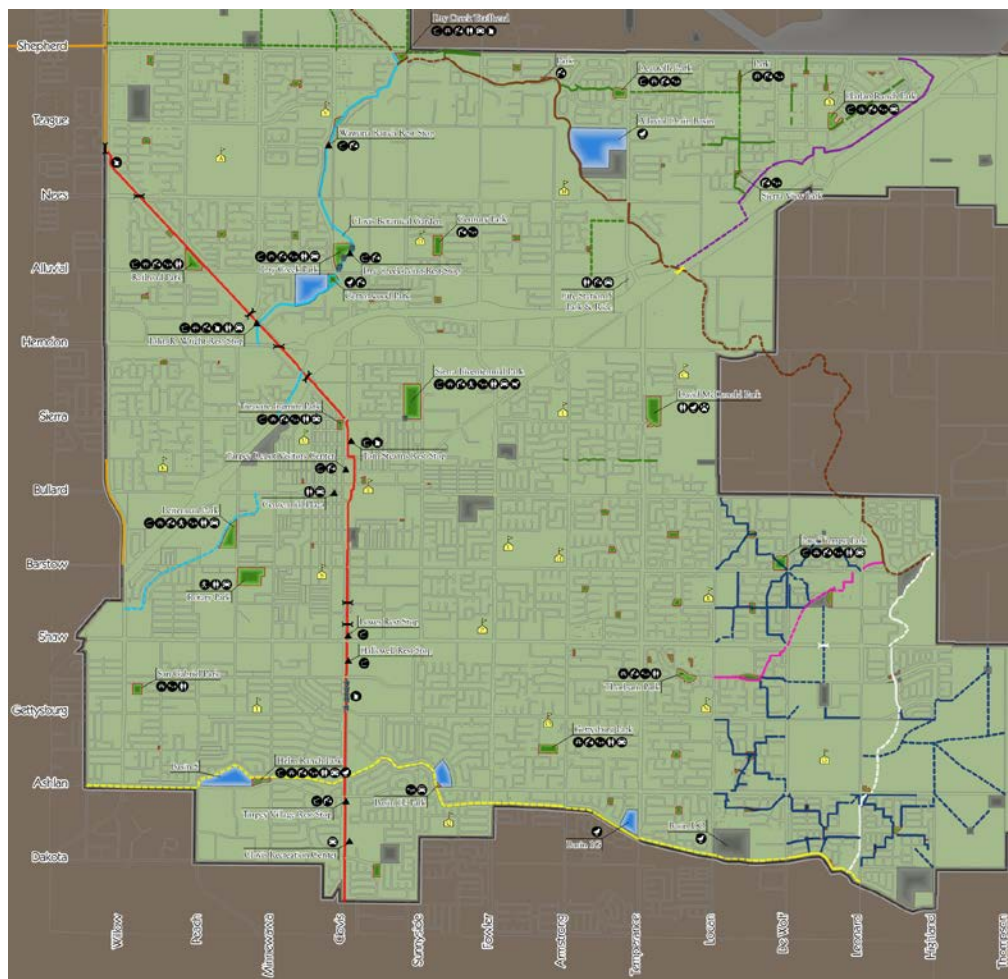
Part 1: Purpose

Trail Count 2020 is Clovis' 6th annual trail user count along the City of Clovis trails. The study accomplishes five goals:

1. Document the volume of trail usage per day and week;
2. Use the daily and weekly counts to extrapolate to an annual estimated use;
3. Improve operations and maintenance;
4. Improve capability to obtain grant funding; and
5. Supports insightful planning and design approaches.

The regular effort to collect data can help prioritize projects, shape policy or change the approach to design. With accurate and consistent demand and usage figures, the City of Clovis can continue to measure the positive benefits of investments in trails.

The City of Clovis has over 30 miles of picturesque trails and paseos. There are four primary trails (Clovis Old Town Trail, Dry Creek Trail, Enterprise Trail, and the newest Sierra Gateway Trail) as well as a series of paseos in the southeast and other greenbelt paths throughout the City. The primary trails are long-distance trails for commuting and recreational use, including walking, riding, jogging, and skating. The greenbelts and paseos provide connective access to schools, parks, and other activity centers between neighborhoods.



Part 2: Findings

The year 2020 included unprecedented events with the COVID-19 pandemic and various associated emergency orders beginning in March. During the COVID-19 pandemic, the City’s trails and paseos provided much-needed outdoor recreation opportunities.

In addition, the nearby Creek Fire started on September 4, 2020 and caused dangerous air quality with recommendations from the San Joaquin Valley Air Pollution Control District for the public to stay indoors to avoid potential health risks for most of the month of September and October. Due to the extraordinary events, this year’s trail counts may not be reflective of future trends but data was still collected for information purposes.

The following table outlines the most frequently visited location, total of pedestrians and bicyclists, along each trail/paseo during the trail count period in 2020.

	Counting Location	Weekly Use
Sierra Gateway Trail	Sanders Ave and Muse Ave	2,371
Loma Vista Paseos	Near Locan Ave	1,783
Old Town Trail	Willow Ave and Nees Ave	4,679
Dry Creek Trail	Dry Creek Trailhead	6,003
Enterprise Trail	Near Ponding Basin	2,875

There is data to confirm that with the additional counting locations, the trails and paseos of Clovis were visited by over 3 million trail users in 2020.

The trails of Clovis are a community asset to improve health and wellness; increase property values; promote community pride; encourage commercial revenue; and provide a link to on-street bikeways.

Part 3: Methodology

For the past 6 years the City of Clovis has consistently collected pedestrian and bicyclist count data in October along three Clovis trails, the Old Town Trail, the Dry Creek Trail, and the Enterprise Trail. This year, an additional trail, the Sierra Gateway Trail, and two paseo locations, one near Locan and the other near the Pasa Tiempo Park, were added as count locations.

The City borrows portable automated equipment from the Fresno Council of Governments (COG). The portable automated equipment consists of a PYRO-Box to count all people passing within the range of the sensor by detecting their body temperature and pneumatic tubes to count bicycles. Clovis borrows four PYRO-boxes and four sets of pneumatic tubes.

The counts are done in October every year since the weather is usually mild and not viewed as an impediment to trail usage. However, the counts were started the last week of September this year to add an additional week to include the counts along the Loma Vista paseos and the Sierra Gateway Trail, which was completed in early 2020.



Portable Bike and Pedestrian Trail Counter along the Dry Creek Trail



Permanent Counter at Clovis and Nees

The trail count also includes data from the two permanent bike and pedestrian automated trail counters, one at Clovis and Nees Avenues along the Dry Creek Trail and another at Clovis and Sierra Avenues along the Old Town Trail.

The data provided by the permanent counters is included in this report for the sake of comparison and completeness. This equipment obtains the data similarly but with a heat sensor on a pedestal next to the trail to count the pedestrians and magnetic loops cut in the trail to count the bicycles. The permanent trail counter displays show daily and annual pedestrian and bicycle use (the annual data resets each January 1).

Part 4: Considerations

The methodological approach used in this study is replicable, consistent with existing practices, and relies on the best information available. The primary limitations of the approach are small sample sizes, assumptions of daily traffic patterns, and the level of uncertainty associated with the estimates.

The count was done for one week along each trail, which is more than required by some methodologies e.g., the National Bicycle and Pedestrian Documentation Project (NBPDP). However, there is no guarantee that the hours and days on which we counted are representative of normal October traffic.

Trail users may pass one of the trail counters multiple times during the course of the count and the automated equipment cannot distinguish between people who are counted multiple times. It is important to clarify that usage does not mean the number of people using a trail during a specific period but the number of visits at a specific location, characterized as trail traffic volume.

It has been noted that if multiple pedestrians cross the counting line of the portable heat sensor exactly in parallel, they may only be counted as one. If multiple bicycles cross the tubes at the same time, the counts may be askew, perhaps counting three instead of two. The counts are good estimates and are not exact.

In addition to the four trail facilities, user counts were taken on two paseos in the Loma Vista area for comparison and information. Bicycle counts cannot be taken on paseos as they are concrete, not asphalt like the trails, and the tube counters cannot be affixed to concrete. Paseos are wider sidewalks used to provide connection for neighborhoods. People do not drive from Fresno or other areas to walk on a paseo. They do this though for the Dry Creek Trail by parking at the Trailhead or Dry Creek Park. Trail users have also been noted to park at the Railroad Park and other commercial parking lots near Willow and Nees and Old Town Clovis to use the Old Town Trail.

The weekly count data at each location is used to estimate the monthly and annual trail usage using the calculation tools provided by the NBPDP. (<http://bikepeddocumentation.org>) The calculator considers climate, time of year, region and other factors to project a likely annual usage figure. The use of expansion factors is common in transportation planning. In this case, they are a tool for taking a limited number of counts and using them to develop estimates of bicycle and pedestrian activity in familiar and comparable units, such as monthly or yearly activity.

With the considerations outlined above, the calculated annual estimates are determined based on the best available data and are representative of a baseline.

It should also be noted that in response to the COVID-19 pandemic in 2020, during this trail count timeframe the local schools were not meeting in person, many businesses were closed, and countless employees were working from home.

Information was taken from the two permanent counters to visually show the trail use trend throughout the entire year of 2020, see Figures 4-1 and 4-2 below. When the shelter-in-place was ordered in March in California and schools and businesses were closed, trail use increased significantly. The charts indicate there was an obvious drop in trail use due to the unhealthy air quality the first few weeks after the Creek Fire started on September 4th, 2020.

The Creek Fire caused significant smoke and unhealthy air quality from September through mid-October as noted below. Information taken from the National Weather Service and the San Joaquin Valley Air Pollution Control District is outlined in Figure 4-3 below.

The poor air quality can be seen in the picture to the right of the Sierra Gateway Trail from September 2020.



Figure 4-1: Use along the Old Town Trail at the Permanent Counting Site for the Past Three Years

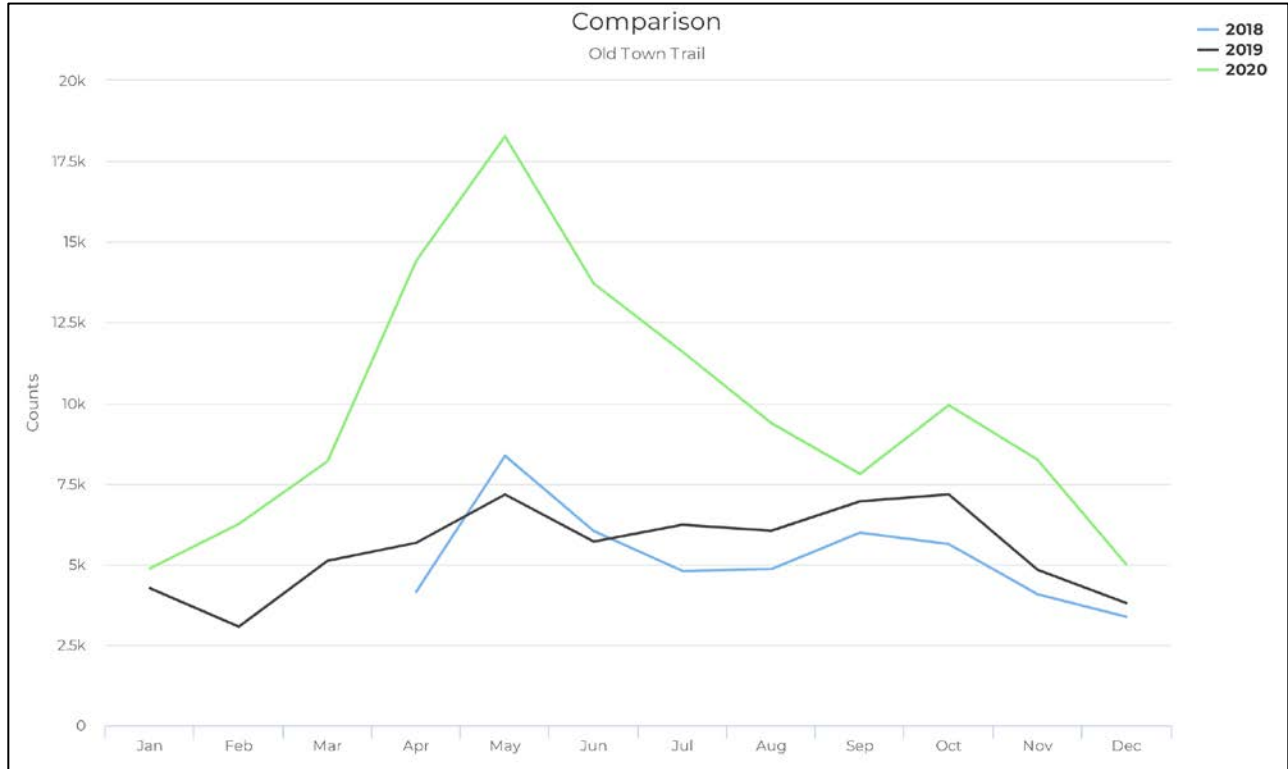


Figure 4-2: Use along the Dry Creek Trail at the Permanent Counting Site for the Past Three Years

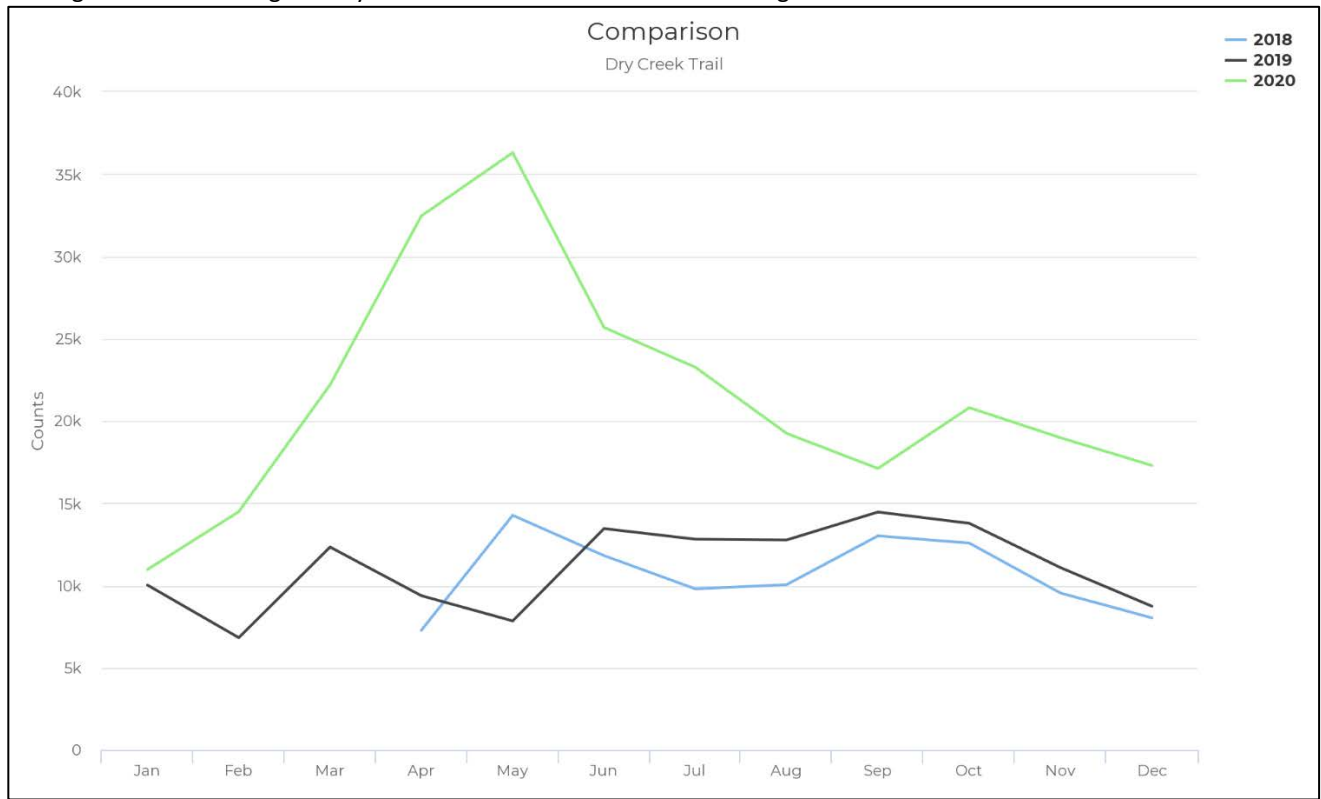


Figure 4-3: Weather and Air Quality during 2020 Trail Count

Date	High Temp	Low Temp	Real-time Outdoor Activity Risk (ROAR) Level	
			Ozone	PM 2.5
9/24/2020	90	63	1	2
9/25/2020	88	63	1	2
9/26/2020	90	63	1	2
9/27/2020	92	65	1	2
9/28/2020	93	67	3	3
9/29/2020	102	67	3	5
9/30/2020	95	67	3	4
10/2/2020	96	66	4	5
10/3/2020	95	66	4	5
10/4/2020	95	67	4	5
10/5/2020	94	65	3	5
10/6/2020	89	63	2	5
10/7/2020	89	62	3	4
10/8/2020	84	63	1	3
10/13/2020	88	61	2	2
10/14/2020	87	61	2	2
10/15/2020	90	62	3	2
10/16/2020	93	62	4	4
10/17/2020	92	61	3	4
10/18/2020	92	61	3	4
10/19/2020	91	59	3	3
10/22/2020	84	59	3	4
10/23/2020	80	54	2	2
10/24/2020	77	54	2	2
10/25/2020	71	52	1	2
10/26/2020	66	48	1	2
10/27/2020	72	47	1	2
10/28/2020	78	45	2	2

- Level 1 Outdoor activity OK for all.
- Level 2 Sensitive individuals should consider reducing prolonged and/or vigorous outdoor activities.
- Level 3 Sensitive individuals should exercise indoors or avoid vigorous activities.
- Level 4 Sensitive individuals should exercise indoors. Everyone should avoid prolonged or vigorous outdoor activities.
- Level 5 Everyone should avoid outdoor activity.

Part 5: Data Collection Locations/Dates

See Attachment A for the map and count data of the 2020 Clovis Trail Count

A. **Sierra Gateway Trail:** 09/24/2020 to 09/30/2020

Counts were taken using portable automated technology equipment at two locations along the Sierra Gateway Trail from 09/24/20 to 09/30/20.

Sierra Gateway Trail Count Locations:

1. Near Dutch Avenue and Chessa Lane
2. Near Sanders Avenue and Muse Way

B. **Loma Vista Paseos:** 09/24/2020 to 09/30/2020

Counts were taken using portable automated technology equipment at locations along two Loma Vista Paseos from 09/24/20 to 09/30/20. (Only pedestrians could be counted due to the concrete paseos.)

Loma Vista Paseos Count Locations:

1. Southwest corner of Barstow and DeWolf Avenues, near Pasa Tiempo Park
2. Locan and Whitmore Avenues, between Thorburn Park and Los Arbolitos Park

C. **Old Town Trail:** 10/02/2020 to 10/08/2020

Counts were taken using portable automated technology equipment at four locations along the Old Town Trail from 10/02/20 to 10/08/20. Data from the permanent counting equipment at Clovis/Sierra was included in this analysis.

Old Town Trail Count Locations:

1. North of Dakota Avenue, near the Clovis Recreation Center
2. Northeast corner of Clovis and Shaw Avenues, Heritage Plaza
3. Southeast corner of Clovis and Sierra Avenues, permanent counter location
4. North of Minnewawa Avenue, behind the New Harvest Church
5. Northeast corner of Willow and Nees Avenues, behind Parkway Trails Shopping Center

D. **Dry Creek Trail:** 10/13/2020 to 10/19/2020

Counts were taken using portable automated technology equipment at four locations along the Dry Creek Trail from 10/13/20 to 10/19/20. Data from the permanent counting equipment at Clovis/Nees was included in this analysis.

Dry Creek Trail Count Locations:

1. Southwest corner of Sunnyside and Shepherd Avenues, at entrance to Dry Creek Trailhead
2. East side of Clovis at Teague Avenues, across from Woods Elementary
3. Southeast corner of Clovis and Nees Avenues, permanent counter location
4. East side of Clovis Avenue, north of Alluvial Avenue, at Dry Creek Park
5. Near the Wild Fowl Flood Control Basin, south of Alluvial Avenue and west of Clovis Avenue

E. Enterprise Trail: 10/22/2020 to 10/28/2020

Counts were taken using portable automated technology equipment at four locations along the Enterprise Trail from 10/22/20 to 10/28/20.

Enterprise Trail Count Locations:

1. West of Fowler Avenue
2. Deauville Circle at Armstrong Avenue
3. North entrance to Alluvial Drain Basin, west of Temperance Avenue
4. North of Owens Mountain Parkway, east of Temperance Avenue

Part 6: Data Analysis

The count numbers represent the volume of trail users at a certain location. Trail users might be counted multiple times by the same counting station and/or by numerous counting stations along the same or different trails.

A. Sierra Gateway Trail

The first 1.6 miles of the Sierra Gateway Trail were completed in January 2020. There are multiple access points to the trail from the Harlan Ranch neighborhood in addition to sidewalk leading to the trail from the nearby neighborhoods. Many residents use the trail to make a loop around the Harlan Ranch neighborhood. There is currently no commercial development within 1.75 miles of this trail and this first phase is used only for recreation by the nearby homeowners. With future development, an additional 1.5 miles of the Sierra Gateway Trail will be installed to the southwest of this area to connect to the Enterprise Trail at Temperance Avenue.

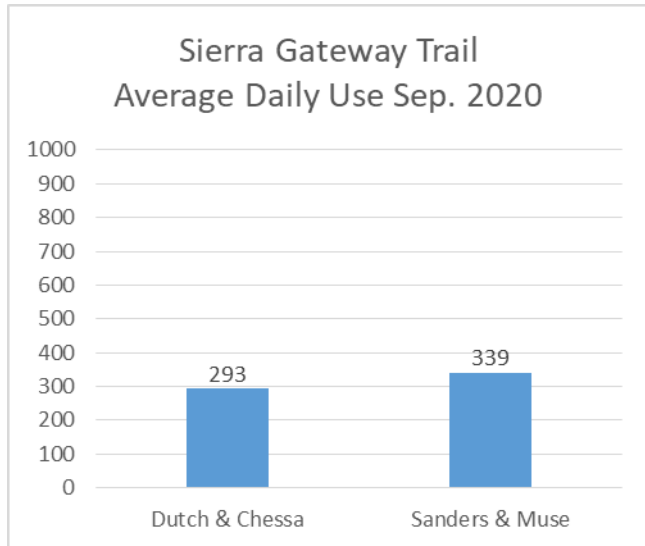
Table 6-1: Count Totals along Sierra Gateway Trail

	Dutch and Chessa		Sanders and Muse	
	ped	bike	ped	bike
Mon	212	78	281	85
Tues	195	71	260	54
Wed	160	85	209	78
Thurs	220	102	237	85
Fri	162	104	224	85
Sat	191	169	228	176
Sun	171	130	241	128
Daily Average	187	106	240	99
Weekly Total	1,311	739	1,680	691
	2,050		2,371	
Monthly Estimate	8,786		10,161	
*Annual Estimate	146,433		169,350	



*The weekly total is multiplied by the number of weeks in the count month (number of days in month÷7; 30 days for September counts). The monthly estimate is then extrapolated to an annual figure using the adjustment factor per the NBPD Project. See Attachment B.

Trail use can be described in terms of average daily traffic, the sum of daily average bike and daily average pedestrian use. Along the Sierra Gateway Trail the average daily traffic for the week in 2020 was 316. The daily average at both locations is shown in the chart below.



Sierra Gateway Trail

B. Loma Vista Paseos

Connectivity is the key focus of the Loma Vista community. Paseos provide pedestrians and bicyclists easier access to adjacent neighborhoods, making it easier to drive less by locating key destination points such as commercial uses and employment centers near residential areas. The Loma Vista community design incorporates creating neighborhood parks and outdoor spaces that encourage people to spend more time outside. Upon its completion, the Loma Vista area will have incorporated approximately 20 miles of trails and paseos for the enjoyment of the community.

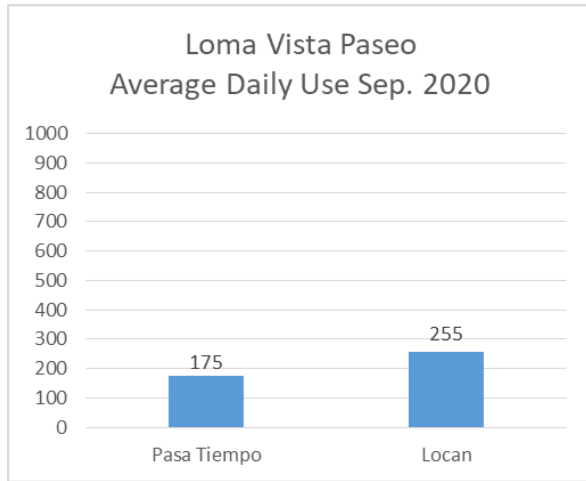
Table 6-2: Count Totals along Loma Vista Paseos

	Near Pasa Tiempo Park	Near Locan Ave
	All trail users	All trail users
Mon	196	234
Tues	138	205
Wed	124	228
Thurs	182	266
Fri	189	264
Sat	227	316
Sun	168	270
Daily Average	175	255
Weekly Total	1,224	1,783
Monthly Estimate	5,246	7,641
*Annual Estimate	87,433	127,350



*The weekly total is multiplied by the number of weeks in the count month (number of days in month÷7; 30 days for September counts). The monthly estimate is then extrapolated to an annual figure using the adjustment factor per the NBPD Project. See Attachment B.

Along the Loma Vista Paseos the average daily traffic for the week in 2020 was 215. The daily average at both locations is shown in the chart below.



Paseo near Locan Avenue

C. Old Town Trail

The Old Town Trail alignment was formerly the location of the San Joaquin Valley Railroad. Now, this 5.8 mile trail runs the length of the City of Clovis and provides connection to many parks and commercial centers. The trail begins south of Dakota Avenue, along the east side of Clovis Avenue and extends northerly to its connection with the City of Fresno’s Sugar Pine Trail at N. Willow Avenue. Many trail underpasses have been provided along the Old Town Trail which separate busy street traffic from the trail users. The Old Town Trail connects to the Dry Creek Trail at the John Wright Station.

Table 6-3: Count Totals along Old Town Trail

	Rec Center		NE Clovis/Shaw		Clovis/Sierra (permanent)		New Harvest Church		Near Willow	
	ped	bike	ped	bike	ped	bike	ped	bike	ped	bike
Mon	89	43	96	120	138	150	223	217	365	203
Tues	83	50	91	144	99	148	154	320	472	271
Wed	103	60	96	112	132	145	273	258	433	217
Thurs	109	60	112	117	149	133	297	369	496	310
Fri	104	66	88	119	98	124	169	229	255	202
Sat	68	50	93	132	129	175	124	370	443	363
Sun	78	40	96	96	93	119	111	300	442	207
Daily Avg.	91	53	96	120	120	142	193	295	415	253
Weekly Total	634	369	672	840	838	994	1,351	2,063	2,906	1,773
	1,003		1,512		1,832		3,414		4,679	
Monthly Estimate	4,442		6,696		**8,113		15,119		20,721	
*Annual Estimate	63,457		95,657		**119,839		215,986		296,014	

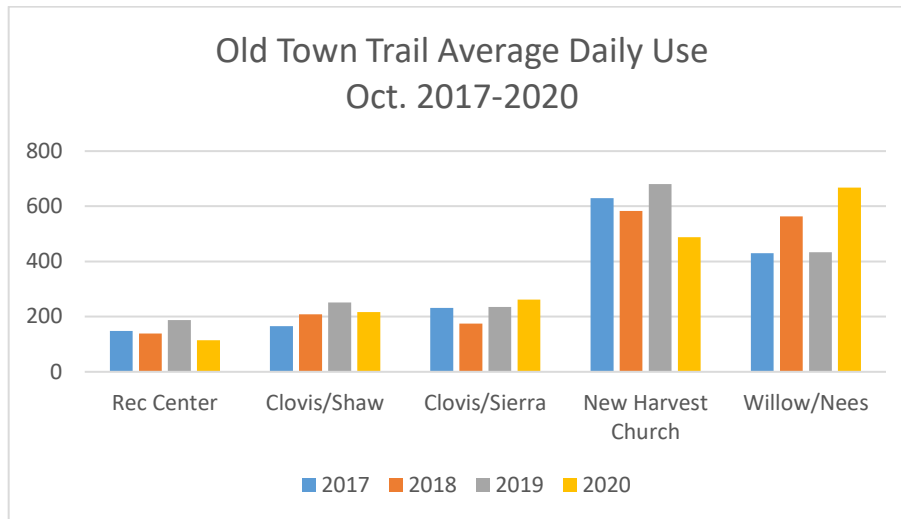
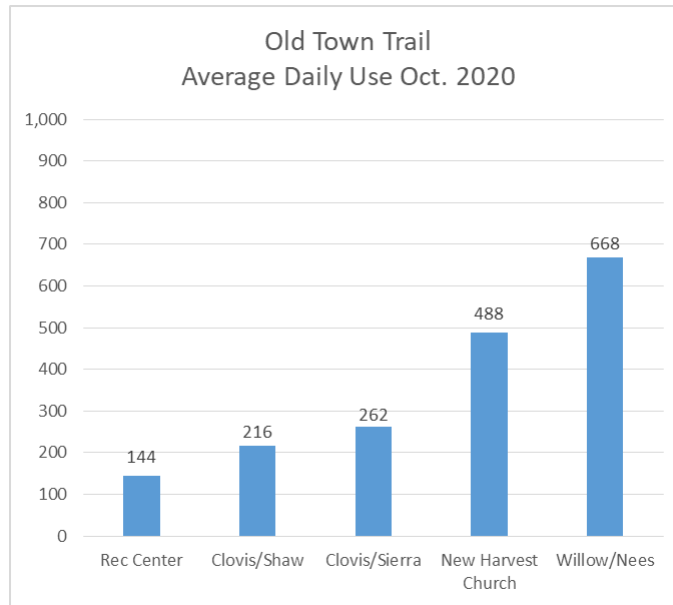
*The weekly total is multiplied by the number of weeks in the count month (number of days in month÷7; 31 days for October counts). The monthly estimate is then extrapolated to an annual figure using the adjustment factor (0.07) per the NBPD Project. See Attachment B. **The actual monthly and annual totals from the permanent counter are used here.

Extrapolated annual trail volume along the Old Town Trail in 2020 ranged from 63,457 visits at the Recreation Center to 296,014 visits near Willow and Nees.

Data taken from the permanent counters allows detailed evaluation on a 24/7 basis. The permanent counter indicates that the daily average for the entire year at Clovis and Sierra is 327 trail users with an average of 139 daily pedestrians and 188 daily bicyclists.

As of December 31, 2020, the annual count total taken from the permanent counter at Clovis and Sierra was 50,940 pedestrians and 68,899 bicyclists. In 2019, the annual count at this location was 32,741 pedestrians and 33,198 bicyclists.

Along the Old Town Trail the average daily traffic for the week in 2020 was 350, compared to 357 in 2019, 311 in 2018, and 321 in 2017.



The weekly and annual use along the Old Town Trail for the past few years is consistent.

Old Town Trail	2016 Weekly Use	2017 Weekly Use	2018 Weekly Use	2019 Weekly Use	2020 Weekly Use
Near Rec Center	N/A	1,036	971	1,318	1,003
Clovis & Shaw	N/A	1,162	1,462	1,755	1,512
Clovis & Sierra	N/A	1,625	1,162	1,647	1,832
New Harvest Church	N/A	4,845	4,081	4,758	3,414
Willow & Nees	3,985	3,013	3,938	3,033	4,679

Old Town Trail	2016 Annual Extrapolation	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
Rec Center	N/A	65,543	52,002	83,386	63,457
Clovis/Shaw	N/A	62,250	92,494	111,029	95,657
Clovis/Sierra*	N/A	102,807	70,250	65,939	119,839
New Harvest Church	N/A	306,522	258,191	301,014	215,986
Willow/Nees	252,114	190,620	249,119	191,886	296,014

*Data from portable equipment in 2017 and from permanent equipment since 2018

In 2016 and 2018, the count period along the Old Town Trail included Columbus Day, which resulted in a very high number for a Monday, which affects the extrapolated annual estimate; in 2017, 2019, and 2020 the holiday fell outside the count period.

D. Dry Creek Trail

The Dry Creek Trail is 2.5 miles in length and runs along the Dry Creek, under a tree-lined canopy and away from busy roads. The south end of the trail connects to the Old Town Trail at Minnewawa Avenue. The north end of the trail is the Trailhead with restrooms and a parking lot. The trail passes by Dry Creek Park, which has restrooms, a playground, and a parking lot, and Cottonwood Park, which is a shady, grassy oasis. This trail is near single family residential neighborhoods.



Dry Creek Trail at Cottonwood Park



Dry Creek Trail south of the Trailhead

Table 6-4: Count Totals along Dry Creek Trail

	Trailhead		Woods Elem		Clovis and Nees (permanent)		Dry Creek Park		Wild Fowl Basin	
	ped	bike	ped	bike	ped	bike	ped	bike	ped	bike
Mon	492	149	363	142	412	190	418	200	474	206
Tues	574	156	411	188	444	199	402	208	460	289
Wed	422	116	330	127	398	186	387	196	412	239
Thurs	549	173	336	153	384	192	420	179	420	227
Fri	460	163	303	136	408	177	350	168	405	204
Sat	1,250	382	634	349	705	310	636	347	609	409
Sun	807	310	507	302	598	333	530	321	527	363
Daily Average	651	207	412	200	478	227	449	231	472	277
Weekly Total	4,554	1,449	2,884	1,397	3,349	1,587	3,143	1,619	3,307	1,937
	6,003		4,281		4,936		4,762		5,244	
Monthly Estimate	26,585		18,959		**20,795		21,089		23,223	
*Annual Estimate	379,786		270,843		**258,661		301,269		331,757	

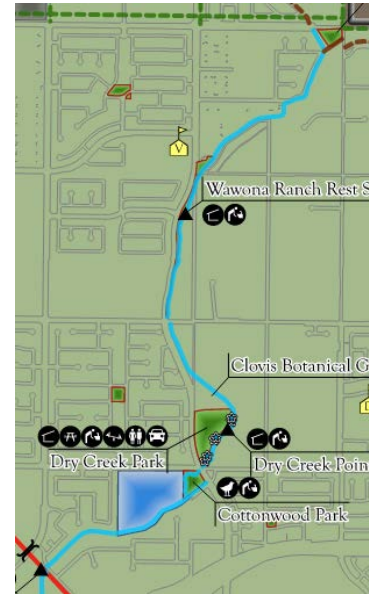
*The weekly total is multiplied by the number of weeks in the count month (number of days in month÷7; 31 days for October counts). The monthly estimate is then extrapolated to an annual figure using the adjustment factor per the NBPD Project. See Attachment B.

**The actual monthly and annual totals from the permanent counter are used here.

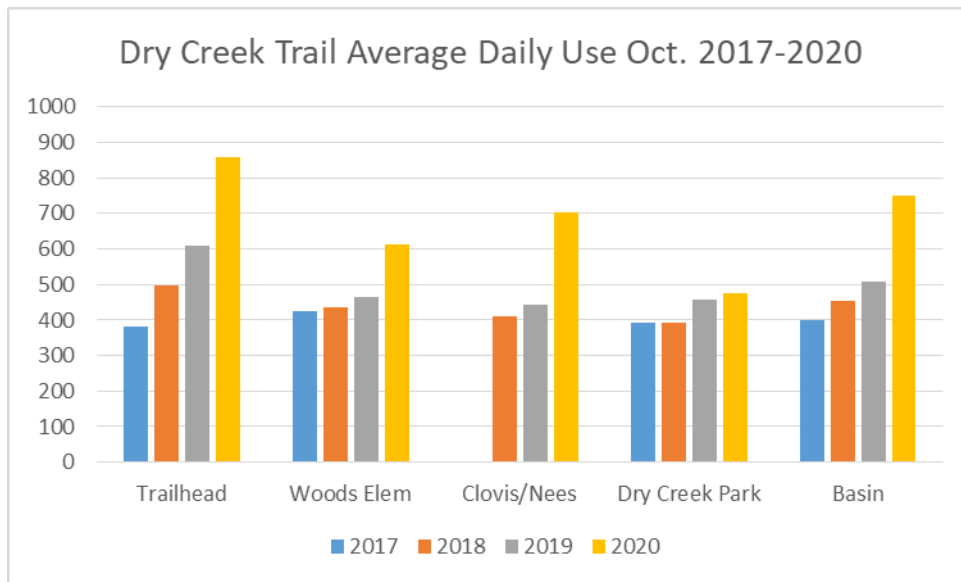
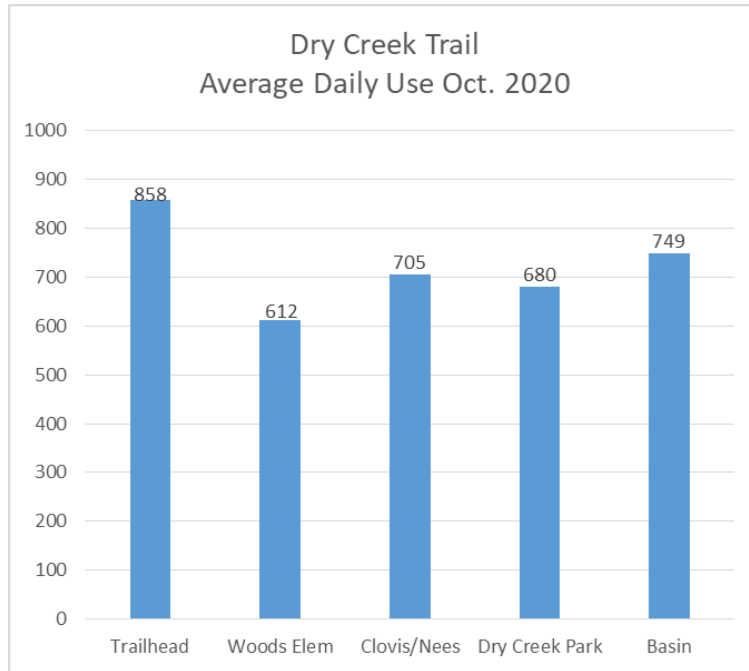
Extrapolated annual trail volume along the Dry Creek Trail in 2020 ranged from 270,843 visits near Woods Elementary to 379,786 visits near the Trailhead.

The data taken from the permanent counter indicates that the daily average at Clovis and Nees for the entire year is 707 trail users with an average of 465 daily pedestrians and 242 daily bicyclists. During the week long count evaluation period noted above, the average was calculated to be 858 total trail users at this location with 651 pedestrians and 207 bicyclists.

The annual count total for 2020 taken from the permanent counter at Clovis and Nees was 258,661 with 170,223 pedestrians and 88,438 bicyclists. In 2019 the count from the permanent counter at this location was a 144,034 (103,563 pedestrians and 40,471 bicyclists).



Along the Dry Creek Trail the average daily traffic for the week in October 2020 was 721. The average daily traffic for the week-long count was 496 in 2019, 438 in 2018 and 400 in 2017.



The weekly use and annual estimated use along the Dry Creek Trail is outlined below.

Dry Creek Trail	2016 Weekly Use	2017 Weekly Use	2018 Weekly Use	2019 Weekly Use	2020 Weekly Use
Trailhead	N/A	2,661	3,481	4,256	6,003
Woods Elementary	N/A	2,972	3,063	3,264	4,281
Clovis and Nees	N/A	N/A	2,868	3,103	4,936
Dry Creek Park	*3,545	2,755	2,734	3,195	4,762
Wild Fowl Basin	*3,670	2,801	3,173	3,560	5,244

Dry Creek Trail	2016 Annual Extrapolation	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
Trailhead	N/A	168,350	220,228	269,257	379,786
Woods Elementary	N/A	188,026	193,760	206,498	270,843
Dry Creek Park	224,277	174,297	146,517	202,133	301,269
Wild Fowl Basin	232,185	177,207	200,730	225,224	331,757

E. Enterprise Trail

The Enterprise Trail is 2.5 miles in length and is not currently connected to the other Clovis trails. There are no public restrooms or parks along this trail. There is a small commercial development at both ends of the trail and it runs along a canal behind neighborhoods, away from busy streets. Future development is planned for this area and trail use will increase as the connectivity improves.

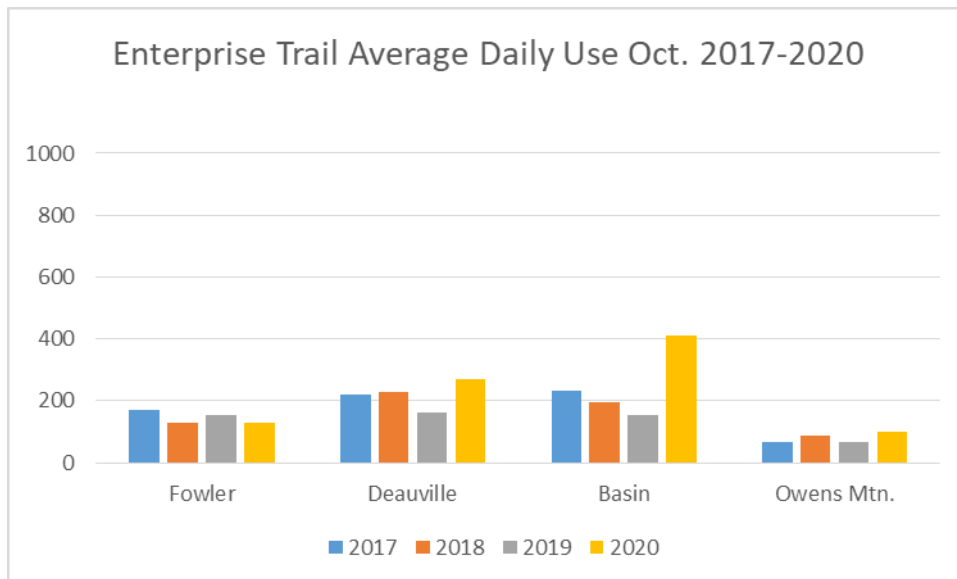
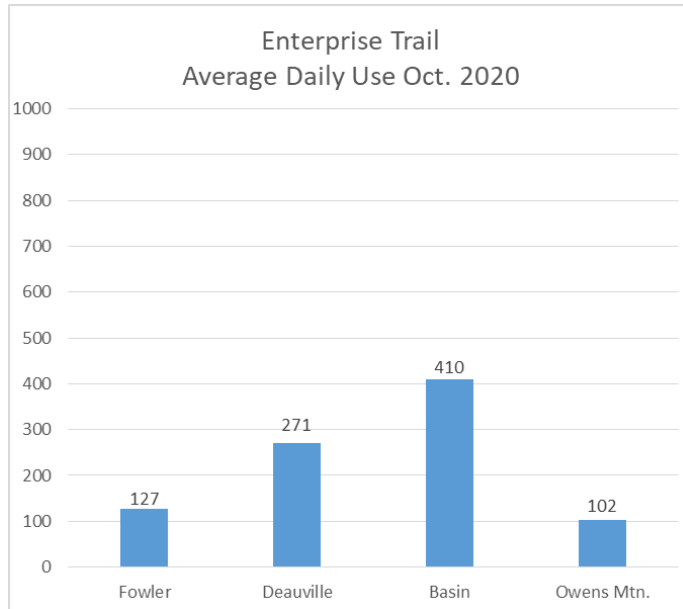
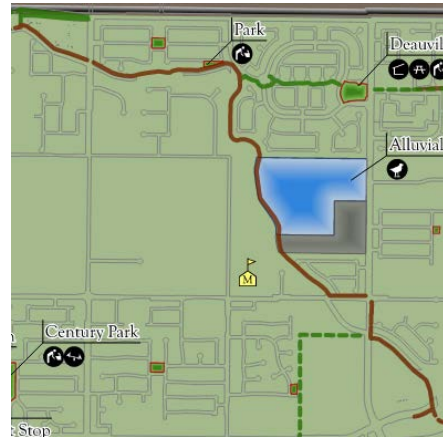
Table 6-5: Count Totals along Enterprise Trail

	West of Fowler		Deauville/ Armstrong		Alluvial Drain Basin		N. of Owens Mtn.	
	ped	bike	ped	bike	ped	bike	ped	bike
Mon	87	40	168	76	278	76	30	86
Tues	85	38	183	67	280	85	50	36
Wed	95	32	167	90	266	105	49	50
Thurs	72	32	173	105	253	106	39	39
Fri	65	31	148	90	256	135	35	55
Sat	112	46	206	134	338	162	75	61
Sun	110	47	171	120	334	201	50	56
Daily Average	89	38	174	97	286	124	47	55
Weekly total	626	266	1,216	682	2,005	870	328	383
	892		1,898		2,875		711	
Monthly estimate	3,950		8,405		12,732		3,149	
*Annual Estimate	56,429		120,071		181,886		44,986	

*The weekly count is multiplied by the number of weeks in the count month (number of days in month÷7; 31 days for October counts). All count were taken in October. The monthly estimate is then extrapolated to an annual figure using the adjustment factor per the NBPDP Project. See Attachment B.

Extrapolated annual trail volume along the Enterprise Trail in 2020 ranged from 44,986 visits north of Owens Mountain Parkway to 181,886 visits near Deauville and Armstrong.

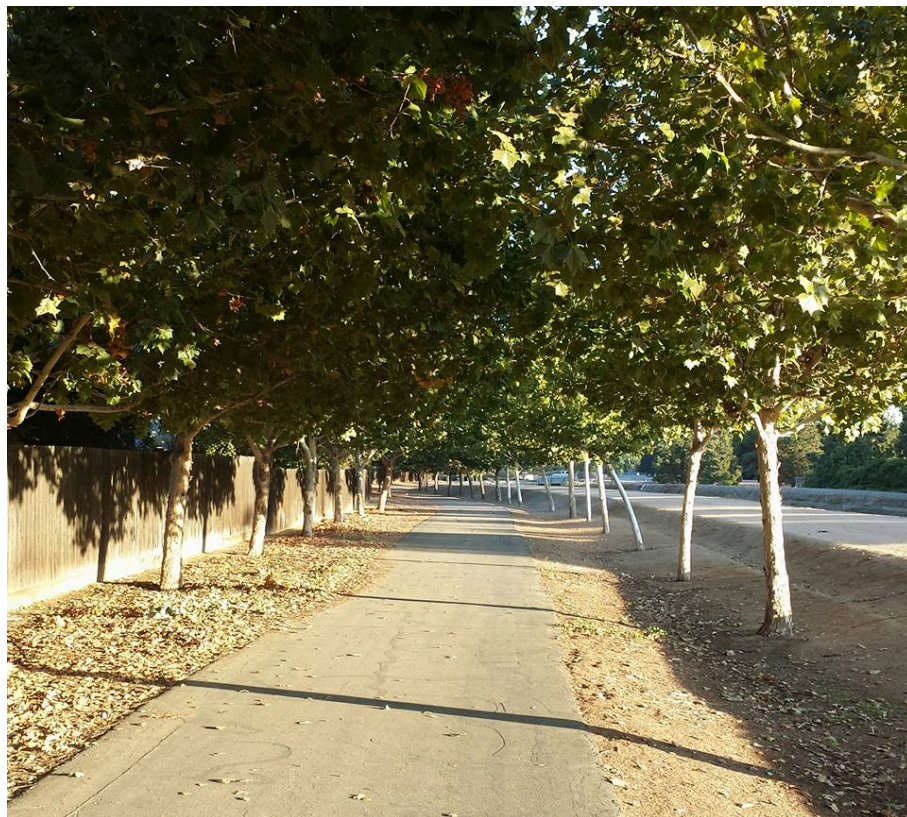
Along the Enterprise Trail the average daily traffic, which is the sum of daily average bike and daily average pedestrian use, for the week in October 2020 was 228. The average daily traffic for the week-long count was 134 in 2019, 160 in 2018 and 173 in 2017. The use at the locations for this year compared to last year is consistent overall as shown in the charts below.



The weekly and annual use along the Enterprise Trail for the past few years has been consistent with only slight fluctuations.

Enterprise Trail	2015 Weekly Use	2016 Weekly Use	2017 Weekly Use	2018 Weekly Use	2019 Weekly Use	2020 Weekly Use
West of Fowler	N/A	N/A	1,196	916	1,079	892
Deauville/Armstrong	1,378	1,413	1,547	1,609	1,149	1,898
Alluvial Drain Basin	1,761	N/A	1,640	1,374	1,073	2,875
N. of Owens Mtn.	320	284	468	598	458	711

Enterprise Trail	2015 Annual Extrapolation	2016 Annual Extrapolation	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
West of Fowler	N/A	N/A	75,666	49,050	68,257	56,429
Deauville/Armstrong	87,180	89,394	97,872	101,769	72,686	120,071
Alluvial Drain Basin	111,411	N/A	103,756	86,897	67,886	181,886
Owens Mtn. Pkwy	20,245	17,967	29,608	37,833	28,971	44,986



Enterprise Trail east of Fowler

Part 7: Comparison of Permanent Monthly Count Data with Estimate

Using the data from the two permanent count stations, we can be confident that the weekly data obtained from the portable counters provides a very good estimate of the extrapolated monthly count.

Permanent Counter Location	Estimate of monthly use by extrapolating a week of data from permanent counter	Actual monthly use from permanent counter
Clovis & Sierra (Old Town Trail)	8,113	9,932
Clovis & Nees (Dry Creek Trail)	21,860	20,795

Part 8: Comparison of Permanent Annual Count Data with Extrapolated Estimate

The National Bicycle & Pedestrian Documentation Project (NBPD), co-sponsored by Alta Planning and Design and the Institute of Transportation Engineers (ITE) Pedestrian and Bicycle Council, was formed to answer the challenge regarding documentation usage and demand figures of bicycle and pedestrian use. This nationwide effort provides a consistent model of data collection and ongoing data for use by planners, governments, and bicycle and pedestrian professionals. The data provided by NBPD exists to allow us to adjust counts done almost any period on multi-use paths and pedestrian districts to an annual figure.

Using the data from the two permanent count stations, we can compare the actual annual data with an extrapolated annual estimate based on NBPD direction. As noted in the previous sections, the weekly count done on the Clovis Trails in October 2020 is multiplied by the number of weeks in the count month, e.g. 7 days per week divided by 31 days for the count month of October. The monthly estimate is then extrapolated to an annual figure using the adjustment factor per the NBPD Project, 0.7, for a Very Hot Summer Mild Winter, per Attachment B.

All automated count technologies have an error factor and these numbers are estimates to provide usage and trends.

Permanent Counter Location	Estimate of annual use by extrapolating a week of data from permanent counter	Actual annual use from permanent counter
Clovis & Sierra (Old Town Trail)	115,900	119,839
Clovis & Nees (Dry Creek Trail)	312,286	258,661

Part 9: Annual Trail Use Trend

The annual use on the Old Town Trail, Dry Creek Trail and Enterprise Trail from the past four years are compared below and indicate a continued increased trail use.

Old Town Trail	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
Rec Center	65,543	51,962	83,386	63,457
NE Clovis/Shaw	62,250	92,494	111,029	95,657
Clovis/Sierra*	102,807	70,250	65,939	115,900
Church/packinghouse	306,522	258,152	301,014	215,986
Willow	190,620	249,119	191,886	296,014
Total	727,742	721,977	753,254	787,014

*Data from portable equipment in 2017 and from permanent equipment since 2018

Dry Creek Trail	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
Trailhead	168,350	220,228	269,257	379,786
Near Woods Elementary	188,026	193,726	206,498	270,843
Dry Creek Park	174,297	146,404	202,133	301,269
Ponding Basin	177,207	200,669	225,224	331,757
Total	707,880	761,027	903,112	1,283,655

Enterprise Trail	2017 Annual Extrapolation	2018 Annual Extrapolation	2019 Annual Extrapolation	2020 Annual Extrapolation
West of Fowler	75,666	48,991	68,257	56,429
Deauville at Armstrong	97,872	101,678	72,686	120,071
Ponding Basin	103,756	86,897	67,886	181,886
Owens Mountain Parkway	29,608	37,849	28,971	44,986
Total	306,902	275,415	237,800	403,372

Sierra Gateway Trail	2020 Annual Extrapolation
Dutch and Chessa	146,433
Sanders and Muse	169,350
Total	315,783

Loma Visa Paseos	2020 Annual Extrapolation
Barstow and DeWolf	87,433
Locan and Whitmore	127,350
Total	214,783

Combining the numbers from all the counting sites, there is data to confidently demonstrate that the Clovis trails and paseos were visited by over 3 million trail users in 2020.

Part 10: Summary

The City of Clovis completed the 6th Annual Trail Count in 2020 to document the volume of trail usage per day and week along four Clovis trails and two paseos. The traffic on the trails and paseos have a wide range of volumes, daily use, and modal splits. The count results confirm the trails and paseos are highly used and valued by the City of Clovis residents and visitors and show the importance of connectivity, amenities, destinations, and location to encourage trail use.

The results show that during the COVID-19 pandemic, the City’s trails and paseos provided much-needed outdoor recreation opportunities. The City of Clovis Trails are used by both bicyclists and pedestrians for commuting and recreation. The trail count shows how important connectivity, amenities, destinations, and location can be to encourage trail use.

There is data to confidently indicate that the trails and paseos of Clovis were visited by over 3 million trail users last year, which can be used to pursue further grant funding for improvements within the City.

This year, the Dry Creek Trailhead had the highest usage with over 6,000 trail users for the week. The Old Town Trail near Willow and Nees had more than 4,650 trail users for the week.

Both the Enterprise Trail and the Sierra Gateway Trail had more than 2,000 trail users each week at multiple locations. The traffic along these trails will only increase with improved connectivity, amenities and commercial sites.

The Loma Vista Paseos had more than 1,000 trail users at both locations each week as well.

The existing and planned trails and paseos of Clovis are outlined in Attachment C. The Old Town Trail and Dry Creek Trail are both adjacent to multiple parks, which can be a large draw for trail use.

A search on the internet for reviews of Clovis trails indicates the public loves the Clovis Trails. On www.alltrails.com, a fitness and travel mobile app and website that allows users to access a database of trail maps and share their experiences, there are many positive reviews of the Clovis Trails:

- July 2020 regarding the Old Town Trail, “Good quick trail. I parked at Target in Sierra Vista mall parking lot and went to Woodward Park and back less than an hour.”
- July 2020 about the Old Town Trail, “Love this trail because it connects to Dry Creek trail also.”
- February 2020 regarding the Enterprise trail, “Close to home. Kid and family friendly. One of our favorite walks.”
- October 2020, about the Dry Creek Trail, “Nice walking/running/biking trail. Goes through or behind a few quiet neighborhoods and parks. Several water fountains along the way. About 50% shaded depending on the time of day. Recommend!”

Also, from www.yelp.com a visitor from Los Angeles, CA commented in March 2020 regarding the Dry Creek Trail, “I came here to check out the trail after spotting it as I was passing by, and I’m so glad I did! There is a paved trail that starts right behind the Clovis Botanical Garden and runs across the park. This is where I pick it up and start on a long or short run. The path is tree lined, peaceful, and perfect for a sunset run. I’ll definitely miss my runs here, and I look forward to the next time I’m back the area to check out this trail again!”

The citizens of Clovis take great pride in the trails and report issues to the City as they see them. A review of the City of Clovis Customer Relationship Management (CRM) customer service system indicates citizens continue to report concerns regarding sprinklers, broken tree limbs, weeds, graffiti, etc. This communication

allows the City maintenance crews to do repairs and address anything that a concerned trail user might come across.

A review of social media indicates a few suggestions from the Clovis trail users including the need for more trail lighting, improved facilities along the trail, and further trail connectivity.

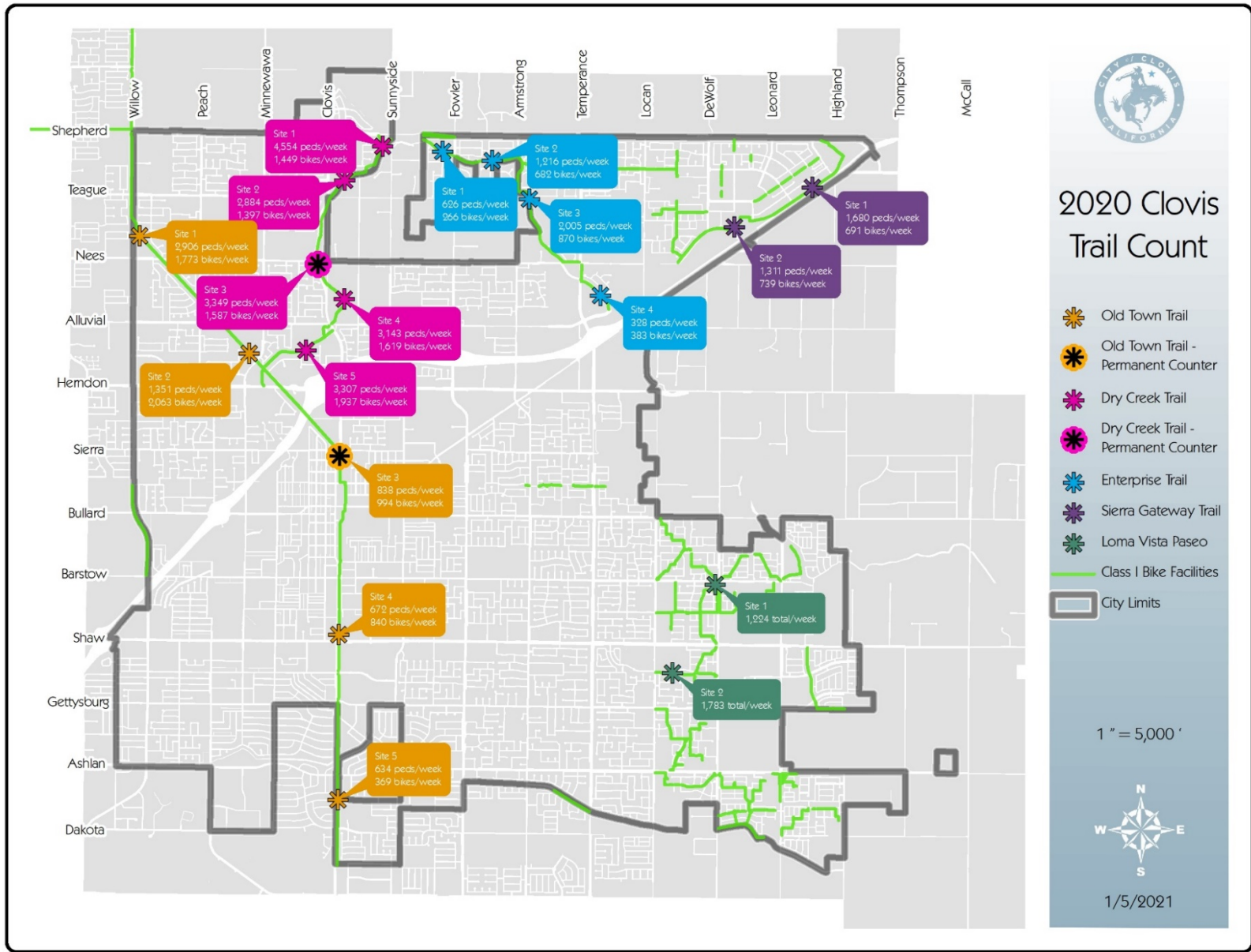
The trails of Clovis are a community asset to improve health and wellness; increase property values; promote community pride; encourage commercial revenue; and provide an alternative to on-street commuting. The trails are an important part of the Clovis Way of Life and were obviously invaluable during this past year of difficulty in our community.



Encouraging Message along the Old Town Trail in March 2020

ATTACHMENT A

2020 Trail Counts Exhibit



2020 Trail Counts Exhibit

ATTACHMENT B
National Bicycle & Pedestrian
Documentation Project

National Bicycle & Pedestrian Documentation Project

Count Adjustment Factors

March 2009

While more year-long automatic count data is needed from different parts of the county, especially for pedestrians and on-street bicyclists, enough data now exists to allow us to adjust counts done almost any period on multi-use paths and pedestrian districts to an annual figure.

All percentages in the following tables represent the percentage of the total period (day, week, or month).

How to Use This Data

The factors in the following tables are designed to extrapolate daily, monthly, and annual users based on counts done during any period of a day, month, or year. The factors currently are designed to be used by (a) multi-use pathways (PATH) and (b) higher density pedestrian and entertainment areas (PED).

How Many Counts Can it Be Based On?

Given the variability of bicycle and pedestrian activity, we strongly encourage that all estimates be based on the average of at least two (2) and preferably three (3) counts during the same time period and week, especially for lower volume areas. For example, counts could be done from 2-4pm on consecutive weekdays (Tuesday – Thursday) during the same week, or, in consecutive weeks. Weekday counts should always be done Tuesday through Thursday, and never on a holiday. Weekend counts can be done on either day.

Bicyclists versus Pedestrians

The factors used in these formulas are for combined bicyclist and pedestrian volumes. Once you have calculated your total daily, monthly, or annual volume, you can simply multiple the total by the percent breakdown between bikes and pedestrians based on your original count information.

Start with the Hour Count

Once you have collected your count information and developed an average weekday and weekend count volume for bicyclists and/or pedestrians, pick any one (1) hour period from either of those days.

Adjustment Factor

Your next step is to multiply those counts by 1.05.

Sample #1

Average 1 hour weekday count: 236 bikes/peds x 1.05 = 248

Average 1 hour weekend day count: 540 bikes/peds x 1.05 = 567

This adjustment factor is done to reflect the bicyclists/pedestrians who use the facility between 11pm and 6am, or, about 5% of the average daily total. The count formulas are all based on total counts between 6am and 10pm, since many available counts only cover those periods. If you are certain your facility gets virtually no use between those hours, you can forgo this step.

Calculate Daily Weekday and Weekend Daily Total

Identify the weekday and weekend hour your counts are from in Table 1 below. Be sure to use the PATH column for all multi-use paths, and the PED column for all higher density pedestrian areas with some entertainment uses such as restaurants. Be sure to select the correct time of year (April-September, or, October-March) as well.

Sample #2: done in June on a multiuse path (weekday = 4-5pm, weekend day = 12-1pm):

Adjusted weekday hourly count = $248 / .07 = 3,542$ daily users

Adjusted weekend day hourly count = $567 / .1 = 5,670$ daily users

Calculating Average Weekly Volumes

We need to adjust these figures based on the day of the week. See table 2 below. Find the day of the week your counts were done, and factor them by that percent. If you did multiple counts on different days of the week, then take the average of those factors.

Sample #3: counts were done on a Tuesday and a Saturday.

Adjusted weekday count = $3,542 / .13 = 27,246$ average weekly users

Adjusted weekend count = $5,670 / .18 = 31,500$

Add these two figures together, and divide by 2: $27,246 + 31,500 = 58,746 / 2 = 29,373$ people

The average weekly volumes for that month are 29,373 people.

Convert to Monthly Volumes

To convert from average weekly volumes to an average monthly volume, multiply the average weekly volume by the average number of weeks in a month (4.33 weeks).

Sample #4: $29,373 \times 4.33 = 127,282$ people.

This is the average monthly volume for the month the counts were conducted.

Convert to Annual Totals

To convert from the average monthly volume for the month the counts were taken into an annual total, divide the average monthly figure by the factor from Table 3 for the month the counts were conducted. Use the general climate zones described. Some climate zone types are not included.

Sample #5: counts were done in June in a moderate climate zone.

Average monthly volumes = $127,282 / .08 = 1,591,037$ people.

Based on these sample figures, it is estimated that almost 1.6 million people use the pathway annually.

Average Monthly and Daily Figures

To identify the average monthly and daily figures, simply divide the annual figure by 12 (for month) or by 365 (for daily figures).

Monthly average = $1,591,037/12 = 132,586$ people

Daily Average = $1,591,037/365 = 4,359$ people

Table 1

Hourly Adjustment Factors

Multi-use paths and pedestrian entertainment areas by season

	April - September				October - March			
	6am - 9pm				6am - 9pm			
	---- PATH-----		----PED----		---- PATH-----		----PED----	
	wkdy	wkend	wkdy	wkend	wkdy	wkend	wkdy	wkend
0600	2%	1%	1%	1%	2%	0%	1%	0%
0700	4%	3%	2%	1%	4%	2%	2%	1%
0800	7%	6%	4%	3%	6%	6%	3%	2%
0900	9%	9%	5%	3%	7%	10%	5%	4%
1000	9%	9%	6%	5%	9%	10%	6%	5%
1100	9%	11%	7%	6%	9%	11%	8%	8%
1200	8%	10%	9%	7%	9%	11%	9%	10%
1300	7%	9%	9%	7%	9%	10%	10%	13%
1400	7%	8%	8%	9%	9%	10%	9%	11%
1500	7%	8%	8%	9%	8%	10%	8%	8%
1600	7%	7%	7%	9%	8%	8%	7%	7%
1700	7%	6%	7%	8%	7%	5%	6%	6%
1800	7%	5%	7%	8%	6%	3%	7%	6%
1900	5%	4%	7%	8%	4%	2%	7%	6%
2000	4%	3%	7%	8%	2%	1%	6%	6%
2100	2%	2%	6%	8%	2%	1%	5%	5%

Table 2

Daily Adjustment Factors

Note: Holidays use weekend rates.

MON	14%
TUES	13%
WED	12%
THURS	12%
FRI	14%
SAT	18%
SUN	18%

Table 3

Monthly Adjustment Factors by Climate Area

Month	Climate Region		
	Long Winter Short summer	Moderate Climate	Very hot summer Mild winter
JAN	3%	7%	10%
FEB	3%	7%	12%
MAR	7%	8%	10%
APR	11%	8%	9%
MAY	11%	8%	8%
JUN	12%	8%	8%
JUL	13%	12%	7%
AUG	14%	16%	7%
SEP	11%	8%	6%
OCT	6%	6%	7%
NOV	6%	6%	8%
DEC	3%	6%	8%

ATTACHMENT C

Map of Trails of Clovis

Trails of Clovis

AGENDA ITEM NO. 11.

Updated January 12, 2021

LEGEND

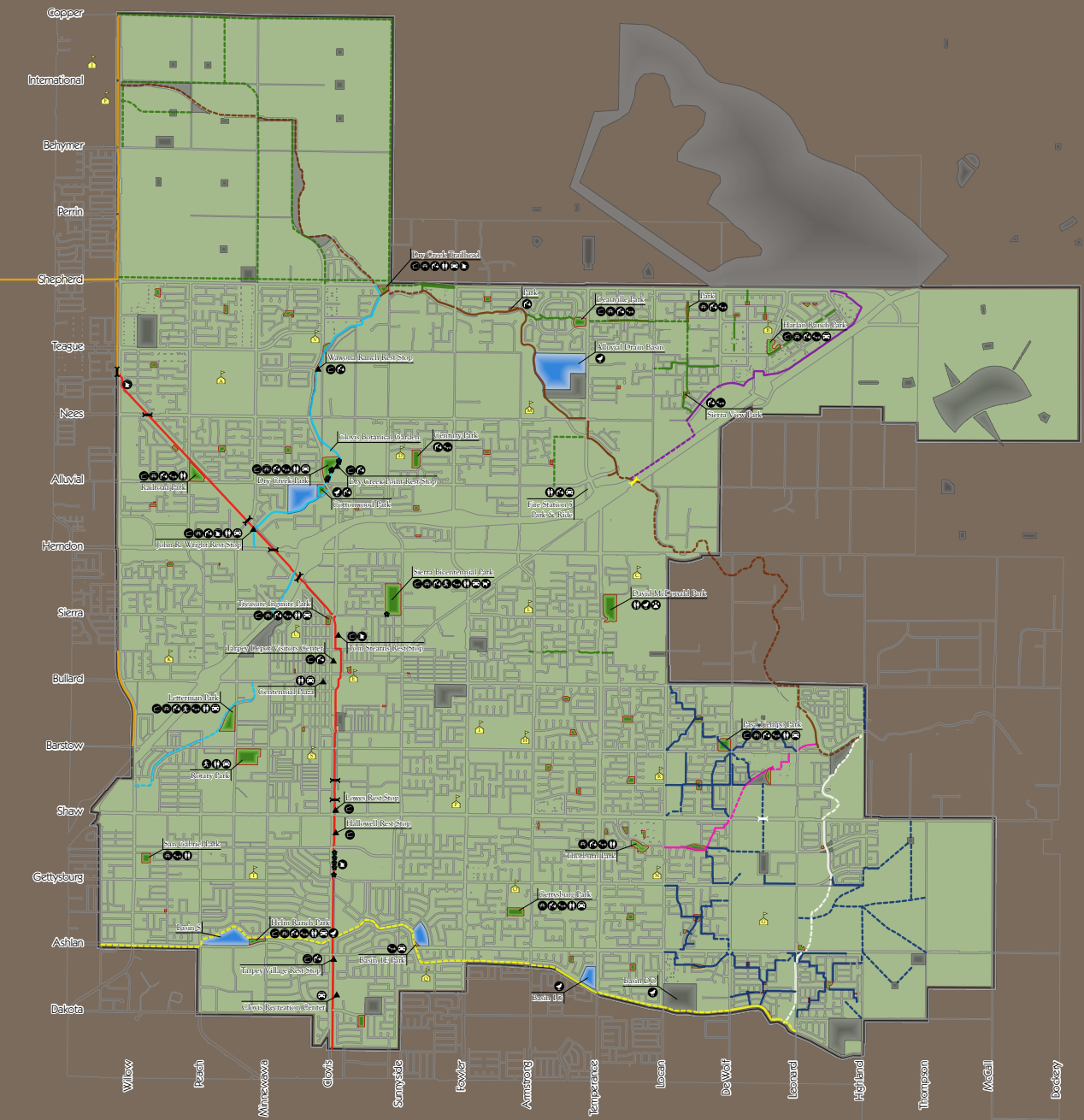
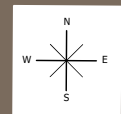
Solid line indicates existing trail
Dashed line indicates future trail

- Clovis Old Town Trail
- Dry Creek Trail
- Enterprise Canal Trail
- Dog Creek Trail
- Gould Canal Trail
- Jefferson Canal Trail
- Loma Vista Paseo
- Sierra Gateway Trail
- Miscellaneous Trail/Parh
- Trail in Adjacent Jurisdiction
- Parks
- Future Parks
- Water Basins
- Trail Parcourse Equipment
- ▲ Rest Stops
- Tunnel
- Future Tunnel
- Future Bridge
- Sphere of Influence

-  Shelter
-  Picnic
-  Parking
-  Restrooms
-  Map Display Board
-  Play Equipment
-  Drinking Fountain
-  Sports Field
-  Animal Adoption Center
-  Wildlife Viewing
-  Dog Park

Schools

-  Buchanan Educational Center
-  Bud Rank Elementary
-  Cedarwood Elementary
-  Century Elementary
-  Clark Intermediate
-  Clovis Community College
-  Clovis East Educational Center
-  Clovis Elementary
-  Clovis High
-  Clovis North Educational Center
-  Cole Elementary
-  Cox Elementary
-  Dry Creek Elementary
-  Freedom Elementary
-  Gettysburg Elementary
-  Jefferson Elementary
-  Miramonte Elementary
-  Red Bank Elementary
-  Sierra Vista Elementary
-  Tarpey Elementary
-  Weldon Elementary
-  Woods Elementary





CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: February 1, 2021

SUBJECT: Consider Approval – A Request for a Letter of Support for AB 262 to Amend the Penal Code to Improve the Record Clearing Process for Victims of Human Trafficking.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: 1. Email Request from Assemblymember Patterson's office
2. AB 262 Fact Sheet provided by Assemblymember Patterson's office
3. AB 262 Draft Text
4. Draft AB 262 Letter of Support

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a letter of support for AB 262 to amend the Penal Code to improve the record clearing process for victims of human trafficking.

EXECUTIVE SUMMARY

Staff is in receipt of a request from Assemblymember Jim Patterson's office for a letter of support for AB 262 designed to amend the Penal Code to improve the record clearing process for victims of human trafficking (Attachment 1). Also provided in the request was a fact sheet, draft text, and sample letter of support (Attachments 2, 3, 4). A snap shot of the bill from the request is as follows:

1. This bill would amend the Penal Code to say that human trafficking victim's unpaid fines and unmet probation requirements *cannot* prohibit a victim from petitioning the court to clear their record. Currently, each county interprets this portion of the code section different - in Fresno County victims are required to pay fines and meet probation requirements before petitioning the court whereas

in Los Angeles County, this is not the case and victims are allowed to petition even if these factors are on their record.

2. This bill would change two sections of the Penal Code to do the following:

- a. Clarify that at any point in their life after a victim is removed from trafficking, the victim can petition the court to clear their record. Although this isn't currently prohibited outright in law, it's not clear either so this bill would make that absolutely clear.
- b. Right now, a victim of human trafficking can ask the court to appear via electronic means at a trial for one of their cases rather than in person. The court must determine the victim's reason not to appear as a "compelling" reason. AB 262 would expand on those "reasons" by stating they could be related to the following:
 - Concerns regarding the victim's safety in traveling to court due to former traffickers or associates.
 - A victim reasonably fears traveling to court due to transportation safety concerns.
 - The victim moved out of the county the court resides in to protect their safety.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Staff is in receipt of a request from Assemblymember Jim Patterson's office for a letter of support for AB 262 designed to amend the Penal Code to improve the record clearing process for victims of human trafficking.

ACTIONS FOLLOWING APPROVAL

If approved, staff will draft the letter of support of AB 262.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

John Holt

Subject: FW: Support Request for AB 262
Attachments: AB 262 Sample Support Letter.docx; AB 262 Fact Sheet.pdf

From: Andrew Haussler
Sent: Tuesday, January 26, 2021 12:03 PM
To: Luke Serpa <lukes@ci.clovis.ca.us>; John Holt <johnh@ci.clovis.ca.us>
Subject: FW: Support Request for AB 262

This came from Assembly member patterson's office. Usually we let council direct on legislation to support but I wanted to give you a heads up as Council may have gotten the same request.

Andy

Happy Tuesday!

My name is Jennifer Garcia and I work as a legislative assistant to Assemblymember Jim Patterson. I am reaching out on behalf of Assemblyman Patterson and Andrea Shabaglian (Andrea is CC'd in this email), founder and executive director of *Made For Them*, to let you know that we are running AB 262 that would greatly support victims of human trafficking in their record clearing process.

Specifically, I am reaching out to see if you and your organization would be interested in writing a letter of support for the bill. Here is a snap shot of what the bill does:

1. This bill would amend the Penal Code to say that human trafficking victim's unpaid fines and unmet probation requirements *cannot* prohibit a victim from petitioning the court to clear their record. Currently, each county interprets this portion of the code section different-- in Fresno County victims are required to pay fines and meet probation requirements before petitioning the court whereas in LA County this is not the case and victims are allowed to petition even if these factors are on their record.
2. This bill would change two sections of the Penal Code to do the following:
 - a. Clarify that at any point in their life after a victim is removed from trafficking, the victim can petition the court to clear their record. Although this isn't currently prohibited out right in law, it's not clear either so this bill would make that absolutely clear.
 - b. Right now, a victim of human trafficking can ask the court to appear via electronic means at a trial for one of their cases rather than in person. The court must determine the victim's reason not to appear as a "compelling" reason. AB 262 would expand on those "reasons" by stating they could be related to the following:
 - Concerns regarding the victim's safety in traveling to court due to former traffickers or associates.
 - A victim reasonably fears traveling to court due to transportation safety concerns.
 - The victim moved out of the county the court resides in to protect their safety.

Please let me know if you have any questions and I or Andrea would be happy to answer them.

If you would like to support this bill, I have attached a sample support letter that would state your support. I have also attached a fact sheet, which provides further information on the bill.

Please address the letter to the following:
The Honorable Reginald Byron Jones-Sawyer Sr
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

If you choose to write a letter, please submit the letter on your organization's letterhead. There are several options to submit the letter:

1. Email the letter to me: Jennifer.Garcia@asm.ca.gov. If you choose this option, please copy Andrea Shabaglian: Andrea@madeforthem.org
2. Electronically through the Assembly Committee on Public Safety's Website: <https://apsf.assembly.ca.gov/>

Feel free to reach out with any questions. Andrea and I would love to have your support on this bill, which will greatly help victims of trafficking!

Jennifer Garcia

Scheduler/Legislative Assistant
Office of Assemblyman Jim Patterson
23rd Assembly District
O : 916-319-2023
F : 916-319-2123
jennifer.garcia@asm.ca.gov



ASSEMBLYMAN JIM PATTERSON, 23RD DISTRICT

AB 262 (PATTERSON)

IMPROVING THE RECORD-CLEARING PROCESS FOR HUMAN TRAFFICKING VICTIMS

SUMMARY

In 2019, the U.S. State Department identified 24.9 million victims of human trafficking globally.¹ Within the United States alone, there are hundreds of thousands of identified victims. Just last year, the National Human Trafficking Hotline received 23,784 calls of suspected trafficking instances and reported 4,585 cases.²

Once free from trafficking, victims desire a fresh start on life and seek out secure housing, employment, counseling and involvement within their community. However, many victims possess criminal records that can hinder their work towards a new life on numerous levels, such as finding employment or volunteering for work experience or even volunteering in their child’s classroom.

The first and most important step for a fresh start requires victims to first petition the courts to have their records cleared. Many of these offenses come with fines and a sentence of probation. Current law requires victims to pay all fines and satisfy all probation requirements before petitioning a court to have their record cleared (referred to as vacatur relief).

This is a lengthy process, with victims needing to meet many requirements before the petition is considered. AB 262 seeks to smooth it out by 1) Preventing unpaid fines and/or unfinished probation from inhibiting a victim’s ability to petition a court for vacatur relief; 2) Allowing victims to file a petition at any time; and 3) Allowing victims to appear at a court hearing by counsel rather than in-person. If the court opposes this, the victim may request to appear by electronic means established by the court.

¹ U.S. Department of State 2019 Trafficking in Persons Report
² National Human Trafficking Hotline, 2019 Statistics

EXISTING LAW

Current law provides that a victim of human trafficking may petition the court for vacatur relief of nonviolent offenses including, but not limited to, prostitution.³ The petitioner (victim) must establish through clear and convincing evidence the offenses are a direct result of being a victim of human trafficking.⁴

Current code does not specify a period for when a victim must petition the court for relief. Instead, current law states the petition can occur within a reasonable time after the victim has ceased to be in trafficking or after they have sought services, whichever is later.⁵

Once a victim begins the petition process, current law allows victims of human trafficking to be excused from appearing at the court hearing in person and instead appear through electronic means established by the court.⁶ Permission is granted only if the court finds compelling reasons why the victim cannot appear in person.⁷ Current law also requires any individual, including these victims, to pay all fines and meet all probation requirements before petitioning the court to clear their record.⁸

PROBLEM

Current law is problematic for victims of trafficking who, because of their record, often have difficulty finding a job and therefore cannot afford to pay their fines. In some counties, the court chooses to waive this requirement while others do not—it is up to the discretion of the judge and their interpretation of code. It is a catch 22: having a record prevents victims from

³ CA Penal Code, Section 236.14(a)
⁴ Ibid.
⁵ CA Penal Code, Section 236.14(l)
⁶ CA Penal Code, Section 263.14(n)
⁷ Ibid.
⁸ CA Penal Code, Section 1203.4 & 1203.4a

building a successful life and finding meaningful employment, yet they cannot petition to have their records cleared until all fines and fees are paid in full. This barrier stops victims from addressing one of the most vital issues preventing them from starting a new life: clearing their record.

Current law is also unclear about how long a victim may have to file a petition to have their record cleared.

Additionally, while the law states a victim *may* be excused from appearing in person at a hearing and instead appear through electronic means, this discretion is not always granted. Many victims have multiple offenses in multiple counties, which requires travel to locations where they were either trafficked or lived while in trafficking. Allowing victims to appear at court hearings by representation from the beginning greatly eases the record clearing process.

SOLUTION

In order to smooth the pathway for victims' vacatur relief process, AB 262 will prevent a court from refusing to hear a victim's petition due to unpaid fines and fees owed or failure to meet probation conditions. With the exception of restitution, this bill will additionally place fines and fees owed by a victim on hold while the petition is pending.

AB 262 also seeks to clarify and expand the Penal Code statute so victims may petition the court at any time, and will specify there is no time limit on when a victim can petition the court for vacatur relief once removed from trafficking. Lastly, this bill will allow victims to appear via counsel rather than in person for court hearings. Should the court deny this, the victim would then be able to petition to appear through electronic means, as established by the court. Not only will this ease the burden and cost of travel for victims, but it will also prevent them from having to return to locales where they endured traumatic experiences.

Victims of human trafficking are exceptions to criminal cases as they are commonly forced to commit various crimes and do so to survive. For those who only have a

criminal record as a result of their will help victims get their lives back and put their traumatic pasts behind them.

SPONSOR

This bill is sponsored by Made For Them, an anti-human trafficking 501(c)(3) in Fresno, California.

CONTACT

Jennifer Garcia

Scheduler/Legislative Aide

Jennifer.Garcia@asm.ca.gov


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

AB-262 Human trafficking: vacatur relief for victims: fines. (2021-2022)

SHARE THIS:



Date Published: 01/15/2021 09:00 PM

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

ASSEMBLY BILL

NO. 262

Introduced by Assembly Member Patterson

January 15, 2021

An act to amend Section 236.14 of the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 262, as introduced, Patterson. Human trafficking: vacatur relief for victims: fines.

Existing law allows a person who was arrested or convicted of a nonviolent offense while they were a victim of human trafficking to petition the court for vacatur relief. Existing law requires the petitioner to establish by clear and convincing evidence that the arrest and conviction was the direct result of being a victim of human trafficking. Existing law requires that a petition be made and heard within a reasonable time after the person has ceased to be a victim of human trafficking, or within a reasonable time after the petitioner has sought services, whichever is later. Existing law allows a petitioner, or the petitioner's attorney, to be excused from appearing in person at a hearing on the petition only if the court finds a compelling reason why the petitioner cannot attend, in which case existing law allows the petitioner to appear by electronic means.

This bill would prohibit a court from refusing to hear the petition on the basis of the petitioner's outstanding fines and fees or the petitioner's failure to meet the conditions of probation. With the exception of restitution, the bill would require that the collection of fines imposed as a result of a nonviolent offense that is the subject of the petition be stayed while the petition is pending. This bill would also allow the petitioner to appear at all hearings on the petition by counsel if the petition is unopposed. The bill would allow a petition to be made and heard at any time after the person has ceased to be a victim of human trafficking, or at any time after the petitioner has sought services for being a victim of human trafficking. The bill would specify that the right to petition for relief pursuant to these provisions does not expire with the passage of time.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 236.14 of the Penal Code is amended to read:

Attachment 3

236.14. (a) If a person was arrested for or convicted of any nonviolent offense committed while ~~he or she~~ **they were** a victim of human trafficking, including, but not limited to, prostitution as described in subdivision (b) of Section 647, the person may petition the court for vacatur relief of ~~his or her~~ **their** convictions and arrests under this section. The petitioner shall establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of human trafficking.

(b) The petition for relief shall be submitted under penalty of perjury and shall describe all of the available grounds and evidence that the petitioner was a victim of human trafficking and the arrest or conviction of a nonviolent offense was the direct result of being a victim of human trafficking.

(c) The petition for relief and supporting documentation shall be served on the state or local prosecutorial agency that obtained the conviction for which vacatur is sought or with jurisdiction over charging decisions with regard to the arrest. The state or local prosecutorial agency shall have 45 days from the date of receipt of service to respond to the petition for relief.

(d) If opposition to the petition is not filed by the applicable state or local prosecutorial agency, the court shall deem the petition unopposed and may grant the petition.

(e) The court may, with the agreement of the petitioner and all of the involved state or local prosecutorial agencies, consolidate into one hearing a petition with multiple convictions from different jurisdictions.

(f) If the petition is opposed or if the court otherwise deems it necessary, the court shall schedule a hearing on the petition. The hearing may consist of the following:

(1) Testimony by the petitioner, which may be required in support of the petition.

(2) Evidence and supporting documentation in support of the petition.

(3) Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction.

(g) After considering the totality of the evidence presented, the court may vacate the conviction and expunge the arrests and issue an order if it finds all of the following:

(1) That the petitioner was a victim of human trafficking at the time the nonviolent crime was committed.

(2) The commission of the crime was a direct result of being a victim of human trafficking.

(3) The victim is engaged in a good faith effort to distance ~~himself or herself~~ **themselves** from the human trafficking scheme.

(4) It is in the best interest of the petitioner and in the interests of justice.

(h) In issuing an order of vacatur for the convictions, an order shall do the following:

(1) Set forth a finding that the petitioner was a victim of human trafficking when ~~he or she~~ **they** committed the offense.

(2) Set aside the verdict of guilty or the adjudication and dismiss the accusation or information against the petitioner.

(3) Notify the Department of Justice that the petitioner was a victim of human trafficking when ~~he or she~~ **they** committed the crime and of the relief that has been ordered.

(i) Notwithstanding this section, a petitioner shall not be relieved of any financial restitution order that directly benefits the victim of a nonviolent crime, unless it has already been paid. ***With the exception of restitution, the collection of fines imposed as a result of a nonviolent offense that is the subject of the petition shall be stayed while the petition is pending.***

(j) A person who was arrested as, or found to be, a person described in Section 602 of the Welfare and Institutions Code because ~~he or she~~ **they** committed a nonviolent offense while ~~he or she was~~ **they were** a victim of human trafficking, including, but not limited to, prostitution, as described in subdivision (b) of Section 647, may petition the court for relief under this section. If the petitioner establishes that the arrest or adjudication was the direct result of being a victim of human trafficking the petitioner is entitled to a rebuttable presumption that the requirements for relief have been met.

(k) If the court issues an order as described in subdivision (a) or (j), the court shall also order the law enforcement agency having jurisdiction over the offense, the Department of Justice, and any law enforcement agency that arrested the petitioner or participated in the arrest of the petitioner to seal their records of the arrest and the court order to seal and destroy the records for three years from the date of the arrest, or within one year after the court order is granted, whichever occurs later, and thereafter to destroy their records of the arrest and the court order to seal and destroy those records. The court shall provide the petitioner a copy of any court order concerning the destruction of the arrest records.

(l) A petition pursuant to this section shall be made and heard ~~within a reasonable~~ *at any* time after the person has ceased to be a victim of human trafficking, or ~~within a reasonable~~ *at any* time after the petitioner has sought services for being a victim of human trafficking, whichever occurs later, subject to reasonable concerns for the safety of the petitioner, family members of the petitioner, or other victims of human trafficking who may be jeopardized by the bringing of the application or for other reasons consistent with the purposes of this section. *The right to petition for relief pursuant to this section does not expire with the passage of time and may be made at any time after the time specified in this subdivision. A court shall not refuse to hear a petition that was properly made pursuant to this section on the basis of the petitioner's outstanding fines and fees or the petitioner's failure to meet the conditions of probation.*

(m) (1) For the purposes of this section, official documentation of a petitioner's status as a victim of human trafficking may be introduced as evidence that their participation in the offense was the result of their status as a victim of human trafficking.

~~(m)~~

~~(2) For the purposes of this section, official documentation of a petitioner's status as a victim of human trafficking may be introduced as evidence that his or her participation in the offense was the result of his or her status as a victim of human trafficking. For the purposes of this~~ subdivision, "official documentation" means any documentation issued by a federal, state, or local agency that tends to show the petitioner's status as a victim of human trafficking. Official documentation shall not be required for the issuance of an order described in subdivision (a).

~~(n) A petitioner, or his or her attorney, If the petition is unopposed, the petitioner may be excused from appearing in person at~~ *appear at all hearings on the petition, if any, by counsel. If the petition is opposed and the court orders a hearing for relief pursuant to this section only if the* ~~on the petition, the petitioner shall appear in person unless the~~ court finds a compelling reason why the petitioner cannot attend the hearing, in which case the petitioner may appear ~~telephonically, via~~ *by telephone*, videoconference, or by other electronic means established by the court.

(o) Notwithstanding any other law, a petitioner who has obtained an order pursuant to this section may lawfully deny or refuse to acknowledge an arrest, conviction, or adjudication that is set aside pursuant to the order.

(p) Notwithstanding any other law, the records of the arrest, conviction, or adjudication shall not be distributed to any state licensing board.

(q) The record of a proceeding related to a petition pursuant to this section that is accessible by the public shall not disclose the petitioner's full name.

(r) A court that grants relief pursuant to this section may take additional action as appropriate under the circumstances to carry out the purposes of this section.

(s) If the court denies the application because the evidence is insufficient to establish grounds for vacatur, the denial may be without prejudice. The court may state the reasons for its denial in writing or on the record that is memorialized by transcription, audio tape, or video tape, and if those reasons are based on curable deficiencies in the application, allow the applicant a reasonable time period to cure the deficiencies upon which the court based the denial.

(t) For the purposes of this section, the following terms apply:

(1) "Nonviolent offense" means any offense not listed in subdivision (c) of Section 667.5.

(2) "Vacate" means that the arrest and any adjudications or convictions suffered by the petitioner are deemed not to have occurred and that all records in the case are sealed and destroyed pursuant to this section. The court shall provide the petitioner with a copy of the orders described in subdivisions (a), (j), and (k), as applicable,

and inform the petitioner that ~~he or she~~ *they* may thereafter state that ~~he or she was~~ *they were* not the charge, or adjudicated or convicted of the charge, that was vacated.

AGENDA ITEM NO. 12.

(3) "Victim of human trafficking" means the victim of a crime described in subdivisions (a), (b), and (c) of Section 236.1.

SUBMIT ON COMPANY/OFFICIAL LETTERHEAD

Assemblymember Jim Patterson
 January 28, 2021 State Capitol, Room 3132
 Sacramento, CA 95814

Re: Support for AB 262: Improving the Record Clearing Process for Victims of Human Trafficking

Dear Assemblymember Patterson

I/we/organization is/am writing to express support for AB 262 (Patterson), which will greatly improve the record clearing process for victims of human trafficking.

California has one of the highest rates for human trafficking within the United States. Once removed from trafficking, victims desire a fresh start on life and seek out secure housing, employment, counseling and involvement within their community. Unfortunately, many victims possess criminal records related to their victimhood which can hinder this desire on numerous levels.

AB 262 will prevent a court from refusing to hear a human trafficking victim's petition to clear their record due to fines owed and/or probation requirements not met. Current law provides that a victim of human trafficking may petition the court for vacatur relief of nonviolent offenses including, but not limited to, prostitution, but they first must pay all fines and meet all probation requirements before petitioning the court to clear their record. In some counties, the court chooses to waive this requirement while others do not—it is up to the discretion of the judge and their interpretation of code. This barrier stops victims from addressing one of the most vital issues preventing them from starting a new life: clearing their record.

Additionally, AB 262 will clarify code to state that a victim can petition the court for vacatur relief at any point in time once removed from trafficking, even 20 years down the road. This bill will also allow a victim of human trafficking to appear at all court hearings via counsel. Many victims have multiple offenses in multiple counties requiring travel to locations where they were either trafficked or lived while in trafficking, making the petitioning process lengthy, time-consuming, costly, and even traumatic.

AB 262 will clarify how and when a victim of human trafficking may petition for vacatur relief, and ease the process along the way. Clearing one's record of crimes they committed directly as a result of their victimhood is the first step towards a new life, and one that cannot be understated for victims trying to leave their traumatic past behind.

INSERT ORGANIZATION'S PARTICULAR INTEREST

For these reasons, *I/we/organization* support(s) AB 262 to improve the record clearing process for victims of human trafficking.

Sincerely,

ORGANIZATION/INDIVIDUAL

Attachment 4



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: February 1, 2021
 SUBJECT: Consider Approval – Res. 21-___, Adopting Emergency Order 2021-01, Suspending Certain City Transit Service Rider Eligibility Requirements for COVID-19 Vaccination Appointment Transportation.

Staff: Luke Serpa, City Manager

Recommendation: Approve

ATTACHMENTS: 1. Resolution 21-___, A Resolution Adopting Emergency Order 2021-01.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to adopt Emergency Services Order 2021-01, suspending certain City transit service rider eligibility requirements for COVID-19 vaccination appointment transportation.

BACKGROUND

On March 16, 2020, the City Council approved the following:

1. A request from the Director of Emergency Services for the City of Clovis that the City Council of the City of Clovis proclaim the existence or threatened existence of a local emergency (COVID-19); and
2. A Resolution of the City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).

On March 21, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-01: Declaration Closing Bars, Wineries, Breweries, Pubs, and Restaurants; and

2. Order 2020-02: Declaration Closing Gyms, Health Clubs, Trampoline Parks, Arcades, and Theaters; and
3. Order 2020-03: Declaration Establishing Emergency Telework Guidelines.

On March 30, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and
2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

On April 6, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-06 related to waiving late fees on business license payments and utility payments; and
2. Order 2020-07 related to waiving municipal code restrictions against parking a recreational vehicle under specific circumstances.

On April 13, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08 related to suspension of employee vacation caps during the declared emergency; and
2. Order 2020-09 related to waiving transit fares during the declared emergency; and
3. Order 2020-04A, an addendum to 2020-04 relating to emergency leave/pay for use by all City of Clovis employees during the declared emergency; and
4. Order 2020-10 related to closing play structures, exercise apparatus, and picnic shelters at City-owned parks; and
5. Order 2020-11 related to local enforcement of Governor's Executive Order pertaining to the statewide stay at home requirements; and
6. Order 2020-12 relating to enforcement of local emergency orders.

On April 20, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency.

On May 4, 2020, the City Council approved an emergency order as follows:

1. Order 2020–13 in order to add clarity to the City’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (City parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the City’s enforcement responsibilities.

On June 1, 2020, the City Council approved an emergency order as follows:

1. Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.

On July 20, 2020, the City Council approved an emergency order as follows:

1. Order 2020–15 allowing Retail and Service to use Public and Private common areas.

On August 3, 2020, the City Council approved an emergency order as follows:

1. Order 2020–16 assisting local developers in Clovis by suspending the expiration of specified land use entitlements.

On December 14, 2020, the City Council approved an emergency order as follows:

2. Order 2020–4B providing paid administrative leave time for those employees who have exhausted their COVID leave time and are required to quarantine due to a workplace exposure.

Staff is now bringing forth for Council to adopt by resolution Emergency Order 2021–01, (Attachment 1), related to transportation to/from COVID-19 vaccination sites for Clovis seniors age 65+.

FISCAL IMPACT

Emergency Order 2021-01 will have a financial impact by providing additional passenger trips on Roundup Transit service. Depending upon the number of trips provided and the duration of the emergency, costs could exceed \$100,000. However, due to COVID-19, Transit ridership is significantly lower than normal leaving the Transit section with sufficient staffing and equipment to provide this alternate service for the betterment of the health of the community.

Prepared by: John Holt, Assistant City Manager

Reviewed by: City Manager *JH*

**CITY OF CLOVIS
RESOLUTION NO. 21- ___
EMERGENCY ORDER 2021-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING
EMERGENCY ORDER 2021-01, SUSPENDING CERTAIN CITY TRANSIT
SERVICE RIDER ELIGIBILITY REQUIREMENTS FOR COVID-19 VACCINATION
APPOINTMENT TRANSPORTATION**

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

WHEREAS, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, allowing only essential businesses to remain open; and

WHEREAS, following the unprecedented development of multiple vaccines for the COVID-19 virus the administration of the vaccines has been underway for more than a month, and the City has determined that the Clovis Roundup transit service for the City of Clovis should be made available to assist in the vaccination process by being made available to transport City residents to and from vaccination appointments within the Clovis Roundup service area (as depicted in Attachment 1 hereto) and as provided herein; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

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

IT IS HEREBY ORDERED, effective immediately upon adoption of this Resolution, that:

1. Notwithstanding anything to the contrary in the City’s transit service policies and regulations, the Clovis Roundup transit service shall be available to assist in the COVID-19 vaccination process as follows:

(a) Any individual at least 65 years old who resides in the City’s current Clovis Roundup service area (Attachment A of Attachment 1) is eligible to utilize the Clovis

Roundup transit service for the purposes of transport to and/or from a COVID-19 vaccination appointment at an approved vaccination location within the Clovis Roundup service area (Attachment B of Attachment 1).

(b) Any individual eligible under (a) above shall be entitled to be accompanied by one (1) caregiver, and the City’s Americans with Disabilities Act application and approval process for determining Roundup service eligibility is hereby suspended for any individual eligible under (a) above.

(c) Clovis Roundup transit services pursuant to this Order shall be based on staff and vehicle availability, available capacity, and appointment.

(d) The Director of Emergency Services and any designee is authorized to take such reasonable actions as may be necessary to implement this Order, including but not limited to determining rider eligibility, determining and modifying transit services and service levels to accommodate demand.

BE IT FURTHER ORDERED that this Order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: February 1, 2021

Mayor

City Clerk

