

CLOVIS CITY COUNCIL MEETING

CORRECTED

August 5, 2024,

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Ashbeck at 6:02

Flag Salute led by Councilmember Bessinger

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

PUBLIC COMMENTS – 6:06

Mayor Ashbeck took a moment of silence to honor the memory of Marilyn Zygner Harlan, who served on the City Council from April 1984 through 1988, Mike Cunningham, who served as Planning Commissioner from December 2016 through April 2023, and Sean Burdine, resident of Clovis.

Bill Scott, United Sovereign Americans volunteer, addressed concerns with the states voter roll database and requested the council place a Legally Valid 2024 General Election Resolution on the next agenda in support.

Leslie Swan, resident, read a portion of the Resolution for a Legally Valid 2024 General Election.

Cindy Fukuyama, resident, read the last part of the Resolution for a Legally Valid 2024 General Election.

Sharon Teryan, resident, spoke regarding the Resolution for a Legally Valid 2024 General Election.

Vickie Goudreau, resident, invited the Council to the October 19-20, 2024, The Whole Vine Festival event at Fresno State.

Jeanette Ishii, San Joaquin Valley Board of Directors, invited the Council to Twilight Talks Series on September 18, 2024.

Mila, resident, expressed gratitude towards the tobacco retail license policy.

Bao Xiong, California Health Collaborative Project Director, spoke on the tobacco retail license policy.

Kara, resident, spoke on the tobacco retail license policy.

Leilani, resident, spoke on the tobacco retail license policy.

Eugene King, resident, spoke regarding the need for future expansion of youth recreation in the East side of Clovis.

Terry Ogle, Fresno County Transportation Authority Executive Director, spoke regarding the extension of Measure C in the upcoming 2026 election.

Dr. Kim Armstrong, Clovis Community College President, announced recent appointment as interim President of the Fresno City College and introduced Dr. Monica Chahal, Clovis Community College Vice President of Instruction.

Dr. Monica Chahal, Vice President of Instruction Clovis Community College Vice President of Instruction, announced recent appointment as interim President for Clovis Community College.

CONSENT CALENDAR – 6:44

Motion by Councilmember Bessinger, seconded by Councilmember Mouanoutoua, that the items, with the exception of items 3-5, on the Consent Calendar be approved. Motion carried by unanimous vote.

1. Administration - Approved - Minutes from the July 1, 2024, Council Meeting.
2. Administration - Received and Filed – Business Organization of Old Town (BOOT) Fourth Quarter Report, April through June 2024.
6. Administration - Approved – Request from Central Valley Fallen Heroes for closure of portions of Pontiac Way and Never Forget Lane, adjacent to the California 911 Memorial to hold the annual Fallen Heroes Car Show on October 5, 2024.
7. Finance - Approved - **Res. 24-80**, Measure C Extension Local Transportation Pass Through Revenues Certification and Claim Forms for 2024-25.
8. General Services – Approved – Approve the first amendment to the Environment Control Agreement for janitorial services; and Authorize the City Manager to execute the First Amendment Agreement contract extension with Environment Control for services for total annual proposed charges of \$566,376.00, and additional annual charges for special services of \$35,352.00.
9. General Services – Approved – **Res. 24-81**, Authorizing the City Manager to Execute an Agreement for FY 2024-2025 Older Americans Act Funding for Title III C-1 Nutrition Services through the Fresno-Madera Area Agency on Aging (FMAAA); and Approved - **Res. 24-82**, Amending the FY 2024-2025 General Services Department Budget to Reflect \$48,000.00 in Grant Funding for the Clovis Senior Activity Center Awarded by the Fresno-Madera Area Agency on Aging.
10. General Services – Approved - Waive the City's Usual Purchasing Procedures and Authorize the Purchase of Furniture for Public Safety Headquarters from Core Business Interiors Utilizing Pricing from a Competitive Bid Award Through the County of Fresno, for a total cost of \$99,998.50.
11. General Services – Approved - Waive the City's Usual Purchasing Procedures and Authorize the Purchase of Furniture for Personnel Offices, located at 1625 Shaw Avenue, from Core Business Interiors Utilizing Pricing from a Competitive Bid Award Through the County of Fresno, for a total cost of \$124,730.97.
12. Planning and Development Services – Approved – Final Acceptance for CIP 22-05 Trail Pavement Maintenance 2022, with a final contract cost of \$147,049.76.

13. Planning and Development Services – Approved – Final Acceptance for CIP 24-04 ADA Curb Return Ramps 2024 – T3 with a final contract cost of \$237,099.11.
14. Planning and Development Services Department – Approved – **Res. 24-83**, A request to authorize the City Manager to execute a second amendment to a previously executed consultant agreement between the City of Clovis and Ascent Environmental, Inc., in the amount of \$72,420.00 for the preparation of the Housing Element update and related services.

ITEMS WERE PULLED FOR DISCUSSION

- 6:45 **CONSENT ITEM 3 - ADMINISTRATION - APPROVED – ADOPTION OF THE CITY OF CLOVIS AFFORDABLE HOUSING TRUST FUND PROGRAM GUIDELINES.**

The above item was pulled by Councilmember Mouanoutoua to provide the staff an opportunity to present the Affordable Housing Trust Fund Program Guidelines. Upon call, there was no public comment.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Bessinger, that the item be approved. Motion carried by unanimous vote.

- 6:55 **CONSENT ITEM 4 - ADMINISTRATION - APPROVED - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT WITH MARJAREE MASON CENTER FOR \$51,061 IN 2024-2025 CDBG FUNDS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CDBG AGREEMENT, AND ANY AMENDMENTS THERETO, FOR THE PROVISION OF SERVICES TO DOMESTIC VIOLENCE SURVIVORS.**

The above item was pulled by Mayor Ashbeck to acknowledge and give gratitude to Marjaree Mason Center and the services they provide the City of Clovis. Upon call, there was no public comment.

Motion by Councilmember Bessinger, seconded by Councilmember Basgall, that the item be approved. Motion carried by unanimous vote.

- 6:57 **CONSENT ITEM 5 - ADMINISTRATION – RECEIVED AND FILED – ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY QUARTERLY REPORT, APRIL TO JUNE 2024.**

The above item was pulled by Mayor Ashbeck to acknowledge the Economic Development corporation team. Upon call, there was no public comment.

Motion by Councilmember Bessinger, seconded by Councilmember Basgall, that the item be approved. Motion carried by unanimous vote.

PUBLIC HEARINGS – 6:58

- 6:58 **ITEM 15 - APPROVED VARIOUS ACTIONS RELATED TO A PROPOSED GENERAL TAX BALLOT MEASURE FOR THE NOVEMBER 5, 2024, MUNICIPAL ELECTION:**

Trenton McGill, President of the City of Clovis Fire Fighters Association, spoke in support.

Jordan Hunter, President of the Clovis Police Officer Association, spoke in support.

LeDonna Snow, resident, spoke in support.

Eric Rollins, resident, addressed his concerns with the need for accountability and the potential future misuse of the sales tax.

Eugene King, resident, spoke in support.

Bill Scott, resident, addressed his concerns and offered conditional support and requested a freeze on employees' wages.

15A. APPROVED - **RES. 24-84**, CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE REGULARLY SCHEDULED GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, TO PRESENT TO VOTERS A MEASURE TO INCREASE THE SALES AND USE TAX IN THE CITY OF CLOVIS BY ONE PERCENT (1.0%) AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK/REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY OF CLOVIS RELATING TO THE CONDUCT OF THE SPECIAL MUNICIPAL ELECTION; AND APPROVING THE PROPOSED BALLOT MEASURE DESCRIPTION; AND

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

15B. APPROVED INTRODUCTION - **ORD. 24-14**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING SECTION 3.3.312 TO ARTICLE 3 OF CHAPTER 3.3 OF TITLE 3 OF THE CLOVIS MUNICIPAL CODE PERTAINING TO THE IMPOSITION OF A TRANSACTIONS (SALES) AND USE TAX; AND

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

15C. APPROVED INTRODUCTION - **ORD. 24-15**, (UNCODIFIED) – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS IMPOSING A TRANSACTIONS (SALES) AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION.

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

ADMINISTRATIVE ITEMS – 7:38

7:38 ITEM 16 - RECEIVED AND FILED – UPDATE ON ADDITIONAL STAKEHOLDER MEETINGS RELATING TO DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2024-2025.

Greg, Building Industry Associations Member, discussed concerns about high proposed fees, suggested phasing improvements and deferring finance components until a proper cash flow analysis is done.

Arakel Arisian, resident, requested validation of unit numbers, creation of a cash flow analysis, and clear guidelines for implementation.

Darren Rose, President and CEO of the Fresno-Madera Builders Industry Association requested an additional 120-day delay on the financing cost component of the fee proposal to allow for further collaboration between the industry and city staff.

Walter Diamond, Lennar Homes, emphasized the need for an additional 120-days to thoroughly review and collaborate on the financial component.

Daris Assemi, Granville Homes Developer, discussed the proposed 5% interest rate and advocated for an additional 120-day extension to allow for a thorough review and collaboration with the industry and city staff.

Motion by Councilmember Mouanoutoua to postpone the implementation of the financing cost component of the proposed fee and direct staff to work with the industry and bring the item back in 120-days. Motion failed for lack of second.

It was consensus of the Council to take no action and allow the new fees to become effective on August 12, 2024, and direct staff to continue to work with the industry and report back to council in 120-days.

9:18 ITEM 17 – APPROVED - **RES. 24-85**, AMENDING THE 2024-25 CITY ATTORNEY BUDGET FOR THE GENERAL FUND IN THE AMOUNT OF \$1,765,588 FOR LITIGATION SETTLEMENT COSTS WITH FUNDING FROM THE EMERGENCY RESERVE AND THE PLANNING AND DEVELOPMENT SERVICES FUND.

Upon call, there was no public comment.

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

COUNCIL ITEMS – 9:19

9:19 ITEM 18 - APPROVED– A REQUEST TO SUBMIT A LETTER OF OPPOSITION REGARDING SENATE BILL 7 (BLAKESPEAR), THE HOMELESS HOUSING OBLIGATION ACT.

Eric Rollins, resident, expressed frustration with state government control and regulations and recommended considering a charter city.

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

CITY MANAGER COMMENTS – 9:22

Announced the Youth Commission applications for Sophomores, Juniors, and Seniors is now open. Applications will be accepted through September 6, 2024, and can be found on the City website.

COUNCIL COMMENTS – 9:23

It was the consensus of the council to direct staff to look into the City's ordinance related to Camping regarding sleeping and camping in public and certain private places.

It was the consensus of the council to direct staff to bring back in a workshop format an explanation of Landscape, Maintenance Districts, how they are funded, and what parts of the City are in and not in an LMD.

CLOSED SESSION – 9:30

ITEM 19 - GOVERNMENT CODE SECTION 54957 PUBLIC EMPLOYEE APPOINTMENT / EMPLOYMENT TITLE: CITY MANAGER

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION – 9:45

No action taken.

ADJOURNMENT

Mayor Ashbeck adjourned the meeting of the Council to August 12, 2024

Meeting adjourned: 9:45 p.m.


Mayor Pro Tem


City Clerk





CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

Date: October 22, 2024

From:  Briana Parra, CMC
City Clerk

Subject: Technical corrections to Final Minutes for August 5, 2024

A non-substantive, technical correction is needed for Final Approved Minutes for August 5, 2024. Corrections have been made to page 4 of 6, specifically to items 15B and 15C, regarding the assigned ordinance numbers. Item 15B should now read "Ord. 24-14," which pertains to the imposition of a transactions (Sales) and Use Tax. Item 15C should read "Ord. 24-15" (uncodified), imposing a transaction (Sales) and Use Tax to be administered by the California Department of Tax and Fee Administration. These corrections only apply to the ordinance numbers.

The above-mentioned correction does not affect nor alter the substance of the Ordinance, or the City Council's action in adopting it.

From: [City of Clovis Wordpress](#)
To: [Andrew Haussler](#); [Rebecca Simonian](#); [Briana Parra](#)
Subject: [External] Public Comment for City Council
Date: Monday, August 5, 2024 4:00:27 PM

Council Meeting Date: 2024-08-05

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Jeanette Ishii

Email: jtmishii@msn.com

Comment: San Joaquin Valley Town Hall - Twilight Talks Series

H. R. McMaster - Retired U.S. Army Lt. General & Former National Security Advisor

Topic: Securing Our Future

Wednesday, September 18, 2024, 7:00pm

Clovis Veterans Memorial District - Sponsor

Keller Renaudo Clifton - Founder & CEO of Zipline

Topic: From Sky to Supply

Revolutionizing Drone Technology

Supporting Files (2 Max.):

Date: August 5, 2024

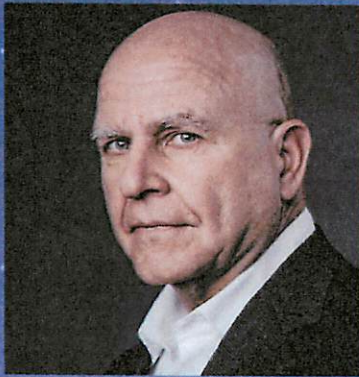
Time: 4:00 pm

Remote IP: 73.90.68.46

The nights are more interesting!

INTRODUCING THE SAN JOAQUIN VALLEY TOWN HALL

Twilight Talks Series



Securing Our Future

SEPT 18, 2024 - 7:00 PM

CLOVIS VETERANS MEMORIAL DISTRICT

H.R. McMASTER

Retired U.S. Army Lieutenant General &
Former National Security Advisor

*LTG H.R. McMaster's
Geopolitical Outlook*

San Joaquin Valley Town Hall's daytime series is famous for bringing the world's most engaging speakers to Fresno to discuss the most riveting topics and express the most captivating ideas.

This year, we proudly introduce **Twilight Talks** featuring special guests in an evening setting with live streaming for all events!

NEXT UP: From Sky to Supply



JAN 21, 2025 - 7:00 PM
MERCEDES EDWARDS THEATER

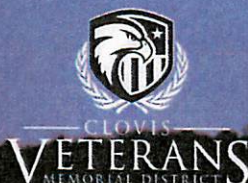
KELLER RINAUDO CLIFFTON

Founder and CEO of Zipline
*Keller Rinaudo Clifton's
Lifesaving Drone Revolution*

To purchase H.R. McMaster tickets, season tickets or future individual tickets,
please visit San Joaquin Valley Town Hall:

valleytownhall.com

Or call us at: (559) 444-2180



SAN JOAQUIN VALLEY
TOWN HALL

FIRST TIME IN CLOVIS!

1 HCF = 748 gallons

• 2931 HCF x 748 gallons = 219,2388 gallons per day

14,551 SF Lot, 3,500 SF 4 Bed 3 Bath Home

CLOVIS

UTILITY SERVICE BILL

CLOVIS PRIDE
- A WAY OF LIFE

Office Hours: 8:00AM - 4:30PM

CITY OF CLOVIS
CITY HALL • 1033 FIFTH STREET
CLOVIS, CA 93612
(559) 324-2130

SERVICE ADDRESS	ACCOUNT NUMBER	SERVICE PERIOD
1734 N PARK	811-525083.01	04/01/2024 to 05/31/2024

Effective June 1, 2016.

Emergency drought limits have been lifted. April through October outside watering days are Sundays, Wednesdays and Fridays for even numbered addresses and Tuesdays, Thursdays and Saturdays for odd numbered addresses. November through March outside watering days are Sundays for even numbered addresses and Saturdays for odd numbered addresses. Water rules are posted at City of Clovis website www.cityofclovis.com.

DUE DATE	BALANCE DUE
06/30/2024	\$ 172.69

Payments received more than 10 days past the due date are subject to a late penalty.

CURRENT PERIOD WATER METER READING (000's)				
PRESENT	PREVIOUS	CURRENT USAGE	PRIOR YEAR USAGE	2013 USAGE
128	111	17	5	28

METER READING PERIOD	DAYS IN READING PERIOD	CURRENT USAGE	CURRENT DAILY USAGE
03/13/2024 - 05/10/2024	58	17	0.2931

METER READING PERIOD	DAYS IN READING PERIOD	2013 USAGE	2013 DAILY USAGE
03/13/2013 - 05/13/2013	61	28	0.4590
05/13/2013 - 07/17/2013	65	46	0.7077
07/17/2013 - 09/17/2013	62	43	0.6935

Utility payments can now be made online through Paymentus at the City of Clovis website <http://www.cityofclovis.com> or by calling (877) 281-4366.

BILLING SUMMARY

Previous Balance	170.55
New Charges Since Last Billing	
BOND CHARGE REBATE	-14.60
RESIDENTIAL SEWER	61.64
RECYCLING-SINGLE FAM	9.22
STREET SWEEPING	5.72
REFUSE-RESIDENTIAL	52.88
REFUSE - GREENWASTE	13.52
WATER-RESIDENTIAL	44.31

Adjustments	0.00
Payments	-170.55

TOTAL DUE \$ 172.69

SEE OTHER SIDE FOR ADDITIONAL INFORMATION

Account balances greater than \$25.00 are not considered current and are subject to late and delinquency fees.

#16

Received

AUG 05 2024

ADMIN/CITYMGR



★ Resolution ★

for a Legally Valid 2024 General Election



Whereas It is a recognized civil right in the United States for every citizen to have free and fair elections. “And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” (Reynolds v. Sims, 377 U.S. 533 (1964))

Whereas It is the duty of our election officials to guarantee our elections are accurate and free from distortion or manipulation. “Congress seeks...to guard the election of members of Congress against any possible unfairness by compelling... everyone concerned in holding the election to a strict and scrupulous observance of every duty devolved upon him while so engaged... The evil intent consists in disobedience to the law.” (In Re Coy, 127 U.S. 731 (1888)).

Whereas Our constitutional system of representative government only works when the following four tenets of an election are upheld:

1. The Voter Rolls Must Be Accurate (National Voter Registration Act, 1993).
2. Votes Counted Must Be From Eligible Voters (US Constitution, Fourteenth Amendment, Section Two).
3. The Number of Votes Counted Must Equal the Number of Voters Who Voted.
4. There Can Be No More Than One in 125,000 Ballots in Error by the Voting System (Help America Vote Act, 2002).

A vertical graphic of the American flag, showing the stars and stripes, positioned on the left side of the page.

Whereas

An open-source audit of the California 2022 General Election conducted by California citizens has uncovered evidence of massive inaccuracies that appear to violate both federal and state laws, including:

- ♦ **5,886,198** ineligible or uncertain registration violations found within the California state voter roll database.
- ♦ **2,776,939** votes cast by ineligible or uncertain registrants.
- ♦ **123,785** more votes counted than voters who voted. No one knows who cast them.
- ♦ **2,776,849** apparent voting violations in excess of the legal standard of system accuracy for a valid federal election. Maximum allowable system errors for the 2022 general election in California was **90**.
- ♦ Certification as defined by law, an attestation of accuracy and compliance, appears to have been fraudulent and illegal.

Whereas

These findings trample legal accuracy requirements of the voting system during a Federal Election. Accuracy is defined as the ability of the system to capture and report the specific selections, and absence of selections, made by a voter without error.

Whereas

The intent of the voters must be known factually before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a fraud *ab initio*. (United States v. Throckmorton, 98 U.S. 61 (1878)). "From time immemorial, an election to public office has been, in point of substance, no more and no less than the expression by qualified electors of their choice of candidates." (United States v. Classic, 313 U.S. 299 (1941))

Whereas

California's 2022 General Election appears to have been invalid, depriving us of the guaranteed protection of our Natural Rights under a government duly and provably chosen by us, the American people, resulting in incalculable damage to our families, our way of life, and the fabric of these United States.

A vertical graphic of the American flag, showing the stars and stripes, positioned on the left side of the page.

Therefore

We call upon our Representatives to provide relief to the people, and the assurance of domestic tranquility, by joining us in demanding a VALID 2024 General Election that upholds these existing laws, and equitable principles of law:

1. Proof of citizenship, identity and eligibility to register and vote, not anonymous attestation.
2. Voter rolls certified accurate and available for public review and challenge 30 days before the start of early voting. Voters added after that date must bring proof of citizenship, identity, and address in person to a qualified official at each polling place.
3. Hand-marked, secure ballots similar to currency. Where imaging technology is used for tabulation, the security features must be verifiable in the ballot image.
4. Systems, machines, security measures, infrastructure and conduct are required to be compliant with federal law for fraud prevention regarding risk assessment, certification, testing, and implementation.
5. Adjudication must be signed-off by party, candidate, and trained citizen witnesses after being given full and effective observation rights. Candidates and trained citizens must be allowed immediate access to ballots, ballot images and CVRs.
6. Ballots, regardless of entry source, election operations, and systems must maintain end-to-end chain of custody from voter to vote count to final canvass, including auditability and witnessed transfer with paper records.
7. A NIST-compliant, randomized, statistically valid end-to-end audit, with a 95% confidence level, of all elections pursuant to the 14th Amendment, Section 2 must be performed. These audits are to be conducted by qualified, insured and bonded security, forensics or financial auditors, not personnel from within the election system. Reconciliation will include the vote count, real physical ballots, adjudication, CVRs, ballot count, qualified voter count, custody transfer, and all other paper and electronic election systems, including logs.
8. If the total of all unique variances above is more than 10% of the margin of victory, a new election must be held in the state for those candidates affected, unless the issues can be provably corrected by a manual hand recount and a full review of records.
9. Waiver of requirements is not allowed. Only end-to-end system compliance, from registration through certification, can guarantee the intent of the people is accurately recorded.

— Resolution on following page —



Be it Resolved

That the Clovis City Council, Clovis, California stands in support with the concerns and remedies presented here. We implore the Fresno County Board of Supervisors, California Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both California Secretary of State and County Registrars of Voters to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Mayor Lynne Ashbeck	_____	_____	_____
Mayor Pro Tem Vong Mouanoutoua	_____	_____	_____
Councilmember Matt Basgall	_____	_____	_____
Councilmember Drew Bessinger	_____	_____	_____
Councilmember Diane Pearce	_____	_____	_____

As recorded on the _____ of _____, 2024.



Appendix to the Resolution

Research Sources for the Open-Source Audit by California Citizens:

- Data from CA statewide voter registration database, October 9, 2023.

Relevant Laws applicable to an End-to-End Audit:

- US Constitution; Article 1, Section 4.
- H.R. 2 The National Voter Registration Act of 1993 (Pub. L. 103-31).
- H.R. 3295 The Help America Vote Act of 2002 (Pub.L. 107-252).
- Federal Election Assistance Commission Voting System Standards Volume I: Performance Standards, April, 2002.
- Federal Information Security Modernization Act of 2014 (Public Law 113-283). Originally Federal Information Security Management Act of 2002 (Public Law 107-347 (Title III).
- National Institute of Standards and Technology SP 800-53: Security and Privacy Controls for Information Systems and Organizations.
- FIPS 199 - Standards for Security Categorization of Federal Information and Information Systems.
- U.S. Code: Title 52; Subtitle I—Voting Rights (§§ 10101 - 10702), Subtitle II—Voting Assistance and Election Administration (§§ 20101 - 21145) including:
 - ◆ 52 USC § 10101(b)—Intimidation, threats, or coercion.
 - ◆ 52 USC § 10307(c)—False Information in, and Payments for, Registering and Voting.
 - ◆ 52 USC § 20701—Retention and preservation of records and papers by officers of elections.
 - ◆ 52 USC § 20702—Theft, destruction, concealment, mutilation, or alteration of records or papers.
 - ◆ 52 USC § 21081—Voting systems standards (HAVA).
 - ◆ 52 USC § 21083—Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 18 USC § 241—Conspiracy Against Rights.
- 18 USC § 242—Deprivation of Rights Under Color of Law.
- 18 USC § 1519—False Records in the Administration of a Federal Matter.
- 18 USC § 1028A—Aggravated Identity Theft.
- 18 USC § 514—Fictitious obligations.

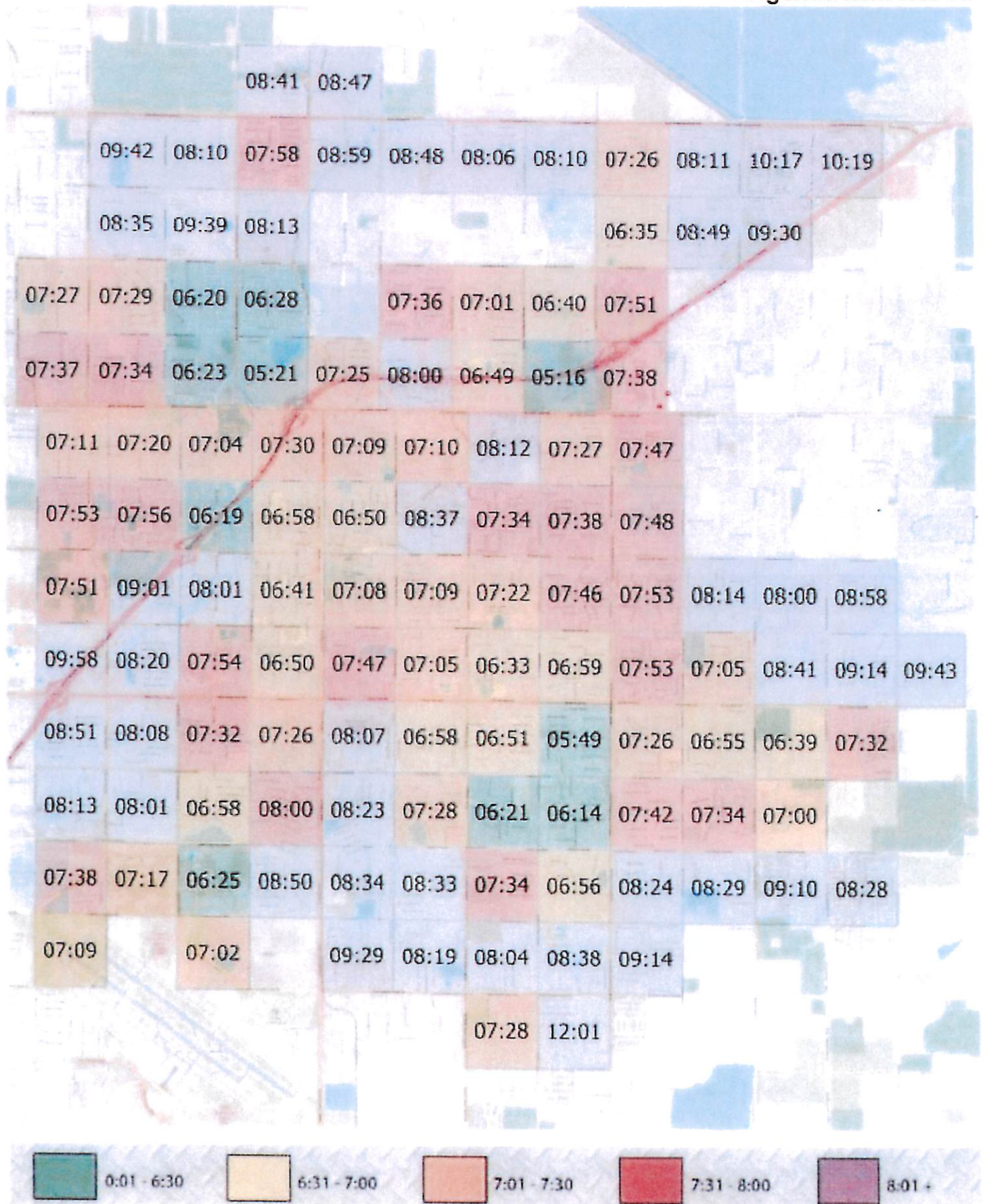


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Total Response Time Performance

First-Arriving Unit, Priority Calls, 90th Percentile

Agenda Item No. 15





CITY OF CLOVIS

Department of Planning and Development Services

CITY HALL • 1033 FIFTH STREET • CLOVIS, CA 93612

Date: August 2, 2024

BIA questions from email received on July 25, 2024

1. What is the rationale and evidence behind the fee increase calculations? Do you have nexus study prepared for the current development impact fees and has it been updated per the Mitigation Fee Act?
 - a. *The estimated cost of the system has increased based on bid data of similar infrastructure. The nexus study updates for the current DIF's were presented and approved by council on June 10, 2024.*
 - b. *A Nexus Study was performed in 2018 with the update of the Master Plan to identify the changes in the methodology. Each fee update includes an update to the 2018 Nexus Study that identifies the basis for the changes in the fee rates. The rate changes are typically the result of either a CCI adjustment or a comprehensive cost analysis as authorized by Clovis Municipal Code section 3.10.02. The Nexus Study updates meets the requirements of the Mitigation Fee Act and this is described in the staff report for each fee update as presented during the June 10, 2024 Council meeting.*
2. Please share the methodology you used to calculate finance charges. Do you have a cash flow that can identify potential improvements that could be paid for accumulated funds?
 - a. *Finance charges were calculated at 5% over a 30-year period. We do not have a current cash flow model; however, a significant portion of the fees collected are paying off current bond debt. If development continues according to the projects discussed by developers, infrastructure will be needed prior to paying off the current bonds and there will not be enough cash flow to pay without financing. This will continue the pattern of bonding for all infrastructure.*
 - b. *The financing methodology was part of the updated Master Plan in 2018 and was addressed in response to Question #9 of the BIA response letter in 2018. It has been discussed with stakeholders at each of the following updates.*
3. How did you come up with the 5% cost of funds? How does this compare to financing costs for existing bonds and/or general trends/averages?
 - a. *Willdan recommended the 5% in 2017/2018 when the Master Plan was updated, and 5% is considered an industry standard. Prior to 2014, rates were typically higher than 5%. More recently, rates have been lower than 5%, but are rising. 5% is considered a prudent and reasonable estimate for long term planning as authorized by the Mitigation Fee Act and relevant case law.*
 - b. *Same as the methodology, the financing rate was part of the 2018 update and the BIA response letter. It has remained unchanged with each of the following updates.*
4. Do any of the existing customers benefit from the added facilities upgrades?
 - a. *The existing system, as constructed and operated today, is sufficient to meet the needs of the existing customers. Future supply capacity, as indicated in the Development Impact Fee program, is needed to support new development and is to be paid by the DIFs and will*

City Manager (559) 324-2060 • Community Services (559) 324-2750 • Engineering (559) 324-2350
 Finance (559) 324-2101 • Fire (559) 324-2200 • General Services (559) 324-2060 • Personnel/Risk Management 324-2735
 Planning & Development Services (559) 324-2340 • Police (559) 324-2400 • Public Utilities (559) 324-2600

benefit those future customers that share in the cost.

Page 2 of 2

- b. This was discussed and addressed with the 2018 update as the facilities in the fee rate were identified and is a component of the Mitigation Fee Act that has been met with each update.*
5. Can you please justify the 80% assumption of buildout even though the system is designed to accommodate full 100% buildout? What is the potential cost savings of redesigning the system to accommodate the project buildout?
 - a. The capital improvement projects needed for new development identified in the water master plan will support approximately 57,500 EDUs, and that is within the 80% estimated buildout threshold of the General Plan. The updated DIFs will pay for improvements to support approximately 57,500 EDUs, which is approximately 80% estimated buildout, not 100% buildout.*
 - b. The updated Nexus Study in 2018 explained the methodology under Item 4 of the Fee Calculation Methodology. This same methodology has been used with each update.*
6. What is the total projected population with an 80% General Plan Buildout, and in what time frame does that occur? Has the City accounted for the increase in average density of residential projects?
 - a. The City has not evaluated a population at buildout outside of what is considered in the General Plan and Master Plan. The Master Plan evaluates infrastructure based on land use. The Master Plan currently estimates a population of 280,300 in 2083. The City tracks project densities in Water Supply Assessment and/or Water Studies.*
7. When was the last time the city reviewed and validated the per capita based future water demand projections detailed in Section 5.2.3 of the 2017 Water Master Plan?
 - a. The City tracks per capita water consumption in updates to the Urban Water Management Plan that are required every five years (next update begins in 2025).*
8. Capacity of Existing Water Treatment Plant — How many equivalent Dwelling units does the current treatment plant serve? What will the new capacity be with the proposed expansion? At what point will the new treatment plant be required and how many units will it serve?
 - a. At 510 gallons per day per EDU (as previously determined), the existing 22.5 MGD SWTP can serve approximately 26,000 EDUs. The 45MGD of water treatment capacity planned through expansions and/or new construction would serve approximately double that amount at 52,000 EDUs. The timing of expansion is dependent on the timing and location of development, as it may be necessary to construct a new SWTP, consistent with the master plan, first.*
9. Can you confirm the assumed cost for land acquisition and the basis/justification for that estimate?
 - a. Costs are estimated at \$500,000/acre according to Provost & Pritchard's research of market value in April 2024. This information was presented to the industry with the Provost & Pritchard's technical memorandum dated 5/20/24. The information is on page two of the memo.*
10. Are current reimbursements on engineering limited to 8% to 10%? If so, why is the City using 18% for engineering and administration?
 - a. Current engineering reimbursements are approximately 8-10% lower than the contingency for engineering and administration for the water major facilities fees because there is less work involved. The 18% contingency is intended to include administration, environmental, construction management, legal and inspection costs of which are not included in the engineering reimbursements.*