



# CITY of CLOVIS

## AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

May 1, 2023

6:00 PM

Council Chamber

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

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

### **Written Comments**

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

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



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

## **Verbal Comments**

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

## **Webex Participation**

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

## **CALL TO ORDER**

### **FLAG SALUTE - Councilmember Mouanoutoua**

## **ROLL CALL**

## **PRESENTATIONS/PROCLAMATIONS**

1. Presentation of Proclamation declaring May 2023, as Older Americans Month.
2. Update on the 2023 Trail Fest to be held on May 6, 2023.

**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.

- [3.](#) Administration - Approval - Minutes from the April 10, 2023, and April 14, 2023, Council Meetings.
- [4.](#) Administration – Approval – Award the Request for Proposals to Zones for the purchase of twenty (20) Mobile Data Computers in the amount of \$97,710.00 plus tax.
- [5.](#) General Services – Approval – Res. 23-\_\_\_\_, Authorizing the Execution of the Certificates of Assurances for the Low Carbon Transit Operations Program (LCTOP), and Submittal of Two (2) Projects for Fiscal Year 2022-2023.
- [6.](#) Planning and Development Services – Approval – Final Acceptance for CIP 21-06 Modular Training Facility.
- [7.](#) Planning and Development Services – Approval – Final Acceptance for CIP 18-12 Fire Station 6.
- [8.](#) Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6349, located east of Locan Avenue, between Barstow Avenue and Shaw Avenue (DYP 6260, LP (De Young Properties)).
- [9.](#) Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP (Wilson Homes)).
- [10.](#) Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6273, located at the northwest corner of Ashlan Avenue and Armstrong Avenue (Joseph Crown Construction and Development, Inc.)
- [11.](#) Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6225, located at the northeast corner of Ashlan Avenue and Locan Avenue (Wilson Premier Homes, Inc.). **Councilmember Vong Mouanoutoua has a conflict of interest on this item.**
- [12.](#) Public Utilities – Approval – Preliminary Engineer's Report; and Approval – Res. 23-\_\_\_\_, a Resolution Declaring the City's Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

## **COUNCIL ITEMS**

- [13.](#) Consider Approval – Appointments to Personnel Commission and Planning Commission.

**Staff:** Councilmember Bessinger  
**Recommendation:** Approve

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

14. Consider Approval – Res. 23-\_\_\_\_, A Resolution Declaring the Intention to levy and collect assessments for Fiscal Year 2023-24, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2023-24 Preliminary Engineer’s Report, and setting a Public Hearing for June 19, 2023, or at such time thereafter for Area 1 of Benefit Assessment District No. 95-1 (Blackhorse Estates)

**Staff:** Sean Smith, Supervising Civil Engineer

**Recommendation:** Approve

15. Consider Denial – A request to allow backyard chickens in the City of Clovis.

**Staff:** George Rodriguez, Police Services Manager

**Recommendation:** Deny

**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.

16. Consider items associated with the Annual Military Equipment Report.

a. Annual Review of Ordinance 22-03, Clovis Police Department Policy 706, and the 2023 Annual Military Equipment Report.

b. Approval - Res. 23-\_\_\_\_, Renewing Ordinance 22-03 and Clovis Police Department Policy 706.

**Staff:** Curt Fleming, Chief of Police / Craig Aranas, Police Lieutenant

**Recommendation:** Approve

17. Consider various items associated with approximately 1.04 acres of land located on the north side of Alluvial Avenue, between Sunnyside and Fordham Avenues. Stallion Development and Construction – Arman Zakaryan, owner/applicant; Dan Zack, representative.

a. Consider vacating the denial of GPA2022-001 from the March 6, 2023, Council meeting with a vote of 3-1-1 where Councilmember Mouanoutoua voted against the denial and where Councilmember Pierce was absent.

b. Reconsider Approval - Res. 23-\_\_\_\_, GPA2022-001, A request to amend the General Plan to re-designate the subject property from the Low Density Residential (2.1-4.0 DU/Ac) classification to the Medium High (7.1-15.0 DU/Ac) classification.

c. Reconsider Introduction - Ord. 23-\_\_\_\_, R2022-001, A request to rezone the subject property from the R-1-7500 (Single-family Residential, 7,500 sf) Zone District to the R-2 (Multifamily Medium-High Density Residential) Zone District.

**Staff:** Lily Cha, AICP, Senior Planner

**Recommendation:** Approve

## **CITY MANAGER COMMENTS**

## **COUNCIL COMMENTS**

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

18. Government Code Section 54956.9(d)(1)  
**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Case Name: Desiree Martinez v. City of Clovis, et al., Case No. F082914

## **ADJOURNMENT**

## **FUTURE MEETINGS**

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

May 8, 2023 (Mon.)  
May 15, 2023 (Mon.)  
June 5, 2023 (Mon.)  
June 12, 2023 (Mon.)  
June 19, 2023 (Mon.)

CITY of CLOVIS  
PROCLAMATION

## Declaring May as Older Americans Month

*WHEREAS, our county includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and*

*WHEREAS, our communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and*

*WHEREAS, both Valley Caregiver Resource Center and the Fresno-Madera Agency on Aging recognize the need to create a community that offers the services and supports older adults may need to make choices about how they age; and*

*WHEREAS, the Clovis Senior Activity Center is a trusted partner and continues to lead the way in providing meaningful programs, activities, and events for adults 50 years and better; and*

*WHEREAS, together our agencies work to build an even better community for our Older Americans by:*

- *Not limiting our thinking about aging*
- *Exploring and combating stereotypes*
- *Emphasizing the many positive aspects of aging*
- *Inspiring older adults to push past traditional boundaries; and*
- *Embracing our community's diversity*

*NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council, on behalf of the citizens of Clovis, declare May 2023, as*

## Older Americans Month

*IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed this 1<sup>st</sup> day of May, 2023.*



  
\_\_\_\_\_  
Mayor

**CLOVIS CITY COUNCIL MEETING**

**April 10, 2023**

**6:00 P.M.**

**Council Chamber**

Meeting called to order by Mayor Ashbeck  
Flag Salute led by Councilmember Basgall

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

**PRESENTATION – 6:02**

**6:02** ITEM 1 -PRESENTATION BY EXECUTIVE DIRECTOR OF YOUTH VOICE IMPACT, INC. YASMINE CREESE-BROWN ON THE YOUTH EMPOWERED AFFORDABLE HOUSING SUMMIT TO BE HELD AT CALIFORNIA STATE UNIVERSITY FRESNO ON APRIL 21 / 22, 2023.

**PUBLIC COMMENTS – 6:06**

Don Watnick, resident, requested for the City Council to consider placing crosswalks near the Clovis Veterans Memorial District building on Fourth Street and Veterans Parkway.

**CONSENT CALENDAR – 6:09**

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

- 2. Administration - Approved - Minutes from the April 3, 2023, Council Meeting.
- 3. Finance – Received and Filed – Investment Report for the Month of November 2022.
- 4. Finance – Received and Filed – Treasurer’s Report for the Month of November 2022.
- 5. General Services – Approved – **Res. 23-25**, Amending the City’s FY 2022-2023 Position Allocation Plan by adding five (5) full time Utility Worker positions to convert five (5) extra help budgeted Utility Workers within the Public Utilities Department.
- 6. General Services – Approved – **Res. 23-26**, Authorizing the City Manager to Execute and File Applications, Certifications and Assurances, and Grant and Cooperative Agreements with the Federal Transit Administration.
- 7. Planning and Development Services – Approved – Final Acceptance for CIP 15-13, Landfill Left Turn Lane.
- 8. Public Utilities – Approved – Waive Formal Bidding Requirements and Authorize the Purchase of a 2024 Ford F750 Super Duty Truck from Future Ford of Clovis in the amount of \$97,268.98.

**ADMINISTRATIVE ITEMS – 6:10**

**6:10** ITEM 10 - CONSIDERED – A REQUEST FROM THE CLOVIS UNIFIED SCHOOL DISTRICT BOARD FOR THE CITY OF CLOVIS TO TEMPORARILY PROVIDE WATER

AND SEWER SERVICES TO THE FUTURE TERRY BRADLEY EDUCATIONAL CENTER, LOCATED BETWEEN LEONARD AND HIGHLAND AVENUES NORTH OF MCKINLEY AVENUE, IN UNINCORPORATED FRESNO COUNTY AND WITHIN THE CITY OF FRESNO'S SPHERE OF INFLUENCE.

Denver Stairs, CUSD Representative, commented on the planning process of the Terry Bradley Educational Center and provided that CUSD is no longer requesting for water services from the City of Clovis as they will be working with the City of Fresno for a water connection. If CUSD is not able to receive water from the City of Fresno, they will move forward with putting in their own onsite wells. However, CUSD is still requesting for sewer services from the City of Clovis.

Jeff Harris, Wilson Homes Representative, spoke in support of CUSD developing the Terry Bradley Educational Center but shared concerns regarding specifications and the term of the agreement with the City of Fresno which could have possible impacts to future planning of development.

Mike Prandini, Business Industry Association Representative, spoke in support of CUSD developing the Terry Bradley Educational Center but shared concerns regarding working with the City of Fresno due to Fresno's delayed efforts to develop the subject area which would provide students to the Terry Bradley Center.

It was the consensus of the City Council to direct staff to move forward and begin the analysis of a sewer connection and determine recommended charges and fees. In addition, work with CUSD on an agreement between the required parties.

**6:58 ITEM 9 - RECEIVED AND FILED – WATER AND SEWER MAJOR FACILITIES WORKSHOP.**

Jeff Harris, Wilson Homes Representative, commented on the City Council's policy regarding water and sewer strategies over the years and suggested that the City consider focusing on multiple development areas and not wait out the development of a single area at a time.

Dirk Poeschel, Land Use Consultant, recommended for the City to consider creative solutions to develop the northeast area as it will be an area which will generate a significant number of jobs.

Yohanes M., asked City staff to further elaborate on how the enterprise fund is being used other than for operations and maintenance, and what is the City's policy for using the enterprise fund for capital projects.

**COUNCIL ITEMS – 8:33**

**8:33 ITEM 11 - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.**



Brandon De Young, De Young Properties Representative, requested for the City to include De Young Properties in workshops as they are not a part of the Business Association Industry and have not been notified of the workshops.

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

**8:36** ITEM 12 - APPROVED – TO SUBMIT A LETTER OF OPPOSITION FOR ASSEMBLY BILL 595– ESSAYLI - ANIMAL SHELTERS: 72-HOUR PUBLIC NOTICE: EUTHANASIA: STUDY.

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

**CITY MANAGER COMMENTS – 8:42**

**COUNCIL COMMENTS – 8:42**

**CLOSED SESSION – 8:43**

ITEM 13 - GOVERNMENT CODE SECTION 54956.9(D)(4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION DECIDING WHETHER TO INITIATE LITIGATION ONE POTENTIAL CASE

ITEM 14 - GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION CASE NAME: DESIREE MARTINEZ V. CITY OF CLOVIS, ET AL., CASE NO. F082914

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

Mayor Ashbeck adjourned the meeting of the Council to April 14, 2023

Meeting adjourned: 9:55 p.m.

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Mayor

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City Clerk

**CLOVIS CITY COUNCIL SPECIAL MEETING**

**April 14, 2023**

**8:00 A.M. Clovis Police and Fire Headquarters, EOC**

Meeting called to order by Mayor Ashbeck at 8:30

Flag Salute led by Councilmember Bessinger

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

- John Holt, City Manager
- Andrew Haussler, Assistant City Manager
- Scott Cross, City Attorney
- Karey Cha, City Clerk
- Chad McCollum, Economic Development, Housing & Communications Director
- Jay Schengel, Finance Director
- John Binaski, Fire Chief
- Shonna Halterman, General Services Director
- Renee Mathis, Planning & Development Services Director
- Curt Fleming, Police Chief
- Scott Redelfs, Public Utilities Director

**PUBLIC COMMENTS – 8:30**

None.

**ADMINISTRATIVE ITEMS – 8:30**

8:30 ITEM 1 - Workshop – FOR THE CITY COUNCIL TO CONDUCT A WORKSHOP TO REVIEW THE CITY'S CURRENT VISION, MISSION AND GOALS IN PREPARATION FOR UPDATING THE CITY'S STRATEGIC PLAN.

The City Council and City staff discussed assumptions, challenges, and opportunities to consider as the City's vision, mission, and goals are updated. The trending topics that were discussed included: workforce challenges, housing challenges, growth and development, local control, funding, City services, communication and access to information, and civic education and engagement. The next steps will be for the departments to review and update the City's priority goals and get public input by hosting a Facebook Live and/or disseminating surveys.

Jeff Harris, Wilson Homes Representative, commented on the housing challenges in Clovis and recommended that the City consider establishing committees to help address various issues. Additionally, he recommended that the City consider implementing signage to the existing neighborhoods that have been branded, such as Helm Ranch/Harlan Ranch, that they are a Clovis community. This may also potentially help establish neighborhood groups that can be appointed to speak on behalf of their neighborhoods. These groups may be

tasked by the City Council to bring the issues within their neighborhoods to the Council. This will provide residents with an opportunity for civic engagement, foster a sense of belonging, and potentially serve public safety.

Mayor Ashbeck adjourned the meeting to a break at 9:50 a.m.

Mayor Ashbeck called the meeting to order at 10:00 a.m.

Councilmember Basgall left the meeting at 11:03 a.m.

Mayor Ashbeck adjourned the meeting of the Council to May 1, 2023.

Meeting adjourned: 11:30 a.m.

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Mayor

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City Clerk



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 1, 2023

SUBJECT: Administration – Approval – Award the Request for Proposals to Zones for the purchase of twenty (20) Mobile Data Computers in the amount of \$97,710.00 plus tax.

ATTACHMENTS: None

### **CONFLICT OF INTEREST**

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

### **RECOMMENDATION**

For the City Council to Award the Request for Proposals to Zones for the purchase of twenty (20) Mobile Data Computers in the amount of \$97,710.00 plus tax.

### **EXECUTIVE SUMMARY**

Included in the 2022-2023 Budget are funds to purchase replacement Mobile Data Computers (MDCs). The MDCs are to provide connectivity with various applications used to provide needed information and to increase efficiencies to perform their jobs in the field.

Staff conducted a Request for Proposals (RFP) from vendors using the City's online bidding system in March 2023 and received fourteen responses. Zones submitted the lowest priced and complete proposal.

### **BACKGROUND**

Every police vehicle is outfitted with Mobile Data Computers (MDC) to receive and send information on calls assigned to the officer.

In an effort to better serve the public by keeping officers on the street doing their duties, all MDCs are being standardized to a laptop configuration. This is consistent with what other public safety agencies across the nation have adopted. Utilizing laptop computers have helped achieve the following benefits:

- Reduced amount of down time.
- Easier to exchange laptops from one vehicle to the next.
- Repair costs have been greatly reduced.
- Reduced cost of deployment.
- Allowed for consistent environmental conditions for computers.

Staff requested proposals from vendors using the City's online bidding system on March 9, 2023. The vendors were to provide pricing for the twenty (20) MDCs, keyboards/docks, a five-year warranty and shipping.

There were 364 vendors notified. Staff received fourteen (14) responses including three that were incomplete. The pricing comparison, before tax, for the eleven (11) complete proposals is as follows:

Vendor	Total
Zones, Inc.	\$97,710.00
Ingram Technologies LLC	\$99,100.00
Lehr Auto Electric	\$99,663.60
Southland Technology, Inc	\$99,990.00
COA Associates LLC	\$104,018.80
Insight Public Sector	\$107,136.40
Hypertec USA Inc.	\$109,375.00
Tech Service Solutions LLC	\$113,391.00
Iron Bow	\$115,048.40
DataGear Inc.	\$116,637.40
Howard Industries Inc.	\$126,720.00

Based on the above comparison, staff is recommending the purchase the Panasonic Toughbook laptops from Zones, Inc. for an amount of \$97,710.00 plus tax. Zones submitted the lowest priced responsible proposal.

#### **FISCAL IMPACT**

There are sufficient funds allocated in the Information Technology Division budget for the purchase of these Panasonic Toughbook laptops.

#### **REASON FOR RECOMMENDATION**

The City has standardized on Panasonic Laptops for vehicles as they have proven to be very reliable and able to stand up to the rigors of the mobile work environment.

#### **ACTIONS FOLLOWING APPROVAL**

Staff will purchase the budgeted Panasonic Laptops. As the Laptops arrive, they will be setup and installed in the vehicles for immediate use.

Prepared by: Jesse Velez, IT Deputy Director  
 Reviewed by: City Manager *AH*



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: May 1, 2023

SUBJECT: General Services – Approval – Res. 23-\_\_\_\_, Authorizing the Execution of the Certificates of Assurances for the Low Carbon Transit Operations Program (LCTOP), and Submittal of Two (2) Projects for Fiscal Year 2022-2023.

ATTACHMENTS: 1. Resolution 23-\_\_\_\_

### **CONFLICT OF INTEREST**

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

### **RECOMMENDATION**

For the City Council to approve a resolution authorizing the execution of the Certificates of Assurance for the Low Carbon Transit Operations Program (LCTOP), and submittal of two (2) projects for fiscal year 2022-2023.

### **EXECUTIVE SUMMARY**

The City of Clovis is eligible for annual allocations of Low Carbon Transit Operations Program (LCTOP) funds effective FY 2014-2015. At least 50% of the funds must be spent in a manner which provides a direct, meaningful, and assured benefit to the designated disadvantaged areas. According to the California Air Resources Board CalEnviroScreen Tool, the disadvantaged areas in the City of Clovis are bordered by Gettysburg Avenue, Winery Avenue, Bullard Avenue, Villa Avenue, Herndon Avenue, and Clovis Avenue.

Caltrans administers the LCTOP project funding and requires City Council approval of the Certifications and Assurances document (Attachment 1A). The document lists the application, reporting requirements, and authorizes the General Services Manager to oversee the grant for the City of Clovis.

In addition, Caltrans requires approval of the application of the FY 2022-2023 projects. This year's projected allocation of \$340,763 will be applied to two (2) projects. The first project is for

the final year of a multiple-year cumulative allocation to purchase a battery-electric bus. The remaining FY 2022-2023 allocation funds will be designated to a second project for bus stop improvements.

## **BACKGROUND**

The LCTOP is one of several programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 by SB 862. Beginning in FY 2015-2016 and beyond, five percent (5%) of the annual auction proceeds of the Greenhouse Gas Reduction Fund will be appropriated for LCTOP. The City of Clovis is eligible for funding on a formulaic basis. This program was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility with an emphasis on serving disadvantaged communities. At least 50% of the funds must be spent in a manner which provides a direct, meaningful, and assured benefit to the designated disadvantaged areas. In the City of Clovis, the disadvantaged areas according to the California Air Resources Board CalEnviroScreen tool are bordered by Gettysburg Avenue, Winery Avenue, Bullard Avenue, Villa Avenue, Herndon Avenue, and Clovis Avenue.

Caltrans administers the LCTOP project funding and the required reporting. Caltrans is requiring City Council approval of the Certifications and Assurances document (Attachment 1A). The document lists the application and reporting requirements and authorizes the General Services Manager to oversee the grant for the City of Clovis.

Also included in the resolution is approval of two (2) projects for the FY 2022-2023 allocation request. The projected FY 2022-2023 allocation, \$340,763, will be divided into two (2) projects: \$80,118 as the fourth and final year's allocation will be combined with previous allocations for the purchase of a battery-electric bus, and the remainder \$260,645 will be applied to a second project for bus stop improvements. Prior and future allocations will be combined and utilized to fulfill both projects.

## **FISCAL IMPACT**

Revenue from the FY 2022-2023 LCTOP allocation in the amount of \$340,763 will be allocated to the Transit Fund. These funds will be combined with past and future allocations.

## **REASON FOR RECOMMENDATION**

The resolution and Certifications and Assurances documents are required by Caltrans for LCTOP funds.

## **ACTIONS FOLLOWING APPROVAL**

Staff will submit a copy of the resolution and the signed Certifications and Assurances documents to Caltrans. The General Services Manager will continue to apply for the LCTOP annual funding and will complete required program reporting and documentation requirements.

Prepared by: Susanna Herrera, Management Analyst

Reviewed by: City Manager *AH*

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AUTHORIZING THE GENERAL SERVICES MANAGER TO EXECUTE THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FOR THE FOLLOWING PROJECTS:  
BATTERY ELECTRIC BUS PURCHASE \$80,118 AND  
BUS STOP IMPROVEMENTS \$260,645**

**WHEREAS**, the City of Clovis is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

**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 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

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

**WHEREAS**, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

**WHEREAS**, the City of Clovis wishes to delegate authorization to execute these documents and any amendments thereto to Amy Hance, General Services Manager; and

**WHEREAS**, the City of Clovis wishes to implement the following LCTOP projects listed above; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Clovis agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Clovis authorizes Amy Hance, General Services Manager, to execute all required documents of the LCTOP program and any amendments thereto with the California Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Clovis hereby authorizes the submittal of the following project nominations and allocation requests to the Department in FY2022-2023 LCTOP Funds: Battery Electric Bus Purchase \$80,118 and Bus Stop Improvements \$260,645.



\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 1, 2023, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 1, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**FY 2022-2023 LCTOP**

**Authorized Agent**

**AS THE** General Services Director  
(Chief Executive Officer/Director/President/Secretary)

**OF THE** City of Clovis  
(Name of County/City/Transit Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Amy Hance, General Services Manager OR  
(Name and Title of Authorized Agent)

Click here to enter text. OR  
(Name and Title of Authorized Agent)

Click here to enter text. OR  
(Name and Title of Authorized Agent)

Click here to enter text. OR  
(Name and Title of Authorized Agent)

Shonna Halterman General Services Director  
(Print Name) (Title)

\_\_\_\_\_  
(Signature)

Approved this 13 day of April, 2023

**ATTACHMENT 1A**

## Certifications and Assurances

**Lead Agency:** City of Clovis

**Project Title:** Battery Electric Bus Purchase & Bus Stop Improvements

**Prepared by:** Amy Hance

The California Department of Transportation (Caltrans) has adopted the following Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). As a condition of the receipt of LCTOP funds, Lead Agency must comply with these terms and conditions.

### A. General

1. The Lead Agency agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
2. The Lead Agency must submit to Caltrans a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

### B. Project Administration

1. The Lead Agency certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The Lead Agency assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The Lead Agency certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The Lead Agency certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on LCTOP funds must be used only on approved LCTOP projects.
8. The Lead Agency must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).

9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

### **C. Reporting**

#### **1. The Lead Agency must submit the following LCTOP reports:**

- a. **Annual Project Activity Reports October 27<sup>th</sup> each year.**
- b. **A Close Out Report within six months of project completion.**
- c. **The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.**
- d. **Project Outcome Reporting as defined by CARB Funding Guidelines.**
- e. **Jobs Reporting as defined by CARB Funding Guidelines.**

2. Other Reporting Requirements: CARB develops and revises Funding Guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with CARB's Funding Guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

### **D. Cost Principles**

1. The Lead Agency agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The Lead Agency agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
  - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and
  - b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with

Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3. Any project cost for which the Lead Agency has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the Lead Agency to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs submit to repayment by the Lead Agency to the State. Should the Lead Agency fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the Lead Agency from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

#### **A. Record Retention**

1. The Lead Agency agrees and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP) and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and

documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency shall furnish copies thereof if requested.

3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

**F. Special Situations**

Caltrans may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at Caltrans' discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

Amy Hance

*(Print Authorized Agent)*

General Services Manager

*(Title)*

*(Signature)*

*(Date)*



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 21-06 Modular Training Facility.

ATTACHMENTS: 1. Vicinity Map

### **CONFLICT OF INTEREST**

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

### **RECOMMENDATION**

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

### **EXECUTIVE SUMMARY**

The project consists of the construction of the Modular Training Facility located at the northeast corner of Lind Avenue & Pontiac Way. This facility is currently being used as temporary housing for Fire Station 2 staff.

### **BACKGROUND**

Bids were received on December 14, 2021, and the project was awarded by the City Council to the low bidder, Fortune-Ratliff General Contractors, Inc. on January 10, 2022. The project was completed in accordance with the construction documents and the contractor has submitted a request for acceptance of the project.

**FISCAL IMPACT**

1.	Award	\$2,342,502.00
2.	Cost increases/decreases resulting from differences between estimated quantities used for award and actual quantities installed.	(\$ 00.00)
3.	Contract Change Orders	
	CCO 1	\$ 7,420.00
	CCO 2	\$ 59,100.00
4.	Liquidated Damages	\$0.00

<b>Final Contract Cost</b>	<b>\$ 2,409,022.00</b>
----------------------------	------------------------

The change orders covered items that were not part of the original scope of work at the time of bid or were unforeseen site conditions.

Change Order 01 included the following items: a building dedication plaque, revised casework hardware, change in carpet tiles, relocation of the building footprint due to existing PG&E lines found during construction, a credit for owner-supplied network switch, and a fire alarm system control panel upgrade.

Change Order 02 included the following items: addition of urinals, ceiling fans, data jacks, electrical receptacles, protective bollards and threshold at shower and restroom doors; additional site paving work; simulated brick veneer time and materials; relocation of electrical box; credit for ceiling tiles and owner-furnished shower curtains; removal of projectors and screens from project scope.

This project was approved in the Community Investment Program 2021-22 fiscal year budget and was funded by the General Government Services Facilities Fund through the City Community Investment Program.

**REASON FOR RECOMMENDATION**

The Public Utilities Department, the City Engineer, the Engineering Inspector, and the Project Engineer agree that the work performed by the contractor is in accordance with the project plans and specifications and has been deemed acceptable. The contractor, Fortune-Ratliff General Contractors, Inc., has requested final acceptance from the City Council.

**ACTIONS FOLLOWING APPROVAL**

1. The Notice of Completion will be recorded; and
2. All remaining retention funds will be released no later than 35 calendar days following recordation of the notice of completion, provided no liens have been filed. Retention funds may



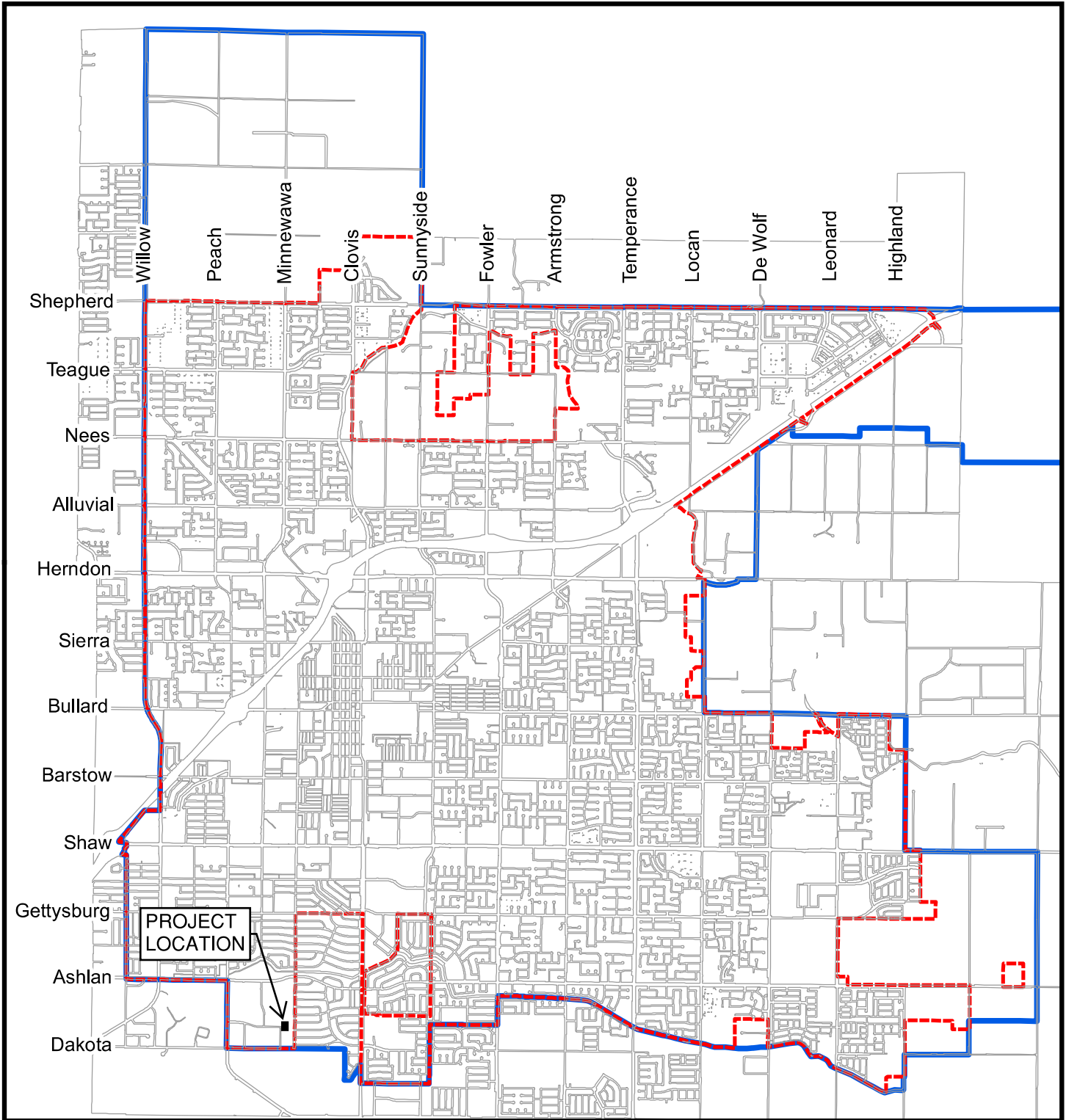
be released within 60 days after the date of completion, provided no liens have been filed, with "completion" defined as the earlier of either (a) beneficial use and occupancy and cessation of labor, or (b) acceptance by the City Council per Public Contract Code Section 7107(c)(2).

Prepared by: Rami Abunamous, Engineering Inspector

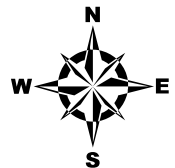
Reviewed by: City Manager AA

# VICINITY MAP

## CIP 21-06 MODULAR TRAINING FACILITY



### Attachment 1





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 1, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for CIP 18-12 Fire Station 6.

ATTACHMENTS: 1. Vicinity Map

### **CONFLICT OF INTEREST**

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

### **RECOMMENDATION**

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

### **EXECUTIVE SUMMARY**

The project involved construction of a new fire station building including all associated site work and communications tower at the intersection of Loma Vista Parkway and Encino Avenue near the Loma Vista Village Green park that is currently under construction.

### **BACKGROUND**

The bid opening was on December 22, 2020, and the project was awarded by City Council on January 11, 2021, to the lowest responsible bidder, which was determined to be Seals Construction, Inc. The project was completed in accordance with the construction documents. The contract time was extended by 69 calendar days due to unforeseen unstable overly saturated soil and a series of changes required to complete the project.

The project was completed, and a Certificate of Occupancy was issued by the Building Department on July 29, 2022. The Fire Station 6 was operational by August 8, 2022. Between August 2022 to March 2023, there were punch list items valued at approximately \$50,000 that were being disputed by the contractor. All the punch list items have been resolved and the project is ready for final acceptance. Retention funds have been released in accordance with Public Contract Code Section 7107(c)(2) which required the City to release retention within 60 days after occupancy. The project is under a two-year warranty.

**FISCAL IMPACT**

1. Contract Award Amount		\$5,308,040.00
2. Cost Increases/Decreases		\$0.00
3. Contract Change Orders		\$596,081.10
i. Joint Trench Dry Utilities	\$	241,019.64
ii. Project Extended Overhead	\$	60,000.00
iii. Communication Tower Modifications	\$	59,061.14
iv. Unforeseen Unstable Overly Saturated Soil	\$	57,806.44
v. Fire Sprinkler & HVAC System Modifications	\$	48,895.29
vi. Other Changes	\$	129,298.59
4. Liquidated Damages Assessed		\$0.00

**Final Contract Cost**

**\$5,904,121.10**

A summary of the change orders is in the table above. The change orders covered items that were not part of the original scope of work at the time of bid or were unforeseen site conditions. *Item 3i* included labor, equipment & materials to provide a joint trench for dry utilities and extend gas, AT&T and Comcast services from Leonard Avenue to the Fire Station approximately 1,400 LF. *Item 3.ii* covered extended project overhead as a result of the contract time extension and complications with AT&T utility service. *Item 3.iii* provided additional equipment for the communications tower. *Item 3.iv* was an unforeseen condition encountered at the site due to unstable overly saturated soil that required additional earthwork to reduce project delay. *Item 3.v* included modifications to the fire sprinkler system and the HVAC system due to conflicts with the overhead doors. The remaining changes were needed to complete the project and meet the design intent.

The Project was supported by Fire Department Development Impact Fees. There were not sufficient fees in the Fire Department Development Impact fund at the time of the project award to pay for the project. The Water Fund loaned \$5,000,000 to the General Government Services Fund to finance the construction of Fire Station 6.

**REASON FOR RECOMMENDATION**

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

**ACTIONS FOLLOWING APPROVAL**

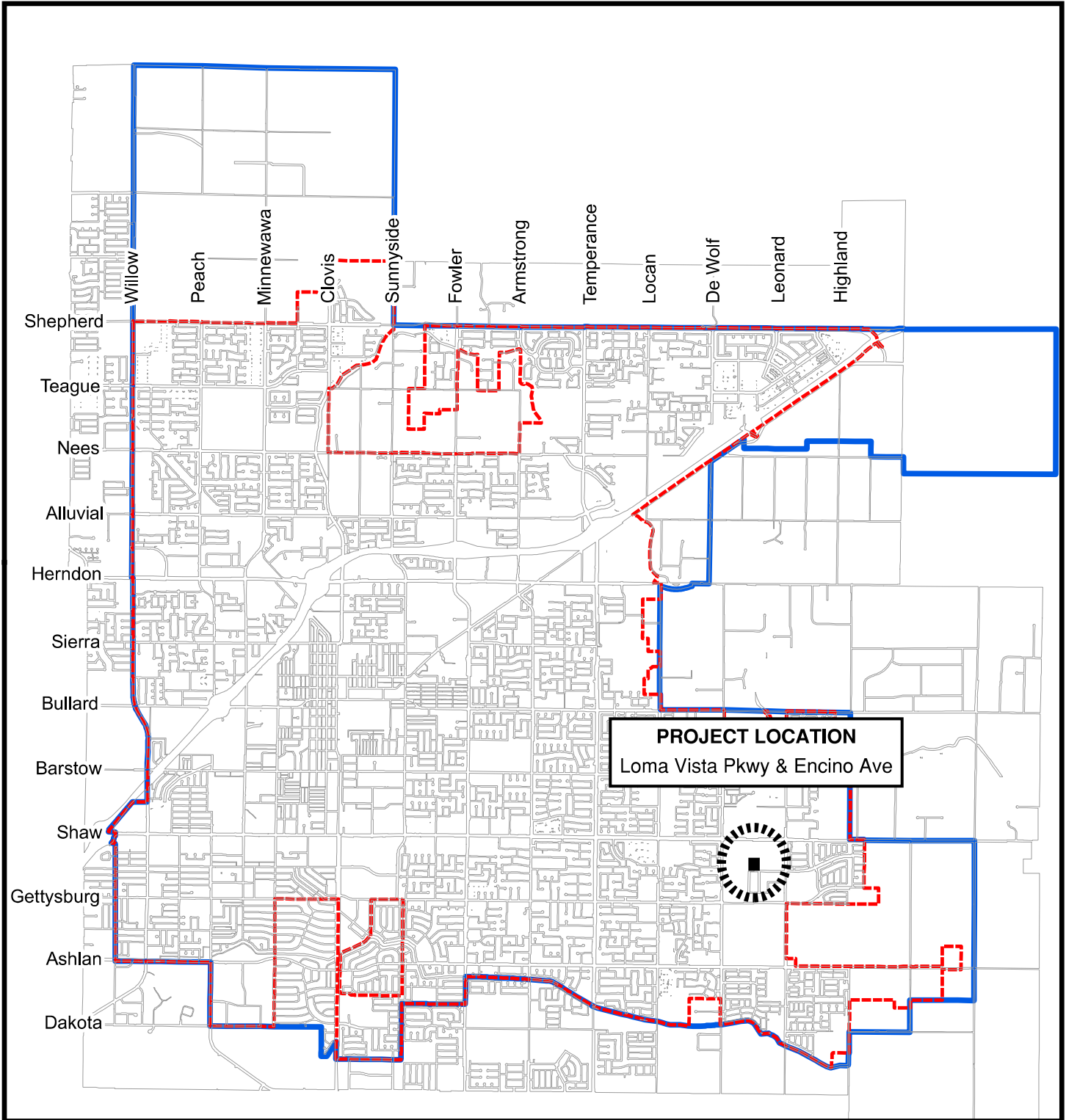
The notice of completion will be recorded.

Prepared by: Jose Sandoval, Project Engineer

Reviewed by: City Manager *AA*

# VICINITY MAP

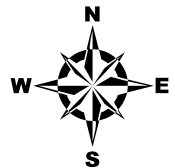
## CIP 18-12 Fire Station 6



**PROJECT LOCATION**  
Loma Vista Pkwy & Encino Ave



Attachment 1





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6349, located east of Locan Avenue, between Barstow Avenue and Shaw Avenue (DYP 6260, LP (De Young Properties)).

ATTACHMENTS: 1. Vicinity Map

### CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent DYP 6260, LP (De Young Properties) since January 1, 2023 (Government Code 84308).

### RECOMMENDATION

For the City Council to:

1. Accept the public improvements for Tract 6349, and authorize recording the Notice of Completion; and
2. Authorize the release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, (provided no lien have been filed) and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period and provided any defective work has been repaired to the City's satisfaction.

### EXECUTIVE SUMMARY

The owner, DYP 6260, LP (De Young Properties), has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

All landscaping, including sidewalks along the side yards of lots have been constructed. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

**FISCAL IMPACT**

The cost for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated to the annual maintenance budget of the Public Utilities Department as these costs are identified.

**REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required, and the appropriate sureties are released.

**ACTIONS FOLLOWING APPROVAL**

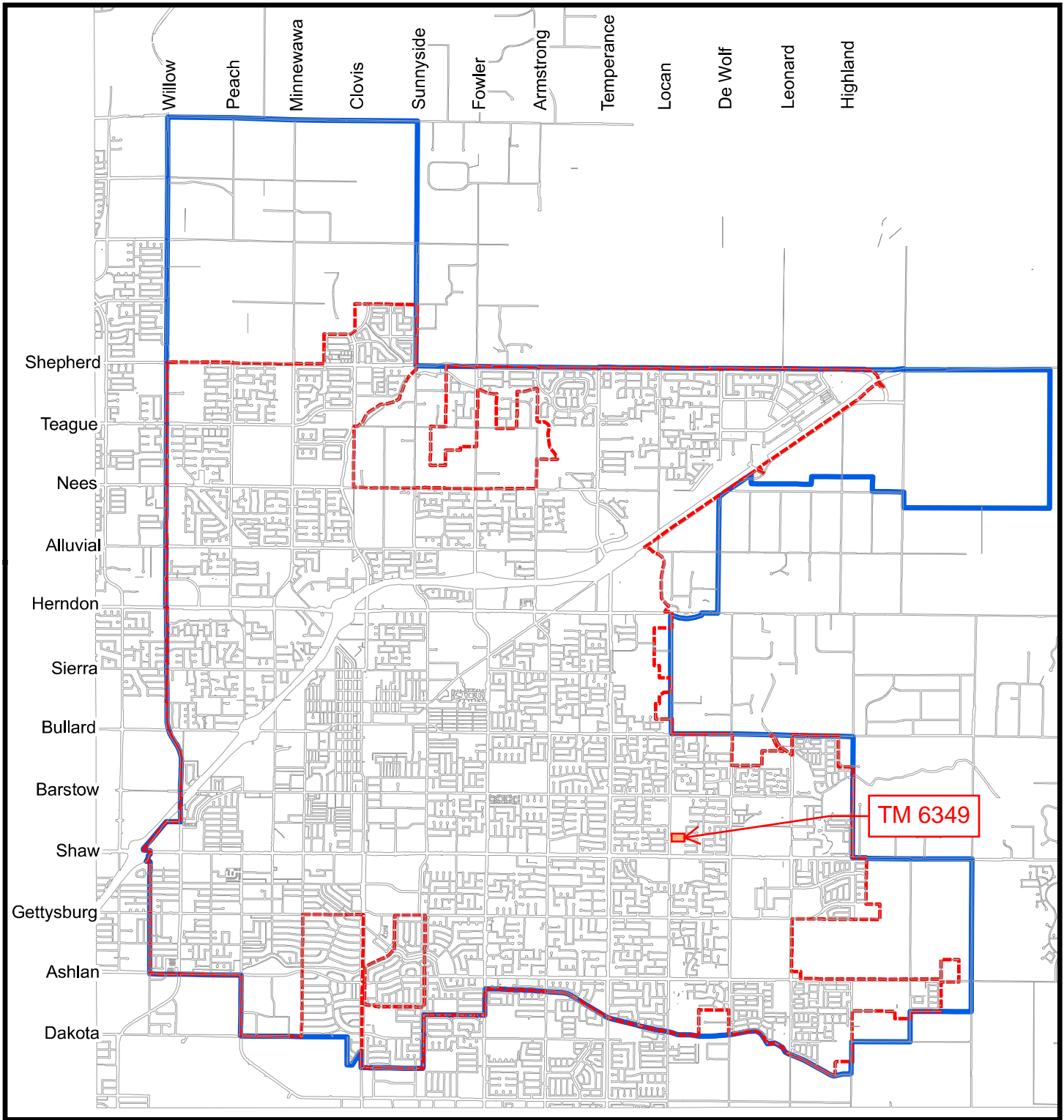
Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: Jeff Brown, Engineer II

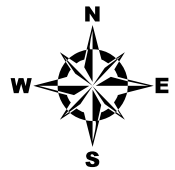
Reviewed by: City Manager *AH*

# VICINITY MAP

TM 6349 (DYP 6260, LP (De Young Properties))



Attachment 1







# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6328, located at the northwest corner of Shepherd and Clovis Avenues (6050 Enterprises, LP (Wilson Homes)).

ATTACHMENTS: 1. Vicinity Map

### **CONFLICT OF INTEREST**

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (6050 Enterprises, LP (Wilson Homes)) since January 1, 2023 (Government Code 84308).

### **RECOMMENDATION**

For the City Council to:

1. Accept the public improvements for Tract 6328, and authorize recording the Notice of Completion; and
2. Authorize the release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, (provided no lien have been filed) and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period and provided any defective work has been repaired to the City's satisfaction.

### **EXECUTIVE SUMMARY**

The owner, 6050 Enterprises, LP (Wilson Homes), has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer. City inspection staff has certified that all public and private improvements have been constructed or installed in accordance with the approved plans, specifications, and standards, to the satisfaction of the City Engineer, with the exception of one trash enclosure, sidewalks, and block walls, all adjacent to Lots 68 through 73.

The owner has requested that the uncompleted improvements be deferred to occupancy of any of the lots, 69 - 73. These lots, which are adjacent to the improvements have not finalized a building permit. The deferred improvements will be included in the scope of improvements to be completed as part of the building permit work for the first of these lots.

All other pedestrian path-of-travel improvements, such as curb ramps, park and paseo walks, sidewalks along major streets, and sidewalks adjacent to the side yards of corner lots, have been constructed and are included in this request for acceptance.

#### **FISCAL IMPACT**

The cost for periodic routine maintenance and repairs of elements lying within public right-of-way will be incurred as the improvements deteriorate with age and usage. These added costs will be incorporated to the annual maintenance budget of the Public Utilities Department as these costs are identified.

#### **REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required, and the appropriate sureties are released.

#### **ACTIONS FOLLOWING APPROVAL**

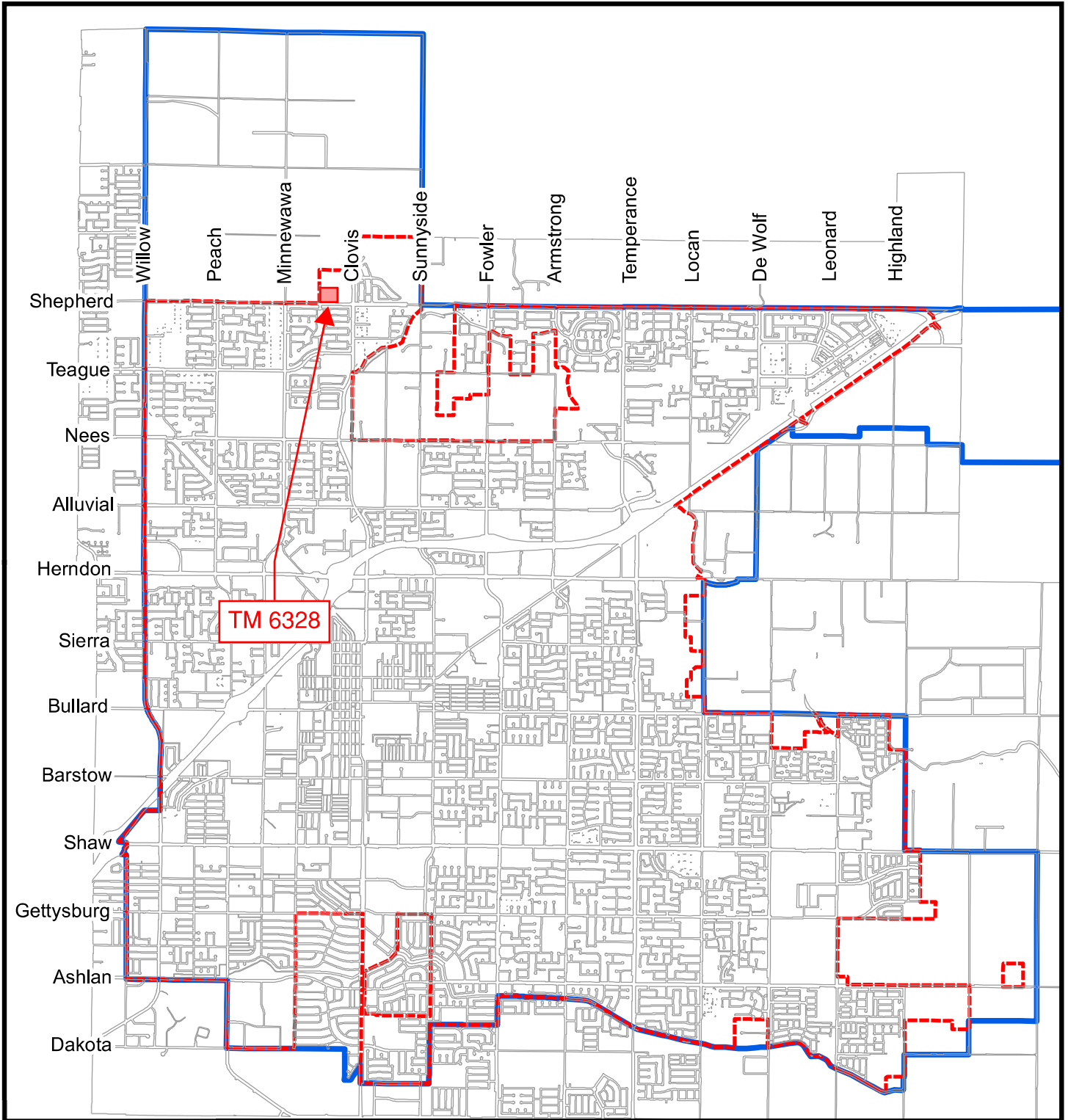
Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: Gene G. Abella, Civil Engineer

Reviewed by: City Manager *AH*

# VICINITY MAP

TM 6328 (6050 Enterprises, LP (Wilson Homes))



## Attachment 1





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

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

ATTACHMENTS: 1. Vicinity Map

### **CONFLICT OF INTEREST**

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (Joseph Crown Construction and Development, Inc.) since January 1, 2023 (Government Code 84308).

### **RECOMMENDATION**

For the City Council to:

1. Accept the public improvements for Tract 6273, and authorize recording the Notice of Completion; and
2. Authorize the release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, (provided no lien have been filed) and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period and provided any defective work has been repaired to the City's satisfaction.

### **EXECUTIVE SUMMARY**

The owner, Joseph Crown Construction and Development, Inc., has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

All landscaping, including sidewalks along the side yards of lots have been constructed. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

**FISCAL IMPACT**

The cost for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated to the annual maintenance budget of the Public Utilities Department as these costs are identified.

**REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required, and the appropriate sureties are released.

**ACTIONS FOLLOWING APPROVAL**

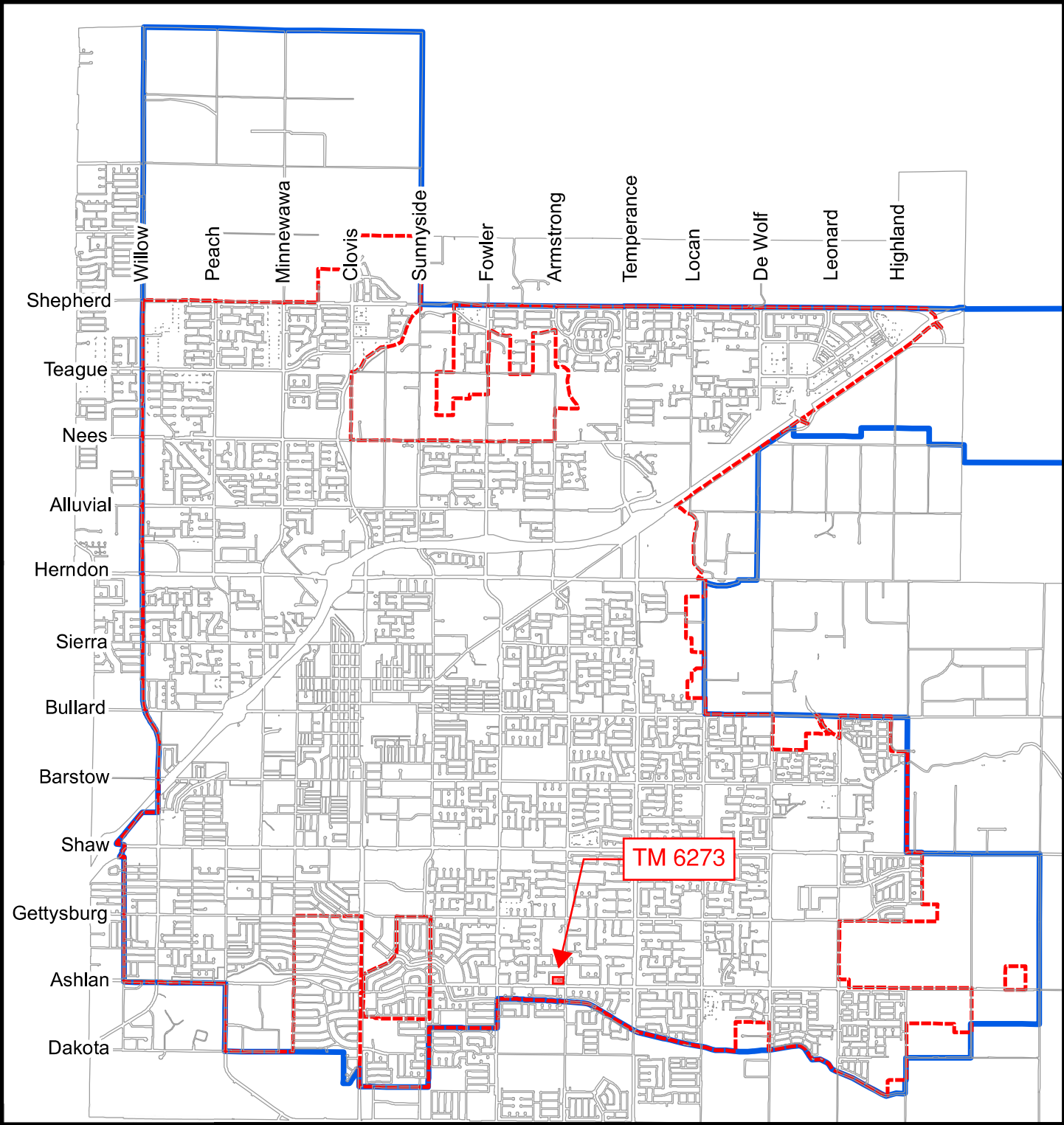
Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: Gene G. Abella, Civil Engineer

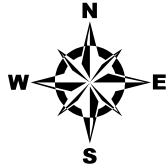
Reviewed by: City Manager *GA*

# VICINITY MAP

TM 6273 (Joseph Crown Construction and Development, Inc.)



## Attachment 1





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Planning and Development Services – Approval – Final Acceptance for Final Map for Tract 6225, located at the northeast corner of Ashlan Avenue and Locan Avenue (Wilson Premier Homes, Inc.). **Councilmember Vong Mouanoutoua has a conflict of interest on this item.**

ATTACHMENTS: 1. Vicinity Map

### CONFLICT OF INTEREST

Councilmember Vong Mouanoutoua owns property within 1000 feet of subject property and, pursuant to law, must abstain from participation and decision regarding this item.

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent Wilson Premier Homes, Inc. since January 1, 2023 (Government Code 84308).

### RECOMMENDATION

For the City Council to:

1. Accept the public improvements for Tract 6225, and authorize recording the Notice of Completion; and
2. Authorize the release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, (provided no lien have been filed) and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period and provided any defective work has been repaired to the City's satisfaction.

### EXECUTIVE SUMMARY

The owner, Wilson Premier Homes, Inc., has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer.

The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

All landscaping, including sidewalks along the side yards of lots have been constructed. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

### **FISCAL IMPACT**

The cost for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated to the annual maintenance budget of the Public Utilities Department as these costs are identified.

### **REASON FOR RECOMMENDATION**

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required, and the appropriate sureties are released.

### **ACTIONS FOLLOWING APPROVAL**

Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

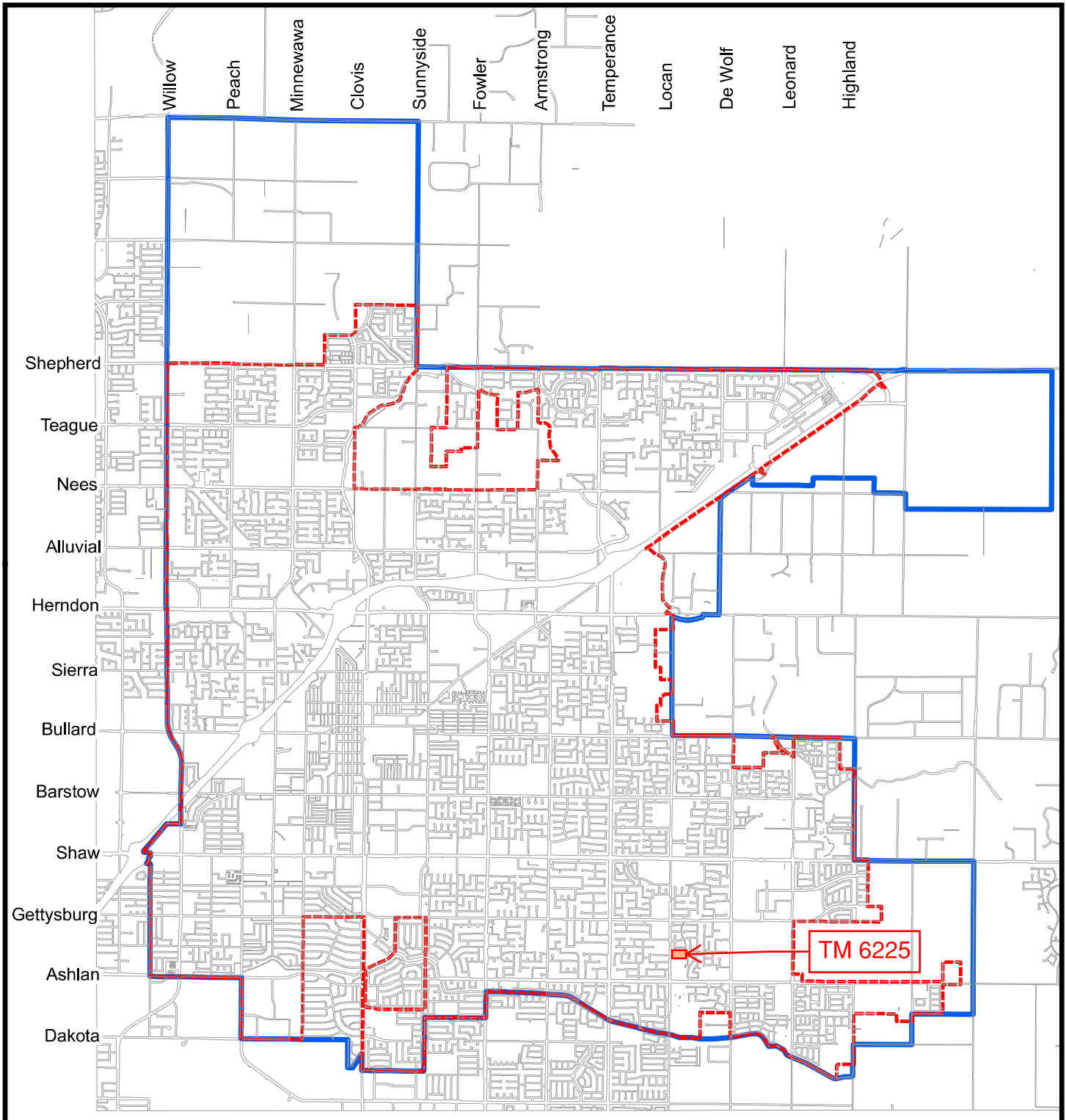
Prepared by: Jeff Brown, Engineer II

Reviewed by: City Manager *AH*



# VICINITY MAP

TM 6225 (Wilson Premier Homes, Inc.)



Attachment 1





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: May 1, 2023

SUBJECT: Public Utilities – Approval – Preliminary Engineer’s Report; and Approval – Res. 23-\_\_\_\_, a Resolution Declaring the City’s Intention to Levy and Collect the Annual Assessments for Landscape Maintenance District No. 1.

ATTACHMENTS: 1. Resolution of Intention  
2. Assessment Diagrams

### CONFLICT OF INTEREST

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

### RECOMMENDATION

1. Approve the Preliminary Engineer’s Report on file with the City Clerk; and
2. Adopt Resolution No. 23-\_\_\_\_, declaring the City’s intention to levy and collect the annual assessments for Landscape Maintenance District No. 1, and giving Notice of Public Hearing.

### EXECUTIVE SUMMARY

The City collects funds through annual assessments on properties within Landscape Maintenance District (LMD) No. 1. These funds provide landscape maintenance services for those properties within the LMD, including special enhancements unique to the various tracts within the District. Currently, 51 different assessment zones have been established. Zones 1-3 provide for street median and streetside landscape maintenance throughout most of the City. Zones 4-6 provide for neighborhood park maintenance throughout most of the City. Zones 7-49 provide for maintenance of special neighborhood enhancements. Zone SE provides for maintenance for all of Loma Vista. Zone NW provides for maintenance for all of Heritage Grove. Properties within the LMD (except the majority of those in Zone SE and Zone NW) are all in Zones 1-3, and they may also be in Zones 4-6 and Zones 7-49. Zone SE and Zone NW are unique in that they cover all three categories of landscape: street median and streetside landscaping, parks, and neighborhood enhancements. There are, however, five enhancement zones in Zone SE that fund additional landscaping.

The landscape assessment rates in Zones 1-6 must be and were established by election. Zones 7-49, Zone SE, and Zone NW include escalation clauses in the annexation covenants that allow the City to increase the assessments by the Consumer Price Index (CPI) plus 2%. Because this provision is included in the annexation documents and agreed to by the property owners, it is not considered a rate increase and is not subject to the election process outlined in Proposition 218.

Consistent with Section 22623 of the Landscape and Lighting Act of 1972, this Resolution proposes the following actions for the various zones:

<b>Zone</b>	<b>Rate Change</b>	<b>Reason For Change</b>
Zones 1-6	No change	No change. Rates will continue to be maintained at the rate established by elections.
Zones 8-26, 28, 30, 34, 38, 42, 44-49, NW, SE	No change	No change. Current rates are sufficient to cover costs. (New zones assessed at initial rates).
Zones 7, 27, 29, 31-33, 35-37, 39-41, 43	Increase assessment	Rates are being increased to cover the cost of maintaining service while continuing to maintain capital reserves.

**LMD REQUIREMENTS**

The Preliminary Engineer’s Report is being filed with the City Clerk for submission to City Council in accordance with Section 22623 of the Landscape and Lighting Act of 1972 (ACT). After approval of the Report, Section 22624 of the Act requires the Council to adopt a Resolution of Intention that:

1. Declares the intention to levy and collect assessments;
2. Generally describes the existing and proposed improvements and any substantial changes proposed to be made in existing improvements;
3. Refers to the assessment district by its distinctive designation and indicates the general location of the district;
4. Refers to the Preliminary Engineer’s Report for a full description of the improvements, boundaries, and any zones in the district, and the proposed assessments upon assessable lots and parcels of land within the district;
5. Gives notice of the time and place for hearing by the Council on the levy of the proposed assessments; and
6. States whether the assessments are proposed to increase from the previous year.

**BACKGROUND**

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

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

The yearly rates for Zones 1-6 are as follows:

<u>General Landscaping</u>		<u>Neighborhood Park</u>	
Zone 1	\$99.50	Zone 4	\$49.86
Zone 2	\$99.94	Zone 5	\$50.10
Zone 3	\$12.28	Zone 6	\$80.08

In addition to the general landscaping and neighborhood park zones, additional zones have been established to cover enhanced landscaping, entry features, and decorative street lighting in various residential subdivisions. The properties in each of these benefit zones are assessed an additional amount to fund the maintenance costs for the added features at each of their subdivisions. The proposed annual rates for the enhanced landscaping zones are as follows:

Zone 7	\$210.00	Tracts 4762A, 4873, 4874, 4875, 4876, & 5015
Zone 8	\$56.34	Tract 4949
Zone 9	\$49.62	Tract 4954
Zone 10	\$76.70	Tracts 4958, 4986, & 5026
Zone 11	Not used at this time	N/A
Zone 12	\$105.00	Tracts 5025, 5046, & 5047
Zone 13	\$52.46	Tract 5045
Zone 14	\$32.20	Tract 5020
Zone 15	\$150.14	Tracts 5038, 5057, 5058, & 5059
Zone 16	\$11.54	Tract 5106
Zone 17	\$26.70	Tract 4973
Zone 18	\$57.62	Tract 5115
Zone 19	\$66.48	Tract 5125
Zone 20	\$44.44	Tract 4938
Zone 21	\$0.00	Tract 5122 (Zone 21 not developed)
Zone 22	\$65.00	Tract 5131
Zone 23	\$96.78	Tract 5213
Zone 24	\$74.56	Tract 5200

Zone 25	\$111.14	Tract 5194
Zone 26	\$101.80	Tract 5347
Zone 27	\$49.10	Tract 5146
Zone 28	\$50.48	Tract 5378
Zone 29	\$126.30	Tract 5470
Zone 30	\$51.22	Tracts 5264 & 5741
Zone 31	\$132.13	Tract 5711
Zone 32	\$29.43	Tract 5545
Zone 33	\$20.61	Tract 5207
Zone 34	\$72.90	Tract 5874
Zone 35	\$131.30	Tract 5550
Zone 36	\$212.12	Tract 6072
Zone 37	\$70.48	Tract 6147
Zone 38	\$71.18	Tract 6170
Zone 39	\$94.09	Tract 6109
Zone 40	\$96.59	Tract 6228
Zone 41	\$154.57	Tract 6186A
Zone 42	\$63.56	Tract 6230
Zone 43	\$47.32	Tract 6239
Zone 44	\$90.58	Tract 6263
Zone 45	\$37.94	Tract 6181
Zone 46	\$294.00	Tract 6301
Zone 47	\$62.00	Tract 6284
Zone 48	\$69.59	Tract 6339
Zone 49	\$114.52	Tract 6389
Zone NW	\$449.40	Tracts 6200, 6050, 6328, & 6329
Zone NW	\$279.51	Tracts 6342, 6344, & 6392
Zone SE	\$351.00	Tracts 6389, 5168, 5193, 5254, 5336, 5418, 5484, 5582, 5583, 5874, 5565A2, 5961, 5965, 5970, 5981, 5984, 5596, 5875A, 6010, 5691A2, 6005, 6006, 5825, 5985, 5950, 6020, 5871, 6011, 6007, 6008, MISC, 6012, 5605, 5657A, 6009, 6055, 6058, 6025, SPR2012-006, 5701A, 6089, 5998, 6083, 6086, 6034, 5681, 6064, 6098/6142, 6114, 6082, 6040, 6107, 6143, PM2015-02, PM2015-04, 6144, 6127, 6080, 6101, 6068, 6102, 6137A2, 6197, 6120, PM2016-01, 6168, 6193, 6245, 6225, 6228, 6186A, SPR2017-014, 6230, 6254, 6255, 6164, PM18-14, 6174, 6181, 6260, 6123, 6349, SPR2018-011A2, BP No.22-02583, & BP No. 1222-2019
Zone SE	\$218.48	Tracts 6304, 6023, 6377, 6404, 6166, BP No. 21-05390, 6208, & 6161

Zone SE includes all tracts being developed in the Southeast Urban Village, generally located east of Locan Avenue and south of Bullard Avenue. Zone NW includes all tracts being developed in Heritage Grove, generally located north of Shepherd Avenue and west of Sunnyside Avenue. Unlike other properties in the City, properties in these zones are not annexed into one or more zones like Zones 1 through 6. The rates for these zones are designed to cover all the general landscaping, neighborhood parks, enhanced landscaping, and public lighting in their area. All the tracts to be annexed into Zone SE and Zone NW are expected to have enhanced landscaping, entry features, and decorative street lighting. There are five tracts within Loma Vista that have an extra enhancement and are therefore assessed an additional amount.

Two rates have been established in Zone SE and Zone NW, because a tract may have only partial landscape amenities within the tract, but funding is needed for arterial street and community park landscaping.

The Resolution of Intention to Levy, containing the Notice of Public Hearing, will be published in The Business Journal not less than 10 days prior to the Public Hearing date of May 15, 2023. The Public Hearing will afford all interested persons the opportunity to address their concerns. Written protests may be filed with the City Clerk at any time prior to the conclusion of the Public Hearing.

#### **FISCAL IMPACT**

Annually collected LMD assessments will provide the necessary funding to continue the maintenance of landscaped areas within the various benefit zones for the next fiscal year and provide reserves necessary for depreciation and replacement.

#### **REASON FOR RECOMMENDATION**

The Resolution of Intention to Levy is required annually by the Landscaping and Lighting Act of 1972 prior to levying and collecting assessments.

#### **ACTIONS FOLLOWING APPROVAL**

1. The Resolution of Intention to Levy and Collect the Annual Assessments will be published in The Business Journal; and
2. The Engineer's Report that shows the final assessment costs will be considered by the City Council at the Public Hearing proposed for May 15, 2023, and if approved, recorded by the Fresno County Recorder's Office.

Prepared by: Eric Aller, Parks Manager

Reviewed by: City Manager *AA*

**RESOLUTION NO. 23-****A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE CITY OF CLOVIS AND SET THE PUBLIC HEARING**

**WHEREAS**, the Clovis City Council has approved one hundred ten (110) annexations with new improvements to the Landscape Maintenance District No. 1 of the City of Clovis (herein "LMD No. 1") since the Engineer's Report dated June 6, 2022; and

**WHEREAS**, proceedings for the annual assessments for LMD No. 1 for the fiscal year 2023-24 need to be initiated.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** as follows:

1. It is the intention of said Council to order the levy and collection of an assessment for the 2023-24 fiscal year under the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code beginning with Section 22500 of said Code, for Landscape Maintenance District No.1 of the City of Clovis (herein "LMD No. 1").
2. Said LMD No. 1 is generally described as all properties in subdivisions, Site Plan Review developments, Parcel Map developments, and other miscellaneous property entitlement developments approved since July 1985 within the current boundaries of the City of Clovis.
3. The Engineer has prepared and filed with the Clerk of the City of Clovis a preliminary report labeled Preliminary Engineer's Report of the City of Clovis LMD No. 1, dated May 1, 2023, to which reference is hereby made for a detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within LMD No. 1.
4. The Business Journal, a newspaper circulated in the City of Clovis, is hereby designated as the newspaper in which this Resolution of Intention shall be published, and the Clerk of the City of Clovis is hereby directed to cause this Resolution of Intention to be published once no less than ten (10) days prior to the hearing date set forth below.
5. NOTICE IS HEREBY GIVEN that the 15<sup>th</sup> day of May 2023, at the hour of 6:00 p.m., in the regular meeting place of the Council of the City of Clovis, Council Chambers, 1033 Fifth Street, Clovis, California 93612, is hereby fixed as the time and place for a PUBLIC HEARING, when and where all interested persons shall be heard on the question of the levy and collection of the proposed assessment. Written protests may be filed with the City Clerk at any time prior to the conclusion of the PUBLIC HEARING. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by the protesting person or persons.

6. In accordance with the terms of the covenants, the rate for Zones 7, 27, 29, 31, 32, 33, 35, 36, 37, 39, 40, 41, and 43 will be increased to the amounts authorized under the covenants.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 1, 2023, by the following vote, to wit.

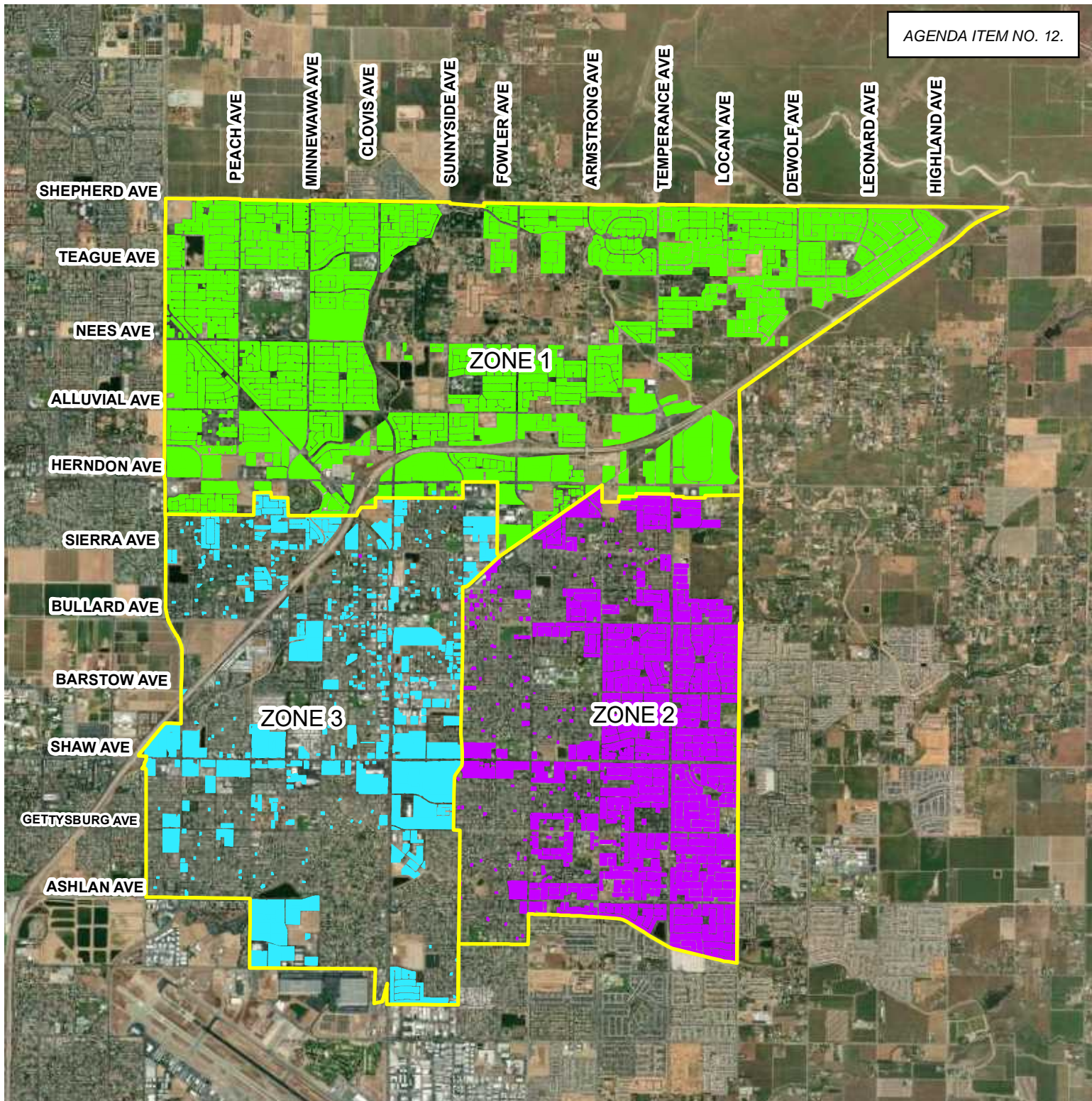
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: May 1, 2023

\_\_\_\_\_  
Mayor

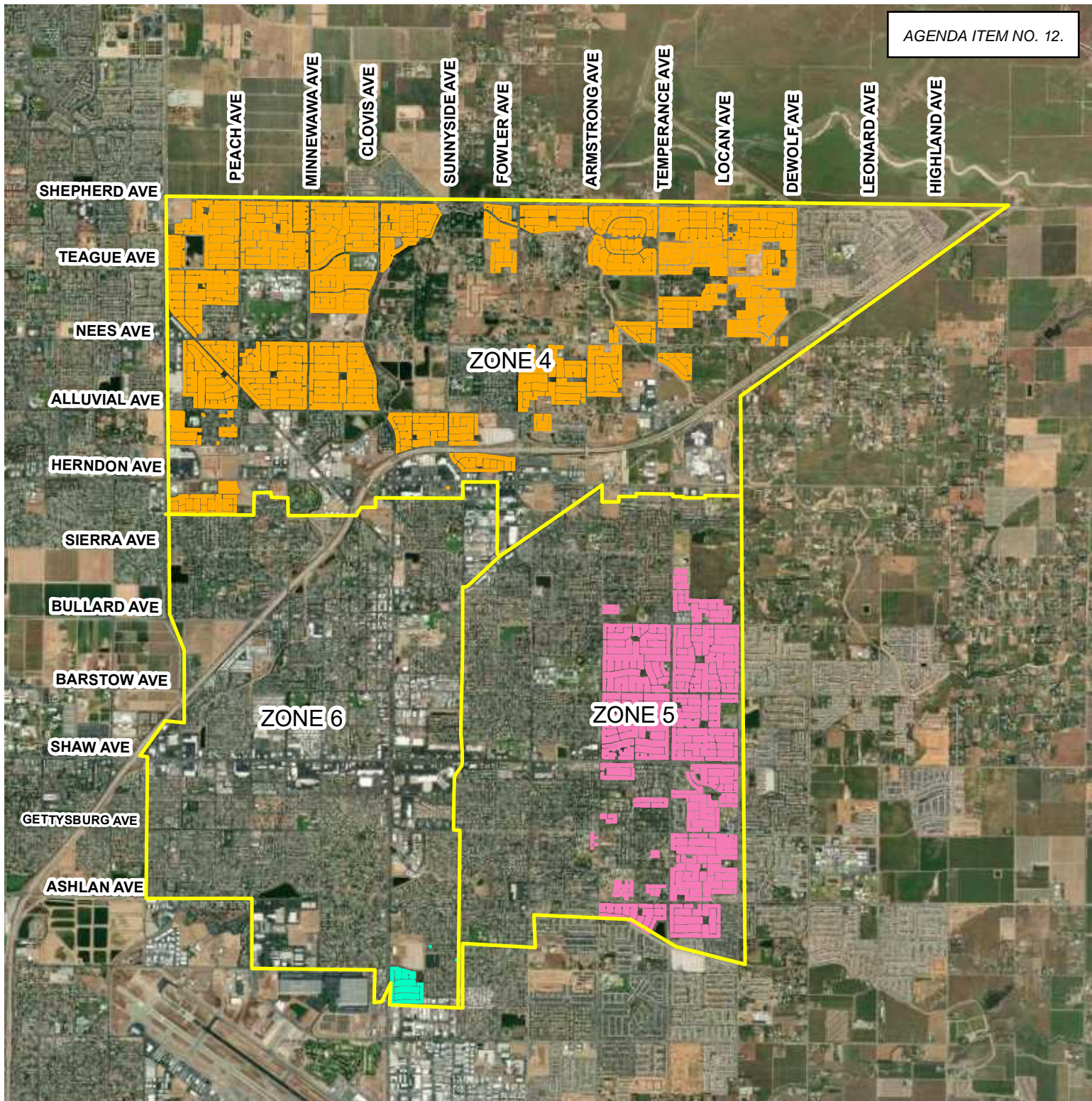
\_\_\_\_\_  
City Clerk





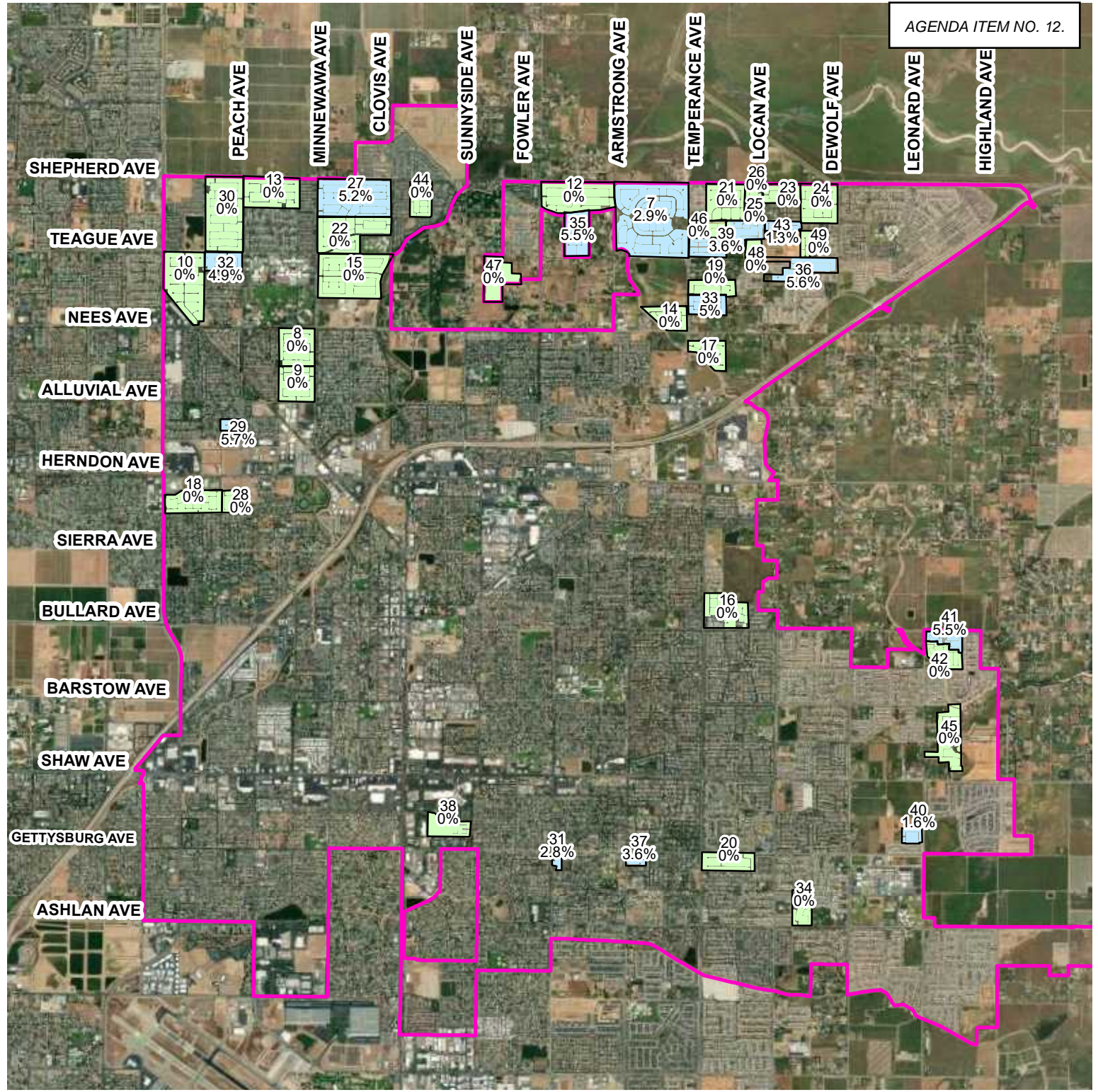
LMD ZONES 1-3  
 GENERAL LANDSCAPING  
 2023/2024 ASSESSMENT CHANGES NO  
 ASSESSMENT CHANGES ZONES 1-3





**LMD ZONES 4-6  
PARKS  
2023/2024 ASSESSMENT CHANGES  
NO ASSESSMENT CHANGES ZONES 4-6**





# LMD ZONES 7 - 49 NEIGHBORHOOD ENHANCEMENTS 2023/2024 ASSESSMENT CHANGES

Assessment Changes     No Change     Decrease     Increase



ZONE NW

PEACH AVE

MINNEWAWA AVE

CLOVIS AVE

SUNNYSIDE AVE

FOWLER AVE

ARMSTRONG AVE

TEMPERANCE AVE

LOCAN AVE

DEWOLF AVE

LEONARD AVE

HIGHLAND AVE

SHEPHERD AVE

TEAGUE AVE

NEES AVE

ALLUVIAL AVE

HERNDON AVE

SIERRA AVE

BULLARD AVE

BARSTOW AVE

SHAW AVE

GETTYSBURG AVE

ASHLAN AVE

ZONE SE



# LMD ZONES SOUTHEAST AND NORTHWEST 2023/2024 ASSESSMENT CHANGES NO ASSESSMENT CHANGE ZONES SE AND NW



1 inch = 5,208



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
 FROM: Administration  
 DATE: May 1, 2023  
 SUBJECT: Consider Approval – Appointments to Personnel Commission and Planning Commission.

**Staff:** Councilmember Bessinger

**Recommendation:** Approve

ATTACHMENTS: None.

### CONFLICT OF INTEREST

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

### RECOMMENDATION

It is recommended that the Mayor, subject to approval by the City Council, consider the reappointment of Jerry Brady to the Personnel Commission. The reappointment is for a four-year term of office which would expire in May of 2027.

Additionally, it is recommended for Councilmember Bessinger, subject to approval by the City Council, to make an appointment of Joseph Hebert to the Planning Commission. If appointed, the term of office will expire in May of 2027.

### EXECUTIVE SUMMARY

Personnel Commissioner Jerry Brady, whose term of office expires in May of 2023, has requested to be reappointed. Mayor Ashbeck is recommending that the Personnel Commissioner be reappointed.

Planning Commissioner Michael Cunningham, whose term of office expires in May of 2023, has decided not to seek reappointment. This creates one opening on the Planning Commission due to the expired term of office for Mr. Cunningham. Interviews were conducted with interested applicants, and Councilmember Bessinger is recommending the appointment of Joseph Hebert. If appointed, the term of office will expire in May of 2027.

**BACKGROUND**

Personnel Commissioner Jerry Brady, whose term of office expires in May of 2023, has requested to be reappointed. Mayor Ashbeck is recommending that the Personnel Commissioner be reappointed. His term of office will expire in May of 2027.

Planning Commissioner Michael Cunningham, whose term of office expires in May of 2023, has decided not to seek reappointment. This creates one opening on the Planning Commission. Interviews were conducted with interested applicants, and Councilmember Bessinger is recommending the appointment of Joseph Hebert. If appointed, the term of office will expire in May of 2027.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

Pursuant to Clovis Municipal Code Chapter 9.1, the Mayor, with approval of the City Council, shall make appointments to the Personnel and Planning Commissions.

**ACTIONS FOLLOWING APPROVAL**

Staff will inform the appointed Personnel and Planning Commissioners of the action taken by the City Council.

Prepared by: Rebecca Simonian, Executive Assistant

Reviewed by: City Manager 



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Consider Approval – Res. 23-\_\_\_\_, A Resolution Declaring the Intention to levy and collect assessments for Fiscal Year 2023-24, Authorizing the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding, Approving the Fiscal Year 2023-24 Preliminary Engineer’s Report, and setting a Public Hearing for June 19, 2023, or at such time thereafter for Area 1 of Benefit Assessment District No. 95-1 (Blackhorse Estates)

**Staff:** Sean Smith, Supervising Civil Engineer

**Recommendation:** Approve

ATTACHMENTS: 1. Vicinity Map  
2. Resolution 23-\_\_\_\_  
3. FY 2023-24 Preliminary Engineer’s Report.

### CONFLICT OF INTEREST

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

### RECOMMENDATION

For the City Council to approve Resolution 23-\_\_\_\_, which will:

- 1) Declare the intention to levy and collect assessments for Fiscal Year 2023-24; and
- 2) Authorize the City of Clovis Engineering Department to conduct a property owner Proposition 218 proceeding for Area 1; and
- 3) Approve the Fiscal Year 2023-24 Preliminary Engineer’s Report; and
- 4) Set a Public Hearing for June 19, 2023, or at such time thereafter for Benefit Assessment District No. 95-1 (Blackhorse Estates).

## **EXECUTIVE SUMMARY**

Benefit Assessment District No. 95-1 (the "District") is divided into Benefit Area 1, which consists of 45 homes and is known as the Renaissance neighborhood and Benefit Area 2, which consists of 81 homes and is known as the Country View neighborhood, for a total of 126 homes. Each area is a gated community where each home is assessed annually to pay for maintenance of the street and landscaping facilities, including sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median island landscaping, drainage inlets and streetlights benefitting the homes within the District.

On July 5, 2022, City Council approved the latest annual Engineer's Report for the District. Since that time, costs have been on the rise and the current assessments for Area 1 do not provide funding adequate to provide for routine maintenance. The assessments also do not provide funding for future capital projects or large and unexpected repairs. Therefore, it is staff's recommendation to increase rates by \$219 per year, per home in Area 1 to keep up with basic area maintenance as well as build the fund reserve for future capital maintenance projects. Any increase in assessments requires a Proposition 218 vote of the property owners. Staff is requesting authorization to conduct a property owner Proposition 218 proceeding to request an annual assessment increase for Benefit Area 1. Benefit Area 2 has a sufficient cash flow at this time and no increase is proposed for their annual assessments. In addition, staff is requesting the other actions necessary for the annual levy and collection of assessments.

## **BACKGROUND**

The District provides maintenance services for a gated community located at the southeast corner of Alluvial and Minnewawa Avenues and was created under the provisions of the Benefit Assessment Act of 1982. The maintenance services provided include sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median islands and landscaping, drainage inlets and streetlights within the District. The maintenance activities are managed through a contract with Regency Property Management, a real estate management firm.

The purpose of the District is to provide all of the necessary street maintenance activities within the tract including gated entries and exits. The streets and gate systems are privately owned. All maintenance within the District is performed on a contractual basis, utilizing private contractors, and funded by the District assessments. All administrative coordination is performed by Regency Property Management who is contracted by the City on behalf of the District and funded from the assessments.

### History

Benefit Assessment District 1995-1 was formed in 1995 to provide a funding source for the maintenance of the private streets within the subdivision as a result of the developers, and some prospective property owners within the subdivision, desire to have security gates.

The first phase of the subdivision (Tract 4299) was originally recorded as a conventional subdivision with public streets and no gates at the entrances and exits. Subsequent to the recording of that map, the developer decided that he wanted the community to be gated and requested the City's assistance in finding a way to provide security gates at the entrances and



exits. In order for any subdivision or any other development to be gated, the streets or areas behind the gates needed to be privately owned. With no HOA in place and no desire to form an HOA for the subdivision, the City provided a way to accommodate the developer's request as follows:

- Streets within the subdivision were abandoned.
- Subdivision was remapped (Tract 4299A), providing for ownership of the roads to the centerline of the streets by the individual lot owners.
- Public utility easements were retained for the City sewer and water systems.
- An irrevocable offer of dedication of the streets was provided to the City so that the City could reclaim the street area should that become necessary.
- Assessment District 95-1 was formed to cover maintenance of the streets, gates, etc.

#### Differences between an Assessment District and a HOA

Some of the most pertinent differences between an Assessment District and a HOA involve the management of the funds. With this District, the owners provide the assessments through their property taxes and the City manages how the funds are spent. It is important to note that public funds cannot be used for the District and that day-to-day decisions for the spending of the funds lies with the City. Any increase in the assessments is required to be put to a vote of the owners according to Prop 218. In contrast, a HOA defines these roles through their Bylaws. California Civil Code provides a HOA with the ability to increase assessments by up to 20% annually without a vote of their membership. As a comparison, the District's rates from creation to date have averaged an annual increase of approximately 5% in both Area 1 and Area 2.

#### Maintenance

The intent of the maintenance district is to provide all the necessary street maintenance activities in the tract. Since the streets are private, no public funds may be expended on maintenance activities and no City crews may be utilized for street maintenance activities. All maintenance within the district is to be performed on a contractual basis, utilizing private contractors, and funded by district assessments. All administrative coordination is to be performed by a private management firm contracted by the City on behalf of the district and funded from the assessments. The management firm is to be responsible for the street maintenance activities including the following:

- Repair of damaged concrete facilities such as sidewalks, curb and gutter, and valley gutters.
- Maintenance of entry gates including repair or replacement of damaged gates, repair of opening mechanisms, repair of entry communication facilities, operational maintenance (painting, lubrication, etc.).
- Periodic Street Sweeping.
- Landscape Maintenance of entry features and entry medians.
- Pavement maintenance, including pothole patching and any necessary pavement striping or stenciling.
- Pavement preventative maintenance including seal coats and overlays.
- Coordination and resolution of complaints from tract residents that deal with street conditions such as cleaning, surface drainage, etc.

### Perpetual City Responsibilities

As originally envisioned, the City was responsible for the annual administration of the Benefit Assessment District, and it was anticipated that these duties would be limited to the following:

- Noticing of tract residents of the annual assessment hearing.
- Convening an annual public hearing to consider adjustment to the district assessments.
- Collecting the assessments and minimal financial overview of expenditures to assure fiduciary responsibility (general accounting to be provided by district management firm hired by the City on behalf of the district).
- Administrative review of the annual assessment report.
- Forwarding occasional service requests received by the City to the management company for resolution.

### Current Status

When the original district was formed, the intent for raising revenue was to do so as needed following a City Council public hearing. However, subsequent to formation, Proposition 218 was voted into law requiring a property owner election in order to increase assessments. Since that time, the ability to increase revenue to the levels needed to properly take care of needed maintenance has been limited. As a result, preventative maintenance activities have been put off due to insufficient funding. With the age of the streets within both benefit areas being 25+ years with no preventative maintenance performed and the fund balances finally at levels to fund the slurry seal projects, the slurry seals were completed in 2022.

### Area 1

The last increase to the Area 1 assessments was 2021. Since that time, the cost for routine maintenance has risen significantly. With these increased costs and the slurry seal project, which also cost more than anticipated, the fund has been depleted well below the desired operating reserves. The budget proposed for 2023-24 remains very trim and includes the basic routine maintenance plus the following:

- Lockbox replacement at the back gate to reduce the need for callbacks to the gate maintenance contractor resulting from being left in the open position by First Responders. The upgrade to the front gate callbox is anticipated to provide long-term savings with the replacement of the landline with a more cost-effective cellular plan. The estimated cost is \$4,525 and will provide an estimated annual savings of \$900.
- Sidewalk repairs to address trip hazards and improve neighborhood aesthetics. The estimated cost is \$10,500.
- Street Maintenance in 10-15 years to keep the neighborhood streets in good condition, provide for safe ingress and egress, as well as maintaining neighborhood aesthetics. Accumulating funds for this project now is expected to reduce future assessment rate increases. The estimated cost in 10 years is \$44,000 based on an assumed annual increase in costs of 3%.

In order to achieve this budget, staff is recommending that a Proposition 218 proceeding be conducted this year. If the property owners vote for the annual assessment increase of \$219.00 per home per year, the annual revenues will be sufficient to continue to perform the needed maintenance and build a reserve for future maintenance activities.

If a Proposition 218 vote to increase the annual assessments for Benefit Area 1 is not successful, staff would have to work with Francisco & Associates as well as Regency Property Management to determine the best course of action to bring costs in line with revenues. In this scenario, the level of services and maintenance provided will have to be significantly reduced. Also, with no provision for future street maintenance, the current budget is not sustainable over the long term and the City should begin to consider an exit plan if raising additional revenue is improbable.

### Area 2

The last increase to the Area 2 assessments was last year. This increase included provision for future street preventative maintenance, and the fund remains in good shape this year. The current level of assessments is adequate to cover the costs of routine maintenance, provide for a fund reserve, and accumulate funds for future capital projects despite the increases in costs. The budget for Area 2 will need to be monitored and reevaluated each year to ensure adequate funding levels are maintained.

### **FISCAL IMPACT**

There is no fiscal impact to the City as long as the District remains solvent. If the District is not able to sustain and perform routine maintenance, the ultimate eventuality is that the streets would revert back to the City and the City would be responsible for the maintenance. The District would need to turn over streets that meet City standards which could result in a lien on each home for their share of the costs to bring the street improvements to current City standard. If the street system were to revert to the City, there would be perpetual maintenance responsibility thereafter. Should the Proposition 218 proceeding pass, assessment rates will increase by \$219.00 per home per year in Benefit Area 1 (Renaissance neighborhood).

For Benefit Area 2, the current level of assessments is adequate to cover the costs of routine maintenance, provide for a fund reserve, and accumulate funds for future capital projects despite the increases in costs. The budget for Area 2 will need to be monitored and reevaluated each year to ensure adequate funding levels are maintained.

### **REASON FOR RECOMMENDATION**

The fund balance for Benefit Area 1 is depleted and will not have a sustainable budget without an increase in assessments to provide the cash flow necessary for sustained routine maintenance or for future capital projects. Benefit Area 2 will have a positive cash flow for the upcoming fiscal year.

### **ACTIONS FOLLOWING APPROVAL**

City staff will work with Francisco and Associates as well as Regency Property Management to begin the formal Proposition 218 proceeding in Benefit Area 1 of the Blackhorse Estates development. The remaining schedule is as follows:

- 1) May 3, 2023 - Mail notices and ballots to affected property owners within Benefit Area 1 (minimum of 45 days prior to Public Hearing).
- 2) June 19, 2022 – City Council Meeting
  - Conduct Public Hearing and Deadline for property owners to submit ballots.

- Ballot Tabulation conducted at City Council chambers at the start of the item being heard.
- Declare Results of Ballot Tabulation and approve Final Engineer's Report by the end of the item being heard.

Prepared by: Sean Smith, Supervising Civil Engineer

Reviewed by: City Manager JA



**RESOLUTION 23-\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2023-24, AUTHORIZING THE CITY OF CLOVIS ENGINEERING DEPARTMENT TO CONDUCT A PROPERTY OWNER PROPOSITION 218 PROCEEDING, APPROVING THE FISCAL YEAR 2023-24 PRELIMINARY ENGINEER'S REPORT, AND SETTING A PUBLIC HEARING FOR JUNE 19, 2023 OR AT SUCH TIME THEREAFTER FOR BENEFIT ASSESSMENT DISTRICT NO. 95-1 (BLACKHORSE ESTATES)**

**WHEREAS**, on May 1, 1995, the City Council approved Resolution 95-42 creating Benefit Assessment District 95-1 (hereafter referred to as the "District") pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter of the California Government Code (commencing with Section 54703) (hereafter referred to as the "Act"). The District is comprised of the Blackhorse Estates development and is divided into Benefit Area 1 (Renaissance neighborhood) and Benefit Area 2 (Country View neighborhood); and

**WHEREAS**, the District provides annual assessment revenue to fund the construction, operation, maintenance and servicing of street and landscaping facilities, including but not limited to, sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median island landscaping, drainage inlets and street lights benefitting the parcels within the District; and

**WHEREAS**, the City Council proposes to conduct a Proposition 218 proceeding with property owners located within Benefit Area 1 (Renaissance neighborhood) to approve assessment increases needed to cover significant increases in maintenance costs due to inflation, provide funding for the City to maintain street, street lighting, and landscaping facilities at their current level, and also provide funding for future capital projects associated with Benefit Area 1 (Renaissance neighborhood); and

**WHEREAS**, the Preliminary Engineer's Report for Fiscal Year 2023-24 has been presented to the City Council; and

**WHEREAS**, the City Council has reviewed the Preliminary Engineer's Report as presented and is preliminarily satisfied with the Report, each and all the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been spread in accordance with the special benefit received from construction, operation, maintenance and servicing of public improvements to be performed within the District, as set forth in said Report.

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

1. Intention: The City Council hereby declares that it is its intention to seek the annual levy and collection of assessments of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the annual costs associated with the District improvements. The City Council finds that the public's best interest requires such levy and collection.
2. District Boundaries: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District.
3. District Improvements: The public improvements include sidewalks, curbs and gutters, pavement, valley gutters, entrance control gates, median islands and landscaping in the median islands, drainage inlet structures, and streetlights located within the boundaries of the District.
4. Proposed Assessment Amounts: The proposed Fiscal Year 2023-24 assessments for the parcels within the District are outlined in the Engineer's Report which details the proposed increases in annual assessments for Benefit Area 1 (Renaissance neighborhood) and the proposed annual assessments for Benefit Area 2 (Country View neighborhood).
5. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District on **Monday, June 19, 2023, at 6:00 p.m.** or as soon thereafter as feasible at Clovis City Council Chambers, 1033 Fifth Street, Clovis, California.
6. Notice: The City shall give notice of the time and place of the Public Hearing to all affected property owners of the District in accordance with the requirements of Proposition 218 and by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

\* \* \* \* \*

The foregoing resolution of intent was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 1, 2023, by the following vote, to wit.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: May 1, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





# City of Clovis

## Benefit Assessment District No. 95-1 Fiscal Year 2023-24 Preliminary Engineer's Report

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May 1, 2023

Prepared by

**FRANCISCO  
AND ASSOCIATES**

Where Innovative Strategies  
Fund Tomorrow's Communities

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**CITY OF CLOVIS**  
**AGENCY DIRECTORY**

**FISCAL YEAR 2023-24**

**City Council Members**

Lynne Ashbeck  
Mayor

Vong Mouanoutoua  
Mayor Pro-Tem

Matt Basgall  
Councilmember

Drew Bessinger  
Councilmember

Diane Pearce  
Councilmember

**City Staff Members**

John Holt  
City Manager

Scott Cross  
City Attorney

Karey Cha  
City Clerk

Jay Schengel  
Finance Director


Mike Harrison  
City Engineer

Sean Smith  
Supervising Civil Engineer

*Francisco & Associates*  
Assessment Engineer

**ENGINEER'S REPORT  
CITY OF CLOVIS  
ENGINEER'S REPORT FOR THE CITY'S  
BENEFIT ASSESSMENT DISTRICT NO. 95-1  
Fiscal Year 2023-24**

The undersigned, acting on behalf of Francisco & Associates, respectfully submits the enclosed Engineer's Report as directed by the Clovis City Council pursuant to the provisions of the Benefit Assessment Act of 1982, Article XIIC and XIID of the California Constitution and pursuant to the Charter and Municipal Code of the City of Clovis. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: April 6, 2023 By:   
Eduardo Espinoza, P.E.  
RCE # 40688

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Karey Cha, City Clerk  
City of Clovis  
Fresno County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was approved and confirmed by the Council of the City of Clovis, Fresno County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by adoption of Resolution No. \_\_\_\_\_.

Karey Cha, City Clerk  
City of Clovis  
Fresno County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram, thereto attached, was filed in my office in the County of Fresno, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Oscar J. Garcia, CPA, Auditor  
Fresno County, California

By: \_\_\_\_\_

**SECTION I**  
**INTRODUCTION**  
**ENGINEER'S REPORT**  
**CITY OF CLOVIS**  
**ENGINEER'S REPORT FOR THE CITY'S**  
**BENEFIT ASSESSMENT DISTRICT NO. 95-1**  
**Fiscal Year 2023-24**

**Background Information**

To ensure the proper flow of funds for the ongoing operation, maintenance and servicing of specific improvements benefitting properties within the boundaries of the Benefit Assessment District No. 95-1 ("District"), the City Council, through the Benefit Assessment Act of 1982 ("1982 Act"), previously approved the formation of the District which includes two (2) benefit areas as described in this Engineer's Report ("Report"). Benefit Area I is comprised of the Renaissance development and Benefit Area II is comprised of the Country View development. Street and landscaping Street and landscaping improvements, which may be constructed, operated, maintained and serviced by the District, include, but are not limited to:

*Sidewalks, curb and gutters, drainage inlets, paved sections, valley gutters, four entrance control gates and landscaping located at the Birch Avenue, Chennault Avenue, Oxford Avenue and Dartmouth Avenue entrances, and streetlights located within the boundaries of the District.*

Generally, Developers as part of their development conditions, are required to construct improvements which benefit their development. However, the ongoing operation, maintenance, servicing and capital replacement of these improvements are financed through the levy of assessments on parcels within the District. As new developments occur, benefit areas may be created within the District to ensure the operation, maintenance, servicing and capital replacement of the improvements are specifically paid for by those property owners who directly benefit from those improvements.

**Current Annual Administration**

This Report includes the following for the ensuing fiscal year: (1) a general description of the improvements to be constructed, operated, maintained and serviced by the District, (2) an estimated budget to construct, operate, maintain and service the improvements, (3) the method used to distribute the costs to the benefiting property owners within the District, (4) a diagram of the District and associated benefit areas, and (5) listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

For FY 2023-24, the City Council proposes to increase the maximum annual assessment rate for parcels located within Benefit Area I (Renaissance). The purpose

of the proposed assessment rate increase is to keep up with significant increases in maintenance costs and accumulate funds to complete future sidewalk repairs and collect funds to perform future street maintenance projects.

The proposed increase in the assessment rate requires the City to conduct Proposition 218 property owner proceedings. The City will mail notices and ballots to the property owners within Benefit Area I (Renaissance) a minimum of 45 days prior to the Public Hearing set for June 19, 2023. At the Public Hearing, the City will provide an opportunity for any interested person to provide testimony. After the public input portion of the public hearing, the City Council will ask if there are any remaining ballots to be turned in or if anyone wants to change or withdraw their ballot. The ballots will then be tabulated. If a majority of the ballots returned do not oppose the assessment increase, the assessment increase may be approved by City Council for Benefit Area I (Renaissance). At the conclusion of the Public Hearing on June 19, 2023, the City Council may adopt a resolution confirming the Fiscal Year 2023-24 levy and collection of assessments for both benefit areas as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

**SECTION II**

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE  
BENEFIT ASSESSMENT ACT OF 1982  
SECTION 54703 THROUGH 54720  
OF THE CALIFORNIA GOVERNMENT CODE**

Pursuant to the Benefit Assessment Act of 1982 (Part 1 of Division 2 of Title 5 of the Government Code of the State of California), and in accordance with Resolution No. 23-\_\_\_ initiating proceedings for the levy and collection of assessments, ordering the preparation of the annual Engineer's approving the Preliminary Engineer's Report, and declaring the intention for levy and collection of assessments, adopted by the City Council of the City of Clovis, on May 1, 2023, and in connection with the proceedings for:

**CITY OF CLOVIS  
BENEFIT ASSESSMENT DISTRICT NO. 95-1**

Herein after referred to as the "District", I, Eduardo Espinoza, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

**PART A: PLANS AND SPECIFICATIONS**

This part describes the improvements to be financed by the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Clovis and are incorporated herein by reference.

**PART B: ESTIMATE OF COST**

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith.

**PART C: ASSESSMENT DISTRICT DIAGRAM**

This part incorporates by reference a diagram of the District showing the boundaries of any benefit areas within the District and the lines and dimensions of each lot or parcel of land within the District. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Fresno County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference and made part of this Report.

**PART D: METHOD OF APPORTIONMENT OF ASSESSMENT**

This part contains the method of apportionment of assessments, based upon parcel classification of land within the District, in proportion to the estimated benefits to be received.

**PART E: PROPERTY LIST AND ASSESSMENT ROLL**

This part contains a list of the Fresno County Assessor's parcel numbers, and the amount to be assessed upon the benefited lands within the District. The Assessment Roll is filed in the Office of the Clovis City Clerk and is incorporated in this Report by reference. The list is keyed to the records of the Fresno County Assessor, which are incorporated herein by reference.



**PART A**

**PLANS AND SPECIFICATIONS**

The improvements, which have been constructed, and those which may be subsequently constructed, to be operated, maintained, and serviced under the District are generally described as follows:

Street and landscaping improvements consisting of, but not limited to, sidewalks, curb and gutters, drainage inlets, paved sections, valley gutters, four entrance control gates and landscaping located at the Birch Avenue, Chennault Avenue, Oxford Avenue and Dartmouth Avenue entrances, and streetlights located within the boundaries of the District.

**PART B**

**ESTIMATE OF COST**

The 1982 Act requires that a special fund be set up for the collection of revenues and expenditures for the District. The 1982 Act provides that the total cost for the construction, operation, maintenance, and servicing of the street and landscaping improvements can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the District can also be included.

Revenues collected from the assessments within each benefit area shall be used only for the expenditures associated with each benefit area as authorized under the 1982 Act. Any balance remaining at the end of the fiscal year must be carried over to the next fiscal year.

Tables 1 and 2 below provide a summary of the total Fiscal Year 2023-24 estimated revenues and expenditures for each benefit area.

For a detailed breakdown on the revenues and expenditures for each benefit area within the District please refer to Appendix "A" and Appendix "B" in this report.

TABLE NO. 1: BUDGET FOR FY 2023-24	
BENEFIT AREA I (RENAISSANCE) - PROPOSED \$219/YEAR INCREASE	
<b>Projected Beginning Balance as of July 1, 2023:</b>	<b>(\$3,000)</b>
<b>Revenue</b>	
Annual Assessments (\$866 per Home)	\$38,970
<b>Total Estimated Revenue for FY 2023-24:</b>	<b>\$35,970</b>
<b>Annual Expenditures<sup>(1)</sup></b>	
Administrative Expenses (Office Supplies, Postage, etc.)	(\$600)
Electronic Gate Maintenance/Repair	(\$1,500)
Telephone Cost	(\$1,500)
Street Sweeping	(\$650)
Landscape Maintenance & Irrigation Repairs	(\$7,800)
Electrical Power for Gate and Streetlights	(\$2,200)
Water Service	(\$1,800)
City Administration Costs	(\$2,000)
County Collection Fees	(\$8)
District Administrator	(\$9,840)
Assessment Engineering	(\$1,518)
Insurance	(\$950)
Annual Expenditures Subtotal:	<b>(\$30,366)</b>
<b>Capital Improvement Projects</b>	
Gate Callbox and Firebox Replacement	(\$4,525)
Capital Improvement Projects Subtotal:	<b>(\$4,525)</b>
<b>Total Estimated Expenses for FY 2023-24:</b>	<b>(\$34,891)</b>
<b>Estimated FY 2023-24 Reserve Collection:</b>	<b>\$4,079</b>
<b>Projected Ending Balance as of June 30, 2024:</b>	<b>\$1,079</b>
<b>Reserve Detail as of June 30, 2024</b>	
Recommended Operating Reserves <sup>(2)</sup>	<b>\$15,183</b>
Available Operating Reserves	<b>\$1,079</b>
Available Capital Reserves <sup>(3)</sup>	<b>\$0</b>
<b>Assessment Rate (45 Parcels)</b>	<b>\$866.00</b>
Notes:	
(1) See Appendix "A" for a detailed description of expenses.	
(2) Operating reserves are needed because the City does not receive the assessment revenue from the County until halfway through the fiscal year. Therefore, it is recommended the City have an operating reserve to fund 6 months of the estimated annual expenditures anticipated to be incurred from July 1 through December 31 of each fiscal year.	
(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.	

<b>TABLE NO. 2: BUDGET FOR FY 2023-24</b>	
<b>BENEFIT AREA II (COUNTRY VIEW)</b>	
<b>Projected Beginning Balance as of July 1, 2023:</b>	<b>\$34,529</b>
<b>Revenue</b>	
Annual Assessments	\$47,790
<b>Total Estimated Revenue for FY 2023-24:</b>	<b>\$82,319</b>
<b>Annual Expenditures<sup>(1)</sup></b>	
Administrative Expenses (Office Supplies, Postage, etc.)	(\$600)
Electronic Gate Maintenance/Repair	(\$1,500)
Telephone Cost	(\$1,500)
Street Sweeping	(\$2,100)
Landscape Maintenance & Irrigation Repairs	(\$9,000)
Electrical Power for Gate and Streetlights	(\$2,800)
Water Service	(\$2,500)
City Administration Costs	(\$3,200)
County Collection Fees	(\$14)
District Administrator	(\$16,560)
Assessment Engineering	(\$2,732)
Insurance	(\$1,700)
Annual Expenditures Subtotal:	<b>(\$44,206)</b>
<b>Capital Improvement Projects</b>	
Gate Callbox Replacement	(\$1,775)
Sidewalk Repairs	(\$10,373)
Capital Improvement Projects Subtotal:	<b>(\$12,148)</b>
<b>Total Estimated Expenses for FY 2023-24:</b>	<b>(\$56,354)</b>
<b>Estimated FY 2023-24 Reserve Collection:</b>	<b>(\$8,564)</b>
<b>Projected Ending Balance as of June 30, 2024:</b>	<b>\$25,965</b>
<b>Reserve Detail as of June 30, 2024</b>	
Recommended Operating Reserves <sup>(2)</sup>	\$22,103
Available Operating Reserves	\$22,103
Available Capital Reserves <sup>(3)</sup>	\$3,862
<b>Assessment Rate (81 Parcels)</b>	<b>\$590.00</b>
<b>Notes:</b>	
(1) See Appendix "B" for a detailed description of expenses.	
(2) Operating reserves are needed because the City does not receive the assessment revenue from the County until halfway through the fiscal year. Therefore, it is recommended the City have an operating reserve to fund 6 months of the estimated annual expenditures anticipated to be incurred from July 1 through December 31 of each fiscal year.	
(3) Capital reserve funds will be used for Capital Improvement Projects or to replace existing improvements once they have reached the end of their useful life.	

**PART C**

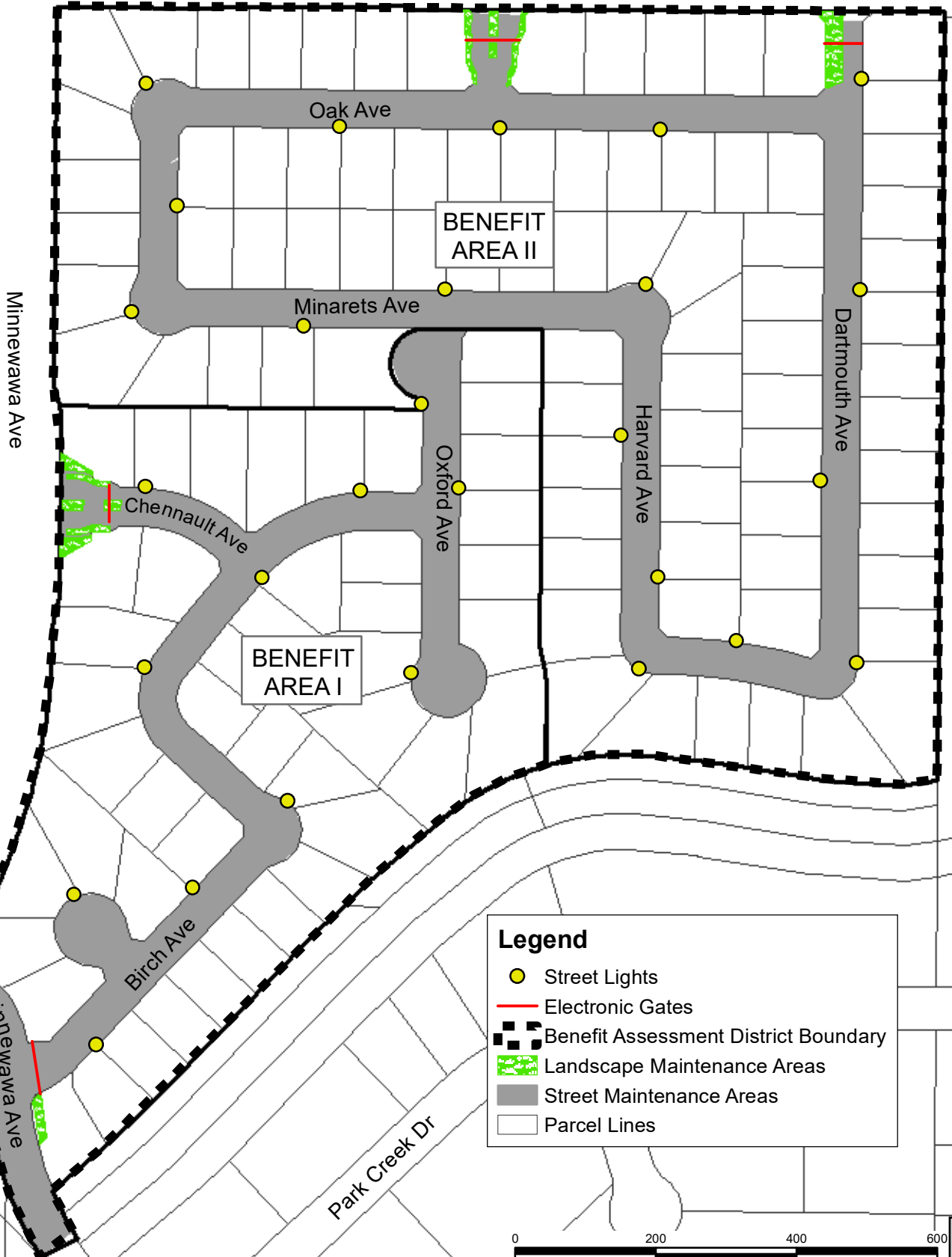
**ASSESSMENT DISTRICT DIAGRAM**

The boundary of the District is completely within the boundaries of the City of Clovis. The Assessment Diagram for the two benefit areas is on file in the Office of the City Clerk of the City of Clovis and is shown on the following page of this Report. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Fresno County Assessor, for the year when this Report was prepared, and are incorporated by reference herein and made part of this Report.

# City of Clovis

## Benefit Assessment District No. 95-1 Maintenance Improvement Diagram

Alluvial Ave



## PART D

### METHOD OF APPORTIONMENT OF ASSESSMENT

This section explains the benefits to property from the street and landscaping improvements and the methodology used to apportion the costs to the benefitting properties within the District.

#### **Discussion of Special Benefit**

Part 1 of Division 2 of Title 5 of the Government Code, the Benefit Assessment Act of 1982, permits the establishment of assessment districts by local agencies for the purpose of providing certain public improvements and services which include the construction, operation, maintenance, and servicing of street and landscaping improvements.

Section 54711 of the Benefit Assessment Act of 1982 requires that assessments must be levied according to benefit rather than according to property value. This Section states:

*“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service.”*

In addition, the 1982 Act permits the designation of zones or areas of benefit within any individual assessment district.

Article XIID, Section 4(a) of the California Constitution (also known as Proposition 218) limits the amount of any assessment to the proportional special benefit conferred on the property.

*“No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”*

Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial and institutional activities.

#### **Special versus General Benefit**

In the absence of an annual assessment, the street and landscaping maintenance activities within each benefit area of the District would not be provided. All the assessment proceeds received from each benefit area will be utilized to fund the cost of

providing a level of tangible “special benefits” in the form of property related services which benefit the individual properties with the District. The assessments are also structured to provide specific improvements within each benefit area that are of specific and special benefit to property within each benefit area.

The street and landscaping improvements in each benefit area of the District were specifically designed and constructed to provide vehicular access to properties within the respective benefit areas, and not the public at large. The boundaries of the benefit areas have been delineated to include only those parcels that receive a direct benefit from the street and landscaping improvements. Properties located outside the District benefit areas and the public at large do not benefit from the District street and landscaping improvements.

It is therefore concluded that all street and landscaping maintenance activities funded by the District are of special benefit to the benefiting properties located within the respective benefit areas of the District, and the value of the special benefits to property reasonably exceeds the assessment for every assessed parcel in the District. In other words, as required by Proposition 218: the reasonable cost of the proportional special benefit conferred on each parcel does not exceed the amount of the assessments.

### **Assessment Methodology**

Proposition 218 requires that assessments must be based on the benefit the subject properties receive from the improvements being maintained. The improvements maintained by the District provide vehicular access and enhanced aesthetics to the properties within the District.

Each year, the City shall evaluate the conditions of the improvements to be maintained by the District and estimate the required maintenance and incidental costs to spread to the benefitting properties. A portion of the assessments collected may be set aside for significant capital improvement items, such as seal coats and street surface overlays.

The single-family residential parcel has been selected as the basic unit for the calculation of assessments since it represents all the assessable parcels within the District. All single-family residential parcels have been determined to experience equal vehicular access and enhanced aesthetics from the District street and landscaping improvements. There are 45 single-family residential parcels in Benefit Area I (Renaissance) and 81 single-family residential parcels in Benefit Area II (Country View) that will be assessed for the maintenance of the improvements. Therefore, the maintenance and incidental costs for Benefit Area I (Renaissance) will be equally spread to each of the single-family residential parcels within Benefit Area I (Renaissance) and the maintenance and incidental costs for Benefit Area II (Country View) will be equally spread to each of the single-family residential parcels within Benefit Area II (Country View).



Below is a description of each of the benefit areas, their corresponding number and type of parcels within each benefit area, and the method of apportioning the costs of the District street and landscaping improvements to the benefiting parcels.

**Benefit Area I (Renaissance)**

Benefit Area I (Renaissance) is comprised of 45 single-family residential parcels. In Fiscal Year 2023-24, there are 45 assessable parcels, and the total assessment revenue needed to operate and maintain the improvements benefitting Benefit Area I (Renaissance) is \$38,970. This results in the following proposed assessment that will be levied within Benefit Area I (Renaissance):

**Fiscal Year 2023-24 Rate: \$866.00/parcel**

**Benefit Area II (Country View)**

Benefit Area II (Country View) is comprised of 81 single-family residential parcels. In Fiscal Year 2023-24, there are 81 assessable parcels, and the total assessment revenue needed to operate and maintain the improvements benefitting Benefit Area II (Country View) is \$47,790. This results in the following proposed assessment that will be levied within Benefit Area II (Country View):

**Fiscal Year 2023-24 Rate: \$590.00/parcel**

**PART E**

**PROPERTY LIST AND ASSESSMENT ROLL**

A list of the addresses of all parcels, and the description of each lot or parcel within the District is shown on the last equalized property tax roll of the Fresno County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the assessments apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Clovis and is shown in this Report as Appendix "C".

**APPENDIX A**

**DETAILED STATEMENT OF COSTS FOR  
BENEFIT AREA I (RENAISSANCE)**

**BENEFIT AREA I (RENAISSANCE)**

**DETAILED STATEMENT OF COSTS**

The detailed description of costs for each of the improvements to be operated, maintained, and serviced in Benefit Area I (Renaissance), and those which may be subsequently operated, maintained, and serviced are generally described as follows:

**Administrative Expenses**

This item encompasses office expenses, postage, and printing that arises during the fiscal year described as follows:

- Office Expenses related to providing information for City Council meetings, quarterly financial reports to the City of Clovis, etc.
- Postage for mailings of bills/invoices, checks to vendors, and community notices.
- Printing of invoices, notices, announcements, reports, etc.

Based on historical data, the above-mentioned expenses are estimated to be \$600 for Fiscal Year 2023-24.

**Electronic Gate Maintenance**

There are two electronic gates that will be maintained by Benefit Area I (Renaissance). The estimated cost for electronic gate maintenance for Fiscal Year 2023-24 is \$1,500 and funds costs related to drive-thru and pedestrian gate repairs and monthly maintenance.

**Telephone Costs**

Telephone costs correspond to monthly landline charges for the callbox located at the entrance gate which will be used by people at the gate to communicate with residents of Benefit Area I (Renaissance).

There are two gates. One gate is an "Enter Only" gate and the other is an "Exit Only" gate. There is only one telephone to be maintained at the "Enter Only" gate.

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid from the capital reserve fund. The estimated cost to fund minor telephone repairs and AT&T billing is \$1,500 for Fiscal Year 2023-24.

**Street Sweeping**

The streets will be swept once every two months within Benefit Area I (Renaissance) for an estimated cost of \$650 for Fiscal Year 2023-24.

**Landscape Maintenance and Irrigation Repairs**

The landscape services provided include monthly routine maintenance, fertilization, rye seeding, minor irrigation and sprinkler repairs, seasonal flowers at the gate entrance area, tree trimming as needed, and landscaping supplies.

The landscape maintenance areas for Benefit Area I (Renaissance) are located at the entrance gates off of Minnewawa Avenue and include maintenance of the following:

- median island planters along Chennault Avenue;
- landscape strips between sidewalk and curb along Chennault Avenue;
- entrance area north and south of Chennault Avenue expanding from the sound walls between the gates and Minnewawa Avenue; and
- landscape area located at the intersection of Minnewawa Avenue and Birch Avenue.

The total area of landscaping to be maintained is approximately 3,700 square feet and is shown on the Assessment District Diagram included in Part C this Report.

The total cost of landscape maintenance and minor irrigation and sprinkler repairs for Fiscal Year 2023-24 is estimated by the District Administrator to be \$7,800.

**Electrical Power for Gate and Streetlights**

The total estimated cost for electrical power charges for gate operations and streetlights for Fiscal Year 2023-24 is \$2,200.

**Water Service**

The estimated cost to provide water service for common areas associated with Benefit Area I (Renaissance) for Fiscal Year 2023-24 is \$1,800.

**City Administration Costs**

The City of Clovis will have many responsibilities for the administration of the District. Included in these costs are:

- a. City Council Costs related to notices, hearings, etc.
- b. Attorney fees for the City Attorney to prepare the legal documents as are required for the operation of the District.

- c. Staff time for the preparation of documents necessary for the on-going operation of the District.
- d. Staff time for the review of documents prepared by District Consultants as necessary for the on-going operations of the District.
- e. Staff time related to the timely application of necessary maintenance and repairs as required.

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated cost for Benefit Area I (Renaissance) City Administration for Fiscal Year 2023-24 is \$2,000.

**County Collection Fees**

The costs from the County of Fresno related to the collection of assessments and transfer of funds to the City are \$0.17 per parcel.

The total estimated cost for the County of Fresno collection fees for Fiscal Year 2023-24 is \$8 (45 parcels x \$0.17/parcel).

**District Administrator**

The District Administrator will provide administrative, financial, and operational services to manage the maintenance of improvements for Benefit Area I (Renaissance). The estimated cost for Benefit Area I (Renaissance) Administration is \$9,840 for Fiscal Year 2023-24.

**Assessment Engineering**

The District Assessment Engineer is Francisco & Associates. They have a contract with the District to perform Benefit Area I (Renaissance) assessment engineering services for a lump sum of \$1,518 for Fiscal Year 2023-24.

**Insurance Costs**

The District will carry property damage insurance for damage to the gates caused by an accident or vandalism and Comprehensive General Liability Insurance with Excess Coverage.

The property insurance is issued by State Farm Insurance Company. It provides for a maximum of \$80,000 per occurrence for damage to the electronic gates with a \$1,000 deductible.

The Comprehensive Liability Insurance is issued by State Farm Insurance Company, which has the following coverage:

\$3,000,000	General Aggregate
\$3,000,000	Each Occurrence
\$3,000,000	Personal Injury
\$50,000	Fire Damage Legal Liability

The total estimated insurance cost or all insurance coverage as required for private gated communities including property and liability insurance for Fiscal Year 2023-24 is \$950.

**Capital Reserve**

On the recommendation of the District Administrator and the City of Clovis Finance Department, the Capital Reserve was established to provide funding for future expenses that do not occur on an annual basis.

Included in the Capital Reserve are funds set aside for items including, but not limited to, roadway slurry seal maintenance, sidewalk repairs, gate repairs, and landscape upgrades.

The City of Clovis has recently completed or intends on completing the capital improvement projects shown below.

**Capital Improvement Projects**

Upon evaluation of current improvements and their remaining useful life, the City of Clovis and District Administrator assessed a need to utilize Capital Reserve to fund capital improvement projects.

In FY 2022-23, the following capital improvement projects were performed:

- a. Roadway Slurry Seal

In FY 2023-24, assuming property owners approve the proposed assessment increase, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Gate Call Box and Firebox Replacement with an estimated cost of \$4,525.

In FY 2024-25, assuming property owners approve the proposed assessment increase, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- a. Sidewalk Repairs with an estimated cost of \$10,400.

**APPENDIX B**

**DETAILED STATEMENT OF COSTS FOR  
BENEFIT AREA II (COUNTRY VIEW)**



## **BENEFIT AREA II (COUNTRY VIEW)**

### **DETAILED STATEMENT OF COSTS**

The detailed description of costs for each of the improvements to be operated, maintained, and serviced in Benefit Area II (Country View), and those which may be subsequently operated, maintained, and serviced are generally described as follows:

#### **Administrative Expenses**

This item encompasses office expenses, postage, and printing that arises during the fiscal year described as follows:

- Office Expenses related to providing information for City Council meetings, quarterly financial reports to the City of Clovis, etc.
- Postage for mailings of bills/invoices, checks to vendors, and community notices.
- Printing of invoices, notices, announcements, reports, etc.

Based on historical data, the above-mentioned expenses are estimated to be \$600 for Fiscal Year 2023-24.

#### **Electronic Gate Maintenance**

There are two electronic gates that will be maintained by Benefit Area II (Country View). The estimated cost for electronic gate maintenance for Fiscal Year 2023-24 is \$1,500 and funds costs related to drive-thru and pedestrian gate repairs and monthly maintenance.

#### **Telephone Costs**

Telephone costs correspond to monthly landline charges for the callbox located at the entrance gate which will be used by people at the gate to communicate with residents of the Benefit Area II (Country View).

There are two gates. One gate is an "Enter Only" gate and the other is an "Exit Only" gate. There is only one telephone to be maintained at the "Enter Only" gate.

The telephone system is a private system and the cost for repair and replacement of the telephone equipment, when needed, will be paid from the capital reserve fund. The estimated cost to fund telephone equipment repairs and AT&T billing is \$1,500 for Fiscal Year 2023-24.

**Street Sweeping**

The streets will be swept once every month within Benefit Area II (Country View) for an estimated cost of \$2,100 for Fiscal Year 2023-24.

**Landscape Maintenance and Irrigation Repairs**

The landscape services provided include monthly routine maintenance, fertilization, rye seeding, minor irrigation and sprinkler repairs, seasonal flowers at the gate entrance area, tree trimming as needed, and landscaping supplies.

The landscape maintenance areas of Benefit Area II (Country View) are located at the entrance gates off of Alluvial Avenue and of the back gate on Dartmouth Avenue. The maintenance areas include the following:

- median island planters located at the entrance gates on Alluvial Avenue;
- landscape strips between sidewalk and curb at the entrance gates on Alluvial Avenue;
- the entrance area north and south of Oxford Avenue expanding from the sound walls between the gates and Alluvial Avenue;
- turf area on the west side of Dartmouth Avenue between Oak Avenue and the gate; and
- entrance area on Alluvial Avenue, expanding between Dartmouth Avenue and the sound wall bordering Benefit Area II.

The total area of landscaping to be maintained is approximately 5,000 square feet and is shown on the Assessment District Diagram included in Part C of this Report.

The total cost of landscape maintenance and minor irrigation and sprinkler repairs for Fiscal Year 2023-24 is estimated by the District Administrator to be \$9,000.

**Electrical Power for Gate and Streetlights**

The total estimated cost for electrical power charges for gate operations and streetlights for Fiscal Year 2023-24 is \$2,800.

**Water Service**

The estimated cost to provide water service for common areas associated with Benefit Area II (Country View) for Fiscal Year 2023-24 is \$2,500.

**City Administration Costs**

The City of Clovis will have many responsibilities for the administration of the District. Included in these costs are:

- a. City Council Costs related to notices, hearings, etc.
- b. Attorney fees for the City Attorney to prepare the legal documents as are required for the operation of the District.
- c. Staff time for the preparation of documents necessary for the on-going operation of the District.
- d. Staff time for the review of documents prepared by District Consultants as necessary for the on-going operations of the District.
- e. Staff time related to the timely application of necessary maintenance and repairs as required.

Historically, the City of Clovis has assessed minimal charges to the District for their services. The estimated cost for Benefit Area II (Country View) City Administration for Fiscal Year 2023-24 is \$3,200.

**County Collection Fees**

The costs from the County of Fresno related to the collection of assessments and transfer of funds to the City is \$0.17 per parcel.

The total estimated cost for the County of Fresno collection fees for Fiscal Year 2023-24 is \$14 (81 parcels x \$0.17/parcel).

**District Administrator**

The District Administrator will provide administrative, financial, and operational services to manage the maintenance of improvements for Benefit Area II (Country View). The estimated cost for Benefit Area II (Country View) Administration is \$16,560 for Fiscal Year 2023-24.

**Assessment Engineering**

The District Assessment Engineer is Francisco & Associates. They have a contract with the District to perform Benefit Area II (Country View) assessment engineering services for a lump sum of \$2,732 for Fiscal Year 2023-24.

**Insurance Costs**

The District will carry property damage insurance for damage to the gates caused by an accident or vandalism and Comprehensive General Liability Insurance with Excess Coverage.

The property insurance is issued by State Farm Insurance Company. It provides for a maximum of \$80,000 per occurrence for damage to the electronic gates with a \$1,000 deductible.

The Comprehensive Liability Insurance is issued by State Farm Insurance Company, which has the following coverage:

\$3,000,000	General Aggregate
\$3,000,000	Each Occurrence
\$3,000,000	Personal Injury
\$50,000	Fire Damage Legal Liability

The total estimated insurance cost or all insurance coverage as required for private gated communities including property and liability insurance for Fiscal Year 2023-24 is \$1,700.

**Capital Reserve**

On the recommendation of the District Administrator and the City of Clovis Finance Department, the Capital Reserve was established to provide funding for future expenses that do not occur on an annual basis.

Included in the Capital Reserve are funds set aside for items including, but not limited to, roadway slurry seal maintenance, sidewalk repairs, gate repairs, and landscape upgrades.

The City of Clovis has recently completed or intends on completing the capital improvement projects shown below.

**Capital Improvement Projects**

Upon evaluation of current improvements and their remaining useful life, the City of Clovis and District Administrator assessed a need to utilize Capital Reserve to fund capital improvement projects.

In FY 2022-23, the following capital improvement projects were performed:

- a. Roadway Slurry Seal

In FY 2023-24, the City of Clovis and District Administrator anticipate the following capital improvement projects:

- b. Gate Callbox Replacement with an estimated cost of \$1,775.
- c. Sidewalk Repairs with an estimated cost of \$10,373.

**APPENDIX C**  
**ASSESSMENT ROLL**

**CITY OF CLOVIS**  
**ASSESSMENT DISTRICT NO. 1995-1**  
**(Blackhorse Estates)**  
**Assessment Roll**  
**Fiscal Year 2023-24**  
**Benefit Area 1**

AGENDA ITEM NO. 14.

Assessor's	Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
	562-151-08	1	\$866.00	NISHIMURA GAREY	25 CHENNAULT AVE	TR 4299 Lot 1
	562-151-09	1	\$866.00	REED SAMUEL H	45 CHENNAULT AVE	TR 4299 Lot 2
	562-151-10	1	\$866.00	ANTARAMIAN PETER	65 CHENNAULT AVE	TR 4299 Lot 3
	562-151-11	1	\$866.00	TWEDT BRIAN D & VICKIE L	85 CHENNAULT AVE	TR 4299 Lot 4
	562-151-12	1	\$866.00	SYVERTSEN WILLIAM & CHERYLE L FAM TRUST	105 CHENNAULT AVE	TR 4299 Lot 5
	562-151-13	1	\$866.00	HSIAO PAUL SHIHYEN & HSIN-CHING LIN	125 CHENNAULT AVE	TR 4299 Lot 6
	562-152-04	1	\$866.00	NIMERI ABDELRAHMAN & SHAIMA	650 N CHERRY LN	TR 4299 Lot 41
	562-152-05	1	\$866.00	SRA FAMILY	640 N CHERRY LN	TR 4299 Lot 40
	562-152-06	1	\$866.00	DUNMORE JAMES L JR & TRACEE L	42 CHENNAULT AVE	TR 4299 Lot 43
	562-152-07	1	\$866.00	HSIAO PAUL S	62 CHENNAULT AVE	TR 4299 Lot 42
	562-153-03	1	\$866.00	TAKEDA VICTOR K & ANNE M TRUSTEES	665 N CHERRY LN	TR 4299 Lot 18
	562-153-04	1	\$866.00	SIRIMARCO JAMES V III & DONNA M	655 N CHERRY LN	TR 4299 Lot 19
	562-153-05	1	\$866.00	ROBERTSON STEPHEN W JR	635 N CHERRY LN	TR 4299 Lot 20
	562-153-06	1	\$866.00	STAFFORD FRANKLIN H	611 N CHERRY LN	TR 4299 Lot 21
	562-153-07	1	\$866.00	BIGLIERI JULIE M TRS	601 N CHERRY LN	TR 4299 Lot 22
	562-153-13	1	\$866.00	KALMES BEAU AARON & BRITTANY STOKER	624 N OXFORD AVE	TR 4299 Lot 12
	562-153-14	1	\$866.00	CHAVEZ MANUEL A & ROSSANNE C TRS	634 N OXFORD AVE	TR 4299 Lot 13
	562-153-15	1	\$866.00	BURRI CHRISTINE ISKENDERIAN	644 N OXFORD AVE	TR 4299 Lot 14
	562-153-16	1	\$866.00	SHIDIYWAH SAIF & HUDA	664 N OXFORD AVE	TR 4299 Lot 15
	562-153-17	1	\$866.00	STAWARSKI DOUGLAS P & KAKELLY	684 N OXFORD AVE	TR 4299 Lot 16
	562-153-18	1	\$866.00	LEE JOSEPH & MIN HEE	102 CHENNAULT AVE	TR 4299 Lot 17
	562-153-19	1	\$866.00	CLARK JASON	614 N OXFORD AVE	TR 4299 Lot 11
	562-153-20	1	\$866.00	JENSEN LAUREN	651 N OXFORD AVE	TR 4299 Lot 10
	562-153-21	1	\$866.00	TILLEY SHARRON F TRUSTEE	671 N OXFORD AVE	TR 4299 Lot 9
	562-153-22	1	\$866.00	SHARMA VISHAL & SHILPA	691 N OXFORD AVE	TR 4299 Lot 8
	562-153-23	1	\$866.00	BROBST JAMES H & M ARLENE TRUSTEES	711 N OXFORD AVE	TR 4299 Lot 7
	562-153-24	1	\$866.00	GILL SHERAZ	731 N OXFORD AVE	Por of Lot 6 Clovis
	562-161-01	1	\$866.00	GANDY ANN TRUSTEE	610 N CHERRY LN	TR 4299 Lot 37
	562-161-02	1	\$866.00	HEMMAN RONALD D & STEPHANIE J	620 N CHERRY LN	TR 4299 Lot 38
	562-161-03	1	\$866.00	IBRAHIMI HARIS & MALALAI ZOLTANI	630 N CHERRY LN	TR 4299 Lot 39
	562-161-04	1	\$866.00	GATES GINGER G	57 BIRCH AVE	TR 4299 Lot 36
	562-161-05	1	\$866.00	O HARA MICHAEL & CYNTHIA	55 BIRCH AVE	TR 4299 Lot 35
	562-161-06	1	\$866.00	DER HAROUTUNIAN VASKEN & LINA TRS	51 BIRCH AVE	TR 4299 Lot 34
	562-161-07	1	\$866.00	YANG YIA	47 BIRCH AVE	TR 4299 Lot 33
	562-161-08	1	\$866.00	HAMILTON BRENDA S	37 BIRCH AVE	TR 4299 Lot 32
	562-162-01	1	\$866.00	TSAO DEREK & MONICA DU	94 BIRCH AVE	TR 4299 Lot 23
	562-162-02	1	\$866.00	KHAN SAMIA	84 BIRCH AVE	TR 4299 Lot 24
	562-162-03	1	\$866.00	CARUSO HILDA M	74 BIRCH AVE	TR 4299 Lot 25

**CITY OF CLOVIS**  
**ASSESSMENT DISTRICT NO. 1995-1**  
**(Blackhorse Estates)**  
**Assessment Roll**  
**Fiscal Year 2023-24**  
**Benefit Area 1**

AGENDA ITEM NO. 14.

Assessor's	Parcel	Benefit	Assessment	Property	Property	Tract
	Number	Area	Amount	Owner	Address	and Lot
	562-162-04	1	\$866.00	BRONSON JAMES C & MICHELLE L	64 BIRCH AVE	TR 4299 Lot 26
	562-162-05	1	\$866.00	HARDIN TAYLOR J & TETYANA S	54 BIRCH AVE	TR 4299 Lot 27
	562-162-06	1	\$866.00	WEBER DAVID & MICHELLE	44 BIRCH AVE	TR 4299 Lot 28
	562-162-07	1	\$866.00	THACKER BARBARA J TRUSTEE	34 BIRCH AVE	TR 4299 Lot 29
	562-162-08	1	\$866.00	DOUGHERTY STEPHEN P & MONICA	24 BIRCH AVE	TR 4299 Lot 30
	562-162-09	1	\$866.00	ROSENTHAL STEVE ANDREW	14 BIRCH AVE	TR 4299 Lot 31
	562-180-45	1	\$866.00	GOTTLIEB DAVID ANDREW & VIRGINIA TRS	741 N OXFORD AVE	TR 4668 Lot 18
<b>TOTAL:</b>	<b>45</b>		<b>\$38,970.00</b>			

**CITY OF CLOVIS**  
**ASSESSMENT DISTRICT NO. 1995-1**  
**(Blackhorse Estates)**  
**Assessment Roll**  
**Fiscal Year 2023-24**  
**Benefit Area 2**

AGENDA ITEM NO. 14.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-153-25	2	\$590.00	KUHL MICHAEL B	732 N HARVARD AVE	TR 4661 Lot 28
562-153-26	2	\$590.00	KEMP TIMOTHY F & SAUNDRA D	722 N HARVARD AVE	TR 4661 Lot 27
562-153-27	2	\$590.00	KONSTANZER KEVIN C & PAMELA S TRUSTEES	712 N HARVARD AVE	TR 4661 Lot 26
562-153-28	2	\$590.00	WEAVER JAMES & LISA TRUSTEES	692 N HARVARD AVE	TR 4661 Lot 25
562-153-29	2	\$590.00	PORTFOLIO MANAGEMENT SERVICES LLC	672 N HARVARD AVE	TR 4661 Lot 24
562-153-30	2	\$590.00	MAKEL JOHN T & RAQUEL	204 BIRCH AVE	TR 4661 Lot 23
562-153-31	2	\$590.00	HIRATA RYEN J & ERICA R JOHNSON TRS	214 BIRCH AVE	TR 4661 Lot 22
562-153-32	2	\$590.00	TURNBULL BRENT L & PATRICIA K TRS	234 BIRCH AVE	TR 4661 Lot 21
562-153-33	2	\$590.00	TRIFFON GARRETT	264 BIRCH AVE	TR 4661 Lot 20
562-153-34	2	\$590.00	AYDINYAN ARA	284 BIRCH AVE	TR 4661 Lot 19
562-153-35	2	\$590.00	ORTIZ KIRA	647 N DARTMOUTH AVE	TR 4661 Lot 18
562-153-36	2	\$590.00	L RODRIGUEZ R & T	667 N DARTMOUTH AVE	TR 4661 Lot 17
562-153-37	2	\$590.00	BICKEL BRUCE D TRUSTEE	687 N DARTMOUTH AVE	TR 4661 Lot 16
562-153-38	2	\$590.00	HOLGUIN GIL & KIM A	707 N DARTMOUTH AVE	TR 4661 Lot 15
562-153-39	2	\$590.00	MARTIN DARRELL B TRUSTEE	717 N DARTMOUTH AVE	TR 4661 Lot 14
562-153-40	2	\$590.00	ANALLA BRYAN G & MOLLY BLISS	727 N DARTMOUTH AVE	TR 4661 Lot 13
562-153-41	2	\$590.00	GUISTO NANCY A	737 N DARTMOUTH AVE	TR 4661 Lot 12
562-155-01	2	\$590.00	GATTIE BRADLEY H & KIRSTEN ANN TRS	673 N HARVARD AVE	TR 4661 Lot 29
562-155-02	2	\$590.00	GRAY LAURIE J & RANDALL M	676 N DARTMOUTH AVE	TR 4661 Lot 30
562-155-03	2	\$590.00	BREWER ADRIANNE M PETRUTIS & SCOTT M	696 N DARTMOUTH AVE	TR 4661 Lot 31
562-155-04	2	\$590.00	SLICK LEON H & SANDRA K	716 N DARTMOUTH AVE	TR 4661 Lot 32
562-155-05	2	\$590.00	HUDSON KIMBERLY SUE	726 N DARTMOUTH AVE	TR 4661 Lot 33
562-155-06	2	\$590.00	LEACH RONALD P & TRACY A	736 N DARTMOUTH AVE	TR 4661 Lot 34
562-180-01	2	\$590.00	KAHAL AMANDEEP	149 OAK AVE	TR 4668 Lot 1
562-180-02	2	\$590.00	MAINOCK RALPH H TRS	129 OAK AVE	TR 4668 Lot 2
562-180-03	2	\$590.00	ALCONCHER RONALD B & ANNA C TRS	99 OAK AVE	TR 4668 Lot 3
562-180-04	2	\$590.00	LOYD WILLIAM D & CYNTHIA L	89 OAK AVE	TR 4668 Lot 4
562-180-05	2	\$590.00	WALTER LOGAN PATRICK	69 OAK AVE	TR 4668 Lot 5
562-180-06	2	\$590.00	NOEL MIKE & TIFFANY	49 OAK AVE	TR 4668 Lot 6
562-180-07	2	\$590.00	DINATA VERONICA M & ANTONIUS J TRS	790 N CHERRY LN	TR 4668 Lot 7
562-180-08	2	\$590.00	THOMPSON CRAIG	780 N CHERRY LN	TR 4668 Lot 8
562-180-09	2	\$590.00	RATZLAFF CHRISTOPHER	770 N CHERRY LN	TR 4668 Lot 9
562-180-10	2	\$590.00	SILVA ANNA	760 N CHERRY LN	TR 4668 Lot 10
562-180-11	2	\$590.00	KATEIAN JANICE L TRS	750 N CHERRY LN	TR 4668 Lot 11
562-180-12	2	\$590.00	WESSON SANDRA C TRUSTEE	26 MINARETS AVE	TR 4668 Lot 12
562-180-13	2	\$590.00	LALLY GREGORY W & GRACE K TRUSTEES	46 MINARETS AVE	TR 4668 Lot 13
562-180-14	2	\$590.00	KEITH DIANA	66 MINARETS AVE	TR 4668 Lot 14
562-180-15	2	\$590.00	STONECIPHER KAREN TRUSTEE	86 MINARETS AVE	TR 4668 Lot 15



**CITY OF CLOVIS**  
**ASSESSMENT DISTRICT NO. 1995-1**  
**(Blackhorse Estates)**  
**Assessment Roll**  
**Fiscal Year 2023-24**  
**Benefit Area 2**

AGENDA ITEM NO. 14.

Assessor's Parcel Number	Benefit Area	Assessment Amount	Property Owner	Property Address	Tract and Lot
562-180-19	2	\$590.00	HOLTERMANN DARRIN PAUL & JENNIFER LEE	742 N HARVARD AVE	TR 4668 Lot 19
562-180-20	2	\$590.00	KARST DENNIS S & KATHERINE TRUSTEES	693 N HARVARD AVE	TR 4668 Lot 20
562-180-21	2	\$590.00	REY STEVEN F & JULIE L TRUSTEES	713 N HARVARD AVE	TR 4668 Lot 21
562-180-22	2	\$590.00	RAMOS STEPHEN A & JACQUELINE R	723 N HARVARD AVE	TR 4668 Lot 22
562-180-23	2	\$590.00	CAMPOS LILIA & ALEJANDRO	733 N HARVARD AVE	TR 4668 Lot 23
562-180-24	2	\$590.00	DU BOIS DIANE D	743 N HARVARD AVE	TR 4668 Lot 24
562-180-25	2	\$590.00	MORRIS ROGER GARY & ZENAIDA MAPANAO	753 N HARVARD AVE	TR 4668 Lot 25
562-180-26	2	\$590.00	KERN ANDREW C & NATALIE A TRS	197 MINARETS AVE	TR 4668 Lot 26
562-180-27	2	\$590.00	MORROW JOELENE ANN	187 MINARETS AVE	TR 4668 Lot 27
562-180-28	2	\$590.00	STANLEY MATTHEW	177 MINARETS AVE	TR 4668 Lot 28
562-180-29	2	\$590.00	CINO JOHN C	157 MINARETS AVE	TR 4668 Lot 29
562-180-30	2	\$590.00	DELCAMPO JANELLE MARIE	137 MINARETS AVE	TR 4668 Lot 30
562-180-31	2	\$590.00	OPIE SARA JOAN TRUSTEE	117 MINARETS AVE	TR 4668 Lot 31
562-180-32	2	\$590.00	RALEY EVELYN	97 MINARETS AVE	TR 4668 Lot 32
562-180-33	2	\$590.00	SCHARF DONALD R & DOROTHY D SPENCER	77 MINARETS AVE	TR 4668 Lot 33
562-180-34	2	\$590.00	BESTON LAURENCE O & MARYBETH TRS	57 MINARETS AVE	TR 4668 Lot 34
562-180-35	2	\$590.00	DUCAR FRANK LEROY & GINNIE ILENE TRS	58 OAK AVE	TR 4668 Lot 35
562-180-36	2	\$590.00	HOFER FERDINAND & ANTJE TRUSTEES	78 OAK AVE	TR 4668 Lot 36
562-180-37	2	\$590.00	JACKSON LEANNE RAE TRUSTEE	98 OAK AVE	TR 4668 Lot 37
562-180-38	2	\$590.00	BELLOW CHERYL	118 OAK AVE	TR 4668 Lot 38
562-180-39	2	\$590.00	DANSBY PAUL	138 OAK AVE	TR 4668 Lot 39
562-180-40	2	\$590.00	CENTRAL PACIFIC INVESTMENT CORPORATION	158 OAK AVE	TR 4668 Lot 40
562-180-41	2	\$590.00	KRUEGER TIMOTHY K	178 OAK AVE	TR 4668 Lot 41
562-180-42	2	\$590.00	HULL HARLAN & ROBIN	188 OAK AVE	TR 4668 Lot 42
562-180-43	2	\$590.00	DEWEY CARL C	198 OAK AVE	TR 4668 Lot 43
562-180-44	2	\$590.00	HAMES KENT L TRUSTEE	106 MINARETS AVE	TR 4668 Lots 16 & 17
562-180-46	2	\$590.00	MANALANSAN EDUARDO L & ROSEMARIE M	179 OAK AVE	TR 4661 Lot 1
562-180-47	2	\$590.00	AULT PHILIP H & COLLEEN K	189 OAK AVE	TR 4661 Lot 2
562-180-48	2	\$590.00	HAUS SPENCER N & CATHLEEN J	219 OAK AVE	TR 4661 Lot 3
562-180-49	2	\$590.00	BREWER RANDALL C & CHERI L TRUSTEES	249 OAK AVE	TR 4661 Lot 4
562-180-50	2	\$590.00	ENG MICHAEL S & PEARL K MA TRUSTEES	269 OAK AVE	TR 4661 Lot 5
562-180-51	2	\$590.00	KUYPER JASON J	797 N DARTMOUTH AVE	TR 4661 Lot 6
562-180-52	2	\$590.00	LOPEZ EMILIO & CRISTINA	787 N DARTMOUTH AVE	TR 4661 Lot 7
562-180-53	2	\$590.00	BESECKER RICHARD A & MARCIE E TRS	777 N DARTMOUTH AVE	TR 4661 Lot 8
562-180-54	2	\$590.00	WILLIAMS RICHARD E & LOLA T TRS	767 N DARTMOUTH AVE	TR 4661 Lot 9
562-180-55	2	\$590.00	STUEBNER KRIS & PRISCILLA	757 N DARTMOUTH AVE	TR 4661 Lot 10
562-180-56	2	\$590.00	CRUZ RAMIRO	747 N DARTMOUTH AVE	TR 4661 Lot 11
562-180-57	2	\$590.00	HOODE SUMANGALI	746 N DARTMOUTH AVE	TR 4661 Lot 12

**CITY OF CLOVIS**  
**ASSESSMENT DISTRICT NO. 1995-1**  
**(Blackhorse Estates)**  
**Assessment Roll**  
**Fiscal Year 2023-24**  
**Benefit Area 2**

AGENDA ITEM NO. 14.
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<b>Assessor's</b>						
<b>Parcel Number</b>	<b>Benefit Area</b>	<b>Assessment Amount</b>	<b>Property Owner</b>	<b>Property Address</b>	<b>Tract and Lot</b>	
562-180-58	2	\$590.00	SIRMAN JAMES A	756 N DARTMOUTH AVE	TR 4661 Lot 36	
562-180-59	2	\$590.00	VAN PROYEN DARYL	766 N DARTMOUTH AVE	TR 4661 Lot 37	
562-180-60	2	\$590.00	BYRD JAMES L & DOROTHY J TRUSTEES	268 OAK AVE	TR 4661 Lot 38	
562-180-61	2	\$590.00	GIZZO EVELYN E	248 OAK AVE	TR 4661 Lot 39	
562-180-62	2	\$590.00	JOHNSON KIM & BENJAMIN M	228 OAK AVE	TR 4661 Lot 40	
<hr/>						
<b>TOTAL:</b>	<b>81</b>	<b>\$47,790.00</b>				



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
 FROM: Police Department  
 DATE: May 1, 2023  
 SUBJECT: Consider Denial – A request to allow backyard chickens in the City of Clovis.

**Staff:** George Rodriguez, Police Services Manager

**Recommendation:** Deny

ATTACHMENTS: None

### CONFLICT OF INTEREST

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

### RECOMMENDATION

To maintain the current City Municipal Code and not make any adjustments to allow for Backyard Chickens.

### EXECUTIVE SUMMARY

The Clovis Police Department Animal Services Division has prepared a brief report about Backyard Chickens for Council discussion and consideration.

### BACKGROUND

During Council Comments at the May 11, 2020, Council Meeting, former Councilmember Whalen requested staff evaluate amending the City's current ordinance that bans chickens in the City limits. On June 1, 2020, the Animal Services Division presented a brief report on this topic for Council consideration and Council directed staff to prepare draft amendments to allow for backyard chickens. On July 20, 2020, Clovis Animal Services presented a report to Council to amend the City of Clovis Municipal Code to allow for backyard chickens. After discussion, Council decided to bring back this item in one year. On April 5, 2021, former Councilmember Whalen stated he would not propose this ordinance again because the City of Bakersfield had pursued the same amendments and it brought about an Environmental Impact Report and litigation. On March 20, 2023, Council again requested to put consideration of allowance of

backyard chickens on the agenda. Staff is recommending denial of the request for backyard chickens due to an increase in the demand for Animal Control Officers, Community Service Officers, and Police Officers to respond to calls for service. This will contribute to an increased need to allocate additional resources from the General Fund.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

Allowing Backyard Chickens will increase the demand for Animal Control Officers, Community Service Officers, and Police Officers to respond to calls for service. This will contribute to an increased need to allocate additional resources from the General Fund.

**ACTIONS FOLLOWING APPROVAL**

None.

Prepared by: George Rodriguez, Police Services Manager

Reviewed by: City Manager *GR*



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: May 1, 2023

SUBJECT: Consider items associated with the Annual Military Equipment Report.

a. Annual Review of Ordinance 22-03, Clovis Police Department Policy 706, and the 2023 Annual Military Equipment Report.

b. Approval - Res. 23-\_\_\_\_, Renewing Ordinance 22-03 and Clovis Police Department Policy 706.

**Staff:** Curt Fleming, Chief of Police / Craig Aranas, Police Lieutenant  
**Recommendation:** Approve

ATTACHMENTS:

1. Ordinance 22-03
2. Policy 706 of the Clovis Police Department Policy Manual
3. 2023 Annual Military Equipment Report
4. Res. 23-\_\_\_\_, Renewing Ord. 22-03 and Police Department Policy 706

### CONFLICT OF INTEREST

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

### RECOMMENDATION

Staff recommends that the City Council renew the ordinance adopting our Police Department Military Equipment Use Policy in accordance with AB 481.

### EXECUTIVE SUMMARY

Staff recommends that the City Council approve the Military Equipment Use Policy, Policy 706 of the Clovis Police Department Policy Manual, and the Annual Military Equipment Report. The Policy and ordinance which adopted the Policy must be renewed annually to allow the Department to continue using existing military equipment in the Department's inventory and acquire new equipment for operational needs. Policy 706, Ordinance 22-03, and the Annual Military Equipment Report comply with the requirements of AB 481 (codified in Gov. Code

section 7072) and each type of equipment identified in the Annual Report has complied with the applicable standards in Government Code section 7071(d).

Department Policy 706 was adopted by Ordinance 22-03 last year in compliance with AB 481. "Military equipment" is defined to include, without limitation, the following equipment: unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, flashbangs, and foundational equipment, such as rifles. This equipment is used as a component of overall best practices for law enforcement agencies throughout the country. Authorization to continue using this equipment is necessary to protect the safety and welfare of the public and peace officers within the City.

There is a significant interest in ensuring that the Department continues to have access to equipment that provides the Department as many resources as possible to safeguard lives, ensure safety, and protect civil liberties. The use of military equipment is crucial to the Department's mission and will continue to be strictly regulated through internal processes and oversight, transparency, and City Council and public review.

## **BACKGROUND**

On January 1, 2022, Governor Newsom signed into law AB 481, codified in Government Code sections 7070 through 7075. This new law requires law enforcement agencies to obtain approval from the applicable governing body of a military equipment use policy (adopted by ordinance) before obtaining funding, acquiring, or using military equipment.

The Department seeks City Council's approval of Policy 706 (Attachment 2), by renewing Ordinance 22-03 (Attachment 1), so that the Department is authorized to continue using the equipment as specified in the Policy. The purpose of Policy 706 is to safeguard the public's welfare, safety, civil rights, and civil liberties. Policy 706 ensures that there are adequate safeguards in place for the use of such equipment, including transparency, oversight, and accountability.

Policy 706 includes an inventory of each piece of equipment identified in Government Code section 7070 that is currently owned by the City, and the current use and cost of each piece of equipment. Policy 706 also allows for other law enforcement agencies to use military equipment when assisting in Clovis as long as the assisting agency has a similar military equipment use policy adopted by its governing body.

As required by AB 481, Policy 706 has been posted on the Department's website. If Policy 706 is re-approved, it will remain posted and publicly available on the Department's website along with the Annual Report, for as long as the military equipment is available for use.

As a result of the approval of Policy 706 last year, AB 481 requires the Department to annually submit a military equipment report for each approved type of military equipment to the City Council for as long as the military equipment is available for use. Additionally, the Department must make each annual report publicly available on its website for as long as the equipment is available for use. The annual report must be presented to and reviewed by the City Council at a

regular meeting each year, and the City Council must determine at the annual meeting whether each type of military equipment identified in the report continues to comply with the standard of approval, and determine whether to renew the ordinance approving Policy 706.

The Annual Report (Attachment 3) contains a comprehensive list of each type of equipment owned by the City and contains all required information in accordance with Government Code section 7072. Future acquisition of any equipment deemed to be "military equipment" will comply with applicable funding and procurement requirements.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

Department Policy 706, the Annual Military Equipment Use Report, and the adopting ordinance meet the requirements of Assembly Bill 481 (Government Code sections 7071-7072), and approval will allow the Department to continue using its existing military equipment to safeguard the public and officers.

**ACTIONS FOLLOWING APPROVAL**

The Department will continue to use its existing military equipment in accordance with Policy 706 after approval of the Military Equipment Use Report and renewal of Ordinance 22-03.

Prepared by: Craig Aranas, Police Lieutenant

Reviewed by: City Manager *JA*

**ORDINANCE 22-03****AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING  
A MILITARY EQUIPMENT USE POLICY**

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

**SECTION 1.** Findings.

The City Council finds:

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, which codified procedures of funding, acquisition and use of military equipment by law enforcement agencies under Government Code sections 7070 through 7075.
- B. Assembly Bill 481 requires law enforcement agencies to obtain approval from the applicable governing body by ordinance adopting a military equipment use policy prior to taking certain actions relating to funding, acquisition, or use of military equipment.
- C. Assembly Bill 481 allows a city council of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations pursuant to Government Code section 7071.
- D. Assembly Bill 481 requires law enforcement agencies to annually submit to the applicable governing body a military equipment report for each approved type of military equipment for as long as the military equipment is available for use, and to make each annual report publicly available on its website for as long as the equipment is available for use.
- E. Assembly Bill 481 requires a city council that has adopted an ordinance approving a military equipment use policy to annually review the military equipment report submitted by the law enforcement agency to determine whether each type of military equipment identified in the report continues to comply with the standard of approval.
- F. Assembly Bill 481 requires a city council that has adopted an ordinance approving a military equipment use policy to annually review the ordinance and vote on whether to renew the ordinance at a regular meeting.
- G. Policy 706 of the Clovis Police Department Policy Manual has been prepared by the Clovis Police Department as its proposed military equipment use policy, and it has been published on the Clovis Police Department's page of the City's internet website since March 18, 2022.
- H. A duly noticed public meeting was conducted by the City Council at its regular meeting on April 18, 2022, to consider Policy 706.



**SECTION 2.** Determinations.

A. Based on the above-findings and the information provided to and considered by the City Council during the public meeting, the City Council determines that Policy 706 of the Clovis Police Department Policy Manual complies with the following standards for approval under Government Code section 7071:

1. The identified military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

2. Policy 706 of the Clovis Police Department Policy Manual will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. The purchase and use of the identified military equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.


4. All military equipment use prior to the adoption of Policy 706 of the Clovis Police Department Policy Manual complied with applicable Department policy in effect at that time, and adoption of Policy 706 will ensure future compliance.

B. Policy 706 of the Clovis Police Department Policy Manual is approved and adopted.

**SECTION 3.** This Ordinance shall take effect thirty (30) days after its adoption but will not be codified in the City's Municipal Code.

**SECTION 4.** The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the community at least five (5) days prior to adoption and again fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which the ordinance is adopted, and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

APPROVED: April 18, 2022

  
\_\_\_\_\_  
Mayor Pro Tem

  
\_\_\_\_\_  
City Clerk

\* \* \* \* \*

The foregoing Ordinance 22-03 was introduced at a regular meeting of the City Council of the City of Clovis held on April 18, 2022, and was thereafter duly adopted at a regular meeting of said City Council held on May 9, 2022, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Mouanoutoua, Whalen

NOES: None

ABSENT: Councilmember Bessinger, Mayor Flores

ABSTAIN: None

DATED: May 9, 2022



  
\_\_\_\_\_  
City Clerk

## Military Equipment

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached, excluding unarmored all-terrain vehicles and dirt bikes.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld ram designed to be operated by one person.
- Firearms and ammunition of fifty (.50) caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than fifty (.50) caliber, including firearms and accessories identified as assault weapons pursuant to Penal Code section 30510 and Penal Code section 30515, with exception of standard department issued firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools, including, but not limited to, grenades.
- Munitions containing tear gas or oleoresin capsicum (OC), excluding standard, Department-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and Long-Range Acoustic Devices (LRADs).
- Kinetic energy weapons and munitions, including, but not limited to, projectile launchers, bean bag rounds, and rubber bullets.

## *Military Equipment*

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- Any other equipment as determined by a governing body or a state agency to require additional oversight.

### **706.2 POLICY**

It is the policy of the Clovis Police Department that members of this department comply with the provisions of Government Code § 7071.

### **706.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Clovis Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **706.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying military equipment for the Department:

See attachment: [Military Equipment List.pdf](#)

### **706.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting this military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least thirty (30) days prior to any public hearing concerning the military equipment at issue (Government Code §

## *Military Equipment*

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7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to Title 10 of the United States Code section 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **706.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment maybe used by any other law enforcement agencies or members in this jurisdiction if such military equipment has been approved for use in accordance with this policy. Military equipment used by other law enforcement agencies that are providing mutual aid or assistance to this jurisdiction shall comply with their respective military use policies in rendering mutual aid or assistance.

### **706.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for Department use. The report shall include all information required by Government Code section 7072 for the preceding calendar year for each type of military equipment in department inventory.

### **706.8 COMMUNITY ENGAGEMENT**

Within thirty (30) days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting,

## *Military Equipment*

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at which the Department should discuss the report and respond to public questions regarding Department funding, acquisition, or use of military equipment.

In accordance with Section 706.3(g) of this policy and Government Code section 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy. The Department will monitor all complaints, concerns, and questions to ensure timely responses are completed. Complaints, concerns, or questions may be submitted by any of the following means:

1. Via email to: [militaryequipmentquestions@cityofclovis.com](mailto:militaryequipmentquestions@cityofclovis.com)
2. Via phone call to: (559) 324-2406
3. Via postal mail to: Clovis Police Department, Attn: Chief of Police, 1233 Fifth Street, Clovis, CA 93612

## Military Equipment

1. **Mobile Command Vehicle (MCV)** – A vehicle used as a mobile dispatch center and/or office that provides heated and cooled shelter, a source of electricity and lighting, access to Department computer systems, and a place for department members to meet at the scene of a critical incident, pre-planned event, natural disaster, or community event.

- a. Description quantity, capabilities, and purchase cost

The MCV is custom built by the Farber Company on a 2 axel Freightliner Chassis that had an initial cost of \$542,608 in 2006. The single unit (1) has a chassis motor which propels the vehicle and a generator which powers all internal electrical components and can provide external power to additional lights or equipment as necessary. The MCV has two full dispatch terminals, space for up to 7 additional workstations, and multiple divider doors that can break up the space into five separate rooms. The MCV has three dedicated cell phone lines and 5 sets of radios that can communicate with all surrounding agencies on both UHF and VHF frequencies.

- b. Purpose

To be used at the scene of any pre planned event, community event, critical event, or natural disaster where a portable office, dispatch center, heated or cooled shelter, supplemental power source and/or meeting location is needed.

- c. Authorized use

Only staff trained in the deployment and operation of the MCV may operate it. Only members that have a California Class B driver's license with air brake endorsement may drive the vehicle.

- d. Lifespan

The MCV has a 30-year lifespan on the chassis and vehicle. Upgrades on technology inside the vehicle will be on an as needed basis.

- e. Fiscal Impact

Annual maintenance cost is approximately \$1,500.00

- f. Training

The drivers shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver will drive the vehicle throughout the city with an experienced driver.

The driver shall also undergo California Department of Motor Vehicle commercial vehicle testing.

g. Legal and Procedural Rules

Use shall be in accordance with California State law regarding the operation of motor vehicles.

2. **Crisis Negotiation Team (CNT) Vehicle-** A vehicle used as a mobile office that provides shelter, access to the Police Department computer systems, and facilities on extended events.

a. Description, quantity, capabilities, and purchase cost

2007 General Motors 4500 Utilimaster (custom built) vehicle, cost: \$149,654, quantity: 1 The CNT vehicle can be utilized with SWAT/CNT callouts and for community events.

b. Purpose

To be utilized for critical incident callouts and community events.

c. Authorized Use

The CNT vehicle is used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.

d. Lifespan

The CNT vehicle has a 30-year lifespan on a chassis and vehicle.

e. Fiscal Impact

Annual maintenance, \$600.

f. Training

Once completing a closed training course, the operator will drive the vehicle throughout the city with an experienced driver.

g. Legal and Procedural Rules

Use shall be in accordance with California State law regarding the operation of motor vehicles.



3. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.
- a. Description, quantity, capabilities, and purchase cost of current UAS:
- i. DJI MAVIC MINI, cost: \$500 each, quantity: 20. Miniature UAS that weighs approximately 249 grams and can record video and audio with approximately 30 minutes of flight time.
  - ii. DJI MAVIC MINI 2 Cost: \$600 Quantity: Miniature UAS that weighs approximately 249 grams and can record video an audio with approximately 30 minutes of flight time.
  - iii. DJI MAVIC 2 ENTERPRISE ADVANCED, cost: \$7,500, quantity: 2. UAS that has a color and thermal camera as well as audible speaker and light. Capable of video recording and weighs 909 grams without a payload, approx. 30 minutes of flight time.
  - iv. DJI MAVIC ENTERPRISE, cost: \$3,500, quantity: 1. UAS that has a color and thermal camera as well as audible speaker and light. Capable of video recording and weighs 899 grams without a payload, approx. 30 minutes of flight time.
  - v. DJI MAVIC PRO, cost: \$1,500, quantity: 1. UAS that weighs approx. 1.5 pounds, 25-minute flight time and a single-color camera with recording capabilities.
  - vi. DJI PHANTOM 4, cost: \$1,600, quantity: 1. UAS that weighs approx. 1380 grams, 28-minute fight time and a single-color camera with recording capabilities.
  - vii. DJI MATRICE 300 with HT20 camera, cost: \$25,000 each, quantity: 1. UAS that has 45 minutes of flight time, in all weather, has an IR camera, zoom camera and light. Has video recording capabilities.
  - viii. DJI MATRICE 210 with Z30 camera, cost: 10,500 each, quantity: 1. UAS that has 30 minutes of flight time without a payload, in all weather, has a zoom camera and light. Has video recording capabilities.
  - ix. SKY HERO LOKI 2, cost: 10,500 for a package of 2, quantity: 1. Ruggedized interior tactical UAS that has 16 minutes of flight time. It has a forward facing analog fixed day-night + IR camera allowing it to fly in total darkness. Unable to record video currently.

- x. SKYDIO 2 Cost: \$1,100 Quantity: 1 UAS that weighs approx. 775 grams, 27 minutes of flight time. It has a zoom camera and 360-degree accident avoidance. Unable to fly in darkness.
- xi. DJI Air 2s Cost: \$1,200 Quantity: 1 UAS that weighs approx. 595 grams, 31 minutes of flight time. Has the ability to perceive its environment in four directions and features advanced image transmission technology.
- i. DJI M30T Cost: \$16,500 Quantity: 1 UAS that weighs approx. 3.77 kilograms, 36-41 minutes of flight time. Wide-angle camera, 8k photo, 4K/30 fps video resolution, laser rangefinder up to 1,200 meters, and a thermal sensor.

b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. Major collision investigations.
- ii. Searching for missing persons.
- iii. Natural disaster management.
- iv. Crime scene photography.
- v. SWAT, tactical or other public safety and life preservation missions.
- vi. In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

d. Expected Life Span

All UAS equipment, 3-5 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$10,000.

f. Training

All Department UAS operators are required to obtain a PART 107 license. In addition, each operator must attend a basic department training course and participate in ongoing quarterly training.

g. Legal and Procedural Rules

Use is established under FAA Regulations 14 CFR Part 107, COA, FAA waivers, and the City of Clovis UAS policy. It is the policy of Clovis Police Department to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

4. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

a. Description, quantity, capabilities, and purchase cost:

- i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425, cost: \$1000, quantity: 2. The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and only authorized to be used by SWAT personnel.
- ii. DEFENSE TECHNOLOGY, 40MM TACTICAL 4-SHOT LAUNCHER, #1440, cost: \$1975, quantity: 2. The 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc™ expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by SWAT personnel
- iii. Cost: \$23 Quantity: 26 A less lethal 40mm round used to penetrate barriers such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

- iv. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: 62. A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
- v. DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE, CS, #6182, cost: \$30, quantity: 34. The SPEDE-HEAT CS Long-Range Munitions delivers one chemical canister of CS agent from a 40 mm launcher down range up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.
- vi. DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE ROUND, SAF SMOKE, #6183, cost: \$27, quantity: 12. The Spede-Heat Saf-Smoke Long Range Munitions is designed to deliver one chemical canister of Saf-Smoke™ payload down range up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede- Heat 40 mm is designed for outdoor and has a maximum effective range of 150 yards.

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use:

- i. Situations for use of the less lethal weapon systems may include, but are not limited to:
- ii. Self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained. Potentially vicious animals.
- iv. Training exercises or approved demonstrations.
- v. By officers who have been trained in their proper use.

d. Lifespan:

- i. Defense Technology #1425- 25 years.
- ii. Defense Technology #1440- 15 years.
- iii. Model 2262 Defense Technology, Ferret 40mm: 5 years
- iv. Model 6182 Defense Technology Spede-Heat 40 MM long-range, CS- 5 years.
- v. Model 6183 Spede-Heat 40mm Long-range Round, Saf Smoke- 5 years.

e. Fiscal Impact:

Annual maintenance is approximately \$50 for each launcher.

f. Training:

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in there use by POST certified and/or Defense Technology less lethal and chemical agent instructors.

g. Legal and Procedural Rules:

The 40mm launchers are to be used only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

5. **Distraction Devices:** A device used to distract dangerous persons.

a. Description, quantity, capabilities, and purchase cost:

Defense Technology, 7290-2 FLASH-BANG, cost: \$52, quantity: 39. A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

b. Purpose:

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over- pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use:

Diversionary Devices shall only be used:

- i. In hostage and barricaded subject situations.
- ii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iii. During other high-risk situations where their use would enhance officer safety.
- iv. During training exercises or approved demonstrations.
- v. By officers who have been trained in their proper use.

d. Lifespan:

Until used.

e. Fiscal Impact:

No annual maintenance.

f. Training:

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors and/or Defense Technology.

g. Legal and Procedural Rules:

Diversion devices are to be used only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

6. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost:

- i. DEFENSE TECHNOLOGY, TRIPLE-CHASER SEPARATING CANISTER, CS, #1026, cost: \$47, quantity: 18. The Triple-Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart

allowing increased area coverage in a short period of time. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.

- ii. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082, cost: \$27, quantity: 9. The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.
- iii. DEFENSE TECHNOLOGY, FLAMELESS EXPULSION CS GRENADE, #2042, cost: \$48, quantity: 8. The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time.
- iv. DEFENSE TECHNOLOGY, MAXIMUM HC SMOKE MILITARY-STYLE CANISTER, #1083, cost: \$38, quantity: 18. The Military-Style Maximum Smoke Grenade comes from the Defense Technology #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.
- v. DEFENSE TECHNOLOGY, POCKET TACTICAL BLUE SMOKE GRENADE, #1017B, cost: \$39, quantity: 3. The Pocket Tactical Blue Smoke Grenade is a small, lightweight device. Though it is slightly over four inches in length, it produces a blue smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical colored smoke grenade. It will burn approximately 20-40 seconds.
- vi. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE CS GRENADE, #1080, cost \$41, quantity: 8- The Riot Control OC Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 0.88 oz. of active agent.

- vii. DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056, cost: \$49, quantity: 12. The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.
- viii. DEFENSE 1.3% MK-46V STREAM OC AEROSOL #43046, cost: \$495, quantity: 1. The MK-46 features a trigger handle, is intended for use in crowd management and will deliver 26 short bursts of OC at an effective range of 25-30 ft. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.
- ix. DEFENSE TECHNOLOGY, SPEDE-HEAT CS, #1072, cost: \$40, quantity: 72. The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. It is delivered in a burn safe for safety.
- x. DEFENSE TECHNOLOGY, SPEDE-HEAT POCKET TACTICAL CS, # 1072 cost: \$30, quantity: 62. Pocket Tactical Grenade, CS. The Pocket Tactical CS Grenade is a quick burning, reduced volume, continuous discharge grenade. Pelletized chemical agent is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent. The 0.9 oz. of active agent will burn approximately 20-40 seconds. It is delivered in a tomahawk burn safe for safety.
- xi. DEFENSE TECHNOLOGY, RUBBER BALL STINGERS CS, cost \$ 30, quantity: 13: The Stinger Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls and chemical agent in a 50-foot radius.
- xii. DEFENSE TECHNOLOGY, STINGERS OC, cost \$ 30, quantity: 8: The Stinger OC Grenade is a maximum effect device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and OC.



The Stinger Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls and chemical agent in a 50-foot radius.

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

Self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents.

Circumstances where a tactical advantage can be obtained. Potentially vicious animals.

c. Authorized Use:

Only officers who have been trained in proper use in the use of chemical agents are authorized to use chemical agents.

d. Lifespan:

5 years from manufacturing date.

e. Fiscal Impact:

No annual maintenance.

f. Training:

Sworn members utilizing chemical agent canisters are certified by POST and/or Defense Technology less lethal and chemical agent instructors.

g. Legal and Procedural Rules:

Chemical agents will only be used for official law enforcement purposes and pursuant to State and Federal law.

7. **Armored Vehicles: Wheeled armored personnel vehicle utilized for law enforcement purposes.**

a. Description, quantity, capabilities, and purchase cost

- i. MRAP, cost: \$0, quantity: 1. The MRAP is a United States Army specialized armored vehicle manufactured of common commercial and

military parts. It seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It stops various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

- ii. Lenco Bearcat, G3, cost: \$431,133.42, quantity 1. The Lenco Bearcat, G3, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of a shield and personal body armor.

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use

The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d. Lifespan

Estimated 15-25 years.

e. Fiscal Impact

Annual maintenance of approximately \$5,000.

f. Training

All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving. MRAP drivers are required to possess a valid Class B California driver license. The Bearcat may be driven by any Clovis Police Officer trained in the operation of the Bearcat.

g. Legal and Procedural Rules

The department will only use the MRAP and Bearcat for official law enforcement purposes, and pursuant to State and Federal law.

8. **Explosive Breaching Tools:** Tools that are used to conduct an explosive breach.

a. Description, quantity, capabilities, and purchase cost

- i. Detonating Cord, cost: \$1 per foot, quantity: 90 feet. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives. Detonating cord is the primary explosive used to defeat doors, walls, windows, and other barricades for SWAT Operators to safely make entry into a specific location, or create distraction, with no risk to the person inside of the room being breached.
- ii. Blasting Cap, cost: \$12, quantity: 9. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful, and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.
- iii. Nonel, cost: \$429.00 per case, Quantity: 10 total. Nonel is a zero-delay shock tube that contains a reactive explosive compound that provides a safe distance from the explosive initiator to the explosive charge that is placed on the target that is going to be breached.
- iv. Remington 870 Express Breaching Shotgun, cost: \$500, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
- v. Royal Arms Tesar-2 Back Cap 425 Grain Copper Frangible Breaching Round, cost: \$5 per round, quantity: 50. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks, and hinges.
- vi. Royal Arms Tesar-4 Yellow Cap 750 Grain Copper Frangible Breaching Round, cost: \$5 per round, quantity: 45. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks, and hinges.

- vii. Royal Arms HP C, cost: \$6 per round, quantity: 20. The round is fired from a breaching shotgun and is used to cut rebar, penetrate security glass, car doors, and can penetrate engine blocks.
- viii. Royal Arms FTR-P1 12 Gauge Frangible Polyshot Training Rounds 48, cost: \$2.50 per round, quantity 48. The round is fired from a breaching shotgun and used as a training tool to show how to effectively use and deploy a breaching shotgun.

b. Purpose

To safely force entry into a structure.

c. Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan

Breaching Shotgun- 25 years, Blasting Caps- 10 years, Detonating cord- 10 years,

Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years,

Tesar-4 yellow cap 750 grain copper frangible breaching round- 5 years, Royal Arms HP cutter 12-gauge hollow point rebar cutter breaching round- 5 years

e. Fiscal Impact

Annual maintenance is approximately \$500.

f. Training

All officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations.

g. Legal and Procedural Rules

Breaching tools will only be used for official law enforcement purposes, and pursuant to State and Federal law.



**CLOVIS POLICE DEPARTMENT  
ANNUAL MILITARY  
EQUIPMENT REPORT  
2022**

**PRESENTED BY**

*Lt. Craig Aranas*



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# PREFACE

The Clovis Police Department is committed to maintaining public safety by providing the highest quality police services to the community we serve. We have an obligation to our community and the people of this state never to let those who would engage in violent acts of criminality dictate the path of life for our city. We know all too well that violent crime thrives not when the enforcement posture, resources, and equipment available to our Department are strong, but it is when they are weak that violent criminals are tempted and emboldened. The equipment items listed in this annual report are essential tools that may be required from time to time to aid in de-escalating intense situations or bringing volatile conditions and critical incidents to a safe resolution.

The mere possession of this equipment does not warrant its use in every circumstance. However, having this equipment and adequate resources available makes our Department more capable of confronting those who would visit violence upon our community and threaten "The Clovis Way of Life."

With this indispensable equipment and relentless fortitude, the brave men and women of the Clovis Police Department continue to stand at the ready to fulfill the very core of our ethos, "To Protect and Serve."



**CURT FLEMING**  
**CHIEF OF POLICE**

# HISTORY OF AB-481



On September 30, 2021, the Governor of the State of California approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy. The Department is required to seek City Council approval of their military equipment use procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The ordinance is subject to annual City Council review to determine whether, based on an annual military equipment report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards have not been met, or require modifications to the military equipment use procedure to address any non-compliance with standards. Finally, the bill requires publication of the military equipment use procedure and the annual military equipment report on the Department's website. The military equipment use procedure must be posted on the website at least 30 days prior to the Council meeting.

## **AB-481, Section 7072 states the following:**

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

In addition to maintaining the highest levels of public safety, the Clovis Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following 2023 Annual Military Equipment Report in accordance with annual reporting requirements set forth in AB-481.



# INTRODUCTION



The Clovis Police Department retains and employs a wide variety of military equipment to assist in safely achieving the furtherance of its **mission statement**:

*"To provide superior protection and service in a manner that builds public confidence and improves the quality of life in our community."*

***To those we serve, we want to be the best.***

While the inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident.

The Clovis Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist supervisors, officers, and specific units in bringing those incidents to a swift resolution in a safe manner.

The use of military equipment is restricted for use only in certain instances and in some cases only by certain units. While the military equipment procedure is wide-ranging, it is not all-inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize military equipment to be used in a manner not outlined within Department procedure. In scrutinizing those particular instances, the judgment of the supervisor influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

It is incumbent upon supervisors, individual officers, and specific units to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

**This Annual Military Equipment Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, and complaints (of which there were none) for 2022.**

# DEFINITIONS

Pursuant to AB-481, the following definitions are applicable only to the Department's current military equipment inventory and potential future military equipment acquisitions for operational needs. (For a more detailed list, refer to Government Code section 7070, for "military equipment" as defined within the Assembly Bill.)

**"Governing body" means the Clovis City Council and Mayor.**

**"Military equipment" means the following:**

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached, excluding unarmored all-terrain vehicles and dirt bikes.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld ram designed to be operated by one person.
- Firearms and ammunition of fifty (.50) caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than fifty (.50) caliber, including firearms and accessories identified as assault weapons pursuant to Penal Code section 30510 and Penal Code section 30515, with exception of standard department issued firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools, including, but not limited to, grenades.
- Munitions containing tear gas or oleoresin capsicum (OC), excluding standard, Department-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and Long-Range Acoustic Devices (LRADs).
- Kinetic energy weapons and munitions, including, but not limited to, projectile launchers, bean bag rounds, and rubber bullets.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# SUMMARY OF MILITARY EQUIPMENT



The inventory of military equipment, particularly consumable material (ammunition, diversionary devices, Extended Range Impact Weapon –ERIW munitions, etc.) fluctuates regularly. This is based on a variety of factors including but not limited to operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines. The Clovis Police Department is committed to transparency in disclosing its military equipment inventory and related information to our community and elected officials in compliance with the law. The Department strives its utmost to provide the most accurate military equipment inventory and information at the time of this report’s publication.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed by the Clovis Police Department: (\*NOTE: The manufacturer descriptions and source photos contained within are referenced via publicly accessible website source citations. The website source citations utilized in this report are for military equipment descriptive purposes only and are not an endorsement by the City of Clovis or the Clovis Police Department of a particular product or vendor.)

# SUMMARY OF MILITARY EQUIPMENT

**1. Mobile Command Vehicle (MCV):** A vehicle used as a mobile dispatch center and/or office that provides heated and cooled shelter, a source of electricity and lighting, access to Department computer systems, and a place for department members to meet at the scene of a critical incident, pre-planned event, natural disaster, or community event.

## Description, Purchase Cost, Quantity, and Capabilities



The MCV is custom built by the Farber Company on a 2 axel Freightliner Chassis that had an initial cost of \$542,608 in 2006. The single unit (1) has a chassis motor which propels the vehicle and a generator which powers all internal electrical components and can provide external power to additional lights or equipment as necessary. The MCV has two full dispatch terminals, space for up to 7 additional workstations, and multiple divider doors that can break up the space into five separate rooms. The MCV has three dedicated cell phone lines and 5 sets of radios that can communicate with all surrounding agencies on both UHF and VHF frequencies.

## Purpose

To be used at the scene of any pre-planned event, community event, critical event, or natural disaster where a portable office, dispatch center, heated or cooled shelter, supplemental power source and/or meeting location is needed.

## Authorized Use

Only staff trained in the deployment and operation of the MCV may operate it. Only members that have a California Class B driver's license with air brake endorsement may drive the vehicle.

## Expected Life Span

The MCV has a 30-year lifespan on the chassis and vehicle. Upgrades on technology inside the vehicle will be on an as needed basis.

## Fiscal Impact

Annual maintenance cost is approximately \$1,500.00

## Training

The drivers shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver will drive the vehicle throughout the city with an experienced driver. The driver shall also undergo California Department of Motor Vehicle commercial vehicle testing.

## Legal and Procedural Rules

Use shall be in accordance with California State law regarding the operation of motor vehicles.

# SUMMARY OF MILITARY EQUIPMENT

**2. Crisis Negotiation Team (CNT) Vehicle:** A vehicle used as a mobile office that provides shelter, access to the Police Department computer systems, and facilities on extended events.

## Description, Purchase Cost, Quantity, and Capabilities



2007 GENERAL MOTORS 4500 UTILIMASTER  
(CUSTOM BUILT) VEHICLE

Cost: \$149,654

Quantity: 1

The CNT vehicle can be utilized with SWAT/CNT callouts and for community events.

## Purpose

To be utilized for critical incident callouts and community events.

## Authorized Use

The CNT vehicle is used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.

## Expected Life Span

The CNT vehicle has a 30-year lifespan on a chassis and vehicle.

## Fiscal Impact

Annual maintenance, \$600.

## Training

Once completing a closed training course, the operator will drive the vehicle throughout the city with an experienced driver.

## Legal and Procedural Rules

Use shall be in accordance with California State law regarding the operation of motor vehicles.

# SUMMARY OF MILITARY EQUIPMENT

**3. Unmanned Aircraft Systems (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.

**Description, Purchase Cost, Quantity, and Capabilities of Current UAS**



DJI MAVIC MINI  
 Cost: \$500    Quantity: 12  
 Miniature UAS that weighs approximately 249 grams and can record video and audio with approximately 30 minutes of flight time.



DJI MAVIC MINI 2  
 Cost: \$600    Quantity: 8  
 Miniature UAS that weighs approximately 249 grams and can record video and audio with approximately 30 minutes of flight time.



DJI MAVIC 2 ENTERPRISE ADVANCED  
 Cost: \$7,500    Quantity: 2  
 UAS that has a color and thermal camera as well as audible speaker and light. Capable of video recording and weighs 909 grams without a payload, approx. 30 minutes of flight time.



DJI MAVIC 2 ENTERPRISE DUAL  
 Cost: \$3,500    Quantity: 1  
 UAS that has a color and thermal camera as well as audible speaker and light. Capable of video recording and weighs 899 grams without a payload, approx. 30 minutes of flight time.



DJI MAVIC PRO  
 Cost: \$1,500    Quantity: 1  
 UAS that weighs approx. 1.5 pounds, 25-minute flight time and a single-color camera with recording capabilities.



DJI PHANTOM 4  
 Cost: \$1,600    Quantity: 1  
 UAS that weighs approx. 1,380 grams, 28-minute flight time and a single-color camera with recording capabilities.



DJI MATRICE 300 with HT20 camera  
 Cost: \$25,000    Quantity: 1  
 UAS that has 45 minutes of flight time, in all weather, has an IR camera, zoom camera and light. Has video recording capabilities.



DJI MATRICE 210 with Z30 camera  
 Cost: \$10,500    Quantity: 1  
 UAS that has 30 minutes of flight time without a payload, in all weather, has a zoom camera and light. Has video recording capabilities.



SKY HERO LOKI 2  
 Cost: \$10,500 for a package of 2    Quantity: 1  
 Ruggedized interior tactical UAS that has 16 minutes of flight time. It has a forward facing analog fixed day-night + IR camera allowing it to fly in total darkness. Unable to record video currently.

# SUMMARY OF MILITARY EQUIPMENT

## Unmanned Aircraft Systems (UAS), Continued

### Description, Purchase Cost, Quantity, and Capabilities



SKYDIO 2

Cost: \$1,100 Quantity: 1

UAS that weighs approx. 775 grams, 27 minutes of flight time. It has a zoom camera and 360-degree accident avoidance. Unable to fly in darkness.



DJI Air 2s

Cost: \$1,200 Quantity: 1

UAS that weighs approx. 595 grams, 31 minutes of flight time. Has the ability to perceive its environment in four directions and features advanced image transmission technology.



DJI M30T

Cost: \$16,500 Quantity: 1

UAS that weighs approx. 3.77 kilograms, 36-41 minutes of flight time. Wide-angle camera, 8k photo, 4K/30 fps video resolution, laser rangefinder up to 1,200 meters, and a thermal sensor.

### Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to major collision investigations, searching for missing persons, natural disaster management, crime scene photography, SWAT, tactical or other public safety and life preservation missions, in response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

### Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

### Expected Life Span

All UAS equipment, 3-5 years

### Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$10,000.

### Training

All Department UAS operators are required to obtain a PART 107 license. In addition, each operator must attend a basic department training course and participate in ongoing quarterly training.

### Legal and Procedural Rules

Use is established under FAA Regulations 14 CFR Part 107, COA, FAA waivers, and the City of Clovis UAS policy. It is the policy of Clovis Police Department to utilize UAS only for official law enforcement purposes and in a manner that respects the privacy of community, pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

**4. 40mm Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

**Description, Purchase Cost, Quantity, and Capabilities**

DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425  
 Cost: \$1,000 Quantity: 2



The 40mm Single Shot Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less lethal round up to 131 feet and is only authorized to be used by SWAT personnel.

DEFENSE TECHNOLOGY, 40MM TACTICAL 4-SHOT LAUNCHER, #1440  
 Cost: \$1,975 Quantity: 2



The 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder. It will launch a 40mm less lethal round up to 131 feet and is only authorized to be used by SWAT personnel.

DEFENSE TECHNOLOGY, FERRET 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262  
 Cost: \$23 Quantity: 26



A less lethal 40mm round used to penetrate barriers such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325  
 Cost: \$18 Quantity: 73



A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE, CS, #6182  
 Cost: \$30 Quantity: 26



The Spede-Heat CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher down range up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE ROUND, SAF SMOKE, #6183  
 Cost: \$27 Quantity: 14



The Spede-Heat Saf-Smoke Long Range Munitions is designed to deliver one chemical canister of Saf-Smoke payload down range up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat 40mm is designed for outdoor use and has a maximum effective range of 150 yards.



# SUMMARY OF MILITARY EQUIPMENT

## 40mm Launchers and Rounds, Continued

### Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

### Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.
- By officers who have been trained in their proper use.

### Expected Life Span

- Defense Technology #1425: 25 years
- Defense Technology #1440: 15 years
- Model 2262 Defense Technology, Ferret 40mm: 5 years
- Model 6325 Defense Technology, 40mm Exact Impact Sponge: 5 years
- Model 6182 Defense Technology Spede-Heat 40mm long-range, CS: 5 years
- Model 6183 Spede-Heat 40mm Long-range Round, Saf Smoke: 5 years

### Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

### Training

Sworn members utilizing 40mm less lethal chemical agents or impact rounds are trained in their use by POST certified and/or Defense Technology less lethal and chemical agent instructors.

### Legal and Procedural Rules

The 40mm launchers are to be used only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

# SUMMARY OF MILITARY EQUIPMENT

**5. Distraction Devices:** A device used to distract dangerous persons.

## Description, Purchase Cost, Quantity, and Capabilities



DEFENSE TECHNOLOGY, LOW ROLL II

Cost: \$52

Quantity: 39

A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

## Purpose

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

## Authorized Use

Diversionary Devices shall only be used:

- In hostage and barricaded subject situations.
- In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises or approved demonstrations.
- By officers who have been trained in their proper use.

## Expected Life Span

Until used.

## Fiscal Impact

No annual maintenance.

## Training

Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors and/or Defense Technology.

## Legal and Procedural Rules

Diversion devices are to be used only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

# SUMMARY OF MILITARY EQUIPMENT

**6. Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

## Description, Purchase Cost, Quantity, and Capabilities



DEFENSE TECHNOLOGY, TRIPLE-CHASER SEPARATING CANISTER, CS, #1026

Cost: \$47 Quantity: 18

The Triple-Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.



DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082

Cost: \$27 Quantity: 9

The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The 9 volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.



DEFENSE TECHNOLOGY, FLAMELESS EXPULSION CS GRENADE, #2042

Cost: \$48 Quantity: 8

The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1,500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time.



DEFENSE TECHNOLOGY, MAXIMUM HC SMOKE MILITARY-STYLE CANISTER #1083

Cost: \$38 Quantity: 18

The Military-Style Maximum Smoke Grenade comes from the Defense Technology #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.



DEFENSE TECHNOLOGY, POCKET TACTICAL BLUE SMOKE GRENADE, #1017B

Cost: \$39 Quantity: 3

The Pocket Tactical Blue Smoke Grenade is a small, lightweight device. Though it is slightly over four inches in length, it produces a blue smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical colored smoke grenade. It will burn approximately 20-40 seconds.



DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE CS GRENADE, #1080

Cost: \$41 Quantity: 8

The Riot Control OC Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 0.88 oz. of active agent.

# SUMMARY OF MILITARY EQUIPMENT

## Chemical Agent and Smoke Canisters, Continued

### Description, Purchase Cost, Quantity, and Capabilities



DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056

Cost: \$49 Quantity: 12

The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations 10 where the use of pyrotechnic, powder or liquid devices is not practical or desired.



DEFENSE 1.3% MK-46V STREAM OC AEROSOL #43046

Cost: \$495 Quantity: 1

The MK-46 features a trigger handle, is intended for use in crowd management and will deliver 26 short bursts of OC at an effective range of 25-30 ft. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.



DEFENSE TECHNOLOGY, SPEEDE-HEAT CS, #1072

Cost: \$40 Quantity: 72

The Speede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. It is delivered in a burn safe for safety.



DEFENSE TECHNOLOGY, SPEEDE-HEAT POCKET TACTICAL CS, # 1072

Cost: \$30 Quantity: 62

The Pocket Tactical CS Grenade is a quick burning, reduced volume, continuous discharge grenade. Pelletized chemical agent is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent. The 0.9 oz. of active agent will burn approximately 20-40 seconds. It is delivered in a tomahawk burn safe for safety.



DEFENSE TECHNOLOGY, RUBBER BALL STINGERS CS

Cost: \$30 Quantity: 13

The Stinger Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls and chemical agent in a 50-foot radius.



DEFENSE TECHNOLOGY, STINGERS OC

Cost: \$30 Quantity: 8

The Stinger OC Grenade is a maximum effect device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and OC. The Stinger Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls and chemical agent in a 50-foot radius.

# SUMMARY OF MILITARY EQUIPMENT

## Chemical Agent and Smoke Canisters, Continued

### Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.

### Authorized Use

Only officers who have been trained in the proper use of chemical agents are authorized to use chemical agents.

### Expected Life Span

5 years from manufacturing date.

### Fiscal Impact

No annual maintenance.

### Training

Sworn members utilizing chemical agent canisters are certified by POST and/or Defense Technology less lethal and chemical agent instructors.

### Legal and Procedural Rules

Chemical agents will only be used for official law enforcement purposes and pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

**7. Armored Vehicles:** Wheeled armored personnel vehicles utilized for law enforcement purposes.

## Description, Purchase Cost, Quantity, and Capabilities



MRAP

Cost: \$0 Quantity: 1

The MRAP is a United States Army specialized armored vehicle manufactured of common commercial and military parts. It seats 10-12 personnel with an open floor plan that allows for rescue of down personnel. It stops various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.



LENCO BEARCAT, G3

Cost: \$431,133.42 Quantity: 1

The Lenco Bearcat, G3, is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of a shield and personal body armor.

## Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

## Authorized Use

The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

## Expected Life Span

Estimated 15-25 years.

## Fiscal Impact

Annual maintenance of approximately \$5,000.

## Training

All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving. MRAP drivers are required to possess a valid Class B California driver license. The Bearcat may be driven by any Clovis Police Officer trained in the operation of the Bearcat.

## Legal and Procedural Rules

The department will only use the MRAP and Bearcat for official law enforcement purposes and pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

## 8. Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

### Description, Purchase Cost, Quantity, and Capabilities



#### DETONATING CORD

Cost: \$1 per foot    Quantity: 90 feet

The detonating 13 cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives. Detonating cord is the primary explosive used to defeat doors, walls, windows, and other barricades for SWAT Operators to safely make entry into a specific location, or create distraction, with no risk to the person inside of the room being breached.



#### BLASTING CAP

Cost: \$12    Quantity: 9

A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful, and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.



#### NONEL

Cost: \$429.00 per case    Quantity: 10

Nonel is a zero-delay shock tube that contains a reactive explosive compound that provides a safe distance from the explosive initiator to the explosive charge that is placed on the target that is going to be breached.



#### REMINGTON 870 EXPRESS BREACHING SHOTGUN

Cost: \$500    Quantity: 2

This weapon allows for breachers to safely utilize shotgun breaching rounds to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).



#### ROYAL ARMS TESAR-2 BLACK CAP 425 GRAIN COPPER FRANGIBLE BREACHING ROUND

Cost: \$5 per round    Quantity: 50

The round is fired from a breaching shotgun and is used to destroy:

- deadbolts
- locks
- hinges



#### ROYAL ARMS TESAR-4 YELLOW CAP 750 GRAIN COPPER FRANGIBLE BREACHING ROUND

Cost: \$5 per round    Quantity: 45

The round is fired from a breaching shotgun and is used to destroy:

- deadbolts
- locks
- hinges

# SUMMARY OF MILITARY EQUIPMENT

## Explosive Breaching Tools, Continued

### Description, Purchase Cost, Quantity, and Capabilities



ROYAL ARMS HP CUTTER 12 GA HOLLOW POINT REBAR CUTTER ROUND  
 Cost: \$6 per round    Quantity: 20  
 The round is fired from a breaching shotgun and is used to cut rebar and penetrate:

- Security Glass
- Car Doors
- Engine Blocks



ROYAL ARMS FTR-P1 12 GAUGE FRANGIBLE POLYSHOT TRAINING ROUNDS  
 Cost: \$2.50 per round    Quantity: 48  
 The round is fired from a breaching shotgun and used as a training tool to show how to effectively use and deploy a breaching shotgun.

#### Purpose

To safely force entry into a structure.

#### Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises.

#### Expected Life Span

Detonating Cord: 10 years - Blasting Caps: 10 years - Nonel: 3 years  
 Breaching Shotgun: 25 years - Royal Arms Tesar-2 Black Cap: 5 years  
 Royal Arms Tesar-4 Yellow Cap: 5 years - Royal Arms HP Cutter: 5 years  
 Royal Arms FTR-P1 12: 5 years

#### Fiscal Impact

Annual maintenance is approximately \$500.

#### Training

All officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations.

#### Legal and Procedural Rules

Breaching tools will only be used for official law enforcement purposes and pursuant to State and Federal law.



# SUMMARY OF MILITARY EQUIPMENT

**9. Less Lethal Shotgun:** Less Lethal Shotguns are used to deploy the less lethal 12-gauge Defense Technology Beanbag Round.

## Description, Purchase Cost, Quantity, and Capabilities



REMINGTON 870 LESS LETHAL SHOTGUN

Cost: \$946 Quantity: 19

The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Defense Technology Beanbag Round up to 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.



DEFENSE TECHNOLOGY DRAG STABILIZED 12 GAUGE BEAN BAG ROUND

Cost: \$5 Quantity: 500

A less lethal 2.4 -inch translucent 12-gauge shotgun round in a tear-shaped bag filled with 40 grams of lead shot at a velocity of 270 feet per second (FPS). Bean bag rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and foregrip. This design utilizes four stabilizing tails and utilizes smokeless powder as a propellant. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Bean Bag round is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

### Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

### Authorized Use

Only Officers who have been instructed on and demonstrated proficient use of this force option are allowed to deploy and utilize it. Situations for use of the less lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

### Expected Life Span

Remington 870 Less Lethal Shotgun: 25 years

Defense Technology Bean Bag Rounds: No expiration

### Fiscal Impact

Annual maintenance is approximately \$5.00 per shotgun.

### Training

All officers are trained in the use of the 12 gauge less lethal shotgun as a less lethal option through in-service training.

### Legal and Procedural Rules

Less lethal shotguns are to be used only for official law enforcement purposes and pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

**10. PepperBall PPC Less Lethal Launchers:** PepperBall Launchers are used to deploy PepperBall projectiles.

## Description, Purchase Cost, Quantity, and Capabilities



### PEPPERBALL PPC LAUNCHERS

Cost: \$4,597 Quantity: 5

PepperBall PPC is a lightweight and portable non-lethal projectile launcher. The PPC is designed to give patrol officers an easy to operate non-lethal option. The PPC uses PepperBall .68 caliber round or VXR projectile and is powered by either HPA or an 88-gram single-use CO2 cartridge.



### PEPPERBALL INERT PROJECTILES

Cost: \$323 for 375 Quantity: 800

Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.



### PEPPERBALL LIVE MAXX PROJECTILES

Cost: \$2,497 Quantity: 800

Live-Maxx is the most powerful and potent projectile developed by PepperBall. It is formulated with Maxsaicin, a new proprietary process that produces powder with more airborne PAVA. PepperBall Live-Maxx has 50% more bio-availability than the standard PAVA powders.

## Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

## Authorized Use

Only officers who have been instructed on and demonstrated proficient use of this force option are allowed to deploy and utilize the launchers.

Situations for the use of the less lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

## Expected Life Span

PepperBall PPC Launchers: No manufacturer life span indicated by the manufacturer

PepperBall Projectiles: 2 years

## Fiscal Impact

Annual maintenance is approximately \$10 per launcher.

## Training

All officers are trained in the use of the PepperBall PPC launcher as a less lethal option through in-service training by POST certified less lethal and chemical agent instructors.

## Legal and Procedural Rules

PepperBall PPC launchers are only to be used for official law enforcement purposes and pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

**11. Sniper Rifle:** Provides SWAT Snipers the ability to engage hostile suspects at great distance with precision rifle fire.

## Description, Purchase Cost, Quantity, and Capabilities



ACCURACY INTERNATIONAL AT, 308 CALIBER

Cost: \$6,000 Quantity: 4

The Accuracy International AT is a short action precision rifle with a Thunder Beast Suppressor and a Night Force NXS Scope with a 3.5-15x50mm second focal plane.



FEDERAL CARTRIDGE .308 CAL 168 GRAIN TRU TACTICAL TIP MATCH KING AMMUNITION

Cost: \$500 per case Quantity: 1,600 rounds



FEDERAL CARTRIDGE .308 WIN TACTICAL BONDED TIP 168 GRAIN DUTY AMMUNITION

Cost: \$390 per case Quantity: 1,600 rounds

## Purpose

The .308 bolt action Sniper Rifle provides SWAT Snipers the ability to engage hostile suspects at great distance with precision rifle fire. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

## Authorized Use

To be used exclusively by officers assigned to the SWAT Sniper Team. Only Officers who have been instructed and demonstrated proficient use of the rifle are allowed to deploy and utilize it.

Situations for use of the sniper rifle may include, but are not limited to:

- High-Risk SWAT Operations
- Sniper Over Watch

## Expected Life Span

Accuracy International AT .308 caliber: 1 year limited warranty  
Barrel life rated for approximately 5,000 rounds.

## Fiscal Impact

Annual maintenance is approximately \$100 per rifle.

## Training

All SWAT Snipers are trained through in-service and outside rigorous trainings. SWAT Snipers must complete a 40-hour POST basic sniper school and regularly train with the rifle platform.

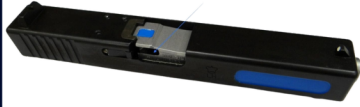
## Legal and Procedural Rules

Sniper rifles are only to be used for official law enforcement purposes and pursuant to State and Federal Law.

# SUMMARY OF MILITARY EQUIPMENT

**12. Specialty Impact Munitions (SIM):** UTM pistol conversion kits used to fire non-lethal training rounds for in-service department training.

**Description, Purchase Cost, Quantity, and Capabilities**



UTM SIMMUNITION PISTOL CONVERSION KITS

Cost: \$648 Quantity: 15

UTM Simmunition Pistol Conversion kits are used to fire a non-lethal training round. These munitions provide for realistic close-quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force-on-force training scenarios.



UTM 9MM MAN MARKER ROUNDS TRAINING ROUNDS

Cost: \$600 per 1,000 Quantity: 5,000

The UTM 9mm Man Marker Round is an accurate and reliable marking projectile for force-on-force target training.



UTM AR15 300 BLK RIFLE BOLT CARRIER ASSEMBLY

Cost: \$822 Quantity: 13

The UTM rifle conversions employ a fail-safe measure where the firing pin is offset from the center. Not only is the firing pin strike outside of the strike area of a “Live” cartridge center fire primer, it does not strike the primer at all hence the weapons fail to fire the host weapons “Live” caliber ammunition.



UTM AR 15 300 BO MAN MARKER ROUNDS

Cost: \$783 per 900 Quantity: 3,600

The UTM 300 BLK is an accurate and reliable marking projectile for force-on-force target training.



UTM GLOCK 45 BLANK BARREL

Cost: \$238 Quantity: 5

The Glock blank barrel is designed to fire blank rounds, no projectiles.



UTM GLOCK 45 BLANK ROUNDS

Cost: \$460 Quantity: 1,000

Glock blank rounds used for training purposes.



UTM GLOCK 17 T CONVERSIONS KITS

Cost: \$268 Quantity: 4

The Glock 17T conversion kit allows the 17T to fire UTM training rounds.

# SUMMARY OF MILITARY EQUIPMENT

## Specialty Impact Munitions (SIM), Continued

### Purpose

To provide realistic close-quarters firearms training while allowing the shooter to visually assesses shot placement and accuracy in force-on-force training scenarios.

### Authorized Use

Only Officers who have been instructed on and demonstrated proficient use of the systems are allowed to use the training tools.

Situations for use of the Simmunitions equipment may include:

- Police Trainings
- Approved Demonstrations

### Expected Life Span

Conversion Kits: 15-20 years (avg.)

Rounds: 6 years

### Fiscal Impact

Annual maintenance is approximately \$5 per kit.

### Training

All officers are trained in the use of the Simmunitions conversion kits.

### Legal and Procedural Rules

Simmunitions conversion kits are to be used only for official law enforcement purposes and pursuant to State and Federal law.

# SUMMARY OF MILITARY EQUIPMENT

**13. Robot:** A remotely controlled, unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.

## Description, Purchase Cost, Quantity, and Capabilities



ICOR Caliber T5

Cost: \$120,000    Quantity: 1

It is a compact, two-man portable system that shares the same core design of a large robot. Able to climb stairs and provide disruption capabilities. The T5 is best suited to assist EOD and SWAT teams in inspecting and retrieving of suspicious devices from narrow passages of buses, trains, and places. It's turreted claw/disruptor arm integrates the remote handling capabilities of a disruptor. Able to lift to 45 pounds with arm retracted and 18 pounds with arm extended. Capable of dragging 200+ pounds.

## Purpose

To be used to remotely obtain visual and audio intelligence, remotely bring any medium weight items to a safe location, disrupt suspicious packages, X-ray, 17 search buildings/indoor or outdoor areas, provide phones or other items to people during Crisis Negotiations.

## Authorized Use

Only approved operators who have completed the required training are authorized to use this equipment. These personnel are restricted to EOD team members only and the use is authorized by the Bomb Squad Commander and requested by the Incident Commander incidents.

## Expected Life Span

8-10 Years

## Fiscal Impact

Maintenance and battery replacement at about \$1,200 annually.

## Training

Only EOD team members who have attended HDS six-week certification course or who have completed other necessary training as approved by the Bomb Commander.

## Legal and Procedural Rules

The robot is to be used only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

# MILITARY EQUIPMENT USE SUMMARY



While the Clovis Department's inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident. The Clovis Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances and in some cases only by certain units.

This section outlines the military equipment usage for 2022. Certain items of military equipment, particularly consumables (ammunition, diversionary devices, pepper balls, chemical agents, etc.) are used throughout the year on a regular basis for training in order to maintain proficiency. Training usage is not captured in this section. This section only provides data for the operational use of military equipment listed within this Annual Equipment Report.



# MILITARY EQUIPMENT USE SUMMARY

Below is a table that shows the total number of incidents a specified equipment was deployed in 2022. It should be noted that different types of equipment may be deployed in one incident and the same equipment may be deployed by multiple officers within a single incident.

EQUIPMENT	NUMBER OF INCIDENTS
Mobile Command Vehicle	6
Crisis Negotiations Team Vehicle	0
Unmanned Aircraft System	540
40 MM Launcher (Single Shot)	0
40 MM Launcher (4-shot launcher)	0
Def-Tec 40 MM Exact Impact Sponge Rounds	0
Def-Tec 40 MM Spede-Heat Rounds	0
Def- Tec 40 MM Spede-Heat Smoke Rounds	0
Def-Tec 7290 Sight Sounds Distraction Device	1
Def-Tec Triple Chaser Canister	0
Def-Tec Riot Control CS Canister	0
Def-Tec Flamesless Expulsion CS Canister	0
Def-Tec Maximum HC Smoke Canister	0
Def-Tec Pocket Tactical Blue Smoke Canister	0
Def-Tec Riot Control Continuous CS Canister	0
Def-Tec OC Vapor Aerosol Canister	0
Def-Tec MK-46 OC Stream Aerosol	0
Def-Tec Spede - Heat CS	0
Def-Tec Spede - Heat Pocket Tactical CS	0
Def-Tec Stinger Rubber Ball Stingers CS	0
Def-Tec Stingers OC	0
MRAP	3
BearCat	0
Detonating Cord	0
Blasting Cap	0
Nonel	0
Remington 870 Breaching Shotgun	0
Royal Arms Tesar Black Cap	0
Royal Arms Tesar Yellow Cap	0
Royal Arms HP CUTTER	0
Royal Arms FTR-P1	0
Remington 870 Less Lethal Shotgun	0
Def-Tec Drag Stabilized Bean Bag Round	0
EOD Robot	20



# COMPLAINTS AND AUDITS SUMMARY REGARDING MILITARY EQUIPMENT USAGE

There have been no internal audits, (others than those to conducted to gather and confirm data for this report), identified violations of equipment use or any complaints concerning the above listed equipment.

## PROJECTED MILITARY EQUIPMENT ACQUISITIONS FY 2023

**Projected consumable military equipment acquisitions** for FY23 (July 2022- June 2023) should be in line with current replenishment schedules and quantities for consumables. A variety of commercial factors (i.e. supply and demand, inflation, supply chain issues etc.) may influence the fiscal impact of future military equipment acquisitions and ongoing military equipment purchases throughout the year. The replenishment schedules for military equipment consumables can vary and is dictated by inventory levels that fluctuate as a result of training, operational usage, or manufacturer recommended replacement guidelines. Categories of consumable military equipment are listed below:

- Ammunition – all calibers
- Explosive Breaching Equipment
- Chemical Agents
- Specialty Munitions (40mm, 37mm, and bean bag ammo)
- Diversionary Devices
- Pepper ball Munitions
- Specialty Impact Munitions (SIM's)

Funding for the majority consumable military equipment for FY23 should be secured via the General Fund.

# PROJECTED MILITARY EQUIPMENT ACQUISITIONS FY 2023, CONT.

**Future Unmanned Aircraft Systems (UAS):** There are three (3) new projected acquisitions for non-consumable military equipment at this time. These projected acquisitions consist of three Unmanned Aircraft Systems (UAS).

**The projected acquisitions are as follows:**



#### DJI AVATA

Manufacturer: DJI

Total Projected Cost: Approximately \$3,500

Funding Source: General Funding

The DJI Avata works extremely well during interior building searches. During the testing process we found the UAV to be extremely stable inside of buildings even without GPS connection. It's size and signal strength allows pilots to search most interior structures without having to make entry and expose themselves to potential danger.



#### BRINC LEMUR 2

Manufacturer: Brinc

Total Projected Cost: Approximately \$15,000-20,000

Funding Source: General Funding

The Brinc LEMUR 2 is a tactical UAV that utilizes night vision, thermal, 2-way communication, obstacle avoidance, and can map the interior of structures in real-time. These features give officers the best situational awareness and opportunity to de-escalate a situation.



#### DJI M30T AND DOCKING STATION

Manufacturer: DJI

Total Projected Cost: Approximately \$40,000

Funding Source: General Funding

The DJI M30T and docking station would be utilized for our DFR program. It would allow us to place the docking station anywhere throughout the city and fly the UAV remotely from Dispatch. The station itself recharges the M30T when it lands and is temperature controlled.

The remainder of **non-consumable military acquisitions** will consist of on-going maintenance costs for existing equipment. Funding for the majority of non-consumable military equipment should be secured via the General Fund.

# CONCLUSION

This Annual Military Equipment Report reaffirms the Clovis Police Department's commitment to providing transparency and information to our communities and elected officials in addition to ensuring compliance with the law. The equipment, resources, and training outlined in this report allow Clovis Police Officers to better protect our communities, enhance the safety of the public and officers, and bring critical incidents to a safe resolution. It is not a matter of if a critical incident will happen within our city, but a matter of when. The content listed within this report gives our officers the training, confidence, and capability to meet that moment head on when called upon to do so.

Public safety is and always has remained a shared responsibility. The strength of our Department lies not solely within the actions of the individual officer but within the resilience and willingness of our communities to work in partnership with our officers to address crime in their neighborhoods. This shared partnership and continued support has helped our officers maintain the City of Clovis as the safest city in the Valley.

## CLOVIS POLICE DEPARTMENT ANNUAL MILITARY EQUIPMENT REPORT 2022

### PRESENTED BY

*Lt. Craig Aranas*

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RESOLUTION 23-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
RENEWING ORDINANCE 22-03 AND POLICY 706 OF THE CLOVIS POLICE  
DEPARTMENT POLICY MANUAL AUTHORIZING THE USE MILITARY EQUIPMENT IN  
ACCORDANCE WITH GOVERNMENT CODE SECTION 7070, ET SEQ.

WHEREAS, the City Council adopted Clovis Police Department Policy 706 (Military Equipment Use) with the adoption of Ordinance 22-03 on May 2, 2022; and

WHEREAS, in accordance with Government Code section 7070, et seq., enacted by AB 481, the Police Department has prepared the 2023 Annual Military Equipment Report (“Annual Report”), which is incorporated herein by reference, for review by the City Council; and

WHEREAS, at its regular meeting on May 1, 2023, the City Council duly reviewed the Annual Report, Ordinance 22-03, and Policy 706, and reviewed the associated staff report, and considered all public input and other information pertaining to the Annual Report and the authorization to use military equipment presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clovis determines and resolves as follows:

1. Based on the Annual Report, the City Council determines that each type of military equipment identified in the Annual Report has complied with the applicable standards for approval as set forth in Government Code section 7071, subd. (d).
2. Policy 706 of the Police Department Manual and Ordinance 22-03, which adopted Policy 706 on May 1, 2022, are hereby renewed.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 1, 2023, by the following vote, to wit.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: May 1, 2023

SUBJECT: Consider various items associated with approximately 1.04 acres of land located on the north side of Alluvial Avenue, between Sunnyside and Fordham Avenues. Stallion Development and Construction – Arman Zakaryan, owner/applicant; Dan Zack, representative.

a. Consider vacating the denial of GPA2022-001 from the March 6, 2023, Council meeting with a vote of 3-1-1 where Councilmember Mouanoutoua voted against the denial and where Councilmember Pierce was absent.

b. Reconsider Approval - Res. 23-\_\_\_, GPA2022-001, A request to amend the General Plan to re-designate the subject property from the Low Density Residential (2.1-4.0 DU/Ac) classification to the Medium High (7.1-15.0 DU/Ac) classification.

c. Reconsider Introduction - Ord. 23-\_\_\_, R2022-001, A request to rezone the subject property from the R-1-7500 (Single-family Residential, 7,500 sf) Zone District to the R-2 (Multifamily Medium-High Density Residential) Zone District.

**Staff:** Lily Cha, AICP, Senior Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Draft Resolution, GPA2022-001
2. Draft Ordinance, R2022-001
3. March 6, 2023, Staff Report
4. Alluvial Avenue Restriping Concept
5. New Building Elevations

### CONFLICT OF INTEREST

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

### RECOMMENDATION

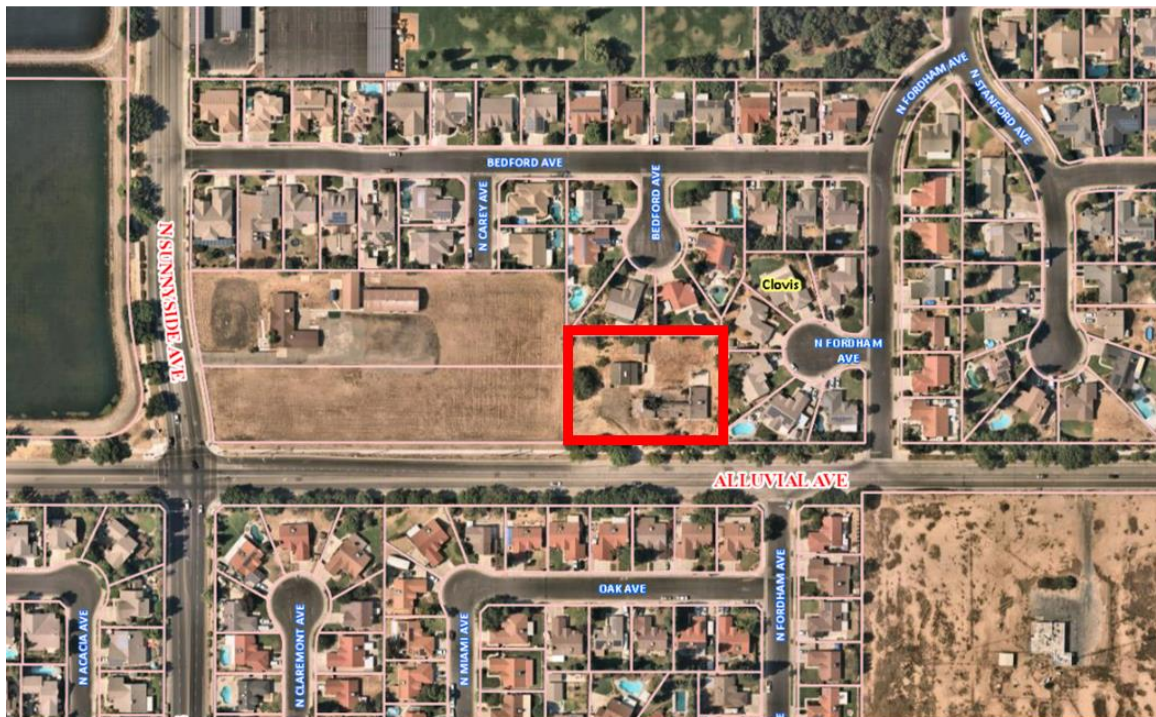
Staff recommends that the City Council take the following actions regarding the project:

- Vacate the previous denial of GPA2022-001 from the March 6, 2023, meeting; and
- Approve General Plan Amendment GPA2022-001; and
- Approve Rezone R2022-001.

### EXECUTIVE SUMMARY

The Council requested the reconsideration of GPA2022-001 and R2022-001 that were denied at the March 6, 2023, meeting. Both entitlement applications are associated with a proposed 12-unit multifamily development on a 1.04-acre parcel that is located north of Alluvial Avenue, between Sunnyside and Fordham Avenues. See Figure 1 below. GPA2022-001 is a request to modify the land use designation of the property from the Low Density Residential (2.1-4.0 DU/Ac) designation to the Medium High Density Residential (7.1-15.0 DU/Ac) designation. And R2022-001 is the request to rezone the property from the R-1-7500 (Single-family Residential, 7,500 sf) Zone District to the R-2 (Multifamily Medium-High Density Residential) Zone District. The proposed changes are required for the multifamily development. If approved, the applicant will proceed with the multifamily site plan review process where site specific details of the development are reviewed by staff.

FIGURE 1 - Project Location



 = Project Site (1.04 acres)

**BACKGROUND**

This item and the associated environmental finding were considered by the Council at its March 6, 2023, meeting. Previously, the Planning Commission heard and recommended approval of the project at its meeting on January 26, 2023. The environmental finding for the Mitigated Negative Declaration that was prepared for the project was approved by the Council with a 4-0-1 vote, with Councilmember Pierce absent at the March 6, 2023 meeting. GPA2022-001 was denied without prejudice by the Council with a 3-1-1 vote. Consequently, no action was taken for R2022-001 since its consideration is contingent upon approval of GPA2022-001. The concerns leading to the denial of the project are discussed in the body of this report.

At the April 3, 2023, Council meeting, Mayor Ashbeck initiated discussion for the Council to consider re-hearing the subject item and requested that staff provide additional and updated information relating to the project. Councilmembers unanimously agreed to reconsider the item. The costs associated with staff time and public noticing for the reconsideration are borne by the City, as application fees are not imposed on projects that are initiated for reconsideration by the City Council. There is no adopted fee in the fee schedule for the reconsideration of a project.

**PROPOSAL AND ANALYSIS**

The project includes a request for a general plan amendment and rezone to allow for a 12-unit multifamily residential development on a 1.04-acre parcel located north of Alluvial Avenue, between Sunnyside and Fordham Avenues. Additional project information can be found in the initial staff report to the City Council dated March 6, 2023, and provided as **Attachment 3** to this report.

The intent of this report is to provide Council with additional information and clarification on discussion topics that occurred at the March 6, 2023, Council meeting.

Alluvial Avenue Traffic Concerns

Because the project proposes an increase in density, a traffic trip generation analysis was performed to determine and document the need for a full traffic study. The analysis compared the project trip generation to the trip generation that would be imposed if a 4-unit single family was to be built on the parcel. The result of that comparison is shown in the table below. This minimal increase in trips, especially during peak traffic hours, is below any thresholds that would require a full traffic study to be performed.

**Table III: Difference in Trip Generation**

	Daily	AM (7-9) Peak Hour			PM (4-6) Peak Hour		
	Total	In	Out	Total	In	Out	Total
Proposed Project	81	1	4	5	4	2	6
General Plan Land Use Designation	38	1	2	3	3	1	4
<b>Difference in Trip Generation</b>	<b>43</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>

A concern expressed by neighbors living in the area and Council members is the potential for vehicle accidents because of the existing Alluvial Avenue configuration. The stretch of Alluvial Avenue, between Sunnyside and Fowler Avenues is primarily developed with four lanes with two

eastbound lanes and two westbound lanes. However, this four-lane configuration is interrupted on an approximately 1000-foot-long stretch located in the middle of this section of Alluvial Avenue. In this stretch, the eastbound lanes converge from two lanes to one lane. This transition occurs near the area where Fordham Avenue intersects with Alluvial Avenue. Concerns with this configuration stem from eastbound vehicles having to stop to turn left onto Fordham Avenue as the street also converges into a single lane. The existing configuration is the result of an undeveloped stretch of property along the south side of Alluvial Avenue. See Figure 2 and 2a. The City has been unable to acquire this property for right-of-way improvements because of the existing underground lines associated with the telecommunication tower on the site.

**FIGURE 2 – Alluvial Avenue Section**



**FIGURE 2a – Eastbound Alluvial Avenue**

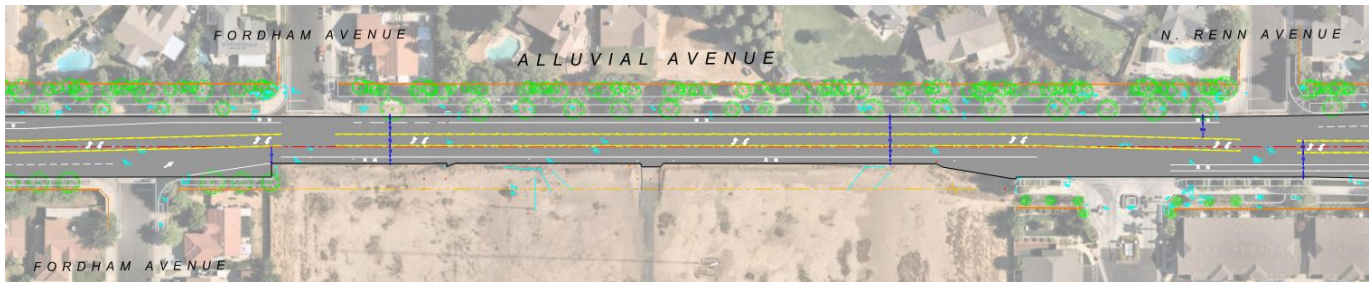


Although the traffic report conducted for this project did not address the street configuration as an issue, Councilmembers felt that this concern was significant enough to warrant an action plan. During the Council’s discussion on March 6<sup>th</sup>, Councilmember Bessinger requested that staff review options for alleviating this issue and return with a report to the Council, as he was not comfortable considering approval of additional development in the area with this existing setting.



As indicated earlier in this section, the acquisition and construction of this section of Alluvial Avenue to its full potential is not feasible. An interim design that may alleviate this traffic concern is the addition of a two-way left-turn lane (TWLTL). A TWLTL will remove left turning vehicles from the through lanes and therefore may reduce accident potential. A concept of how this configuration could look is provided as Figure 3 below. The concept is also provided as **Attachment 4**. It is important to understand that while this design may help to alleviate the existing traffic concern, it may create other conflicts. For example, in Figure 3, both eastbound and westbound traffic may conflict when using the TWLTL to turn into Fordham Avenue on the north side of Alluvial and Fordham Avenue to the south side of Alluvial. The project to resurface Alluvial Avenue between Sunnyside and Fowler has been included in the proposed CIP budget with design slated for 23-24 and construction in 24-25. It is expected that construction would occur in the Summer of 2024. As part of that project, the TWLTL striping configuration will be evaluated and included in the design as appropriate.

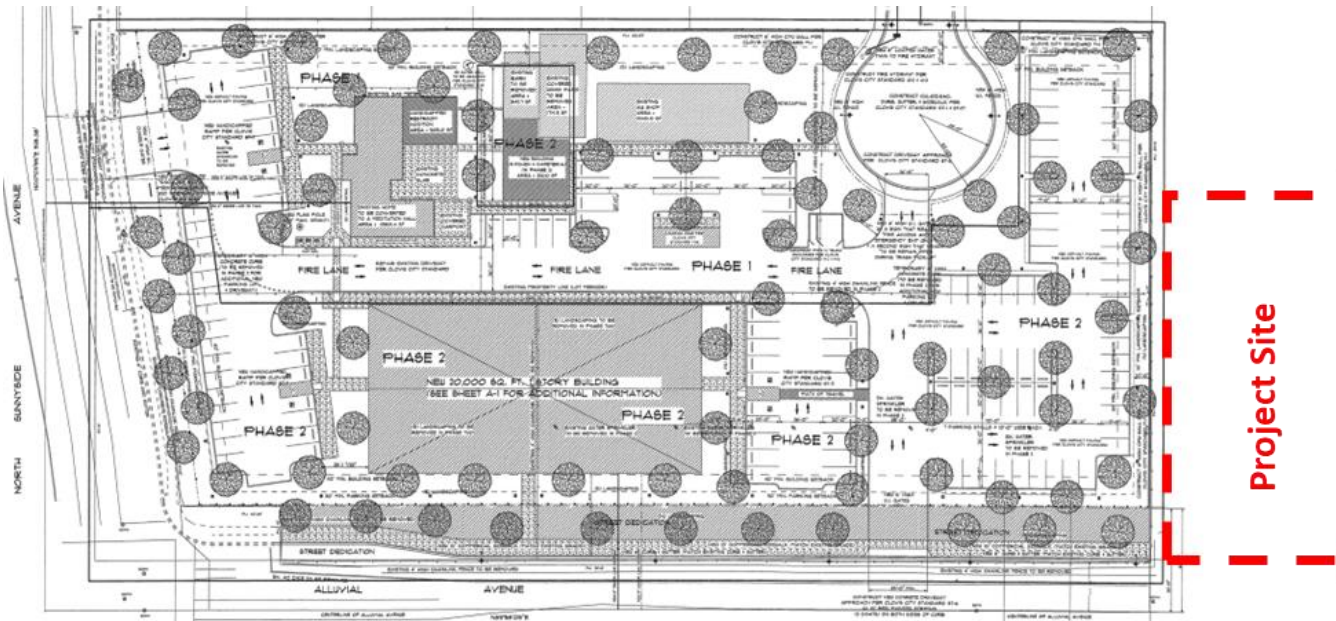
**FIGURE 3 – Alluvial Avenue Restriping Concept**



#### Adjacent Church Site

At the March 6, 2023, City Council meeting, staff referred to development surrounding the project site including the existing church site that abuts the subject property's western property line. Although reference to the church and its future expansion was made, a visual representation of the planned buildout was not provided. Figure 4 depicts, in concept, the eventual buildout of the church site as approved by CUP2010-03. The conditional use permit was approved by the Planning Commission on July 22, 2010. It approved the church use for the site and conceptually approved the planned site layout of the church campus. The site itself is about 4.6 acres in area. The site layout includes the existing 2,980 square foot residence that is currently used as the main prayer and meditation center, planned buildings including an approximately 3,200 square foot kitchen facility, and a 20,000 square foot social meeting hall. Recent development activities by the church include a permit for the construction of the kitchen building. Further expansion is planned to take place incrementally and as funding permits.

FIGURE 4 – Church Site



### Proposed Building Elevations

Although consideration of the project is specific to land use and zoning changes, staff presented the project to the City Council with the proposed building elevations. Physical details are intended to demonstrate the realistic development capacity of a project and confirm whether a project could meet the proposed land use designation and zoning district standards. For example, building elevations could be used to confirm whether a project could be developed without the need to exceed the maximum building height. In all, project-specific details can help assist staff with making General Plan findings such as a parcel's physical suitability for the requested/ anticipated project.

During the March 6, 2023, Council meeting, a comment was made that the proposed building design deviates from the characteristics of the existing neighborhood. Mayor Ashbeck requested that the applicant redesign the project elevations to better suit the surrounding residential environment. The applicant reworked the building design, updating its form, color, and materials (**Attachment 5**). The roofline was changed from the original flat roof to a cross-gabled roof. This update significantly changed the overall building form to be more complementary to the form of the surrounding residences. Colors and materials were also updated from the earth-toned stucco finish and faux wood cladding to a combination of a creamy white stucco and stone veneer. Figure 5 is a depiction of the original building design and the updated building design.

**FIGURE 5 – Elevations**

**Original Elevation**



**Updated Elevation**



**General Plan Policy 3.6**

A neighbor speaking in opposition to the project at the March 6, 2023, Council meeting referenced Policy 3.6. The speaker pointed out that the project is not consistent with this policy because it only allows for projects to deviate one density level and this project is requesting to deviate two density levels. The specific language included in Policy 3.6 is as follows:

**Policy 3.6 Mix of housing types and sizes.** Development is encouraged to provide a mix of housing types, unit sizes, and densities at the block level. To accomplish this, individual projects five acres or larger may be developed at densities equivalent to one designation higher or lower than the assigned designation, provided that the density across an individual project remains consistent with the General Plan.

As outlined above, Policy 3.6 encourages development to provide a mix of housing types. To accomplish this, the policy allows for development projects of five acres or greater to develop at densities that are of one designation higher or lower from the assigned designation without having to amend the General Plan land use diagram. However, the project’s overall blended density must remain consistent with that of the designated land use. This is commonly referred to as “density averaging” or using a “blended density”.

Because the project proposes a general plan amendment to increase the overall density and does rely on density averaging, the concern cited by the speaker is not applicable. The request to amend the general plan designation is not limited to one designation higher or lower than the existing designation. Staff did not have the opportunity to clarify the policy to the Council which may have impacted Council members' perception of the project. This section is intended to clarify the intent of the policy.

### Public Notice

The City published a notice of this public hearing in *The Business Journal* on Wednesday, April 12, 2023. Individual notices were also mailed to property owners within 800 feet of project site.

### **California Environmental Quality Act (CEQA)**

The City Council approved the environmental finding of a mitigated negative declaration for the project at its March 6, 2023, meeting. In summary, environmental impacts were determined to be less than significant with implementation of mitigation measures for biological resources, cultural resources, geological resources, and tribal cultural resources. An electronic copy of the initial study prepared for this project may be requested from the Planning Division or is accessible from the City Council meeting agenda packet for the March 6, 2023, City Council meeting at the City's website: <https://cityofclovis.com/government/city-council/city-council-agendas/>. Please refer to Attachment 8 of the staff report dated March 6, 2023, for public hearing Item 12.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

The proposed infill development will provide additional housing, alternative housing type, and a quality residential environment for this area as envisioned by the General Plan. The project does not substantially impact City sewer and water infrastructure and other public services. As indicated in the March 6, 2023, staff report, the project is consistent with the goals and policies of the General Plan and Development Code, including the four mandatory findings required to approve a general plan amendment, as outlined below. Therefore, staff and the Planning Commission recommend that the City Council approve GPA2022-001 and R2022-001.

### Findings for General Plan Amendments

The findings to consider when deciding on a general plan amendment application and staff's response to each of those findings are listed below.

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

*Although the request will modify the land use diagram of the General Plan, as described in Attachment 3, the proposed amendment is consistent with several goals and policies of the General Plan. Therefore, the amendment is internally consistent with the General Plan.*

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

*The project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the city. Agencies and City departments reviewed the project to ensure consistency with City codes and regulations.*

3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

*The project site is physically suitable for the type and intensity of the proposed project. The project site is a ±1.04 acre infill site that is surrounded by existing single-family residential development to the north, east, and across Alluvial Avenue to the south. A church ±3.9 acre church site is located directly to the west of the project site. The proposed 12-unit multifamily project would serve as an appropriate transitional use between the single-family residences and the non-residential church site.*

*Sewer and water studies indicate adequate provisions for the proposed increase in density from this project. Additionally, the project was reviewed by agencies and City departments to ensure that facilities are adequate to accommodate the proposed project.*

4. There is a compelling reason for the amendment.

*The project is infill development and is consistent with the goals and policies of the General Plan. If approved, the project would develop an otherwise unused property, provide an alternative housing type in the area, and contribute to the City's housing stock. The applicant's reasoning for the general plan amendment is provided in Attachment 3. The decision-making body has the discretion to determine if reasons for amending the general plan are compelling.*

#### **ACTIONS FOLLOWING APPROVAL**

If approved, the developer will proceed with the multifamily residential design review where site specific details of the development are reviewed by staff.

Prepared by: Lily Cha, AICP, Senior Planner

Reviewed by: City Manager *JH*

**RESOLUTION 23-\_\_\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
APPROVING GENERAL PLAN AMENDMENT 2022-001 TO AMEND THE 2014 CLOVIS  
GENERAL PLAN LAND USE ELEMENT FOR APPROXIMATELY 1.04 ACRES LOCATED  
NORTH OF ALLUVIAL AVENUE BETWEEN SUNNYSIDE AND FORDHAM AVENUES**

**WHEREAS**, the project proponent, Stallion Development and Construction, 811 Barstow, Clovis, CA 93612, has submitted a General Plan Amendment GPA2020-001 for 1.04 acres of property located north of Alluvial Avenue, between Sunnyside and Fordham Avenues, in the County of Fresno; and

**WHEREAS**, GPA2022-001 proposes to amend the 2014 Clovis General Plan Land Use Element for the Property from the Low Density Residential designation to the Medium High Density designation; and

**WHEREAS**, the Planning Commission considered GPA2022-001 at a duly noticed public hearing on January 26, 2023, at which time the Planning Commission adopted a resolution recommending approval of the Project; and

**WHEREAS**, the City Council considered GPA2022-001 at a duly noticed public hearing on March 6, 2023, at which time the City Council denied the project without prejudice by a vote of 3-1-1; and

**WHEREAS**, the City Council agreed to reconsider GPA2022-001 at its April 3, 2023, meeting with a request to staff for additional information; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on April 12, 2023, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, the City Council held a duly noticed public hearing on May 1, 2023, to consider vacating the March 6, 2023, denial of the project and to reconsider GPA2022-001; and

**WHEREAS**, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. The denial of GPA2022-001 at the March 6, 2023 meeting is vacated.
2. The Project satisfies the required findings for approval of a general plan amendment, as follows:
  - a. The GPA2022-001 is internally consistent with the goals, policies, and actions of the General Plan.
  - b. The GPA2022-001 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
  - c. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the development of the Project.
  - d. There is a compelling reason for the amendment, namely, to provide additional and alternative housing stock.
3. The City Council finds that there is no possibility the project could have a significant effect on the environment, exempting the project pursuant to CEQA Guidelines section 15061(b)(3).
4. The basis for the findings is detailed in the May 1, 2023, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.
5. GPA 2022-001 is hereby approved.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 1, 2023, by the following vote, to wit.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: May 1, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## ORDINANCE 23-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTION 9.080.020 OF THE CLOVIS MUNICIPAL CODE TO REZONE APPROXIMATELY 1.04 ACRES FROM THE R-1-7,500 (SINGLE-FAMILY RESIDENTIAL 7,500 SQ. FT.) ZONE DISTRICT TO THE R-2 (MULTIPLE FAMILY RESIDENTIAL) ZONE DISTRICT FOR PROPERTY LOCATED NORTH OF ALLUVIAL, BETWEEN SUNNYSIDE AND FORDHAM AVENUES**

**WHEREAS**, Stallion Development and Construction, 811 Barstow Avenue, Clovis, CA 93612, submitted an application for Rezone R2022-001 in connection with the proposed development of a 12-unit multifamily apartment complex (“Project”) on approximately 1.04 acres of property located north of Alluvial Avenue, between Sunnyside and Fordham Avenues (“Property”); and

**WHEREAS**, R2022-001 was submitted in conjunction with a general plan amendment (GPA) application, GPA2022-001, proposed to amend the general plan land use designation on the Property from low density residential to medium-high density residential; and

**WHEREAS**, R2022-001 proposes to rezone the property from the R-1-7,500 (Single-family residential 7,500 sq. ft.) Zone District to the R-2 (Multifamily residential) Zone District; and

**WHEREAS**, the approval of the rezoning application R2022-001 required the prior approval of the general plan amendment application GPA2022-001 to establish the allowable density on the Property; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on January 26, 2023, to consider the Project approval, at which time interested persons were given opportunity to comment on the Project; and

**WHEREAS**, the Planning Commission voted and recommended that the City Council approve R2022-001; and

**WHEREAS**, the City Council considered R2022-001 at a duly noticed public hearing on March 6, 2023 in conjunction with the consideration of GPA2022-001; and

**WHEREAS**, the City Council denied GPA2022-001 without prejudice by a vote of 3-1-1, precluding further consideration of R2022-001; and

**WHEREAS**, at its April 3, 2023 meeting, the City Council agreed to reconsider its denial of GPA2022-001, thereby allowing the consideration of R2022-001; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on April 12, 2023, mailed public notices to property owners within 800 feet of the Property ten (17) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and



**WHEREAS**, the City Council held a duly noticed public hearing on May 1, 2023, to consider approval of Rezone R2022-001; and

**WHEREAS**, based on this initial study, a mitigated negative declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

**WHEREAS**, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report and staff presentation, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. The proposed rezone is consistent with the goals, policies, and actions of the adopted General Plan.
2. The proposed rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and development of the Project.
4. The City Council finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development), and will not have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3).
5. The basis and evidence for the findings are detailed in the October 18, 2021, staff report and staff presentation addressing the Project during the October 18, 2021, public hearing, both of which are hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

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

Section 1 The official map of the city is amended in accordance with Section 9.08.020 and Chapter 9.86 of the Clovis Municipal Code by rezoning certain land in the City of Clovis, County of Fresno, State of California, to wit:

LEGAL DESCRIPTION:

See the attached **Attachment A**.

From the R-1 (Single-family Residential) Zone District to the R-2 (Multifamily Medium-High Density) Zone District.

Section 2 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED: May 1, 2023

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>Mayor</p>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>City Clerk</p>
* * * * *	* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on May 1, 2023, and was adopted at a regular meeting of said Council held on \_\_\_\_\_, by the following vote, to wit:

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

DATED:      Date Adopted

\_\_\_\_\_  
City Clerk

**ATTACHMENT A**  
**LEGAL DESCRIPTION**

Legal Description:

LOT 30 OF TRACT NO. 4546 MONTE VISTA NO. 38, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP THEROF RECORDED AUGUST 5, 1993 IN BOOK 56, PAGES 4, AND 5 OF PLATS, FRESNO COUNTY RECORDS.

MORE COMMONLY KNOWN AS: 1491 ALLUVIAL AVENUE, CLOVIS, CA 93611-7328



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: March 6, 2023

SUBJECT: Consider items associated with approximately 1.04 acres of land located on the north side of Alluvial Avenue, between Sunnyside and Fordham Avenues. Stallion Development and Construction – Arman Zakaryan, owner/applicant; Dan Zack, representative.

a. Consider Approval - Res. 23-\_\_\_\_, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2022-001 and Rezone R2022-001.

b. Consider Approval - Res. 23-\_\_\_\_, GPA2022-001, A request to amend the General Plan to re-designate the subject property from the Low Density Residential (2.1-4.0 DU/Ac) classification to the Medium High (7.1-15.0 DU/Ac) classification.

c. Consider Introduction - Ord. 23-\_\_\_\_, R2022-001, A request to rezone the subject property from the R-1-7500 (Single-family Residential, 7,500 sf) Zone District to the R-2 (Multifamily Medium-High Density Residential) Zone District.

**Staff:** Lily Cha, AICP, Senior Planner

**Recommendation:** Approve

ATTACHMENTS:

1. Draft Resolution, ISMND
2. Draft Resolution, GPA2022-001
3. Draft Ordinance, R2022-001
4. Development Exhibits
5. Applicant's Justification Letter
6. Letters of Objection
7. Correspondence from Agencies and Departments
8. Initial Study/ Mitigated Negative Declaration

## CONFLICT OF INTEREST

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

## RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the following:

- An environmental finding of a mitigated negative declaration for general plan amendment GPA2022-001 and rezone R2022-001; and
- General Plan Amendment GPA2022-001; and
- Rezone R2022-001.

## EXECUTIVE SUMMARY

The applicant is proposing the development of a 12-unit multifamily development on approximately 1.04 acres of land located north of Alluvial Avenue, between Sunnyside and Fordham Avenues. The project requires the re-designation of the property's land use from Low Density Residential (2.1-4.0 DU/Ac) to Medium High Density Residential (7.1-15.0 DU/Ac) classification. Coupled with the change in land use designation is a request to rezone the property from the existing R-1-7500 (Single-family Residential, 7,500 sf) Zone District to the R-2 (Multifamily Medium-High Density Residential) Zone District. Approval of these land use entitlements will allow the developer to proceed with the site plan review process where site specific details of the development are reviewed by staff.

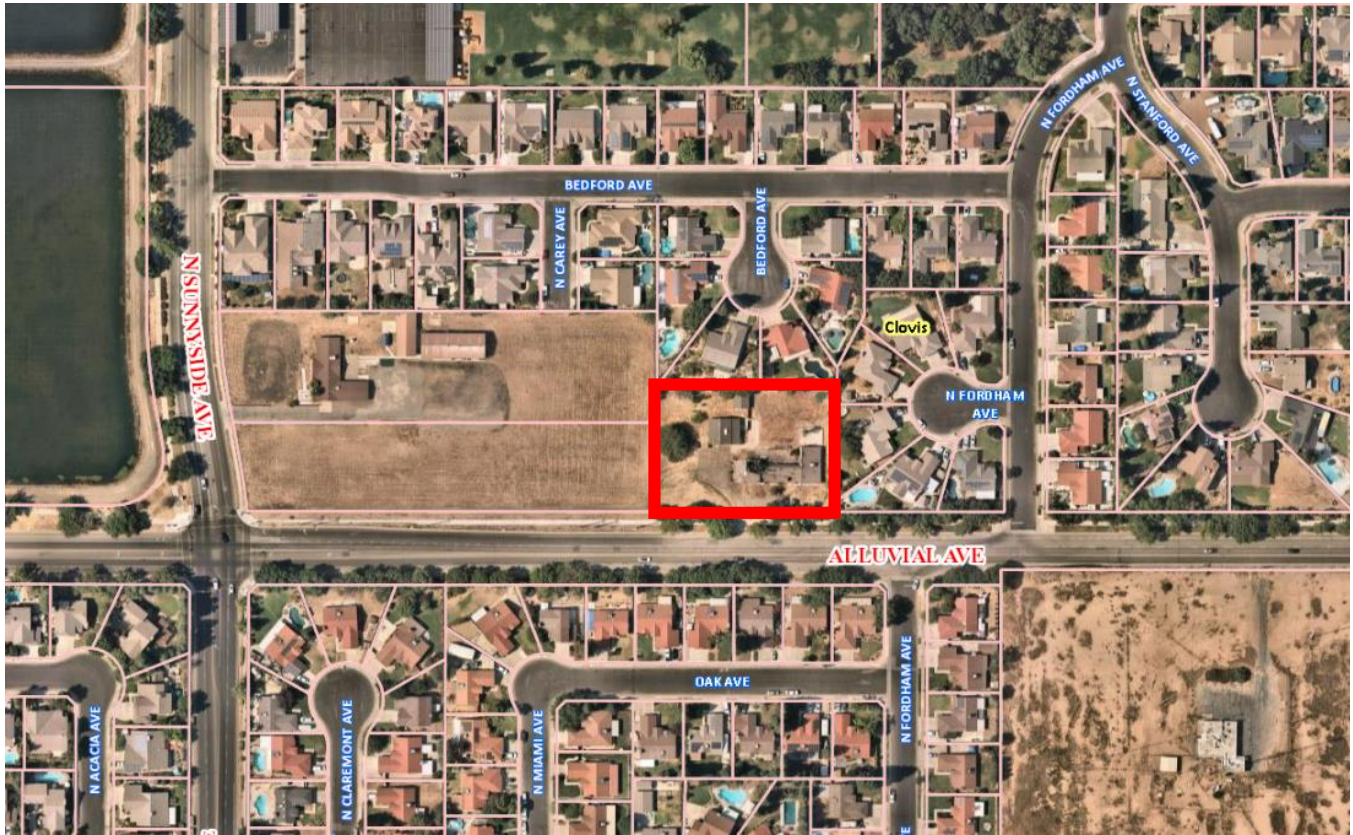
## BACKGROUND

- General Plan Designation: Low Density Residential (2.1-4.0 DU/Ac)
- Specific Plan Designation: Herndon Shepherd
- Existing Zoning: R-1-7500 (Single-family Residential, 7,500 sf)
- Lot Size: ±1.04 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
  - North: Single-family subdivision
  - South: Single-family subdivision
  - East: Single-family subdivision
  - West: Church
- Previous Entitlements: R92-18

## PROPOSAL AND ANALYSIS

The applicant requests approval of GPA2022-001 and R2022-001 to allow the development of a 12-unit multifamily residential project on a ±1.04-acre parcel that is located on the north side of Alluvial Avenue, between Sunnyside and Fordham Avenues (see **Figure 1**). The project site is vacant and previously housed a single-family residence with an accessory building. The house and accessory building were demolished due to dilapidation from fire damage and abandonment. The project is considered an infill development that is primarily surrounded by single-family residences to the north, east, and across Alluvial Avenue to the south. A church site abuts the project site directly to the west.

**FIGURE 1**  
**Project Location**



 = Project Site (1.04)

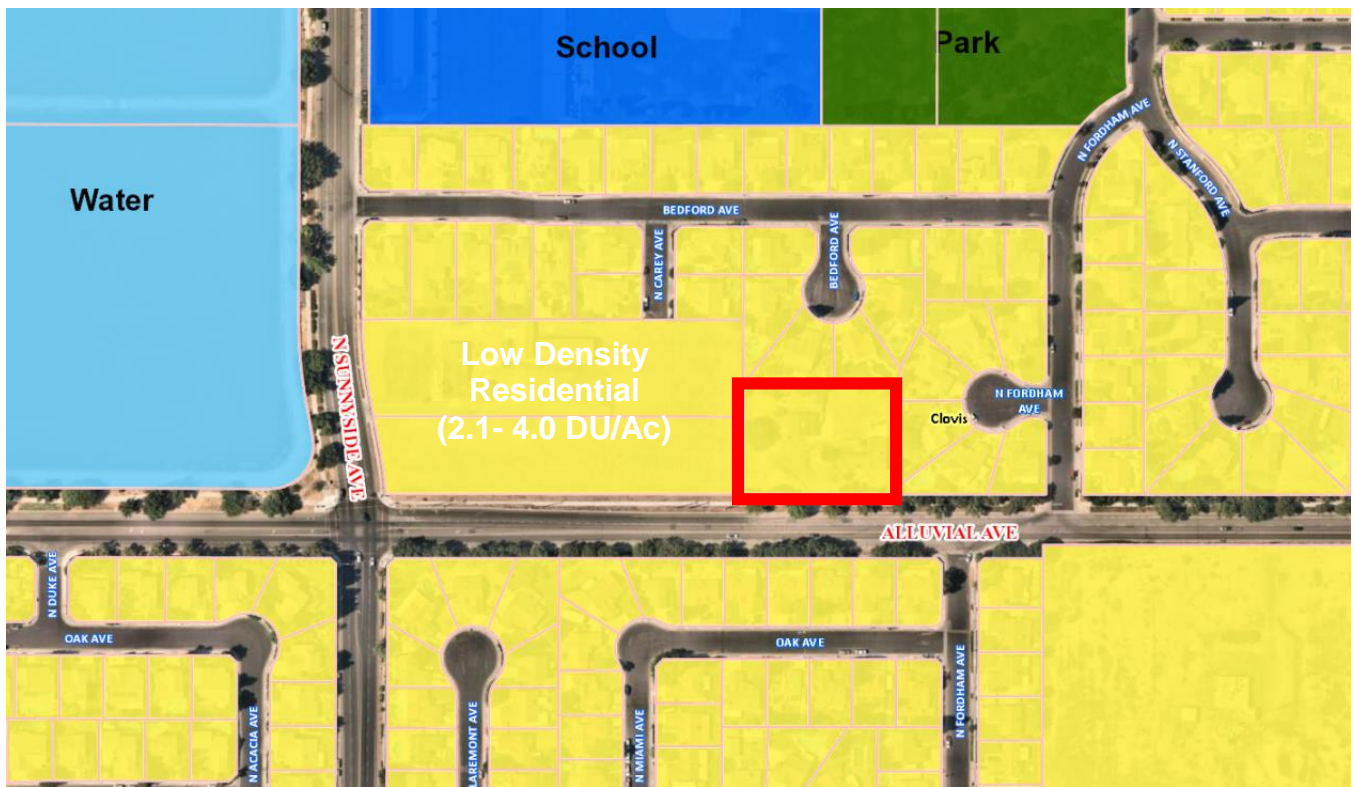
*Proposed Multifamily Development*

The development project is a 12-unit multifamily apartment complex proposed for market rate rent. Of the 12-units proposed, a total of ten are 2-bedroom units and the remaining two are 3-bedroom units. The main building housing the residential units is proposed at 2-stories (25 foot tall to the parapet) and approximately 16,160 square feet in size. Garage parking will be provided via a single-story (12 foot tall), 3,160 square foot accessory building. Additional parking stalls are provided along the main building perimeter. Also, incorporated into the project is approximately 5,400 square feet of open space. The open space area is provided for the benefit of the residences and incorporates a lawn area and a covered seating area with outdoor barbecues. The project will also provide associated site improvements such as landscaping and site utilities. The proposed site plan, building elevations, and floor plan are provided in **Attachment 4** of this report.

**General Plan Amendment**

The applicant is requesting to amend the General Plan Land Use Diagram to modify the land use designation of the subject property from the current Low Density Residential (2.1-4.0 Dwelling Unit Per Acre) to the Medium High Density Residential (7.1-15.0 Dwelling Unit Per Acre) designation. Under the existing General Plan land use designation (Low Density Residential), the project site could support the development up to a maximum of 4 residential units. With the proposed land use designation (Medium High Density Residential), the site could accommodate development of up to 15 residential units. However, applicant is proposing 12 residential units with this project.

**FIGURE 2  
General Plan Land Use Diagram**



 = Project Site (Proposed Medium Density)

The General Plan provides policies and actions to guide the orderly development of the city. A range of allowed density and intensity for each land use designation is provided within the Land Use Element of the General Plan. A general plan amendment is a change in City policy and therefore requires a compelling reason for change. For that reason, a justification letter has been provided by the applicant as part of the application to amend the General Plan (see **Attachment 5**). According to the applicant, the change will have positive impacts by advancing several important goals of the General Plan, providing additional revenue for the City as a result of the multifamily development, and providing more housing within the City.

Consistency with General Plan Goals and Policies

The proposed project would change the land use designation from Low Density Residential to Medium High Density Residential. The change in land use designation would not conflict with the goals and policies of the General Plan land use element. The following goals and policies reflect Clovis' desire to maintain tradition of responsible planning and well-managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life.

**Policy 3.6 Mix of housing types and sizes.** Development is encouraged to provide a mix of housing types, unit sizes, and densities at the block level. To accomplish this, individual projects five acres or larger may be developed at densities equivalent to one designation higher or lower than the assigned designation, provided that the density across an individual project remains consistent with the General Plan.

**Goal 5:** A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.

**Policy 5.1 Housing variety in developments.** The Clovis General Plan has been planned to provide a variety of housing product types suitable to each stage of a person's life. Each development should contribute to a diversity of housing sizes and types within the standards appropriate to the land use designation. This policy does not apply to projects smaller than five acres.

**Policy 5.2 Ownership and rental.** Encourage a mixture of both ownership and rental options to meet varied preferences and income affordability needs.

**Goal 6:** A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

**Policy 6.1 Amendment criteria.** The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- The proposed change is and will be fiscally neutral or positive.
- The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.

**Policy 6.2 Smart growth.** The city is committed to the following smart growth goals.

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.



Findings for General Plan Amendments

The findings to consider when deciding on a general plan amendment application and staff's response to each of those findings are listed below.

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

*Although the request will modify the land use diagram of the General Plan, as described in the above section, the proposed amendment is consistent with several goals and policies of the General Plan. Therefore, the amendment is internally consistent with the General Plan.*

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

*The project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the city. Agencies and City departments reviewed the project to ensure consistency with City codes and regulations.*

3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

*The project site is physically suitable for the type and intensity of the proposed project. The project site is a ±1.04 acre infill site that is surrounded by existing single-family residential development to the north, east, and across Alluvial Avenue to the south. A church ±3.9 acre church site is located directly to the west of the project site. The proposed 12-unit multifamily project would serve as an appropriate transitional use between the single-family residences and the non-residential church site.*

*Sewer and water studies indicate adequate provisions for the proposed increase in density from this project. Additionally, the project was reviewed by agencies and City departments to ensure that facilities are adequate to accommodate the proposed project.*

4. There is a compelling reason for the amendment.

*The project is infill development and is consistent with the goals and policies of the General Plan. If approved, the project would develop an otherwise unused property, provide an alternative housing type in the area, and contribute to the City's housing stock. The applicant's reasoning for the general plan amendment is provided in **Attachment 5**. The decision-making body has the discretion to determine if reasons for amending the general plan are compelling.*

## Rezone

The proposed change in land use designation also requires a change in the property's assigned zone district. The applicant is requesting to rezone the subject property from the current R-1-7500 (Single-Family Residential 7,500 sq. ft.) Zone District to the R-2 (Multifamily Residential) Zone District. The R-2 Zone District is associated with moderately dense residential uses, including multifamily apartments, duplexes, townhouses, and small parcel, attached, and detached single-family uses. With this project, the applicant is proposing the development of multifamily apartments. The proposed zone district is consistent with the Medium High Density Residential land use designation with allowable density range of 7.1 to 15.0 dwelling units per acre. The 12-unit multifamily project has a density of 11.5 dwelling units per acre.

### Objective Standards for Multifamily Development

In accordance with the State of California Senate Bill (SB) 330, the city adopted a set of objective standards for multifamily development on December 16, 2019. Adoption of objective standards provides a more efficacious process for residential development that contributes towards the state's goal of addressing the housing shortage. Objective standards are development standards that can be objectively defined and measured when reviewing applications for new housing developments. Standards include quantifiable and measurable features of building and property such as building height, required setbacks from property lines, building articulation, lighting, etc.

If approved, the project will be reviewed in compliance with the City's Multifamily Residential Design Review process and subjected to the City's adopted objective standards for multifamily residential development.

### Findings for Rezones

The findings to consider when deciding on a rezone application and staff's response to each of those findings are listed below.

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

*Although the request will modify the land use diagram of the General Plan, as described in the above section, the proposed amendment is consistent with several goals and policies of the General Plan. Therefore, the amendment is internally consistent with the General Plan. The proposed rezone to the R-2 Zone District is consistent with the proposed Medium High Density Residential Designation.*

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

*The project was determined not to be detrimental to the public interest, health, safety, and convenience, or general welfare of the city. Agencies and City departments reviewed the project to ensure consistency with City codes and regulations.*

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

*If approved, the proposed project would be subject to review under the City's multifamily residential design review process. Site specific details will be evaluated to ensure that applicable development requirements of the municipal code and objective multifamily standards are met.*

4. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014).

*See number 3 under Findings for General Plan Amendment section.*

### **Planning Commission**

The Planning Commission considered GPA2022-001 and R2022-001 at its regular meeting on January 26, 2023. Commissioners expressed support for the project and agreed that the project was thoughtfully designed to minimize impacts on the existing neighborhood. Commissioners Bedsted and Hatcher encouraged the developer to increase the perimeter wall adjacent to the single-family residences to the north and east of the site for additional privacy. The developer's representative committed to discussing the request with the developer who couldn't be present at the meeting this evening.

There were several neighbors in attendance that spoke against the project. Their concerns relate to the project causing a change to the neighborhood's characteristics and its impact on their quality of life. These impacts generally include the increase in traffic, parking overflow into their neighborhood, invasion of privacy, intrusion of lighting and noise, an increase in crime, and the decrease in the values of the surrounding homes.

The Planning Commission approved GPA2022-001 and R2022-001 with a 5-0 vote.

### **Public Outreach and Comments**

#### Neighborhood Meetings

Per City policy, the applicant is required to hold two neighborhood meetings. The first meeting must be held prior to the Planning Commission hearing and the second must be held after the Planning Commission hearing but prior to the City Council hearing.

The applicant held the first required neighborhood meeting for this project on April 27, 2022 at 6:00 pm. The meeting was held at the Heritage Crossing Hospice and Palliative Care Center located near the Alluvial and Willow Avenues. In attendance were the project team, City staff, and several neighbors. Neighbors expressed concerns including:

- Expectations that the parcel will be single-family residential, and neighbors do not want a change to multifamily residential.
- The project will add 2 additional driveways onto Alluvial Avenues that could be dangerous for students walking to school.
- Noise nuisance from higher density housing.
- The 2-story building will invade the privacy of the surrounding single-family residences.
- Higher density will bring too many people and water use.
- Increase in traffic to the area would cause congestion.

- Additional lighting from the development could be a nuisance.

As a result of this meeting, the applicant made some modifications to the project to mitigate privacy concerns. The changes include eliminating windows on the entire east elevation of the main building and providing additional site perimeter trees for screening. The applicant is proposing the planting of Japanese Blueberry trees along the site perimeter. This tree is of an evergreen variety (does not shed), is fast growing, and can mature to a height of between 30 to 40 feet.

The applicant held a second required neighborhood meeting on February 22, 2023, at 6:00 pm. The meeting was held at the office of the project's architect which is located near the intersections of Herndon and Fowler. Five neighbors were in attendance of the meeting. Comments from the Planning Commission meeting were reiterated by the neighbors. The applicant presented several additional potential modifications to the project that may further mitigate some of the concerns of the neighbors. Modifications presented include the increase of the garage building height to accommodate overhead storage so residents could still park in their garages and provide better screening from balconies, addition of storage bins, and denser tree planting along the north property line for greater screening.

#### Public Comments

Staff received two letters in opposition to the proposed project from residents near the project site (see **Attachment 6**). These letters were received after the neighborhood meeting held by the applicant. A public notice of the upcoming Planning Commission public hearing of this project was sent to area residents within 800 feet of the property boundaries. Staff received a third letter of opposition after notices were mailed.

The first letter was received on April 5, 2022 from a resident who lives directly adjacent to the back of the subject property. The resident is opposed to the change of land use from single-family residential to allow for multiple family residential development. It is the residents understanding when they purchased their property that surrounding development would be of single-family residences.

A second letter opposing the project was received on April 14, 2022 from residents living directly behind the project. The residents also purchased their property with the understanding that the adjacent developments would be of single-family residential development. They are against the development of the multi-family residential complex and believe that the development will depreciate the value of their home and quality of life. Their concerns include additional noise, invasion of privacy from second story balconies looking into their property, and additional traffic that would result from the development.

Staff received a third letter in opposition of the project on January 17, 2023. The resident outlined several existing issues that this project would contribute towards, if approved. These issues include the existing noise, rising crime rate, and traffic due to the Walmart Shopping Center, Highway 168, and Century Elementary School. In addition to these concerns, the resident indicates that the 2-story project will alter the privacy of the existing single-family homes.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, County of Fresno, and the Fresno Local Agency Formation Commission (LAFCo).

Comments received are attached (**Attachment 7**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

**California Environmental Quality Act (CEQA)**

The City of Clovis has completed an Initial Study assessing the project's impact on natural and manmade environments, as required by the State of California. The City Planner has recommended approval of a mitigated negative declaration. A mitigated negative declaration is a written statement announcing that this project will not have a significant effect on the environment. The complete Initial Study/ Mitigated Negative Declaration is included as **Attachment 8**. In summary, environmental impacts were determined to be found to be less than significant with implementation of mitigation measures for biological resources, cultural resources, geological resources, and tribal cultural resources.

The City published a notice of this public hearing in *The Business Journal* on Friday, February 17, 2023.

**FISCAL IMPACT**

None.

**REASON FOR RECOMMENDATION**

The proposed infill development will provide additional housing, housing type, and quality residential environment for this area as envisioned by the General Plan. The project does not substantially impact City sewer and water infrastructure, and other public services. As indicated in the above section, the project is consistent with the goals and policies of the General Plan and Development Code. Therefore, staff and the Planning Commission recommends that the City Council approve an environmental finding of a mitigated negative declaration for general plan amendment GPA2022-001 rezone R2022-001, and approve GPA2022-001 and R2022-001.

**ACTIONS FOLLOWING APPROVAL**

The developer will proceed with the multifamily residential design review where site specific details of the development are reviewed by staff.

Prepared by: Lily Cha, AICP, Senior Planner

Reviewed by: City Manager *[Signature]*

**RESOLUTION 23-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
 APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE  
 DECLARATION FOR GENERAL PLAN AMENDMENT GPA2022-001 AND REZONE R2022-  
 001, PURSUANT TO CEQA GUIDELINES**

**WHEREAS**, the project proponent, Stallion Development and Construction, 811 Barstow, Clovis, CA, 93612, has submitted Rezone R2020-001 for 1.04 acres of property located north of Alluvial Avenue, between Sunnyside and Fordham Avenues, in the County of Fresno; and

**WHEREAS**, the City of Clovis (“City”) caused to be prepared an initial study (hereinafter incorporated by reference) in June 2020, for the Project to evaluate potential environmental impacts, and on the basis of that study, it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

**WHEREAS**, on the basis of this initial study, a mitigated negative declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

**WHEREAS**, the City Council has independently reviewed, evaluated, and considered the CEQA analysis outlined in the staff report, initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the mitigated negative declaration, or otherwise commented on the Project (“Administrative Record”).

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

1. The foregoing recitals as true and correct.
2. The initial study and mitigated negative declaration for the Project are adequate, reflect the City’s independent judgment and analysis, and have been completed in compliance with CEQA and the CEQA Guidelines.
3. The initial study and mitigated negative declaration were presented to the City Council and the City Council has independently reviewed, evaluated, and considered the initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the initial study and mitigated negative declaration, or otherwise commented on the Project (“in the Administrative Record”) prior to approving the Project.
4. On the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment.

- 5. The mitigated negative declaration is adopted and the mitigation monitoring program set forth in **Attachment A**, including the mitigation measures identified therein and as described in the mitigated negative declaration is adopted.
- 6. Directs that the record of these proceedings shall be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and the custodian of the record shall be the City Planner or other person designated by the Planning and Development Services Director.
- 7. The Planning and Development Services Director, or his/her designee, is authorized to file a notice of determination for the Project in accordance with CEQA and to pay any fees required for such filing.
- 8. The basis for the findings is detailed in the March 6, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as evidence and comments presented in connection with the mitigated negative declaration.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on March 6, 2023, by the following vote, to wit.

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

DATED: March 6, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ATTACHMENT A:  
Mitigation Monitoring Program  
GPA2022-001 & R202-001**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<b>Biological Resources</b>				
BIO-1	<p><b>Pre-Activity Surveys for Birds (raptors, migratory birds, and other protected bird species).</b> Site disturbance shall be initiated outside of the nesting period of migratory birds and nesting raptors (generally between February 1 and August 31). If avoidance is not possible, a pre-construction survey shall be prepared by a qualified biologist to determine the presence of birds such as the burrowing owl and other protected bird species. If the biologist determines the presence of such birds, the developer shall establish a buffer zone(s) of adequate size, as determined by the biologist, to prevent disturbance of the nest until the young have fledged.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
BIO-2	<p><b>Avoidance and Minimization Measures for Construction Near the Dog Creek.</b> Site development shall be designed to minimize impacts and disturbance to Dog Creek whenever possible. This shall include worker training, covering excavations near the Dog Creek to prevent the trapping of wildlife, and/or the establishment of exclusion fencing to prevent equipment</p>			



Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	from being used outside of the designated work zone.			
<b>Cultural Resources</b>				
CULT-1	<p>If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.</p> <p>If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the project proponent shall arrange for</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.</p>			
<p>CULT-2</p>	<p>If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.</p>	<p>City of Clovis Planning</p>	<p><i>Prior to Permits and During Construction</i></p>	
<p><b>Geological Resources</b></p>				

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
GEO-1	<p>If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist and/or paleontologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.</p> <p>If a potentially-eligible resource is encountered, then the qualified professional archaeologist and/or paleontologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification (Date and Initials)</b>
	eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.			

**RESOLUTION 23-\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
 APPROVING GENERAL PLAN AMENDMENT 2022-001 TO AMEND THE 2014 CLOVIS  
 GENERAL PLAN LAND USE ELEMENT FOR APPROXIMATELY 1.04 ACRES LOCATED  
 NORTH OF ALLUVIAL AVENUE BETWEEN SUNNYSIDE AND FORDHAM AVENUES**

**WHEREAS**, the project proponent, Stallion Development and Construction, 811 Barstow, Clovis, CA 93612, has submitted a General Plan Amendment GPA2020-001 for 1.04 acres of property located north of Alluvial Avenue, between Sunnyside and Fordham Avenues, in the County of Fresno; and

**WHEREAS**, GPA2022-001 proposes to amend the 2014 Clovis General Plan Land Use Element for the Property from the Low Density Residential designation to the Medium High Density designation; and

**WHEREAS**, the Planning Commission considered GPA2022-001 at a duly noticed public hearing on January 26, 2023, at which time the Planning Commission adopted a resolution recommending approval of the Project; and

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on February 17, 2023, mailed public notices to property owners within 800 feet of the Property ten (10) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, a duly noticed public hearing was held on May 16, 2022; and

**WHEREAS**, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. The Project satisfies the required findings for approval of a general plan amendment, as follows:
  - a. The GPA2022-001 is internally consistent with the goals, policies, and actions of the General Plan.
  - b. The GPA2022-001 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

- c. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the development of the Project.
  - d. There is a compelling reason for the amendment, namely, to correct the mapping error and oversight previously made by the City relative to establishing the land use designation on the property.
2. The City Council finds that there is no possibility the project could have a significant effect on the environment, exempting the project pursuant to CEQA Guidelines section 15061(b)(3).
  3. The basis for the findings is detailed in the March 6, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.
  4. GPA 2022-001 is hereby approved.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on March 6, 2023, by the following vote, to wit.

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

DATED: March 6, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ORDINANCE 23-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTION 9.080.020 OF THE CLOVIS MUNICIPAL CODE TO REZONE APPROXIMATELY 1.04 ACRES FROM THE R-1-7,500 (SINGLE-FAMILY RESIDENTIAL 7,500 SQ. FT.) ZONE DISTRICT TO THE R-2 (MULTIPLE FAMILY RESIDENTIAL) ZONE DISTRICT FOR PROPERTY LOCATED NORTH OF ALLUVIAL, BETWEEN SUNNYSIDE AND FORDHAM AVENUES**

**WHEREAS**, Stallion Development and Construction, 811 Barstow Avenue, Clovis, CA 93612, submitted an application for Rezone R2022-001 in connection with the proposed development of a 12-unit multifamily apartment complex (“Project”) on approximately 1.04 acres of property located north of Alluvial Avenue, between Sunnyside and Fordham Avenues (“Property”); and

**WHEREAS**, Rezone Application R2022-001 proposes to rezone the property from the R-1-7,500 (Single-family residential 7,500 sq. ft.) Zone District to the R-2 (Multifamily residential) Zone District; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on January 26, 2023, to consider the Project approval, at which time interested persons were given opportunity to comment on the Project; and

**WHEREAS**, the Planning Commission voted and recommended that the City Council approve Rezone R2022-001; and

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

**WHEREAS**, the City published notice of the public hearing in the Fresno Business Journal on February 17, 2023, mailed public notices to property owners within 800 feet of the Property ten (17) days prior to the City Council hearing, and otherwise posted notice of the public hearing according to applicable law; and

**WHEREAS**, the City Council held a duly noticed public hearing on March 6, 2023, to consider approval of Rezone R2022-001; and

**WHEREAS**, based on this initial study, a mitigated negative declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

**WHEREAS**, the City Council has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report and staff presentation, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. The proposed rezone is consistent with the goals, policies, and actions of the adopted General Plan.
2. The proposed rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The Property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and development of the Project.
4. The City Council finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development), and will not have a significant effect on the environment pursuant to CEQA Guidelines section 15061(b)(3).
5. The basis and evidence for the findings are detailed in the October 18, 2021, staff report and staff presentation addressing the Project during the October 18, 2021, public hearing, both of which are hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

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

Section 1 The official map of the city is amended in accordance with Section 9.08.020 and Chapter 9.86 of the Clovis Municipal Code by rezoning certain land in the City of Clovis, County of Fresno, State of California, to wit:

**LEGAL DESCRIPTION:**

See the attached **Attachment A**.

From the R-1 (Single-family Residential) Zone District to the R-2 (Multifamily Medium-High Density) Zone District.

Section 2 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.



APPROVED: Date the Ordinance was introduced

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\* \* \* \* \*

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on March 6, 2023, and was adopted at a regular meeting of said Council held on Date Adopted, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: Date Adopted

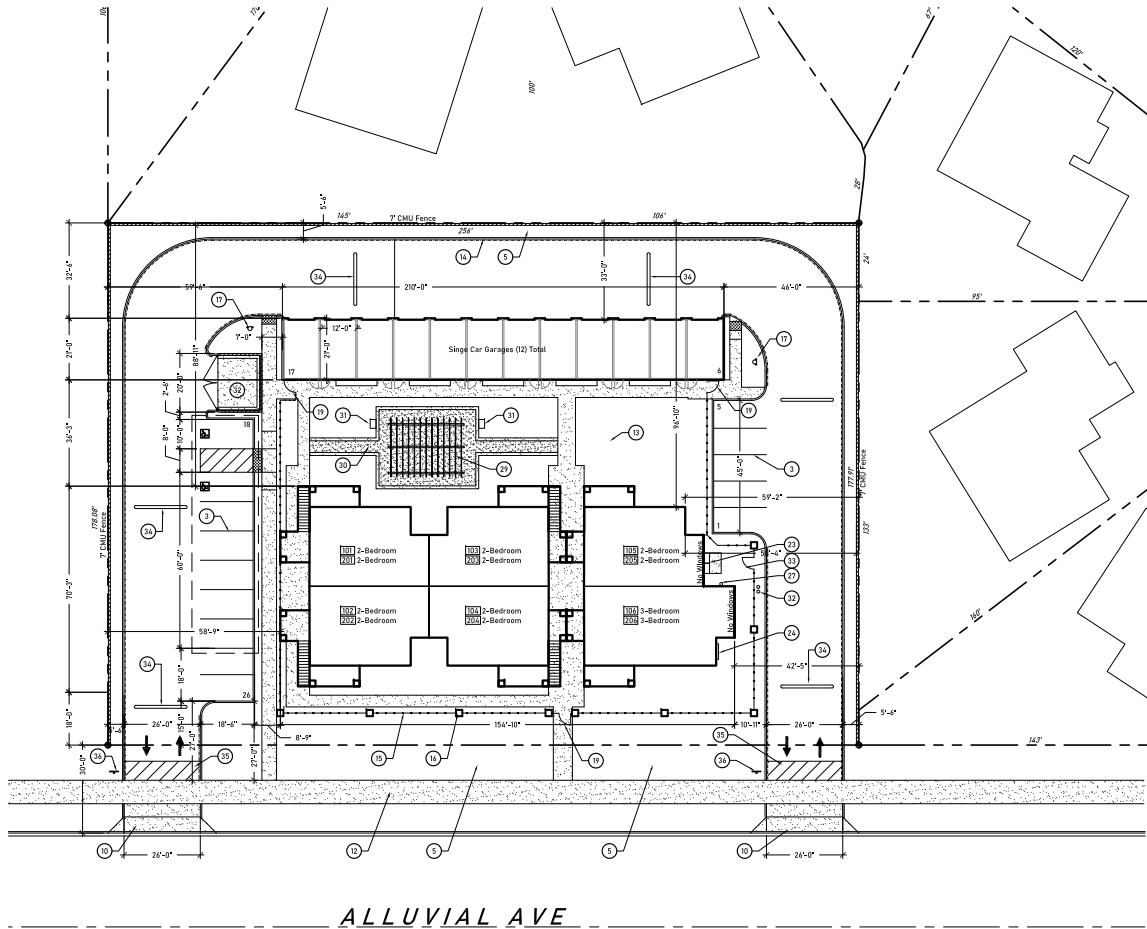
\_\_\_\_\_  
City Clerk

**ATTACHMENT A  
LEGAL DESCRIPTION**

Legal Description:

LOT 30 OF TRACT NO. 4546 MONTE VISTA NO. 38, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP THEROF RECORDED AUGUST 5, 1993 IN BOOK 56, PAGES 4, AND 5 OF PLATS, FRESNO COUNTY RECORDS.

MORE COMMONLY KNOWN AS: 1491 ALLUVIAL AVENUE, CLOVIS, CA 93611-7328



Conceptual Site Plan  
1" = 20'-0"

Site Legend		Keynotes	
Symbol	Description	Sym	Description
	Existing Curb/Outer	(1)	(N) Concrete trash enclosure per city standards.
	Street Centerline	(2)	(N) Concrete landing.
	Property Line	(3)	(N) Parking stall striping.
	Proposed Concrete Pavement	(4)	(N) A/C Pavement. Refer to Civil Engineering drawings for additional information.
	Proposed Hardscape Surface	(5)	(N) Landscape planter area. Refer to Landscape drawings for additional information.
	Building Footprint	(6)	(N) Van accessible parking stall sign.
	CMU Wall	(7)	(N) Accessible parking stall sign.
	SETBACK	(8)	(N) Accessible curb ramp. Refer to Civil Engineering drawings for additional information.
	Curb/Outer	(9)	(N) Concrete drive approach per City Standards.
	Path of Travel	(10)	(E) Electrical Transformer
	Marked Fire Lane	(11)	(E) Sidewalk
		(12)	(N) Grass lawn area.
		(13)	(N) 4" concrete curb. Refer to Civil Engineering drawings for additional information.
		(14)	(N) 6" tall steel picket fence.
		(15)	(N) Decorative fence plaster.
		(16)	(N) Private fire hydrant
		(17)	(E) Street Light.
		(18)	(N) 48" Wide accessible gate. Provide fire department bypass lockbox. Provide egress hardware.
		(19)	(N) Accessible Tow-Away sign.
		(20)	(N) Landscape Irrigation Valves.
		(21)	(N) Sanitary Sewer point of connection. Contractor to confirm location and depth of existing lateral.
		(22)	(N) Electrical Main Location
		(23)	(N) Gas Meter Location.
		(24)	-
		(25)	-
		(26)	(N) Fire Sprinkler Riser.
		(27)	(N) 4" Fire Sprinkler Water Service and Detector Check Valve.
		(28)	(N) Trellis structure
		(29)	(N) Decomposed Granite walking surface
		(30)	(N) BBO station.
		(31)	(N) FDC/PPV location.
		(32)	(N) 48" Service gate. Provide fire department bypass lockbox.
		(33)	(N) Speed bump.
		(34)	(N) Pedestrian Warning Signage.
		(35)	(N) Right turn only sign.

### Project Data

Project Description: New Multi-Family Residential project with 12 dwelling units. Demolish existing site, rezone property.

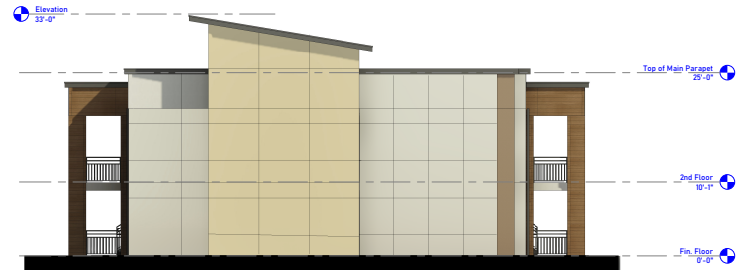
Site Data:	
Site Address:	1491 Alluvial Ave Clovis, CA 93611
APN:	543-342-35
Zoning:	Existing: R-1 Proposed: R-2
General Plan Use:	Existing: none Proposed: Med-High Density Residential (11 - 15 DU/AC)
Site Area:	45,302 SF
Site Building Coverage:	23%
Parking Data:	Garage Spaces: 12 Covered Carport Spaces: 7 Uncovered Spaces: 7 Total Parking: 26 Total Parking Required: 24
Open space:	Open space provided: 5,810 sf Open space required: 3,130 sf
Building Data:	
Apartment Building Data:	Construction Type: VB Sprinkler System: NFPA-100 No. of Stories: 2 Occupancy: R-3 Use: Multi-Family (12 DUs)
Dwelling Units:	Type 2b (2-bedroom): 10 Type 3b (3-bedroom): 2
Type 2b Unit Areas:	Living area: 1300 SF Patio area: 100 SF Porch area: 100 SF
Type 3b Unit Areas:	Living area: 1350 SF Patio area: 100 SF Porch area: 100 SF
Apartment Building Area (SF):	2b Living Areas: 1300 x 10 = 13,000 2b Living Areas: 1350 x 2 = 2,700 Total Living Area: +/- 15,700 2b Patio Area: 100 x 10 = 1,000 2b Porch Area: 100 x 10 = 1,000 2b Path Area: 100 x 10 = 1,000 2b Perch Area: 100 x 2 = 200 Total non-Living Area: 2,400
Garage Building Data:	Gross Building Area: +/- 16,160 Construction Type: VB Sprinkler System: none No. of Stories: 1 Occupancy: U Use: Individual Private Garages
Garage Building Area (SF):	Total Garage Area: +/- 3,160 SF



Front Elevation (South)  
1/8" = 1'-0"



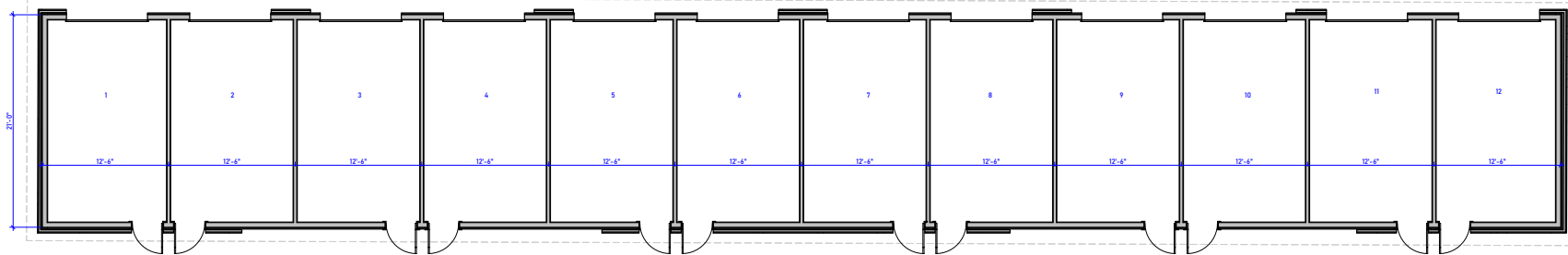
Left Elevation (West)  
1/8" = 1'-0"



Right Elevation (East)  
1/8" = 1'-0"



Rear Elevation  
1/8" = 1'-0"



Garage Floor Plan  
3/16" = 1'-0"







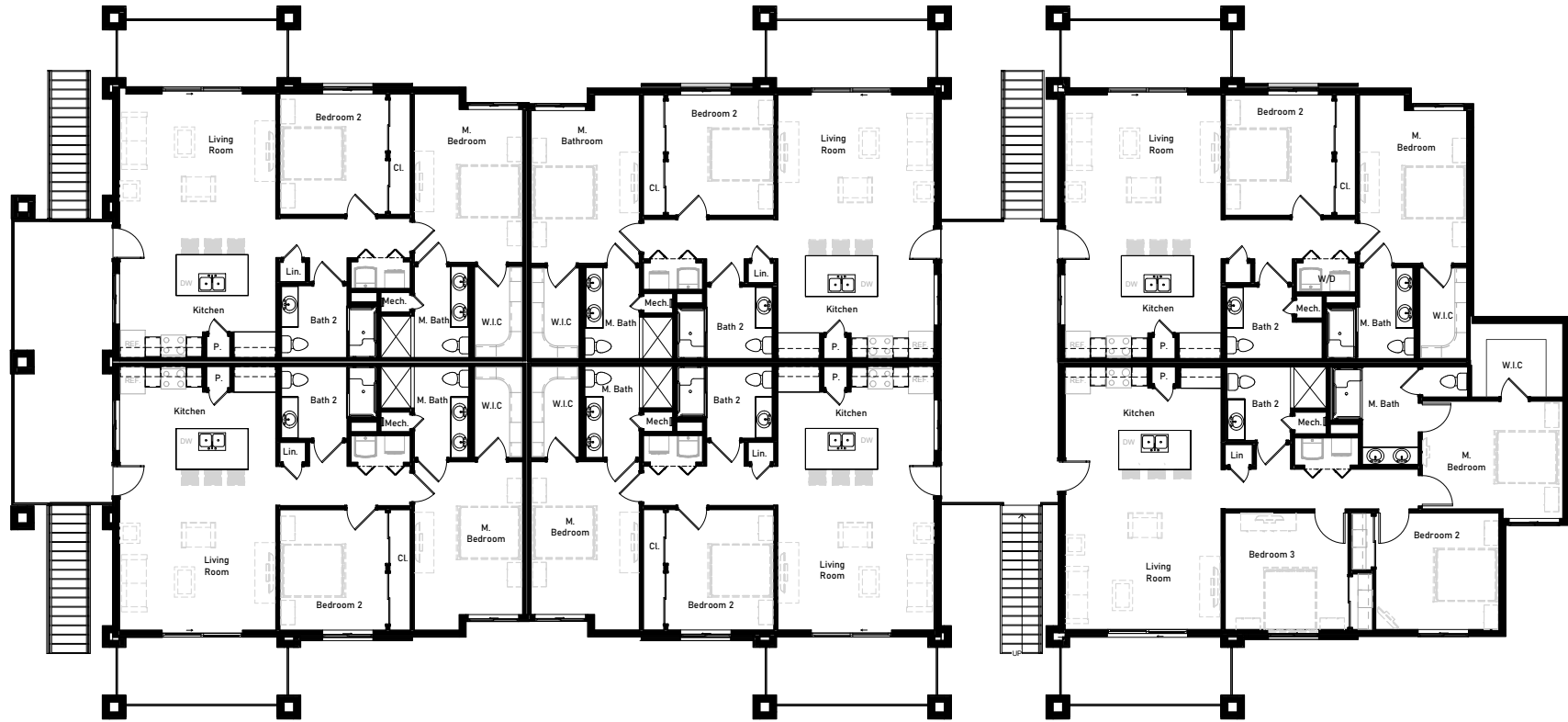
Garage Elevation (North)  
1/8" = 1'-0"



Garage Elevation (South)  
1/8" = 1'-0"

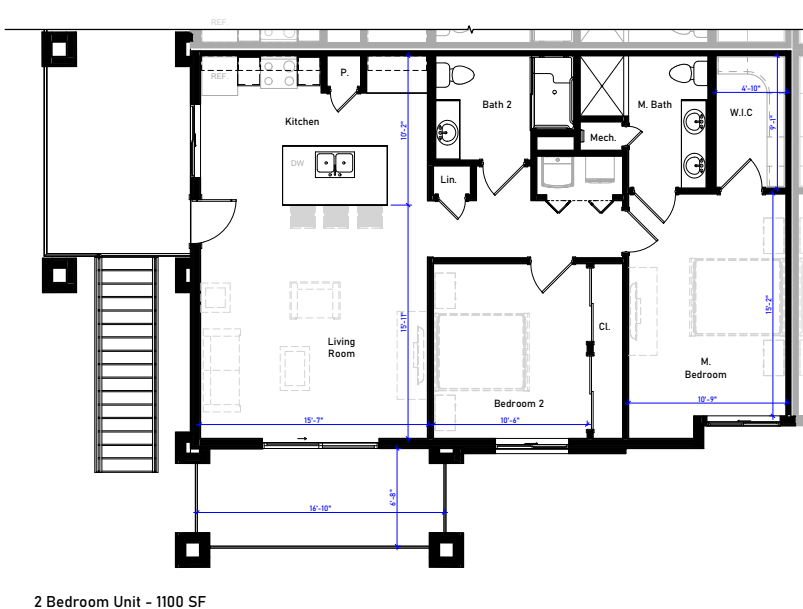
Material Legend

-  Fiberon Composite Cladding  
1x8 Open Joint Profile  
Color: Tupelo
-  Omega Stucco Finish Coat  
Colortek - Smooth - 432 Milky Quartz
-  Omega Stucco Finish Coat  
Color tek-232 Sonoma
-  Omega Stucco Finish Coat  
Colortek - Smooth - 221 Harvest Gold



Floor Plan (1st and 2nd Floor Similar)  
3/16" = 1'-0"

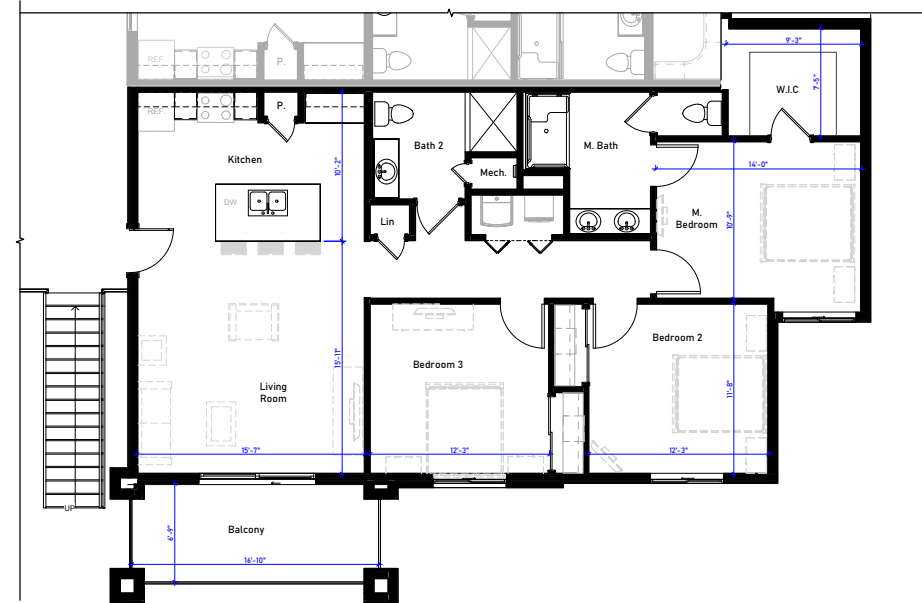




2 Bedroom Unit - 1100 SF  
1/4" = 1'-0"



Typical Living Room Layout



3 Bedroom Unit - 1350 SF  
1/4" = 1'-0"



August 17, 2022

Renee Mathis, Director of Planning and Development  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

**Subject: Letter of Justification for Proposed General Plan Amendment.**

Dear Ms. Mathis:

Arman Zakaryan of Stallion Development and Construction proposes to construct *The Palms*, a 12-unit multifamily residential project that would be located at 1491 Alluvial Avenue (APN 563-142-35). The proposed project covers approximately 1.04 acres located at the northeastern quadrant of Sunnyside and Alluvial avenues. The project would include demolition of an existing fire-damaged and vacant single-family residence on the project site. The use and density being proposed would require a General Plan Amendment (GPA) to change the planned land use designation from *L—Low Density Residential* (2.1-4 du/ac) to *MH—Medium High Density Residential* (7.1 to 15 du/ac) and a Rezone from *R-1-7500* to *R-2*.

The City of Clovis rightfully seeks to minimize amendments to its General Plan, which was comprehensively updated in 2014. Goal 6 of the General Plan is for "A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires *few and infrequent amendments* to the General Plan." Why should we make plans if we are going to immediately change them?

Nevertheless, circumstances change, and new ideas emerge that are worthy of consideration, which is why the amendment process exists. We believe that *The Palms* is a project that justifies a General Plan Amendment for the following reasons:

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

Goal 5 of the General Plan seeks for Clovis to be a city with housing, employment, and lifestyle opportunities for all ages and incomes of residents, and Policy 5.2 further specifies that a mixture of both ownership and rental housing options should be encouraged to meet varied preferences and income affordability needs. Clovis has a high need for multifamily housing generally, and in particular the neighborhoods north of Herndon Ave feature very little existing or planned multifamily housing. Approving the proposed GPA would promote housing variety where it is needed.



In Goal 6, the General Plan states that Clovis should be a city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan. To that end, Policy 6.1 states that proposed GPAs should be fiscally neutral or positive. This GPA, and the apartment community that we be developed as a result, will be fiscally positive for the City of Clovis. Based on the current assessed value of the property and the anticipated value of the fully developed apartment community, we anticipate that the City of Clovis' share of property taxes collected for the site will increase between 300% to 400% or more.

**Figure 1**  
**Projected Property Tax Revenue Increase**

		<b>Annual Property Tax</b> <i>(Estimated at 1% of value)</i>	<b>City Share of Property Tax</b> <i>(Estimated at 20% of total)</i>	<b>% Increase</b>
<b>Current Value</b> <i>(purchase price)</i>	\$575,000	\$5,750	\$1,150	-
<b>Future Value, Low</b> <i>(after stabilization)</i>	\$2,500,000	\$25,000	\$5,000	335%
<b>Future Value, High</b> <i>(after stabilization)</i>	\$3,000,000	\$30,000	\$6,000	422%

Policy 6.1 also states that proposed changes must be adequately served by public facilities and should not negatively impact service on existing development or the ability to service future development. The traffic, water, and sewer studies provided with this application demonstrate convincingly that The Palms project can be served by existing infrastructure and should not negatively impact the City's ability to service future development.

In Policy 6.2 of the General Plan, the City of Clovis also commits itself to *Smart Growth* planning and development practices. This project will advance several Smart Growth principles, particularly the following:

*A. Create a range of housing opportunities and choices.*

Housing in Clovis is overwhelmingly built out in the form of single-family houses. While this is an ideal choice for many people, there are many other housing needs and desires that aren't being met as abundantly. Well-designed and well-managed for-rent apartment homes are in high demand in our region and that demand is growing as high interest rates dampen the ability and desire to purchase a single-family house. The Palms will add to the diversity of the housing supply in Clovis and help fill an important gap in the market.

*B. Create walkable neighborhoods.*

This project promotes walkability in several ways. Its location is on a major street offers direct walking connections (without being diverted by cul-de-sacs) to a bus stop 0.7 miles to the west and numerous shopping opportunities 0.5 miles to the

south. Furthermore, the site plan promotes walkability by bringing the building near the street, placing parking beside and behind the building, using wrought iron fencing to allow visibility into the site from the public sidewalk, and by placing a pedestrian gate at the sidewalk for easy resident access to the public sidewalk network. Finally, the architectural design of the building presents windows and balconies toward the public sidewalk, creating an inviting and interesting streetscape for passing pedestrians and promoting public safety by placing "eyes on the street."

- G. *Preserve open space, farmland, natural beauty, and critical environmental areas.*
- I. *Strengthen and direct development toward existing communities.*

The Central Valley is equally famous for its highly productive farmland and for the rapidity with which cities in the region have allowed that farmland to be replaced with suburban development. By placing this project within the existing city instead of at the rural fringe of the metropolitan area, and by building at a density that is higher than a conventional suburban subdivision, this project preserves farmland and open space and strengthens the existing community.

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

Nothing is proposed on the site that would be detrimental to the public interest, health, safety, convenience, or general welfare of the City. In fact, by providing housing in a region experiencing a severe housing shortage, The Palms project would be beneficial to the public interest, health, safety, convenience, and general welfare.

**3. The parcel is physically suitable for the proposed project.**

This site is physically suitable for the proposed multifamily residential project. It can be adequately serviced by existing infrastructure and can easily comply with the goals and vision of the MH—Medium High Density Residential land use designation and the property development standards of the proposed R-2 zoning designation. The site lacks physical constraints and has excellent access, the project design promotes compatibility with adjoining land uses, and provision of utilities exceeds standards.

**4. There is a compelling reason for the amendment.**

There are several compelling reasons for this General Plan Amendment. First, while this represents a small change to a specific aspect of the General Plan, as discussed above The Palms project is faithful to the overall vision of the document and it will advance several important goals of the General Plan while increasing revenue for the City. Other justifications for the amendment are as follows:

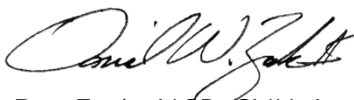
- Addressing the Housing Crisis.** This project will make an important contribution toward addressing the housing crisis that plagues our region. The 12 apartment homes of The Palms, if approved, will make far better use of this prime location than the current ranch house does, and the additional of a dozen high-quality housing units will provide homes for deserving families without encroaching into farmland or wildlife habitat. Furthermore, these homes will be located in a “Highest Resource” Opportunity Area as defined by the State Department of Housing and Community Development. This will not only be beneficial to the future residents of the project but will also assist the City of Clovis’ diligent efforts to comply with the State’s Housing Element regulations.
- Physical Constraints to Single-Family Development.** Due to its shallow depth and its only frontage being located on a Collector road, the site is arguably more suitable for a multifamily project than for the single-family use for which it is currently zoned. A single-family project on this site would likely result one of two layouts, neither of which would be ideal: either four individual driveway encroachments onto Alluvial Avenue would be required, which would cause traffic impediments and would degrade the pedestrian environment; or the houses would have to be oriented around an awkwardly shallow cul-de-sac presenting passing motorists and pedestrians with opaque and inhospitable backyard fences, as opposed to the more attractive frontage that would be presented by the highly articulated and fenestrated facade and non-opaque wrought iron fence of The Palms project. Due to these challenges, it is probably not a coincidence that this site has not yet been redeveloped as single-family housing despite its extremely desirable location.
- A Minor Increase in the Allowable Density.** On paper, the proposed General Plan Amendment would increase the allowable density of the site from 4 units per acre to 15 units per acre. In a practical sense, however, the proposed project doesn’t add many more units than are currently permitted on the site. While only four lots and a total of four homes are allowed on this site by the current R-1-7500 zoning, recent pro-housing State legislation such as AB 68 and SB 9 could allow two units per lot (either configured as a duplex or as a house with an accessory dwelling unit [ADU]) resulting in a total of 8 units. If junior ADUs are included, it may be possible to develop 3 units per lot for a total of 12 units under the current zoning. Such a configuration could be successful, but the layout of the 12 units proposed by The Palms project is much more efficient and provides more generous open space amenities than would be possible with State-sanctioned duplexes or ADUs.
- High Quality Design.** Another compelling reason to support the General Plan Amendment is the fact that The Palms features a high-quality design which meets or exceeds all R-2 development standards.
- Privacy.** One commonly expressed concern when developing new multifamily housing adjacent to existing single-family housing is that the multifamily residents will be able to see inside of the homes or yards of the single-family housing. This possibility has been addressed by thoughtful site planning, and it is very unlikely that

there will be any views into the single-family properties from the new apartments for the following reasons:

- The grade of The Palms site is 2 ½ feet lower than the grade of the adjacent single-family housing, which reduces the degree to which future residents can look down into adjacent properties;
  - The apartments are located at the front of the site, toward Alluvial Avenue and away from the single-family housing, further reducing the views into adjacent properties;
  - The garages for The Palms are located between the apartments and the single-family houses, obstructing the views between the two types of housing; and
  - The perimeter landscaping, particularly the trees, will provide a visual buffer between the existing housing and The Palms.
- **Neighborhood Feedback.** Two neighborhood meetings were held to discuss the project. The first meeting was held on April 5, 2022. Approximately 9 people representing 5 households were in attendance, in addition to the development team and City staff. As a courtesy, a second meeting was held on April 27 to address the comments from the first meeting. The same residents were in attendance.
  - **Reduction of Blight.** The existing structure recently suffered an attic fire and is considered a total loss. Such structures are not only visually unappealing but they can act as an attractive nuisance, leading to other problems. The sooner that this vacant, damaged, and boarded up structure can be replaced by a vibrant new community, the better.

We look forward to working with City staff, the community, the Planning Commission, and the City Council on this exciting project. Please let me know if I can provide any additional information to assist with your review.

Sincerely,



Dan Zack, AICP, CNU-A  
President and Principal Planner

## Lily Cha

---

**From:** Linda Alvord [REDACTED]  
**Sent:** Tuesday, April 5, 2022 3:42 PM  
**To:** Lily Cha  
**Subject:** Re: [External] 1491 Alluvial Ave., proposed development

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Cha,

This is our comment for the Record.

We are opposed to the rezoning of the 1491 Alluvial property to MultiFamily dwellings. We bought our home and property thinking that the area around our house would be single family dwelling zoning, which it currently is. We did not buy our house and property, which is directly adjacent to the back of the 1491 property, thinking that a 2 story apartment complex would be built next to our backyard. Please keep us notified of any requests to rezone the property.

Yours,

Darin and Linda Alvord

On 4/1/2022 8:00 AM, Lily Cha wrote:

You're very welcome. Have a wonderful weekend.

Sincerely,



**Lily Cha, MPA | Associate Planner**

City of Clovis | Planning Division  
 1033 Fifth Street, Clovis, CA 93612  
 p. 559.324.2335 | f. 559.324.2844  
[lilyc@cityofclovis.com](mailto:lilyc@cityofclovis.com)

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**From:** Linda Alvord [REDACTED]  
**Sent:** Thursday, March 31, 2022 9:45 AM  
**To:** Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)>  
**Subject:** Re: [External] 1491 Alluvial Ave., proposed development

Thank you for the information.

On Thu, Mar 31, 2022, 9:22 AM Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)> wrote:

Hi Linda,

Thank you for your inquiry.

ngs. With this project, the

Attachment 6

**Lily Cha**

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**From:** Andrea DeShayes [REDACTED]  
**Sent:** Thursday, April 14, 2022 2:07 PM  
**To:** Lily Cha  
**Cc:** [REDACTED]  
**Subject:** Re: [External] 1491 Alluvial Ave Project

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Lily,  
 My husband, Mark, and I attended the neighborhood meeting for the proposed 1491 Alluvial Ave. Project. Since the project will be located directly behind our residence, we have concerns.

We purchased our Clovis home in 1994. One of the things that we were happy about was that we were in a single family residential neighborhood. We chose this neighborhood since we no longer wanted to live in or near an apartment (or luxury condo) complex. We like having only single family residences around our house and having the ability to talk about any issues or concerns with other owners who occupy their homes. While we understood that the lot behind us could be divided into 2 or even 4 single family homes, we never anticipated that there would be 12 non-owner families living on that property. This depreciates the value of our home and the quality of our life. We enjoy having our windows open and listening to birds or sitting in our backyard and hearing some neighbors, but not 12 additional families.

We are not happy that there will be a driveway directly behind our back fence that ultimately every driver at the complex may use multiple times day and night, which will add additional noise. I understand the developer said they are planting some type of tree between the driveway and the fence, but no tree grows overnight!

The three balconies that look directly into our backyard are also a problem. We realize single family homes can also be 2 story, we knew there would be a 2 story house next door to our home, but the only window that looks into our property is a bathroom window. Most single family residences in our neighborhood do not have upper balconies.

The traffic situation is also problematic. It is difficult turning east on Alluvial from Fordham now, I can't imagine what will happen when you add 24 or more cars (a minimum of 2 per family). You will have 4 entrances onto Alluvial within a short distance which will be a problem. There are times when it is difficult to safely get across Alluvial or Sunnyside from either Fordham or Bedford.

We are disappointed that Clovis would think about a project with this density in a residential neighborhood. We recognize what is allowed, but we should be thinking about what is good for the neighborhood and the future.

Thank you,

Andrea DeShayes

On Tue, Apr 5, 2022 at 4:24 PM Lily Cha <[lilyc@ci.clovis.ca.us](mailto:lilyc@ci.clovis.ca.us)> wrote:

Hi Andrea,

**Lily Cha**

---

**From:** [REDACTED]  
**Sent:** Tuesday, January 17, 2023 12:28 PM  
**To:** Lily Cha  
**Subject:** [External] The Palms at Alluvial 2 - Planning Reference: GPA2022-001 and R2022-001

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms. Cha-Haydostian,

I am writing to oppose the proposed development by Arman Zakaryan/Stallion Development for the property at 1491 Alluvial. The land is currently zoned for 3 single-family homes which is congruent with the surrounding area. Our neighborhood is already overcome with noise, a raising crime rate, and traffic due to the Walmart Shopping Center, Highway 168, and Century Elementary School. Allowing a two-story 12-unit apartment complex will alter the privacy of the existing homes as well as escalate the current issues as stated above in our area. I ask you for the current residents and families in this area **do not allow** Stallion Development to use this land to build a 12-unit apartment complex for the sole purpose of monetary gain for Arman Zakaryan.

Thank you.

***Rena', Mike & Kaylee Gunn***

[REDACTED]



January 12, 2022

LU0021565  
2604

Kelsey George, Assistant Planner  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Ms. George:

PROJECT NUMBER: **DRC2021-056**

**DRC2021-056**, Proposed rezone from R-1 to R-2. Develop a 12-plex apartment complex with detached garages.

**APN: 563-142-35**

**ZONING: R-1 to R-2**

**ADDRESS: 1491 Alluvial Avenue**

Recommended Conditions of Approval for Residential Uses:

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed construction/demolition project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

*Promo.*

*alth*



- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

The following comments pertain to the demolition of existing structures:

- Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

---

REVIEWED BY:

*Kevin Tsuda*

Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

(559) 600-33271

---

cc: Deep Sidhu- Environmental Health Division (CT. 59.07)



2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

September 22, 2022

Lily Cha-Haydostian  
Department of Planning and Development Services  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: General Plan Amendment 2022-001  
N/E Alluvial and Sunnyside avenues  
FID's Dawson No. 114

Dear Ms. Cha-Haydostian:

The Fresno Irrigation District (FID) has reviewed the General Plan Amendment 2022-001 for which the applicant requests to amend the General Plan for a parcel from Low Density Residential to Medium High Density Residential, APN: 563-142-35. This request is being processed concurrently with R2022-001. FID has the following comment:

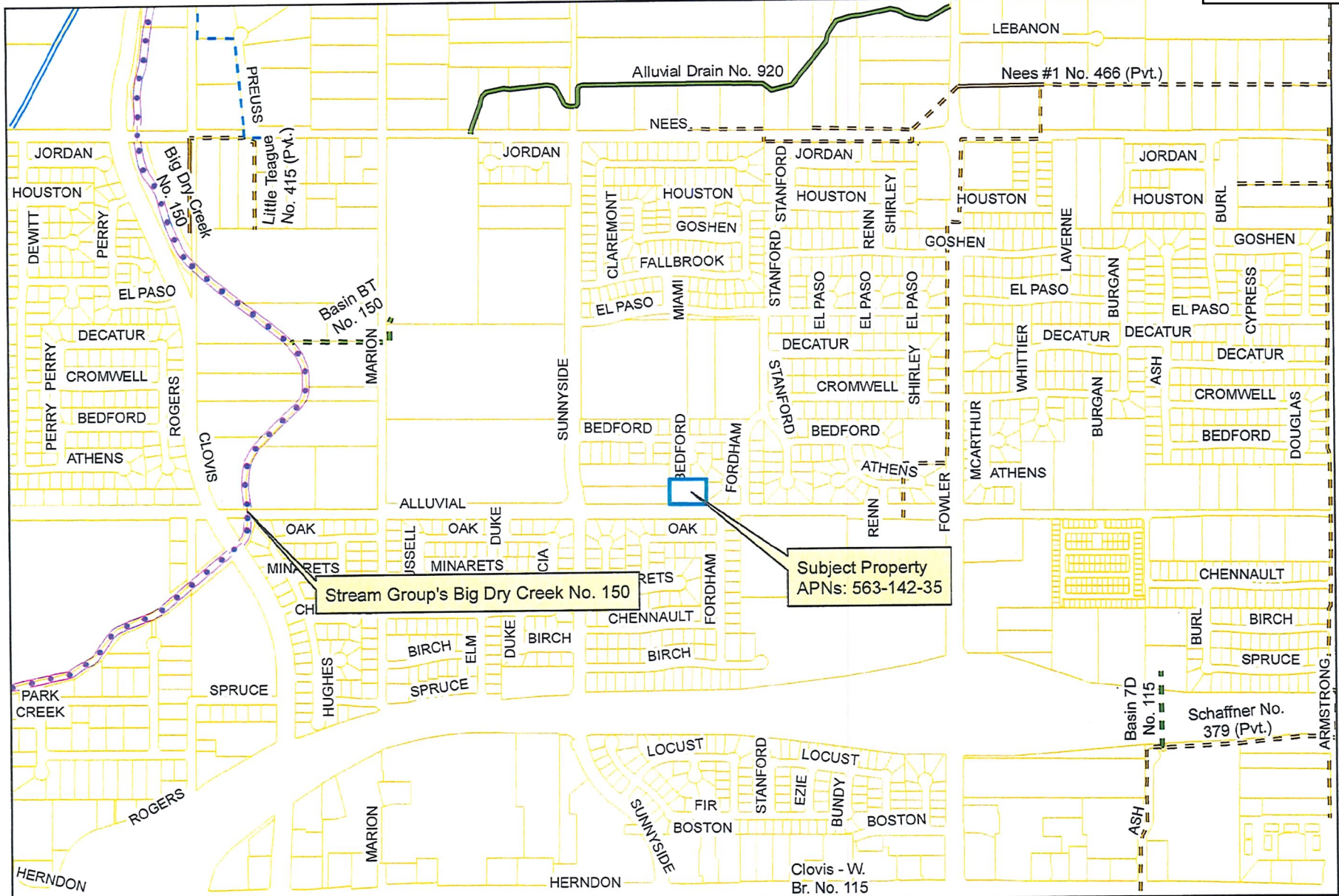
1. This site was previously reviewed and commented on by FID on January 12, 2022 as Development Review Committee Application No. 2021-056. These comments still apply and a copy has been attached for you reference.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachments



Stream Group's Big Dry Creek No. 150

Subject Property  
APNs: 563-142-35

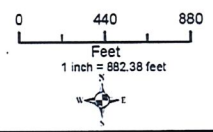
Schaffner No. 379 (Pvt.)

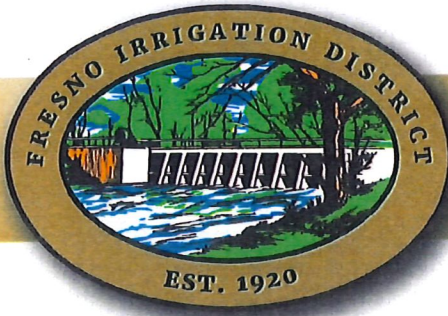


Legend	
FID Canal	FID Pipeline
Private Canal	Private Pipeline
Abandoned Canal	Abandoned Pipeline
Stream Group	Other-Creek/River
Other-Pipeline	Other-Pipeline
FID Boundary	Railroad
Streets & Hwys	FMFCD Acquired Basins
Parcel	FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Fidgis\2022\013 FID Master.mxc  
Spatial Reference  
Name: NAD 1983 StatePlane California IV FIPS 0404





2907 S. Maple Avenue  
 Fresno, California 93725-2208  
 Telephone: (559) 233-7161  
 Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

January 12, 2022

Kelsey George  
 City of Clovis  
 Planning Division  
 1033 Fifth Street  
 Clovis, CA 93612

RE: Development Review Committee Application No. 2021-056  
 N/E Alluvial and Sunnyside avenues

Dear Ms. George:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2021-056 for which the applicant proposes to rezone the subject property for development of a 12-plex apartment complex with detached garage, APN: 563-142-35. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, Stream Group's Big Dry Creek No. 150 runs southerly crossing Alluvia Avenue and Clovis Avenue approximately 2,900 feet west of the subject property, as shown on the attached FID exhibit map. Big Dry Creek is operated and maintain by FID. Should this project include any street and/or utility improvements along Alluvial Avenue, Clovis Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or [clundeen@fresnoirrigation.com](mailto:clundeen@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
 Chief Engineer

Attachment

G:\Agencies\Clovis\DRC Meetings\DRC2021-056\DRC2021-056 FID Comment.doc

December 29, 2022

Lily Cha  
City of Clovis  
Planning and Development Services  
1033 Fifth St.  
Clovis, CA 93612

**Project: The Palms at Alluvial 2 Initial Study and Mitigated Negative Declaration**

**District CEQA Reference No: 20221648**

Dear Ms. Cha:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Initial Study (IS) and Mitigated Negative Declaration (MND) from the City of Clovis (City) for The Palms at Alluvial 2 residential development. Per the IS/MND, the project consists of 12 apartment units that are all designated for market rate rent, as well as a ± 3,160 square foot building for garages, associated landscaping, utility and pedestrian infrastructure, and sports fields (Project). The Project is located on the north side of Alluvial Avenue between Sunnyside and N. Fordham Avenues in Clovis, CA.

The District offers the following comments regarding the Project:

**1) Project Related Emissions**

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

**1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)    [www.healthyairliving.com](http://www.healthyairliving.com)

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

## **2) Vegetative Barriers and Urban Greening**

There are residential units located north and east of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

## **3) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

## **4) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

## **5) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric

charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

## **6) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

**6b) District Rule 9510 - Indirect Source Review (ISR)**

The District has reviewed the information provided and has determined the project size is below the District Rule 9510, section 2.1 applicability threshold of 50 dwelling units for a residential development. Therefore, District Rule 9510 requirements and related fees do not apply to the project.

**6c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

The Project will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

**6d) District Rule 4601 (Architectural Coatings)**

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currnrules/r4601.pdf>

**6e) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-



acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950. The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **6f) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

#### **6g) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

### **7) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Jacob Torrez by e-mail at [Jacob.torrez@valleyair.org](mailto:Jacob.torrez@valleyair.org) or by phone at (559) 230-6558.

Sincerely,

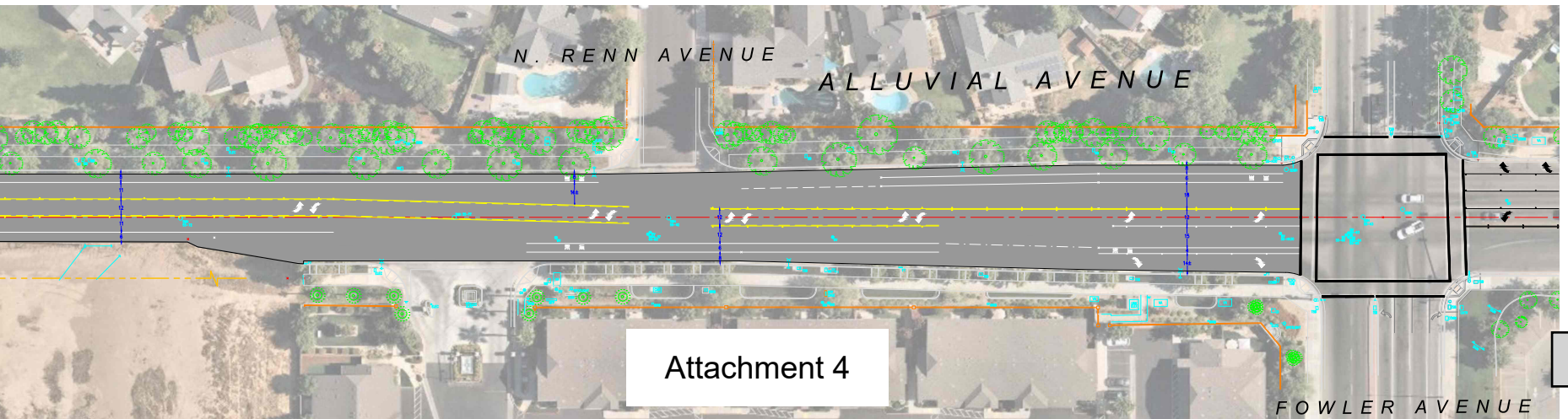
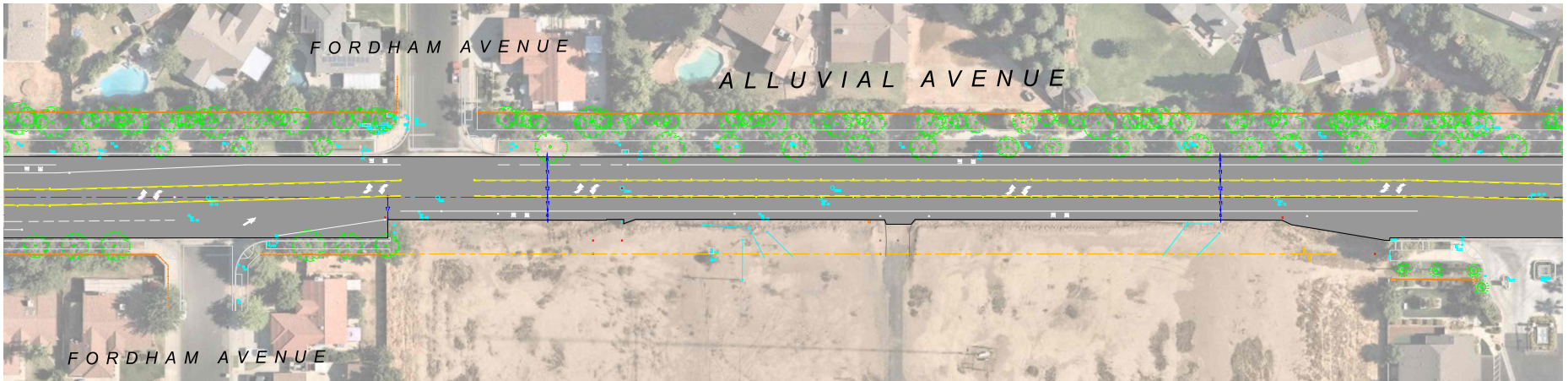
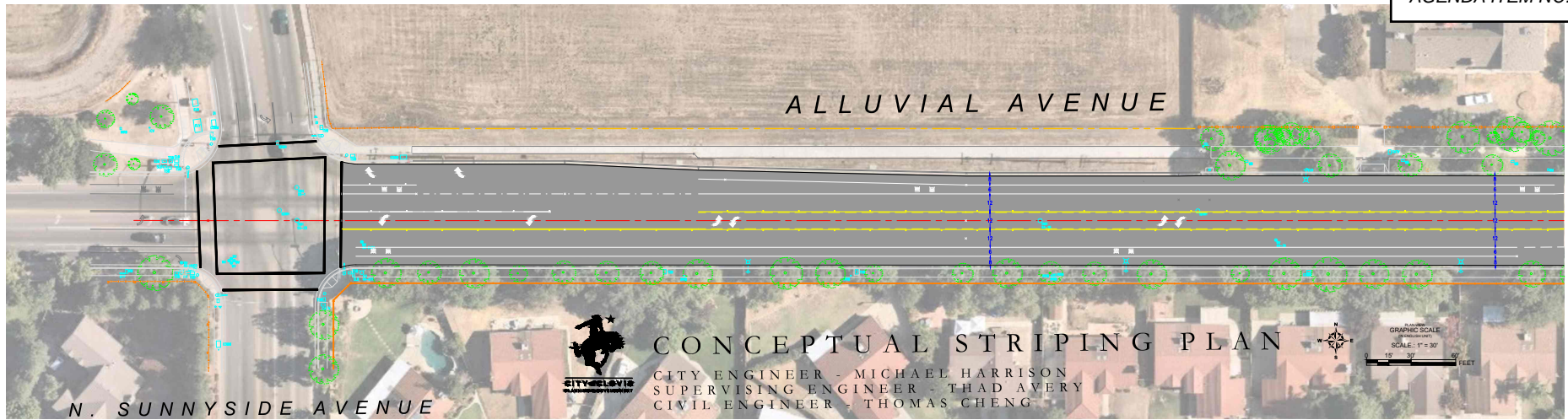
Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager

Figure 3 - Alluvial Avenue Restriping Concept

AGENDA ITEM NO. 17.



# Figure 4 - Church Site

AGENDA ITEM NO. 17.

**CV&AS**  
**CENTRAL VALLEY**  
**ENGINEERING AND SURVEYING**  
 2016 Second Street  
 Office: 559.891.8811  
 Schinas, C  
 Fax: 559.

KNOW THY SELF  
 MEDITATION CENTER  
 820 NORTH SUNNYSIDE AVENUE  
 CLOVIS, CA 93611

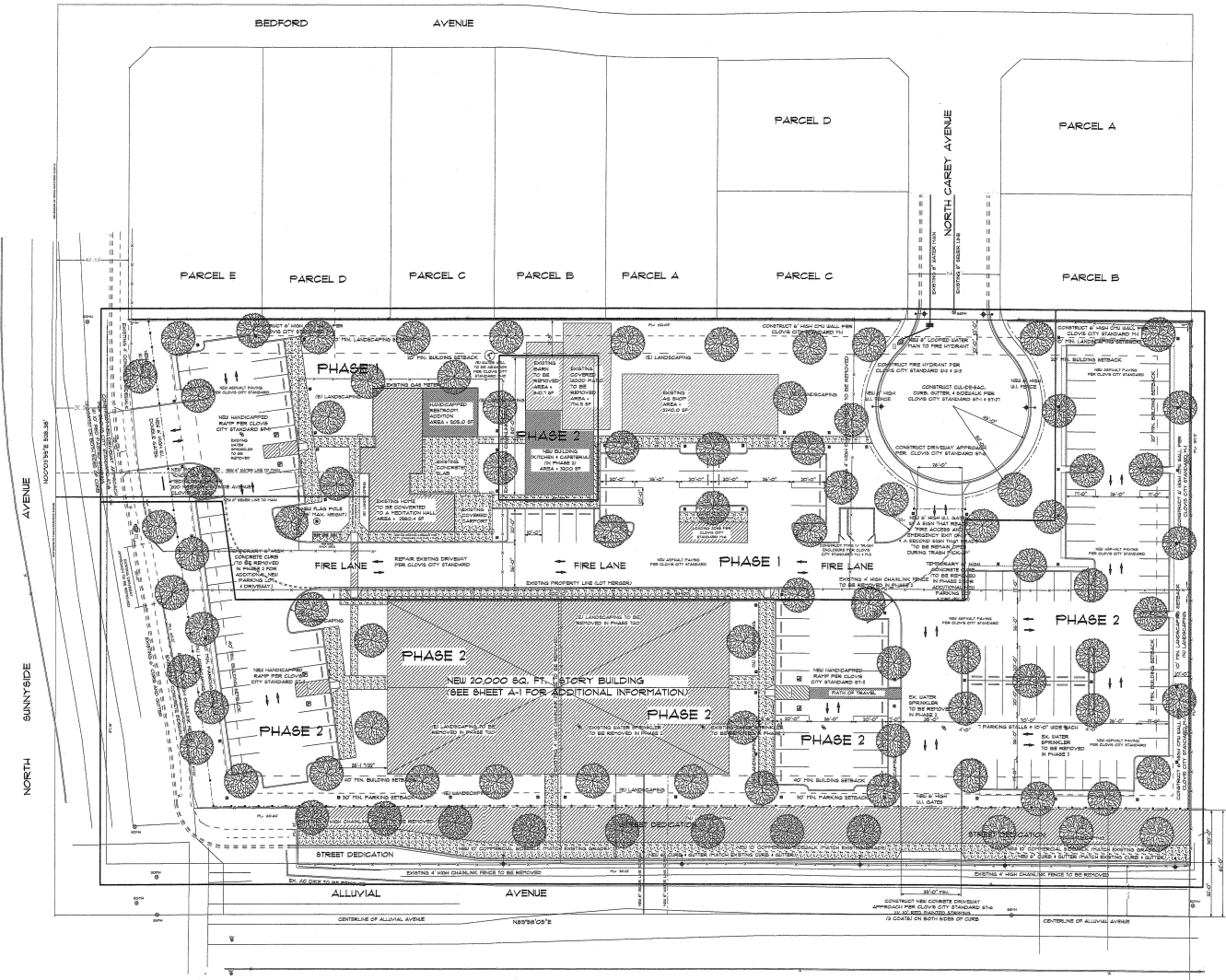


JOB NUMBER: 1004  
 DATE: 2-2-2010  
 DRAWN BY: X.XIONG  
 SCALE: NOTE ON PLAN

## SITE PLAN

REVISIONS	DATE
△	"

A-2



SITE PLAN  
 SCALE: 1" = 30'-0"

# Figure 5 - Elevations

## Original Elevation



Front Elevation (South)  
1/8" = 1'-0"

## Updated Elevation



SOUTH ELEVATION  
1/8" = 1'-0"

PROJECT  
THE PALMS AT  
1491 ALLUVIAL

1491 ALLUVIAL AVE  
CLOVIS, CA 93611

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SOUTH ELEVATION  
1/8" = 1'-0"



WEST ELEVATION  
1/8" = 1'-0"

EAST ELEVATION  
1/8" = 1'-0"



NORTH ELEVATION  
1/8" = 1'-0"

ISSUE DATE 04/05/2023  
PROJECT NO. 21061  
REVISION DATE

PRESENTATION  
ELEVATIONS