

AGENDA • CITY COUNCIL MEETING

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

July 18, 2022 6:00 PM Council Chamber

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

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

Written Comments

- Members of the public are encouraged to submit written comments www.cityofclovis.com/agendas at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:
 - **Council Meeting Date**
 - Item Number
 - Name
 - Email
 - Comment
- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.





Verbal Comments

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

Webex Participation

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

CALL TO ORDER

FLAG SALUTE - Councilmember Whalen

ROLL CALL

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.

- Administration Approval Minutes from the July 5, 2022, Council Meeting.
- <u>1.</u> 2. Administration - Approval - Waive Normal Purchasing Process and Approve the Purchase of Replacement Desktop Computers and Servers using Competitively Bid Contracts with Purchasing Provisions for California State and Local Government Agencies.
- <u>3.</u> Finance – Receive and File – Findings & Recommendations from Community Facilities District Citizens Committee.
- Finance Approval Res. 22-___, Measure C Extension Local Transportation Pass <u>4.</u> Through Revenues Certification and Claim Forms for 2022-23.
- <u>5.</u> General Services – Approval - Claim Rejection of the General Liability Claim on behalf of Juan De La Torre.
- General Services Approval Res. 22- , Amending the City's FY 22-23 Position 6. Allocation Plan by deleting two (2) Principal Office Assistant positions and adding two (2) Staff Analyst positions within the Fire Department.
- Planning and Development Services Approval Bid Award for CIP 21-10 Fowler <u>7.</u> Avenue Street Improvements and Authorize the City Manager to Execute the Contract on behalf of the City.
- Planning and Development Services Approval Final Acceptance for CIP17-28 <u>8.</u> Sunnyside Avenue Bike Lane.
- Planning and Development Services Approval Res. 22-___, Final Map Tract 6166, <u>9.</u> located in the southeast area of Highland and Gettysburg Avenues (Lennar Homes of California, LLC).
- 10. Planning and Development Services - Approval - Res. 22-___, Annexation of Proposed Tract 6166, located in the southeast area of Highland and Gettysburg Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC).

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.

Consider Approval - Res. 22-___, SPR2001-018A2, A request to approve a site plan 11. review amendment for the construction of a new $\pm 2,500$ square foot visitor center for the Botanical Garden located at 945 N. Clovis Avenue. Clovis Botanical Garden, Anne Clemons, applicant; City of Clovis, owner; Dwight Kroll, representative.

Staff: Lily Cha, Senior Planner **Recommendation:** Approve

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

12. Consider Adoption – Ord. 22-06, R2008-007A3, A request to amend the Loma Vista Community Centers North and South Master Plan to remove the planned local street identified as Marengo Avenue within Planning Area 1 and Planning Area 2 and to adjust the underlying R-3 Zone District to reflect the modified circulation layout. AP Multifamily, LP, property owner: Wathen Castanos Homes, applicant: Precision Civil Engineering, representative. (Vote: 4-0-1 with Councilmember Whalen absent)

Staff: Karey Cha, City Clerk Recommendation: Adopt

COUNCIL ITEMS

13. Consider Approval – Appointment to City Representative to the Governing Board of the Fresno Metropolitan Flood Control District (FMFCD) Board of Directors.

Staff: John Holt, City Manager **Recommendation:** Approve

14. Consider Approval – A Request from the 500 Club Casino for the City Council to Oppose Proposition 26 Which, if Passed, Would Legalize Sports Betting at American Indian Gaming Casinos and Licensed Racetracks in California.

Staff: John Holt, City Manager **Recommendation:** Approve

Consider – To Provide Direction on the Measure C Renewal, a half-cent sales tax dedicated to funding new roads, freeways, sidewalks, trails and public transportation in Fresno County Renewal being considered by the Fresno County Transportation Authority.

Staff: Ryan Burnett, Engineering Program Supervisor

Recommendation: Provide Direction

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.

16. Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: John Holt, Andrew Haussler, Shonna Halterman, and Scott G. Cross

Employee Organization: Unrepresented Employee: Management Employees

ADJOURNMENT

MEETINGS AND KEY ISSUES

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

Aug. 1, 2022 (Mon.)

Aug. 2 (Tue.) - Sep. 5 (Mon.) Summer Recess

Sep. 6, 2022 (Tue.)

Sep. 12, 2022 (Mon.)

Sep. 19, 2022 (Mon.)

CLOVIS CITY COUNCIL MEETING

July 5, 2022 6:00 P.M. Council Chamber

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

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

Absent: Councilmember Whalen

PRESENTATION - 6:03

6:03 – ITEM 1 - PRESENTATION RECOGNIZING THE ACHIEVEMENTS OF MULTI-EMMY AWARD WINNER JEFF AIELLO.

The City Council recognized Jeff Aiello for his award-winning work and for the awareness his projects bring to issues in the Central Valley.

6:11 – ITEM 2 - PRESENTATION OF PROCLAMATION DECLARING JULY AS PARKS AND RECREATION MONTH.

The City Council presented a proclamation declaring the month of July as Parks and Recreation Month, also recognizing the parks and recreation amenities and programs available in Clovis.

Eric Aller, City of Clovis Parks Manager, presented a video showcasing the parks amenities and recreation programs offered by the City of Clovis.

PUBLIC COMMENTS - 6:18

Phil Flick, resident, shared concerns with the Senior Center transitioning to electronic payments for programs and activities.

CONSENT CALENDAR - 6:24

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

- 3. Administration Approved Minutes from the June 20, 2022, Council Meeting.
- 4. General Services Approved **Res. 22-65**, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Employees Association.
- 5. General Services Approved **Res. 22-66**, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Firefighters Association.
- 6. General Services Approved **Res. 22-67**, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Public Safety Employees Association.

- 7. General Services Approved **Res. 22-68**, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Professional and Technical Association.
- 8. General Services Approved **Res. 22-69**, Approval of a Memorandum of Understanding Between the City of Clovis and the Clovis Public Works Employees Association.
- 9. General Services Approved **Res. 22-70**, Approval of a Memorandum of Understanding between the City of Clovis and the Confidential Technical and Financial Professionals.
- 10. General Services Approved **Res. 22-71**, Approval of a Memorandum of Understanding between the City of Clovis and the Transit Employees Bargaining Unit.
- 11. General Services Approved **Res. 22-72**, Authorizing COVID Premium Pay for Unrepresented Extra Help Employees.
- General Services Approved Res. 22-73, Adopting Wage and Benefit Changes for City of Clovis Unrepresented Management Employees for FY2022-2023, FY 2023-2024, FY 2024-2025, and COVID Premium Pay for Unrepresented Management Employees.
- 13. General Services Approved Selection of Urban Transportation Associates for Transit Automated Passenger Counters and Authorize City Manager to Execute the Contract.
- 14. General Services Approved **Res. 22-74**, Authorizing Amendments to the Fire Inspector I and Fire Inspector II Classifications in the Fire Department.
- 15. General Services Approved **Res. 22-75**, Amending the City's FY 22-23 Position Allocation Plan by deleting one (1) Staff Analyst position and adding one (1) Management Analyst position within the Planning and Development Services Department.
- 16. General Services Approved **Res. 22-76**, Amending the City's FY 22-23 Position Allocation Plan by adding one (1) Senior Planner position within the Planning and Development Services Department.
- 17. General Services Approved Claim Rejection of the General Liability Claim on behalf of Marvanett Hodges.
- 18. Planning and Development Services Approved Bid Award for CIP 21-02 Loma Vista Village Green; and construction management services contract award for CIP 21-02 Loma Vista Village Green; and Authorize the City Manager to Execute the Contracts on behalf of the City.
- 19. Planning and Development Services Approved **Res. 22-77**, Final Map Tract 6404, located in the northwest area of Shaw and Highland Avenues (BN 6304 LP (Bonadelle Homes)).
- 20. Planning and Development Services Approved **Res. 22-78**, Annexation of Proposed Tract 6404, located in the northwest area of Shaw and Highland Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (BN 6304 LP (Bonadelle Homes)).

PUBLIC HEARINGS - 6:26

6:26 – ITEM 21 - APPROVED – **RES. 22-79,** ADOPTION OF A RESOLUTION AMENDING THE 2019-2020 ACTION PLAN AND THE 2016-2020 CONSOLIDATED PLAN; AND CONSIDER APPROVAL – **RES. 22-80**, AMENDING THE FY 2022-2023 HOUSING AND COMMUNITY DEVELOPMENT BUDGET, TO INCREASE FUNDING BY \$201,848 FOR THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT – CORONAVIRUS (CDBG-CV) FUNDS.

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

6:39 – ITEM 22 - CONDUCTED A PUBLIC HEARING AND APPROVED - **RES. 22-81**, A RESOLUTION DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOTING PROCEEDINGS AND APPROVING THE ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 95-1 (BLACKHORSE ESTATES) CONFIRMING THE ASSESSMENTS FOR THE 2022-23 FISCAL YEAR.

Craig, resident, commented on a question regarding the use of the word "protest" in the election information language.

6:52 – The Mayor directed the City Clerk to tabulate the ballots and adjourned the meeting to a recess.

7:08 – The Mayor called the meeting to order, and the City Clerk announced the results.

For the Blackhorse Estates Benefit Area II property owner protest, 50 ballots were received with 35 votes in support and 15 votes in opposition. The preliminary results showed that the proposed increase passed.

Motion for approval to accept the ballots and approve the Engineer's Report as written by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried 4-0-1, with Councilmember Whalen absent.

7:10 – ITEM 23 – APPROVED INTRODUCTION – **ORD. 22-06**, R2008-007A3, A REQUEST TO AMEND THE LOMA VISTA COMMUNITY CENTERS NORTH AND SOUTH MASTER PLAN TO REMOVE THE PLANNED LOCAL STREET IDENTIFIED AS MARENGO AVENUE WITHIN PLANNING AREA 1 AND PLANNING AREA 2 AND TO ADJUST THE UNDERLYING R-3 ZONE DISTRICT TO REFLECT THE MODIFIED CIRCULATION LAYOUT. AP MULTIFAMILY, LP, PROPERTY OWNER; WATHEN CASTANOS HOMES, APPLICANT; PRECISION CIVIL ENGINEERING, REPRESENTATIVE. **(CONTINUED FROM THE JUNE 20, 2022, COUNCIL MEETING.)**

Adrian Burns, Wathen Castanos representative, addressed questions from the City Council regarding pedestrian walkways and street connections.

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

ADMINISTRATIVE ITEMS - 7:42

7:42 – ITEM 24 - RECEIVED AND FILED - 2020-21 SINGLE AUDIT AND INDEPENDENT AUDITORS' REPORTS.

COUNCIL ITEMS - 7:51

7:51 – ITEM 25 - APPROVED – AUTHORIZE SUBMITTAL OF ARGUMENT IN SUPPORT OF TRANSIENT OCCUPANCY TAX INCREASE MEASURE TO THE FRESNO COUNTY CLERK/REGISTRAR OF VOTERS FOR THE VOTER INFORMATION GUIDE FOR THE NOVEMBER 8, 2022, MUNICIPAL ELECTION.

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

8:03 - ITEM 26 - CONSIDER APPROVAL - CHANGE OF COUNCIL MEETING SCHEDULE.

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

CITY MANAGER COMMENTS - 8:03

COUNCIL COMMENTS - 8:05

Mayor Flores adjourned the meeting of the Council to July 18, 2022

Meeting adjourned: 8:09 p.m.

Mayor	City Clerk



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration
DATE: July 18, 2022

SUBJECT: Administration - Approval - Waive Normal Purchasing Process and

Approve the Purchase of Replacement Desktop Computers and Servers using Competitive Bid Contracts with Purchasing Provisions for

California State and Local Government Agencies.

ATTACHMENTS: None.

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to waive the normal purchasing process and approve the purchase of desktop computers and servers through the use of competitive bid contracts with purchasing provisions for California State and Local government agencies.

EXECUTIVE SUMMARY

Included in the 2022-2023 Budget are funds to purchase computers for all departments and servers for applications. The computers and servers are to provide upgrades and replacement of obsolete, worn-out equipment and to equip new employees with computers. The computers are allocated to the various departments based on need. Upgrades are necessary to improve the work performance of clerical and technical positions. A portion of the computers to be purchased are to replace units that have high failure and repair rates or are unable to run upgraded software. Staff is recommending purchasing the replacement computers using previously competitive bid contracts with purchasing provisions for California State and Local government agencies.

BACKGROUND

The Information Services Division is requesting approval to purchase computers and servers through other competitive bid contracts by other agencies, such as the California Multiple Award Schedule (CMAS). With the proliferation of competitive bid contracts with "piggy-back" provisions, the need to purchase in large quantities at one time is no longer necessary. These current contracts base their pricing on the ability of multiple State and Local government agencies to purchase equipment on an "as needed" basis, while still passing along quantity

discounts. Other examples of these contracts are the Western States Contracting Alliance (WSCA) and the California Communities Purchasing Program (CCPP) sponsored by the League of California Cities.

When purchasing computers on an as needed basis, the City will be able to setup and install the computers more efficiently when staffing is available, eliminating the need to have a large storage area for the computers and risk of potential loss due to theft or disaster. By purchasing when the computer is required, the City can still take advantage of price reductions.

As in the past, the City will continue to use the same evaluation criteria for selecting equipment. This will include certification of the preloaded operating system and software, quality of components, software upgrade policy, price, compliance with the City's standard specifications, product reliability, vendor reputation, and financial stability of the supplier and the computer manufacturer.

FISCAL IMPACT

There is \$300,000 budgeted to fund the purchase of replacement computers, servers, related software, licensing, and peripherals.

REASON FOR RECOMMENDATION

The computers and servers are needed to increase the stability of the computing environment, increase productivity, and to replace worn-out equipment. Purchasing through current contracts will allow the City the flexibility to install computers and servers on an as needed basis, purchase the most recent configurations offered by the manufacturers, and receive the latest price reductions offered.

ACTIONS FOLLOWING APPROVAL

The City will purchase the budgeted desktop computers and servers from current competitive bid contracts as they are required. As the units arrive, they will be setup and installed for the department users that were designated to receive new computers during the budget process.

Prepared by: Jesse Velez, I.T. Deputy Director

Reviewed by: City Manager 44



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: July 18, 2022

SUBJECT: Finance - Receive and File - Findings & Recommendations from

Community Facilities District Citizens Committee.

ATTACHMENTS: 1. CFD Oversight Committee Resolution Authorizing Remote

Teleconferencing

2. Report from CFD Citizens Committee

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council receive and file the report presented by the Community Facilities Citizens Oversight Committee following a review of the public safety department budgets and findings relating to the use of the tax proceeds of the CFD for police and fire service.

EXECUTIVE SUMMARY

In March 2004, the Council approved the formation of Community Services District 2004-1, which provides funding for public safety operations in new growth areas generally located north of Herndon and east of Locan Avenues. The Council also established an independent citizen's oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee recently met with the Police Chief, Fire Chief, Finance Director, and Assistant Finance Director reviewing the budgets of the Police and Fire Departments, validating allocation methods of CFD costs, and providing findings, if any, related to the use of CFD tax proceeds.

BACKGROUND

As part of the formation of the Community Services District 2004-01, the Council established an independent citizen's oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee consists of five members for a term of four (4) years. The committee includes one member of the real estate community, one member of the Building Industry Association, and three members who are landowners of residential properties within the Community Facilities District. The committee will review the expenditures of the tax proceeds and determine that such expenditures are in

accordance with the purpose and intent of the Community Facilities District Resolution of Intention approved by the City Council and to report those findings to the City Council. Committee members are Laura Corey – Real Estate Community Representative; Mike Prandini – Building Industry Association Representative; Dennise Rivera – Property Owner; David Martin Connolly – Property Owner; and Jonathan B. Holt – Property Owner. Jonathan B. Holt is the spokesperson for the committee.

The Purpose and Intent of the Community Facilities District 2004-01 as established by the City Council is:

Police and Fire Services (the "Services") of the City of Clovis required to sustain the service delivery capability for emergency and non-emergency services to new growth area of the City of Clovis, including related facilities, equipment, vehicles, fire apparatus, services, supplies and personnel; provided however that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of apportionment of the Special Taxes to fund such Services.

Due to the current declared state of emergency as a result of the pandemic and in accordance with government code section 54953, the committee adopted a resolution authorizing remote committee meetings. The committee recently met virtually with the Police Chief, Fire Chief, Finance Director, and Assistant Finance Director reviewing the actual 2020/21 expenditures and the 2021/22 budgets of the Police and Fire Departments, to validate allocation methods of CFD costs, and provide findings related to the use of CFD tax proceeds. While there were no findings, the committee determined the following:

- 1. Actual and budgeted expenditures are appropriate, and services provided to the Community Facilities District 2004-01 are within the intent of the formation of the district.
- 2. Revenue and allocation of costs attributable to the Community Facilities District 2004-01 are appropriate.

In conclusion, the committee verified the expenditures are in accordance with the purpose and intent of the enabling legislation found at Government Code Section 53311 and the Resolution of Intention approved by the Clovis City Council.

The committee would also like to express to Council that they, the committee representing the property owners and interested parties, feel the purpose of the Community Facilities District 2004-01 is being fulfilled and recommend that the District and associated tax assessment be continued as currently established.

FISCAL IMPACT

This report provides the findings and recommendations of the Community Facilities District 2004-01 Oversight Committee. The Committee is recommending that the District and associated tax assessments be continued as currently established to meet the funding requirements needed to sustain service levels in the new growth areas.

REASON FOR RECOMMENDATION

The fiscal report is for information only and no action is required.

ACTIONS FOLLOWING APPROVAL

Copies of the report will be made available to any member of the public who requests a copy of the report. The Committee will communicate on an annual basis or as needed to fulfill the role of the committee. Future communications may take place electronically from the committee.

Prepared by: Gina Daniels, Assistant Finance Director

Reviewed by: City Manager ##

CFD RESOLUTION NO. 22-01

A RESOLUTION OF THE COMMUNITY FACILITIES DISTRICT 2004-1 CITIZEN'S OVERSIGHT COMMITTEE OF THE CITY OF CLOVIS AUTHORIZING REMOTE COMMITTEE MEETINGS DURING DECLARED STATE OF EMERGENCY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953 (ASSEMBLY BILL 361)

WHEREAS, on March 4, 2020, the Governor of California declared a state of emergency in the State as a result of the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, with the issuance of Executive Order N-29-20, the Governor suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other remote means; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, Assembly Bill ("AB") 361 was enacted on September 16, 2021, immediately amending Government Code Section 54953 of the Brown Act to authorize local agencies to use teleconferencing and videoconferencing without complying with the typical teleconferencing requirements imposed by the Brown Act when a local agency legislative body holds a meeting during a declared state of emergency and other requirements are satisfied; and

WHEREAS, the Community Facilities District 2004-1 Citizen's Oversight Committee ("Committee") has determined that teleconferencing from remote locations by the public and members of the Committee will not limit attendance or participation of members of the public or Committee members at Committee meetings, and requiring all Committee members and all members of the public to attend meetings in person could present risks to the health or safety of some attendees.

NOW, THEREFORE, THE COMMUNITY FACILITIES DISTRICT 2004-1 CITIZEN'S OVERSIGHT COMMITTEE OF THE CITY OF CLOVIS RESOLVES AS FOLLOWS:

- 1. The Committee finds that the State's declaration of emergency resulting from the COVID-19 pandemic remains in place.
- 2. The Committee finds that, as a result of the declared emergency resulting from COVID-19, meeting in person would present imminent risks to the health or safety of attendees of Committee meetings.
- 3. This Resolution shall be effective immediately.

The foregoing resolution was duly and regularly approved at a meeting of the Community Facilities District 2004-1 Citizen's Oversight Committee on July 7, 2022, by the following vote:

AYES:

Dennise Rivera, Laura Corey and Mike Prandini

NOES:

None

ABSENT:

Jonathan Holt and Martin Connolly

ABSTAIN:

None

DATED:

July 7, 2022

APPROVED:

Chair

ATTEST:



1033 FIFTH STREET . CLOVIS, CA 93612

July 7, 2022

Dear Mayor and Members of the City Council

On behalf of the Community Facilities District 2004-01 Citizens Oversight Committee, I would like to present our findings and recommendations following our review of revenues and expenditures associated with the Community Facilities District in Clovis.

Our purpose as we understood it was to review the expenditures of the tax proceeds of the Community Facilities District and to make sure such expenditures were in accordance with the purpose and intent of the enabling legislation and the Resolution of Intention approved by the Clovis City Council; and to report our findings to the City Council.

Our committee recently met with the Police Chief, Fire Chief, and Assistant Finance Director, reviewing the budgets of the Police and Fire Departments, validating allocation methods of CFD costs, and providing findings related to the use of CFD tax proceeds. Below are those findings:

- Actual and budget expenditures are appropriate and services provided to the Community Facilities District 2004-01 are within the intent of the formation of the District.
- 2. Revenue and allocation of costs attributable to the Community Facilities District 2004-01 are appropriate.

In conclusion, the committee verified the expenditures are in accordance with the purpose and intent of the enabling legislation found at Government Code Section 53311 and the Resolution of Intention approved by the Clovis City council.

The committee would also like to express to Council that we, the committee representing the property owners and interested parties, feel the Community Facilities District 2004-01 purpose is being fulfilled and recommend the District and associated tax assessment be continued as currently established.

\$incerely,

Dennise Rivera Spokesperson

Clovis Community Facilities District Oversight Committee

City Manager 559.324.2060 • Finance 559.324.2130 • Fire 559.324.2200 • General Services 559.324.2060 Planning & Development Services 559.324.2340 • Police 559.324.2400 • Public Utilities 559.324.2600 • TTY-711 www.cityofclovis.com



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: July 18, 2022

SUBJECT: Finance - Approval - Res. 22-___, Measure C Extension Local

Transportation Pass Through Revenues Certification and Claim Forms

for 2022-23.

ATTACHMENTS: 1. Resolution

2. Certification and Claim Forms

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Resolution 22-____, Measure C Extension Local Transportation Pass Through Revenues Certification and Claim Forms for 2022-23.

EXECUTIVE SUMMARY

The Fresno County Transportation Authority (FCTA) adopted the apportionment for Local Transportation Purpose Funds (Measure C Extension) for fiscal year 2022-23. The funds are distributed monthly based on the adopted percentages for each city. To receive the funds from FCTA it is necessary for each city to submit a Certification and Claim form for each sub program and a resolution of the City Council approving the Certification and Claim forms. The total estimated amount to be distributed to the City of Clovis is \$6,213,010.

BACKGROUND

Annually the City receives notification from the Fresno County Transportation Authority (FCTA) which adopts the methodology and estimated apportionments of Local Transportation Purpose Funds (Measure C Extension) due each City. The estimated percentage due the City of Clovis for each sub program varies from 1.97% to 17.46% of the total \$148,022,367 to be apportioned. The percentage due each City is based on population and road miles. The FCTA has estimated that the City will receive \$1,759,765 for the Street Maintenance Category, \$61,590 for the ADA Compliance Category, \$1,698,173 for the Flexible Funding Category, \$414,117 for the Pedestrian/Trails-Urban Category, \$105,557 for the Bicycle Facilities Category, and \$2,173,808 for the Clovis Transit Regional Public Transit Program Category. The total estimate to be disbursed to the City for all sub programs is \$6,213,010 for fiscal year 2022-23.

In order for each city to receive its apportionment the City must submit a Certification and Claim for each sub program and a resolution of the City Council approving the Certification and Claim forms. These Certification and Claim forms are for the Measure C Extension (2007-2027) that began July 1, 2007.

FISCAL IMPACT

In order for the City to receive its annual apportionment of Local Transportation Purpose Funds (Measure C Extension), the City must submit a Certification and Claim form for each sub program and a resolution of the City Council approving the Certification and Claim forms.

REASON FOR RECOMMENDATION

In order to receive the 2022-23 Measure C funds, the City needs to submit to the FCTA the Certification and Claim forms and authorizing resolution.

ACTIONS FOLLOWING APPROVAL

After the Council approval, the Certification and Claim forms and the resolution will be forwarded to the FCTA.

Prepared by: Gina Daniels, Assistant Finance Director

Reviewed by: City Manager ##

RESOLUTION 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING THE LOCAL TRANSPORTATION PURPOSE FUNDS CERTIFICATION AND CLAIM FOR 2022-23

WHEREAS, the City of Clovis is an eligible claimant of funds for Local Transportation Purposes (Measure C Extension) pursuant to California Public Utilities Code Section 142257; and

WHEREAS, the Fresno County Transportation Authority (FCTA) has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 10.42% of \$16,882,882 for the Local Transportation Program, Local Allocation – Street Maintenance Category sub program available to the claimant; and

WHEREAS, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 10.42% of \$590,901 for the Local Transportation Program, Local Allocation – ADA Compliance Category sub program available to the claimant; and

WHEREAS, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 10.01% of \$16,972,627 for the Local Transportation Program, Local Allocation – Flexible Funding Category sub program available to the claimant; and

WHEREAS, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 17.46% of \$2,372,431 for the Local Transportation Program, Local Allocation – Pedestrian/Trails-Urban Category sub program available to the claimant; and

WHEREAS, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 12.31% of \$857,892 for the Local Transportation Program, Local Allocation – Bicycle Facilities Category sub program available to the claimant; and

WHEREAS, the FCTA has adopted a Resolution of Apportionment for Fiscal Year 2022-23's estimated revenue setting 1.97% of \$110,345,634 for the Regional Public Transit Program, Public Transit Agencies – Clovis Transit sub program available to the claimant.

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

- 1. The Finance Director is hereby authorized to execute the Certification and Claim forms and submit the forms to the FCTA for 2022-23.
- 2. The City hereby requests the release of funds to the City on a monthly basis, consistent with the adopted percentage and based on actual receipts.
- 3. The City hereby requests the release of funds to the City in accordance and compliance with Steps 5 and 6 of the Local Agency Handbook Local Agency Pass-Through Funding Programs.
- 4. The City Council hereby certifies as follows:

- a. That the sub programs' funds are not being used to substitute for property tax funds which the City had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257; and
- b. That the City has segregated property tax revenues from the City's other General Fund revenues used to support the sub programs' funds so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to the City's entire general fund; and
- c. That the City shall separately account for the sub program funds received pursuant to Public Utilities Code Section 142257. The City shall maintain records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. The City shall make such records available to the FCTA for inspection or audit at any time.
- 5. The City understands that should financial or compliance audit exceptions be found, the FCTA will take immediate steps to resolve the exceptions in accordance with adopted procedures.
- 6. The City understands they must follow the Reporting Requirements as indicated in the Measure C Extension Local Agency Handbook, Other Revenue Funding and submit the appropriate Reporting Requirements Form for each Program/Project of expenditures for the 2022-23 fiscal year no later than November 15, 2022. The City understands if these Reporting Requirements are not met by the date listed above, the Fresno County Transportation Authority will stop any and all Local Transportation Purposes Pass-Through funds until such Reporting Requirements have been met.

* * * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on July 18, 2022 by the following vote, to wit.

	Mayor	City Clerk
DATED:	July 18, 2022	
AYES: NOES: ABSENT: ABSTAIN:		

Fresno County	ransportation	Authority	
City of Clovis	ne		
		Contact: Jav Sch	engel, Finance Director
	FAX:		ys@cityofclovis.com
		nsnortation Program	
			Alternative Transportation Program
•			Rail Consolidation Subprogram
		•	Environmental Enhancement Program
			☐ School Bus Replacement
			☐ Transit Oriented Infrastructure fo
			In-Fill
ar/Van Pools			Administrative/Planning Program
ew Technology Reserve			☐ Fresno COG
cal Agency Name	-	nant of funds for local trans	portation purposes pursuant to
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portation Authority will ta			
Authorized Signature: Fitle:			
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TO:	Fresno County 1	Fransportation Authority	
FROM:	City of Clovis Local Agency Name		
Address:	:1033 Fifth Street, Clovis, Ca		chengel
			jays@cityofclovis.com
Region Fr Cl FC PT AD Fal Ca Ne	IS/Transit Consolidation DA/Seniors/Paratransit rmworker Van Pools r/Van Pools w Technology Reserve	Local Transportation Program ☐ Street Maintenance ☑ ADA Compliance ☐ Flexible Funding ☐ Pedestrian/Trails Urban ☐ Pedestrian/Trails Rural ☐ Bicycle Facilities Regional Transportation Program ☐ Fresno Airports	☐ Fresno COG
Loc	<u>City of Clovis</u> ("claimant") is a cal Agency Name rnia Public Utilities Code Se	an eligible claimant of funds for local traction 142257.	ansportation purposes pursuant to
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4.			
	Date:		
ATTACH		nal Action for Approval and Submittal esno County Transportation Authority E	Board by Date:

TO:	Fresno County Tra	ansportation Author	ity	
FROM:	City of Clovis Local Agency Name			
Address: 1033 Fiftl Telephone: (559)	n Street, Clovis, CA	<u>93612</u> AX:	Contact: <u>Jay Schen</u> Email Address: <u>jays</u>	gel, Finance Director @cityofclovis.com
	sit Consolidation s/Paratransit Van Pools ols	Local Transporta	enance diance nding Trails Urban Trails Rural ilities ortation Program	Alternative Transportation Program ☐ Rail Consolidation Subprogram Environmental Enhancement Program ☐ School Bus Replacement ☐ Transit Oriented Infrastructure for In-Fill Administrative/Planning Program ☐ Fresno COG
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				ions be found, the Fresno County ions in accordance with its adopted
Authoriz Title: Date:	red Signature: _ - -			
	Evidence of Formal Approved by: Fresi		l and Submittal tation Authority Board	by Date:

TO:	Fresno County Tran	nsportation Authorit	у	
FROM:	City of Clovis Local Agency Name			
Address: 1033 Fifth	Street, Clovis, CA 9	<u>3612</u>	Contact: Jay Scher	ngel, Finance Director
Telephone: (559)			Email Address: jays	
	ding Program: (Che Transit Program a Express	ck One) Local Transportat Street Mainte		Alternative Transportation Program
☐ Clovis Trans ☐ FCRTA ☐ PTIS/Transit ☐ ADA/Seniors ☐ Farmworker	sit Consolidation /Paratransit	☐ ADA Compli☐ Flexible Fund ☐ Pedestrian/T☐ Pedestrian/T☐ Bicycle Facil	ding rails Urban rails Rural	☐ Rail Consolidation Subprogram Environmental Enhancement Program ☐ School Bus Replacement ☐ Transit Oriented Infrastructure for In-Fill
☐ Car/Van Poo ☐ New Techno		Regional Transpo ☐ Fresno Airpo		Administrative/Planning Program ☐ Fresno COG
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				tions be found, the Fresno County ions in accordance with its adopted
Authorized Title: Date:	Signature:			
ATTACHMENT:	Evidence of Formal Approved by: Fresno			by Date:

TO:	Fresno County Tran	nsportation Author	ority	
FROM:	City of Clovis Local Agency Name			
Address: 1033 Fif	th Street, Clovis, CA 9	3612	Contact: Jay Scher	ngel, Finance Director
Telephone: (559)			Email Address: jays	
1. Applicable Fu Regional Publi Fresno Are Clovis Trar	nding Program: (Che c Transit Program ea Express nsit it Consolidation rs/Paratransit r Van Pools	Ack One) Local Transpor Street Mai ADA Com Flexible F Pedestrian Bicycle Fa	tation Program Intenance Intenance Inding Intrails Urban Intrails Rural Inticities Intrails Program	Alternative Transportation Program ☐ Rail Consolidation Subprogram Environmental Enhancement Program ☐ School Bus Replacement ☐ Transit Oriented Infrastructure for In-Fill Administrative/Planning Program ☐ Fresno COG
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setting 12.31% the claimant. C (a) Monthly (b) Complia	of <u>\$857,892</u> (or \$105, On behalf of claimant, I payments consistent	,557) for the Sub hereby request with adopted per d B of the Strate	program or Category or release of the funds to c centage, based on <u>actu</u> gic Implementation Pla	pportionment for Fiscal Year 2022-2023 f funds checked above and available to claimant in accordance with: al receipts n (SIP) – Local Agency Pass Through
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Ti	uthorized Signature: tle: ate:			
ATTACHMENT:	Evidence of Formal A			
	Approved by: Fresno	o County Transp	ortation Authority Board	by Date:

TO:	F	resno County Tran	sportation Au	thority	
FROM	/ i: <u>C</u>	ity of Clovis - Clovi	s Transit Age	ncy	
		yside Avenue, Clo		Contact: Amy Hance ail Address: amyh@cityofcl	
Reg	plicable Fundingional Public Tra Fresno Area E: Clovis Transit FCRTA PTIS/Transit Co ADA/Seniors/Pa Farmworker Var Car/Van Pools New Technolog	onsolidation aratransit n Pools	Local Transp Street M ADA Co Flexible Pedestr Pedestr Bicycle	portation Program laintenance ompliance Funding ian/Trails Urban ian/Trails Rural Facilities Insportation Program	Alternative Transportation Program ☐ Rail Consolidation Subprogram Environmental Enhancement Program ☐ School Bus Replacement ☐ Transit Oriented Infrastructure for In-Fill Administrative/Planning Program ☐ Fresno COG
	Local Agency I	<u>- Clovis Transit Ag</u> _{Vame} to California Public			of funds for local transportation
setti avai with (a) (b)	 3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2022-2023 setting 1.97% of \$110,345,634 (or \$2,173,808) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with: (a) Monthly payments consistent with adopted percentage, based on actual receipts (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding 4. On behalf of claimant, I hereby certify as follows: 				
(c)	support the proved throu That claimar Public Utilitie accepted ac	Subprogram or Caugh audit or that the shall account for the Code Section 1 counting principles	ategory of fun e non-substitu r Subprogram 42257 Clain s and shall se	ds checked above so that tion of funds shall apply to n or Category of funds che nant shall maintain current	other general fund revenues used to verification of non-substitution can be claimant's entire general fund. cked above and received pursuant to records in accordance with generally res for each type of eligible purpose. on or audit at any time.
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	Authorized Signature Signa	nature: 			
ATT				roval and Submittal sportation Authority Board	on:



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: July 18, 2022

SUBJECT: General Services – Approval - Claim Rejection of the General Liability

Claim on behalf of Juan De La Torre.

ATTACHMENTS: None.

CONFLICT OF INTEREST

None.

RECOMMENDATION

Reject the General Liability Claim filed on behalf of Juan De La Torre.

EXECUTIVE SUMMARY

On behalf of Juan De La Torre (claimant), the City received a general liability claim on June 16, 2022, alleging the Clovis Police department used excessive force and caused the wrongful death of Mr. De La Torre's daughter. Mr. De La Torre claims that he sustained pain and suffering due to the death of his daughter and seeks money damages. It is recommended that the City reject the claim at this time, send notice of rejection, and refer the matter to the City's third-party administrator for liability claims for further investigation and handling.

BACKGROUND

On June 16, 2022, a general liability claim was received by the City of Clovis on behalf of Juan De La Torre and the Estate of Isabel De La Torre by the Law Office of Gonzalez & Flores. The claim was considered legally sufficient and timely. The claim alleges that the Police Department used excessive force in restraining the claimant's daughter and caused her wrongful death on March 26, 2022.

The claimant seeks damages for pain and suffering, and other damages. The claim has been filed as a "civil unlimited case."

FISCAL IMPACT

Rejection of the claim does not result in any fiscal impact.

REASON FOR RECOMMENDATION

It is recommended that the claim be rejected. The facts surrounding this claim are in dispute and the circumstances and cause of death are still under investigation. In addition, by rejecting this claim, the time in which a lawsuit for various claims may be filed against the City will begin to run.

ACTIONS FOLLOWING APPROVAL

A rejection notice letter will be sent to the claimant informing him that the claim has been rejected.

Prepared by: Charles W. Johnson, Management Analyst

Reviewed by: City Manager 44



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: July 18, 2022

SUBJECT: General Services – Approval – Res. 22- , Amending the City's FY 22-

23 Position Allocation Plan by deleting two (2) Principal Office Assistant positions and adding two (2) Staff Analyst positions within the Fire

Department.

ATTACHMENTS: 1. Res. 22- ____, Position Allocation Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

For Council to approve Resolution 22-___, amending the City's FY 22-23 Position Allocation Plan by deleting two (2) Principal Office Assistant positions and adding two (2) Staff Analyst positions within the Fire Department.

EXECUTIVE SUMMARY

Currently, the Fire Department is authorized for two (2) Principal Office Assistant positions for fiscal year 2022-2023. It is recommended that the City's Position Allocation Plan be amended by deleting two (2) Principal Office Assistant positions and adding two (2) Staff Analyst positions within the Fire Department. Council approval is required for changes to the Position Allocation Plan.

BACKGROUND

The Fire Department has evaluated the work assignment and needs in the department. They have determined that the addition of two (2) Staff Analyst positions and the deletion of two (2) Principal Office Assistant positions will more efficiently support the current needs of the department. These Staff Analyst positions will be responsible for preparing a variety of complex reports, records, and correspondence to manage the billing, reimbursement, and payment processing of various revenue sources. In addition, each of the Staff Analysts would be responsible for developing workflow strategies to improve the current communication and processes within the department. Such projects may include administrative duties for the Community Risk Reduction Division and/or training Bureau which will include highly responsible

complex and confidential assignments. The desired position allocation change results in the need to modify the City's Position Allocation Plan, which requires Council approval.

FISCAL IMPACT

The fiscal impact of salary and benefits for this position allocation change would be approximately \$6,000.00. There are adequate funds in the Fire Department budget to cover any additional costs for each position.

REASON FOR RECOMMENDATION

The deletion of two (2) Principal Office Assistant positions and the addition of two (2) Staff Analyst positions will provide the needed capacity to cover the sustained increase in complex assignments within the Fire Department. The change must be reflected in the authorized FY 22-23 Fire Department position allocation. Modification of the Position Allocation Plan requires Council Approval.

ACTIONS FOLLOWING APPROVAL

The position allocation for the Fire Department will be modified as noted in Attachment A. The positions will be filled through a current eligibility list.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager ##

RESOLUTION 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY'S FY 22-23 POSITION ALLOCATION PLAN

WHEREAS, the FY 22-23 Position Allocation Plan in the Fire Department was approved as part of the FY 22-23 City budget adoption process; and

WHEREAS, a review of the staffing needs of the City indicates that the addition of two (2) Staff Analyst positions and the deletion of two (2) Principal Office Assistant positions is necessary in order to provide the needed capacity to cover the complex work assignments within the Fire Department; and

WHEREAS, amending the City's adopted FY 22-23 Position Allocation Plan requires City Council authorization.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's FY 22-23 Position Allocation Plan shall be amended as noted in Attachment A.

* * * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on July 18, 2022, by the following vote to wit:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
DATED: July 18, 2022	
Mayor	City Clerk

POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY 22-23

DEPARTMENT		NUMBER OF POSITIONS	
Fire Department			
Add:	Staff Analyst	2.0	
Delete:	Principal Office Assistant	2.0	



REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: July 18, 2022

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 21-

10 Fowler Avenue Street Improvements and Authorize the City Manager

to Execute the Contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

- 1. For the City Council to award a contract for CIP 21-10, Fowler Avenue Street Improvements to Bush Engineering, Inc. in the amount of \$1,076,920; and
- 2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract to Bush Engineering, Inc. who was the lowest responsible bidder from a bid opening that took place on June 21, 2022.

This project consists of street improvements on Fowler Avenue from Alluvial to Nees Avenue, approximately ±0.5 mile. Construction shall include, grinding, asphalt paving, ADA concrete improvements, adjustment of existing facilities to finish grade, traffic signal modifications, and application of new traffic markings and signs to current MUTCD standards.

BACKGROUND

The following is a summary of the bid results of June 21, 2022:

ENGINEER'S ESTIMATE	\$1,048,970.00
R E Mason Engineering Inc.	\$1,349,225.00
Emmett Valley Construction	\$1,233,719.00
American Paving Co.	\$1,233,217.00
Avison Construction, Inc.	\$1,223,990.00
Emmett's Excavation, Inc.	\$1,191,052.00
Dawson-Mauldin, LLC	\$1,161,164.00
Dave Christian Construction Co, Inc.	\$1,089,720.00
Bush Engineering, Inc.	\$1,076,920.00
BIDDERS	BASE BIDS

All bids were examined, and the bidder's submittals were found to be in order with Bush Engineering, Inc. as the lowest responsible bidder. Staff has validated the lowest bidder's contractor license status.

FISCAL IMPACT

This project was budgeted in the 2022-2023 Community Investment Program. The project is funded by the Surface Transportation Block Grant Program (STBG) through the City Community Investment Program.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

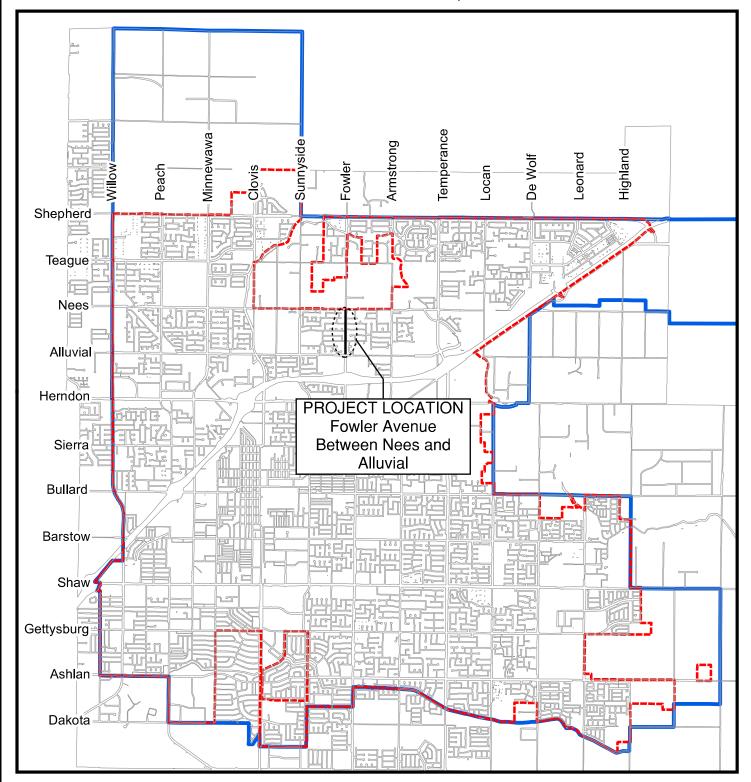
- 1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
- 2. Construction will begin approximately one (1) week after contract execution and be completed in twenty (25) working days thereafter.

Prepared by: Jorge Aguilera, Engineer I

Reviewed by: City Manager ##

VICINITY MAP

CIP 21-10 Fowler Avenue Street Improvements





ATTACHMENT 1



Print Date: July 11, 2022







REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: July 18, 2022

SUBJECT: Planning and Development Services – Approval – Final Acceptance for

CIP17-28 Sunnyside Avenue Bike Lane.

ATTACHMENTS: 1. Vicinity Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

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

EXECUTIVE SUMMARY

This project consisted of reconstructing the southbound No. 2 lane of Sunnyside Avenue and the curb return ramp located at the Sunnyside Avenue entrance of the Clovis Crossings Shopping Center just south of SR168. The new improvements accommodated room for a new bike lane.

BACKGROUND

The bid opening was February 22, 2022, and the City Council pre-authorized the City Manager on March 14, 2022, to award the project to the lowest responsible bidder, which was determined to be Bush Engineering, Inc. The project was completed in accordance with the construction documents and within the total contract time allotted.

FISCAL IMPACT

	Contract Award Amount	\$92,757.00
۷.	Cost decrease resulting from differences between the estimated	Φ (4 770 00)
	quantities used for award and actual quantities installed.	\$ (4,779.23)
3.	Contract Change Orders	\$ 4,663.50
4.	Liquidated Damages Assessed	\$ 0.00
	Final Contract Cost	\$92,641.27

The project was approved in the Community Investment Program budget and is funded by the Congestion Mitigation and Air Quality (CMAQ) Program.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

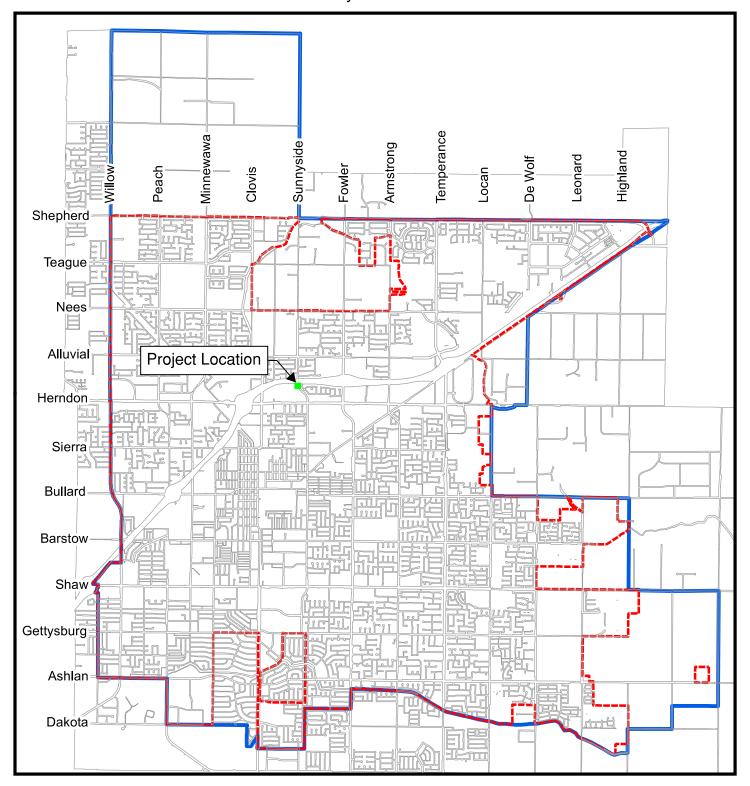
- 1. The notice of completion will be recorded; and
- 2. All retention funds will be released pursuant to Federal requirements and the Prompt Payment of Funds Withheld to Subcontractors clause of the Local Assistance Procedures Manual.

Prepared by: Matt Buller, Senior Engineering Inspector

Reviewed by: City Manager 44

VICINITY MAP

CIP 17-28 Sunnyside Avenue Bike Lane





Attachment 1







CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: July 18, 2022

SUBJECT: Planning and Development Services - Approval - Res. 22-____, Final

Map Tract 6166, located in the southeast area of Highland and

Gettysburg Avenues (Lennar Homes of California, LLC).

ATTACHMENTS: 1. Res. 22-

2. Vicinity Map

3. Copy of Final Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

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

- 1. Accept the offer of dedication of parcels and public utility easements within Tract 6166; and
- 2. Authorize the recording of the final map.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, streetlights, fire hydrants, street paving, sanitary sewer, water mains, and landscaping. The subject tract is in the southeast area of Highland and Gettysburg Avenues. It contains approximately 18.10 acres and consists of 86 residential units, zoned R-1.

FISCAL IMPACT

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

REASON FOR RECOMMENDATION

The subdivision agreement has been executed by the subdivider and all development fees paid in accordance with the Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans, and to complete all the required improvements in compliance with the conditions of approval. The improvements are adequately secured.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: Tiffany Ljuba-Silguero, Engineer II

Reviewed by: City Manager ##

RESOLUTION 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6166

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6166, by The City of Clovis, a Municipal Corporation; and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances.

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

- 1. The final map of Tract 6166, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.
 - 2. The subdivision improvement plans for said tract have been approved by City Staff.
- 3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$3,874,000.00.
- 4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.
- 5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.
- 6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to be constructed or the sum of \$3,874,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,937,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.
- 7. Subdivider shall furnish a bond in the sum of \$387,400.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

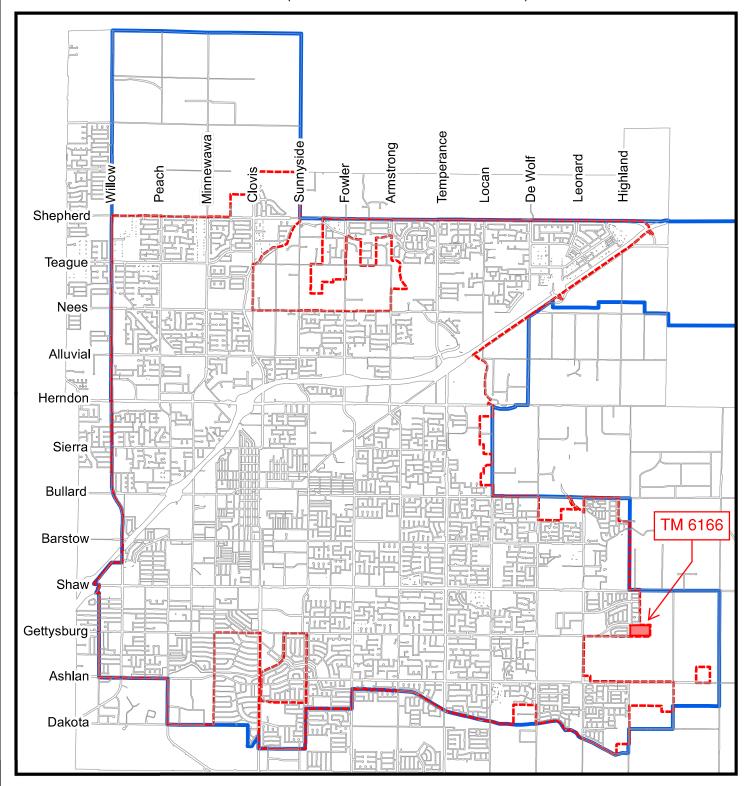
* * * * *

Council of the City of Clovis held on July 18, 2022, by the following vote, to wit:

The foregoing resolution was introduced and adopted at a regular meeting of the City

VICINITY MAP

TM 6166 (Lennar Homes of California, LLC)





Attachment 2









DATE

OWNER'S STATEMENT:

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

LENNAR HOMES OF CALIFORNIA, LLC.

BY:
MIKE MILLER, VICE PRESIDENT

NOTARY ACKNOWLEDGEMENTS:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA COUNTY OF FRESHO

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

PRINT NAME	SIGNATURE
MY COMMISSION EXPIRES:	COUNTY OF:
COMMISSION NUMBER	

THIS LAND IS SUBJECT TO THE FOLLOWING:

- SAID LAND LIES WITHIN THE BOUNDARIES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO THE POTENTIAL PAYMENT OF DRAINAGE FEES AND/OR THE REQUIREMENT OF CONSTRUCTION OF DRAINAGE FAULITES AS A CONDITION OF DEVELOPMENT, RECONSTRUCTION, ADDITIONS OR ALTERATIONS ASSOCIATED WITH SAID LAND RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128..
- 2. ANY TAXES OR ASSESSMENTS LEVIED BY THE FRESNO IRRIGATION DISTRICT.
- RESERVATIONS CONTAINED IN THE PATENT FROM THE UNITED STATES OF AMERICA, RECORDED MAY 28, 1881 IN BOOK I, PAGE 404 OF PATENTS.
- RIGHTS INCIDENTAL TO THE OWNERSHIP FOR THE USE AND DEVELOPMENT OF THE MINERAL INTERESTS RESERVED IN DEED RECORDED JANUARY 31, 1935 IN BOOK 1399 AT PAGE 342, OFFICIAL RECORDS FRESNO COUNTY.
- NOTICE OF INTENT TO PRESERVE MINERAL INTEREST AND MINERAL RELATED SURFACE RIGHTS PER DOCUMENT RECORDED JULY 25, 1994 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 1994-116930.

FINAL MAP OF

TRACT NO. 6166

A SUBDIVISION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF CLOWS, FRESNO COUNTY, CALIFORNIA SURVEYED AND PLATTED IN APRIL 2017

BY YAMABE & HORN ENGINEERING, INC.
CONSISTING OF THREE SHEETS, SHEET 1 OF 3

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

PARCEL "D" OF THAT CERTAIN RECORD OF SURVEY, ACCORDING TO THE MAP THEREOF RECORDED JUNE 5, 1975 IN BOOK 27, PAGE 38 OF RECORDS OF SURVEYS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS AND MINERALS IN AND UNDER SAID PROPERTY AS GRANTED TO CALIFORNIA LANDS, INC., BY DEED RECORDED JANUARY 31, 1935 IN BOOK 1399, PAGE 342, AS DOCUMENT NO. 2619 OF OFFICIAL RECORDS.

DARCEL NO. 14

AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE EAST 30 FEET OF THE MORTHMEST QUARTER OF THE NORTHMEST QUARTER OF THE NORTHMEST QUARTER; THE WEST 30 FEET OF THE NORTHMEST QUARTER; THE WEST 30 FEET OF THE NORTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER. THE WEST 30 FEET OF THE SOUTHMEST QUARTER OF THE NORTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE NORTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER OF THE SOUTHMEST QUARTER OF THE FRACTIONAL NORTHMEST QUARTER, ALL IN SECTION 18, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

DARCEL NO

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLATS THEREOF.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND MINERALS THEREIN AND THEREUNDER, TOGETHER WITH THE RIGHT TO ENTER IN SAID LANDS AND TAKE ALL THE USUAL NECESSARY OF CONVENIENT MEANS TO BORE WELLS, MAKE EXCAVATIONS AND TO REMOVE ALL OIL AND OTHER MINERALS FOUND THEREIN, AS HERETOFORE PREVIOUSLY RESERVED OF RECORD.

PARCEL NO. 2A

AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE EAST 30 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER; THE WEST 30 FEET OF THE NORTHWEST OUARTER OF THE FRACTIONAL NORTHWEST OUARTER, THE WEST 30 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER OF THE FORTHWEST QUARTER OF THE FORTHWEST QUARTER AND THE EAST 30 FEET OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER; ALL IN SECTION 18, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLATS THEREOF.

VICINITY MAP:



SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CRESSEY RIVER, LLC, A CALIFORNIA LIMITED LUABILITY COMPANY ON APPILL, 2014. I FERREY SYATE THAT ALL THE MAP AND A CONTROL OF THE MAP AND A CONTROL OF THE MAP AND A CONTROL OF THE MAP AT A CONTROL OF THE MAP AND A CONTROL OF THE MAP AND THE MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OF WILL BE, SUPPLIED TO ENGINEER. THE MONUMENTS ARE, OF WILL BE, SUPPLIED TO ENGINEER. THE MONUMENTS ARE, OF WILL BE, SUPPLIED TO ENGINEER. THE MONUMENTS ARE, OF WILL BE, SUPPLIED TO ENGINEER.

DAVID	0	HODN	DI C	9204		

CITY ENGINEER'S STATEMENT:



No. 8204

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTALLY THE SAME SIT APPEARED ON THE TENTATURE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND SECONDALED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088	DATE
CITY ENGINEER	

CITY CLERK'S STATEMENT:

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED. ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFERE OF DEDICATION, AND APPROVED THE ABANDOMENT OF THOSE PUBLIC STRETES AND/OR PUBLIC EASEMENTS AS SHOWN ON SHEET 2 ON THE MAP AND NOTED AS ABANDONED BY THE FILMS OF THE MAP.

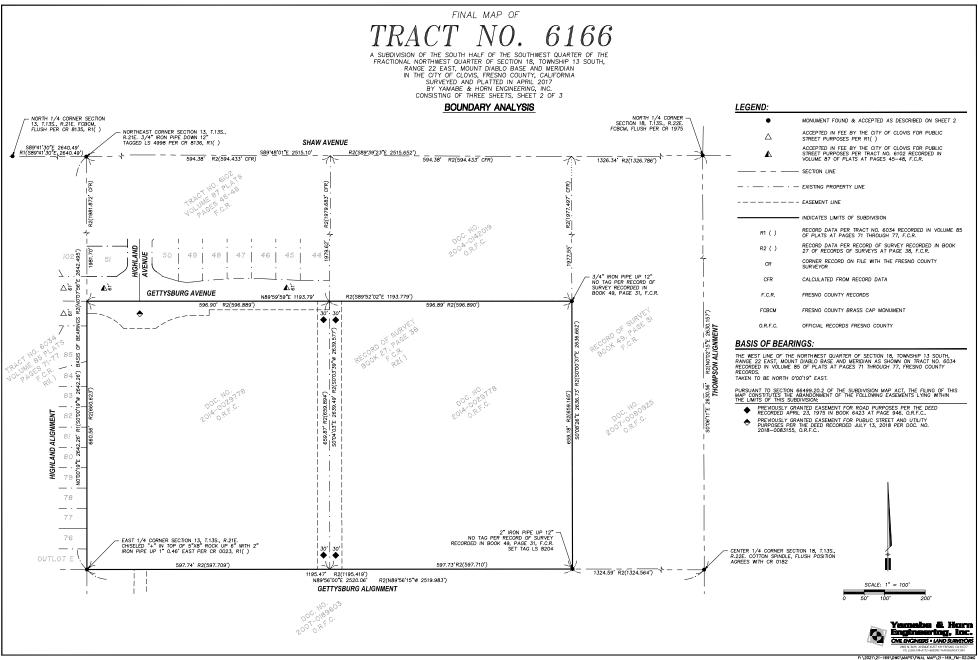
	DATED	
KAREY CHA. CITY CLERK		

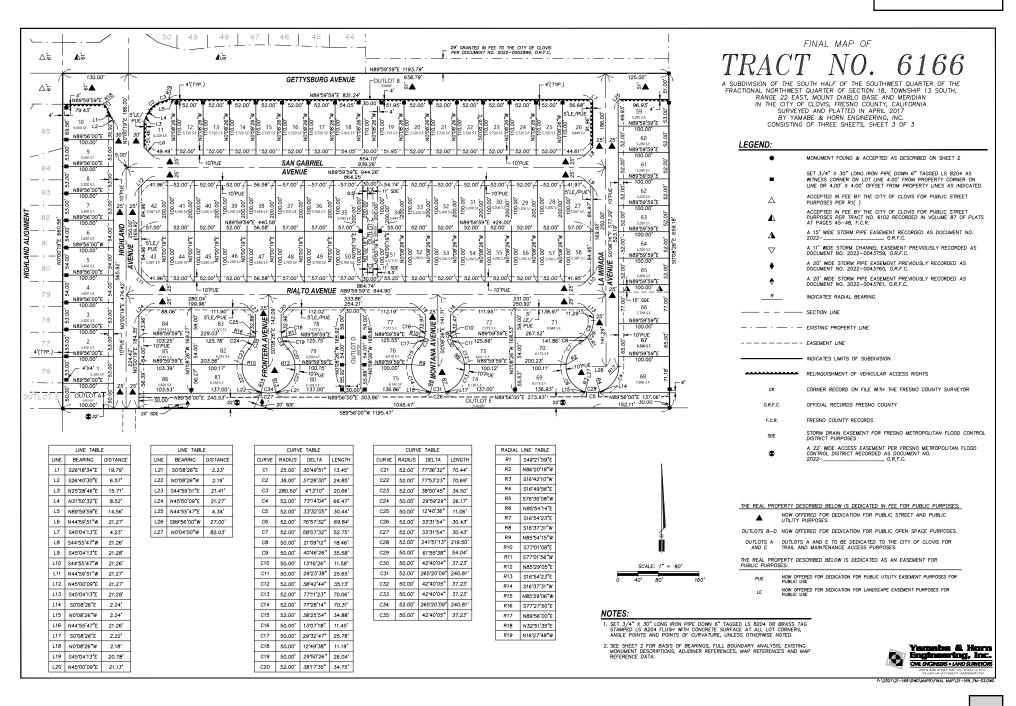
RECORDER'S CERTIFICATE:

DOCUMENT NO FEE	PAID \$
FILED THIS , 2022, AT	
IN VOLUME OF PLATS, AT PAGESTHROUGH	, FRESNO COUNTY RECORDS
AT THE REQUEST OF NORTH AMERICAN TITLE COMPANY	
PAUL DICTOS, C.P.A., COUNTY ASSESSOR-RECORDER	
BY:	



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CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: July 18, 2022

SUBJECT: Planning and Development Services - Approval – Res. 22-___

Annexation of Proposed Tract 6166, located in the southeast area of Highland and Gettysburg Avenues to the Landscape Maintenance District No. 1 of the City of Clovis (Lennar Homes of California, LLC).

ATTACHMENTS: 1. Res. 22-___

CONFLICT OF INTEREST

None.

RECOMMENDATION

For the City Council to approve Res. 22-___, which will annex proposed Tract 6166, located in the southeast area of Highland and Gettysburg Avenues to the Landscape Maintenance District (LMD) No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Lennar Homes of California, LLC, acting as the subdivider, has requested to be annexed to the LMD No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract 6166.

BACKGROUND

Lennar Homes of California, LLC, the developer of Tract 6166, has executed a covenant that this development be annexed to the City of Clovis, LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

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

FISCAL IMPACT

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

<u>Tract 6166</u> <u>Year to Date</u>

LMD Landscaping added: 1.166 acres 1.166 acres

Resource needs added: 0.117 persons 0.117 persons

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

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

Tract 6166 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: Tiffany Ljuba-Silguero, Engineer II

Reviewed by: City Manager ##

RESOLUTION 22-

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

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

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6166, as described in Attachment A attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

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

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

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on July 18, 2022, by the following vote, to wit.

AYES:
NOES:
ABSENT:

ABSTAIN:

DATED:

Mayor City Clerk

ATTACHMENT A

Legal Description

Lots 1 through 86,	inclusive, of Tract Map 6166 recorded in Volume _	of Plats at Pages
through	, Fresno County Records.	



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: July 18, 2022

SUBJECT: Consider Approval - Res. 22-___, SPR2001-018A2, A request to

approve a site plan review amendment for the construction of a new ± 2,500 square foot visitor center for the Botanical Garden located at 945 N. Clovis Avenue. Clovis Botanical Garden, Anne Clemons, applicant;

City of Clovis, owner; Dwight Kroll, representative.

Staff: Lily Cha, Senior Planner **Recommendation:** Approve

ATTACHMENTS: 1. Draft Resolution 22-___

2. Conditions of Approval

3. Site Plan, Floor Plan, and Elevations

4. Correspondence from Agencies

CONFLICT OF INTEREST

The Clovis Botanical Garden is part of the Dry Creek Park, which is within 1,000 feet of property owned by Councilmember Drew Bessinger. This is a potential conflict of interest for Councilmember Bessinger. It is recommended that Councilmember Bessinger abstain from hearing and voting on the item.

EXECUTIVE SUMMARY

The Clovis Botanical Garden is proposing the development of a new visitor center within the existing boundary of the garden site (**Figure 1**). The facility will replace the existing mobile visitor center and will allow for more diverse uses. The proposed visitor center is approximately 2,500 square feet and will be situated near the entry of the garden.

A permanent visitor center has been envisioned for the Botanical Garden site for some time, and a site plan review for an expanded facility was initially approved by the City Council in June of 2011. The expansion included a new visitor center, classrooms, a pavilion, demonstration gardens, maintenance buildings, and additional parking. Since the 2011 approval, the Botanical Garden committee has decided to limit the expansion to just a new visitor center and parking.

The Botanical Garden is requesting approval for an amendment to the previously approved site plan to allow for the construction of the new visitor center. Approval of this site plan review amendment will allow the applicant to proceed with engineering review, grading, and building permits to begin construction of the new building.



FIGURE 1 - PROJECT LOCATION

BACKGROUND

General Plan Designation: ParkSpecific Plan Designation: N/A

Existing Zoning: "O" Open Space

Lot Size: 4.16 acres

Current Land Use: Botanical Garden

Adjacent Land Uses:

North: Water Retention Basin & Large-lot SFR Homes

South: Dry Creek Park

o East: Dry Creek Trail & Water Retention Basin

West: Low Density SFR Subdivision

Previous Entitlements:

SPR2001-018 & SPR2001-018A

PROPOSAL AND ANALYSIS

The Clovis Botanical Garden currently holds a land tenure agreement with the City of Clovis for approximately 4.16 acres of land on the north side of the Dry Creek Park, located at the northeast corner of Clovis and Alluvial Avenues. The agreement includes the planned expansion of the facility that was approved by the City Council in June of 2011 and memorialized with SPR2001-18A. The expansion plan included a grander vision for the garden including a new visitor center, classrooms, a pavilion, demonstration gardens, maintenance building, and additional parking. For funding reasons, the Botanical Garden was unable to pursue the expansion of the facility as planned. The Botanical Garden was able to subsequently raise enough funds to construct a new visitor center and have returned to the City with this site plan review request. This site plan review request for the development of the visitor center is within the existing boundary of the site as defined in the current agreement and therefore, will not require the modification of the agreement.

This project was continued from the May 16th City Council Hearing to allow staff and the applicant some time to refine some of the site features such as parking and trash enclosure details.

Site Plan Review

Site plan review is normally a ministerial process approved by the Planning and Development Services Director. However, City policy requires a public hearing by both the Planning Commission and City Council for any site plan review related projects owned and/or operated by the City. The subject site is owned by the City of Clovis and made available to the Botanical Garden through a land tenure agreement.

The site plan review process enables staff to review the proposed development in accordance with the City's development and design standards, and agreements.

Site Layout

The Botanical Garden site encompasses approximately 4.16 acres of property located north of the Dry Creek Park. The garden consists of a temporary visitor center, a pavilion, covered some minor accessory structures, meandering trails, and various garden exhibits. It is completely enclosed within wrought iron fencing, with pedestrian access at its iconic gate on the south side of the garden. Vehicular access and parking are shared with the Dry Creek Park; however, the garden will be adding 16 new parking stalls at the north end of the site.

FIGURE 2 – BUILDING LOCATION



The proposed 2,500 square foot visitor center will be situated near the entry of the garden as shown in **Figure 2**. Other site modifications include the relocation of the entry gate slightly to the east, a new concrete walkway that provides direct pedestrian access to the garden from the sidewalk, and a new parking lot. With this project, the garden will also expand the existing trash enclosure in the Dry Creek Park from a Type 3 enclosure to a Type 5 enclosure. The garden currently uses multiple waste toters, typical of the kind used for single-family residences. The expansion of the existing trash enclosure will allow the garden to share the refuse space with the park. Condition # 50 has been modified to reflect this requirement. The applicant is in agreement with this modification.

Parking

The Clovis Development Code specifies a parking ratio of 1 parking space for each 5,000 square feet of active area within parks. In the previously approved site plan for the Botanical Garden, parking was calculated using the combined active area of the Clovis Dry Creek Park and the Clovis Botanical Garden at approximately 9.75 acres, which requires a minimum of 85 parking spaces. The existing parking lot has 49 parking spaces. In conjunction with the City Council's 2011 approval of the Botanical Garden expansion plan, an additional 39 parking spaces were to be incorporated into the overall layout, including nine near the maintenance building on the north end of the site, for a total of 88 parking spaces. The land tenure agreement executed by the City and the Botanical Garden for use of the Garden site requires that the Botanical Garden be designed, constructed, maintained, and operated in accordance with the adopted site plan, including any amendments.

The current site plan amendment proposal by the Botanical Garden does <u>not</u> include the entirety of the additional new parking stalls as contemplated in the plans approved by the City Council in 2011. Because the new visitor center will take the place of an existing mobile facility, and other improvements envisioned in 2011 such as classrooms and an amphitheater are not included in the current project, the applicant is proposing to rely on the existing parking as well as the additional 16 parking stalls to be provided for this project. For this project, staff re-calculated parking for the garden based on its true "active areas." This includes areas where activities may occur such as the new visitor center, the pavilion, and the trails. As a result, a minimum of 10 parking stalls is required. Because the garden hosts various events, maximizing the number of parking stalls that will fit in the new parking area is recommended. Therefore, a total of 16 new parking stalls will be provided for this project (see **Attachment 3**).

Because of its popularity, parking demand for the existing facilities (including both the park and the Botanical Gardens) regularly exceeds the on-site capacity and visitors frequently make use of parallel stalls along Clovis Avenue. Visitor parking occasionally extends onto the local streets in the residential neighborhood on the west side of Clovis Avenue as well. Staff plans to study the unique parking demands of the park to determine the need for future parking lot expansion beyond the 16 new stalls proposed as part of the current project.

Architectural Design

The proposed visitor center is the first permanent building with indoor space to be constructed within the Botanical Garden site. Its design is unique in character and was inspired by architect, Arthur Dyson of Dyson & Janzen Architect, Inc. His approach to the building design, called

"Organic Architecture," is intended to promote harmony between human habitation and the natural world. The building materials are of glass, metal, and concrete. Its form is inspired by the shape of a butterfly and shares some similarities to the building previously approved with SPR2001-018A in June of 2011 (see **Figure 3**). The proposed architectural design of the building is fitting in character and will add aesthetic value to the Botanical Garden.



FIGURE 3 - ELEVATION PROPOSED AND PREVIOUSLY APPROVED

Findings for Approval of a Site Plan Review

The findings to consider when deciding on a site plan review application include:

Be allowed within the subject zoning district;

The Botanical Garden is an existing facility that has been approved within the Open Space Zone District. This project is incorporating a new visitor center and parking area.

2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;

The project is in compliance with the established development standards of the Open Space Zone District.

3. Be in compliance with all other applicable provisions of the Clovis Municipal Code;

The project has been reviewed by other City departments for consistency with their respective codes and standards was determined to be consistent.

4. Be consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014).

The Botanical Garden provides services and a facility that supports the City's Open Space Goals and Policies, including Policy 2.7 Native Plants. Encourage the use of native and climate-appropriate plant species and prohibit the use of plant species known to be invasive; Policy 2.12: Public Education. Support public education efforts for residents and visitors about the unique historic, natural, and cultural resources in Clovis.

Public Comments

A neighborhood meeting was held on April 14, 2022 at 6:00pm at the Botanical Garden pavilion to introduce the project to the neighborhood and interested parties. No one from the public attended the neighborhood meeting.

Staff also sent notices to property owners within 450 feet of the project site. As of the publication of this report, staff has not received any comments.

Planning Commission Consideration

The Planning Commission considered the proposed project at its April 28, 2022 meeting. The Commission members asked questions and had a brief discussion regarding parking for the project. No public testimony was provided other than the applicant. The Commission voted 3-0 to recommend approval of the project, with Commissioner Bedstead and Chair Hinkle absent.

Following the Planning Commission meeting, staff engaged in continued dialogue with the applicant regarding the additional parking that would be provided in conjunction with the new visitor's center. The intent was to clarify vague wording as to how much parking would be provided in conjunction with the project and where it would be added. Those discussions resulted in an adjustment to the recommended conditions of approval, which now clearly specify that 16 stalls will be provided at the north end of the project site. The applicant is in agreement with the change.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Caltrans, Fresno 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, and the County of Fresno.

Comments received are attached 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. Please refer to **Attachment 4** for correspondence from other departments and/or agencies.

California Environment Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Sections 15303 (Class 3 – New Construction or Conversion of Small Structures) and 15332 (Class 32 – Infill Development Projects). Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures. In this situation, the project involves the construction of a building not exceeding 2,500 square feet in an urbanized area. Under the Class 32 categorical exemption, projects that: (a) are consistent with the applicable land use designation, General Plan policies, and zoning; (b) are within city limits on a project site of no more than five acres substantially surrounded with urban uses; (c) are located on sites with no value as habitat for endangered, rare, or threatened species; (d) would not result in significant effects relating to traffic, noise, air quality, and water quality; and (e) is located on a site that can be adequately served by all utilities.

A Notice of Exemption has been completed during the preliminary review and is kept for public review with the Project file during the processing of the Project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Friday, July 8, 2022.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The project will provide the Botanical Garden with a new visitor center and parking. The new visitor center is complementary to the garden and further enhances the aesthetic appeal of the facility and will also provide alternative space for the garden's operations. This project does not impact the existing agreement between the Botanical Garden and the City. Therefore, staff and the Planning Commission recommend approval of SPR2001-018A2, subject to the conditions of approval provided as **Attachment 2**.

ACTIONS FOLLOWING APPROVAL

None.

Prepared by: Lily Cha, Senior Planner

Reviewed by: City Manager 44

RESOLUTION 22-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING A SITE PLAN REVIEW AMENDMENT TO ALLOW FOR THE
CONSTRUCTION OF A NEW ± 2,500 SQUARE FOOT VISITOR CENTER FOR THE
BOTANICAL GARDEN LOCATED AT 945 N. CLOVIS AVENUE AND FINDING THAT THE
PROJECT IS EXEMPT FROM CEQA PURSUANT TO THE CLASS 3 AND CLASS 32
CATEGORICAL EXEMPTION

WHEREAS, Clovis Botanical Garden, 1865 Herndon Avenue, Suite K Box 330, Clovis, CA 93611, has applied for a Site Plan Review Amendment SPR2001-018A2, in connection with the proposed visitor center ("Project") at 945 N. Clovis Avenue ("Property"); and

WHEREAS, Site Plan Review Amendment SPR2001-018A2, was filed on February 18, 2022, and was presented to the Clovis City Council for approval in accordance with Title 9, Chapter 9.56, of the Clovis Municipal Code; and

WHEREAS, the proposed Site Plan Review Amendment SPR2001-018A2 was assessed under the provisions of the California Environmental Quality Act (CEQA) and was determined to be exempt pursuant to CEQA Guidelines section 15302 as a Class 3 and section 15332 Class 32 categorical exemption for the construction or conversion of small structures and infill development projects; and

WHEREAS, on April 28, 2022, the Planning Commission considered site plan review SPR2001-018A2; and

WHEREAS, the Planning Commission voted to recommend approval of SPR2001-018A2, to the City Council; 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 July 9, 2022, mailed public notices to property owners within 450 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 July 18, 2022; and

WHEREAS, the City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determines that the Project meets the

requirements of the Class 3 (New Construction or Conversion of Small Structures) and Class 32 (Infill Development Projects) Categorical Exemptions pursuant to CEQA Guidelines section 15303 and 15332; 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, and the conditions of approval attached as **Attachment** ___ to this Resolution, which are incorporated herein by this reference.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

- 1. The City Council hereby approves Site Plan Review SPR2001-018A2.
- 2. The project is allowed within the subject zoning district.
- 3. The project is in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council.
- 4. The project in compliance with all other applicable provisions of the Clovis Municipal Code.
 - 5. The project is consistent with the General Plan and any applicable specific plan.
- 6. The City Council finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15303 (Class 3 New Construction or Conversion of Small Structures) and 15332 (Class 32 Infill Development Projects) and, furthermore, 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).
- 7. The basis for the findings is detailed in the July 18, 2022 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * *

ABSTAIN: DATED:		
Mayor	City Clerk	

The foregoing resolution was introduced and adopted at a regular meeting of the City

Council of the City of Clovis held on July 18, 2022, by the following vote, to wit.

Conditions of Approval – SPR2001-018A2

<u>Planning Division Comments</u> (Lily Cha, Senior Planner – 559-324-2335)

- SPR2001-018A2 approves construction of an approximately 2,500 square foot visitor center and associated site improvements for the Botanical Garden located at 945 N. Clovis Avenue.
- 2. SPR2001-018A2 is granted per the site layout provided as **Attachment** __ in this report.
- 3. All conditions of SPR2001-018A2 shall be placed in the building permit set prior to plan check submittal and the issuance of permits.
- 4. A signed "Acceptance of Conditions" shall be provided to the Planning Department within 30 days of the date of approval of site plan review.
- 5. All plans submitted for building permits shall be consistent with the Site Plan Review per CMC 9.3.408 C.1.
- 6. The Project shall conform to the development standards prescribed under the "O" (Open Space) Zone District unless modified through SPR2001-018A2.
- 7. Any proposed future modifications not approved under SPR2001-018A2, such as building exteriors, parking and loading areas, fence/walls, and/or landscaping shall require a site plan review amendment.
- 8. During construction, applicant and assigned contractors for safety purposes shall keep the public right-of-way clear of obstructions and provide for interim clean-up on a daily basis.
- 9. All landscaping shall conform to the City of Clovis Water Efficient Landscape Ordinance.

Parking

- 10. Parking shall be provided as identified in the 2011 site plan approval, SPR2001-018A; or otherwise approved by the City of Clovis. The applicant shall have 1 year from the date of occupancy of the new building to provide parking approval.
 - A minimum of 16 parking stalls shall be provided for this project. Parking lot location and design shall be per **Attachment 3** of this report.
- 11. Perpendicular (90 degree) parking spaces shall measure a minimum of 10' wide by 20' deep (18' deep with 2' bumper overhang into non-required landscape).

12. Trees, shrubs, light poles, fire hydrants and similar objects placed in the two-foot bumper overhang area shall be placed as not to cause interference with the vehicles per Planning Division Standards.

Signage

- 13. All signage which are intended to be viewed from the outside shall require separate sign permits prior to installation.
- 14. Lighting for exterior illuminated signs shall not create a hazardous glare for pedestrians or vehicles, either in a public street or on any private premises. Each sign shall be designed so that illumination does not exceed ten (10) candlepower at a distance of ten feet (10'), measure from the base of the sign.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

- 15. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall-mounted equipment shall be painted to match the exterior wall.
- 16. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
- 17. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Building Colors, Materials and Lighting Considerations

- 18. All exterior lighting shall be directed away from adjacent properties and not interfere with the driving safety of vehicular traffic.
- 19. The applicant shall contact the Planning Department when all site lighting is operational. Additional light screening may be required.

FIRE DEPARTMENT CONDITIONS (Rick Fultz, Department Representative - 324-2214)

FIRE PROTECTION SYSTEMS

20. Fire Sprinkler – 2,500 Square Feet: The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per

- NFPA 13. Consideration should be given to the fire service water supply for size and fire sprinkler design for the intended Occupancy use. This will insure proper fire protection for uses such as high piled storage or high hazard Occupancies.
- 21. *Underground Fire Service Line Installation:* Installation shall be per Clovis Fire Standard #2.1. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests. NOTE When a fire pump is required by the overhead system demand, the FDC shall be connected on the discharge side of the fire pump.
- 22. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. Installation shall be per Clovis Fire Standard #2.1. This will be reviewed and approved by the Clovis Fire Department before installation.
- 23. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.

BUILDING INFORMATION

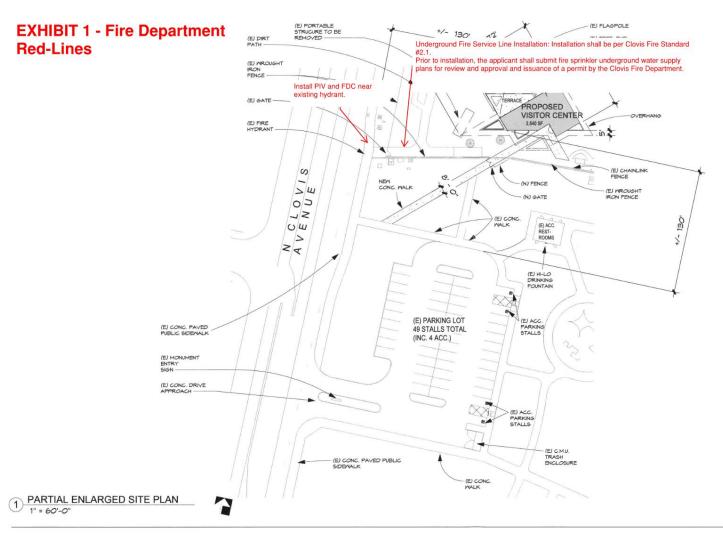
24. Standard #1.8. Large commercial, industrial buildings may require additional building addressing on the back side of the building as approved by Clovis Fire Department.

Building numbers shall:

- a. Be a minimum of twelve inches (12") tall.
- b. Be a minimum of one and one-half inches $(1\frac{1}{2})$ principal stroke width.
- c. Be located above any eaves or walkway coverings, if possible.
- d. Face the street in which it is addressed, if possible.

OTHER

- 25. This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site.
- 26. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.
- 27. The development shall adhere to the Fire Department red-lines as indicated in the attached Exhibit 1.



NEW VISITOR CENTER CLOVIS BOTANICAL GARDEN

945 N Clovis Ave., Clovis, CA 93611 12/03/21 Dyson Janzen Architects, Inc.

1295 N Wishon Ave., Suite 101 Fresno, CA 93728 Phone 559.497.6370 Fax 559.486.4909 Web: dysonjanzen.com



ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 324-2363) (Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

- 28. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 21-102 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
- 29. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
- 30. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division (1) digital copy to the City in PDF format of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "ASBUILT" for review and approval. Upon approval of the AS-BUILTs by the City, and prior to granting of final occupancy or final acceptance, the applicant shall provide (1) digital copy to the City in PDF format.

General Provisions

- 31. The applicant shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees is \$9,380.05. A breakdown of this estimate is attached to these conditions for your information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. NOTE: The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.
- 32. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests must be filed in accordance with the provisions of the California Government Code and must be filed within 90 days after conditional approval of this application is granted. The 90 day

- protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
- 33. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
- 34. The applicant shall address all conditions and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
- 35. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
- 36. All new utility facilities located on-site or within the street right-of-way along the streets adjacent to this development shall be undergrounded unless otherwise approved by the City Engineer.
- 37. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
- 38. The applicant shall contact and address Caltrans requirements. The applicant will be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

- 39. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
- 40. The applicant shall remove and repair all damaged or broken concrete improvements. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.
- 41. The applicant shall provide preliminary title report for the subject property(ies).

Sewer

42. The applicant shall install a sewer lateral for the development site and connect to City mains.

<u>Water</u>

- 43. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
- 44. The applicant shall install a City standard water service of the necessary size for the development site and connect to City mains. Water services shall be grouped to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.
- 45. The applicant shall install an approved backflow prevention assembly adjacent to the water meter and shall be tested by an approved AWWA certified tester within 5 days of installation with the results sent to the City Utilities Division.

Grading and Drainage

46. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by the FMFCD prior to the release of any development permits.

Irrigation and Landscaping Facilities

- 47. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID).
- 48. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
- 49. The applicant shall modify the existing public park improvements necessary for the scope of work. Modifications shall include adequate irrigation for the existing landscaping to remain, as well as remove and repair all damaged or broken park improvements in kind to the satisfaction of the City Engineer.

Miscellaneous

- 50. The applicant shall perform one of the following:
 - a. Modify the existing City of Clovis Type III trash enclosure to a Type V trash enclosure including solid metal gates per City of Clovis Standard Drawings M-2 and M-3. The trash enclosure shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
 - b. Construct one (1) City of Clovis Standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
 - c. Work with the Public Utilities Director on a feasible alternative design before the final occupancy approval of the building.
- 51. The expanded weekly service capacity shall be charged in addition to the existing weekly service capacity per Clovis Municipal Code Section 6.3.
- 52. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
- 53. The applicant shall provide location and dimension of above ground utility boxes and risers with the location approved by the City.
- 54. The applicant shall require the surveyor/civil engineer for the development to notify, in writing, the City Engineer of any existing section corner, property corner or reference monuments damaged by the construction of improvements performed as part of the development. The applicant shall have all such monuments reset. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the replacement of all damaged monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer certifying that the final monuments have been set and that he has filed with the County Recorder all appropriate records of survey or corner records. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

- 55. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
- 56. All conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy final acceptance.

FRESNO COUNTY HEALTH DEPARTMENT (Kevin Tsuda, County Representative – 600-3271)

57. The Applicant shall refer to the attached Fresno County Health requirements. If the list is not attached, please contact the District for the list of requirements.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Carol Flores, District Representative – 230-5935)

58. The Applicant shall refer to the attached SJV Air Pollution Control District requirements. If the list is not attached, please contact the District for the list of requirements.

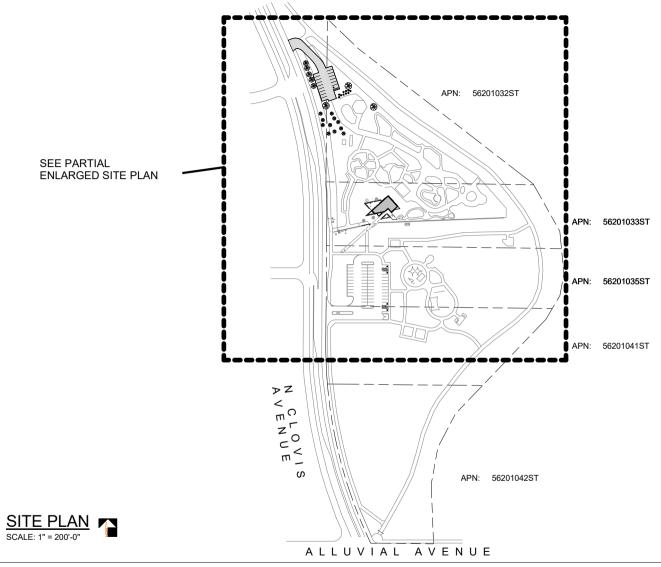
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (Anthony Zaragoza, FMFCD Representative – 456-3292)

59. The Applicant shall refer to the attached FMFCD requirements. If the list is not attached, please contact the District for the list of requirements.

FRESNO IRRIGATION DISTRICT (Jeremy Landrith, FID Representative – 233-7161)

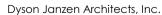
60. The Applicant shall refer to the attached FID requirements. If the list is not attached, please contact the District for the list of requirements.

AGENDA ITEM NO. 11.





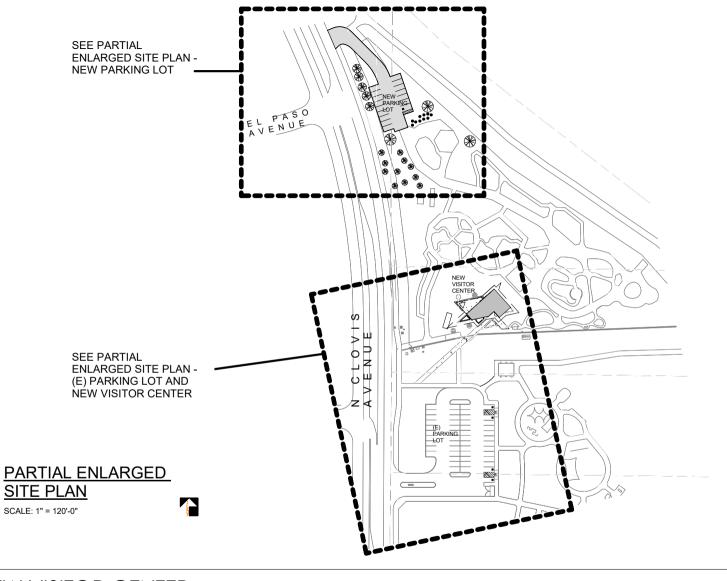
945 N Clovis Ave., Clovis, CA 93611 06/27/21 **Attachment 3**



1295 N Wishon Ave., Suite 101 Fresno, CA 93728 Phone 559.497.6370 Fax 559.486.4909 Web: dysonjanzen.com



AGENDA ITEM NO. 11.



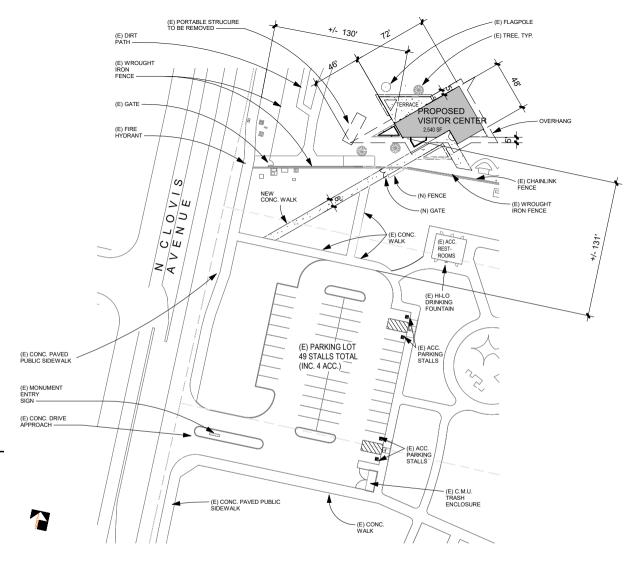
NEW VISITOR CENTER CLOVIS BOTANICAL GARDEN

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AGENDA ITEM NO. 11.



PARTIAL ENLARGED SITE PLAN

(E) PARKING LOT AND NEW VISITOR CENTER

SCALE: 1" = 60'-0"

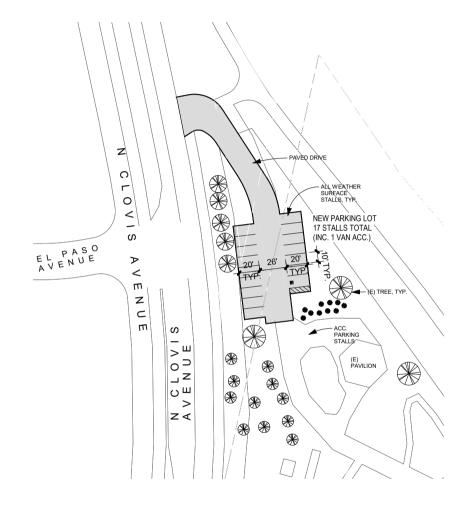
NEW VISITOR CENTER CLOVIS BOTANICAL GARDEN

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PARTIAL ENLARGED SITE PLAN

NEW PARKING LOT

SCALE: 1" = 60'-0"



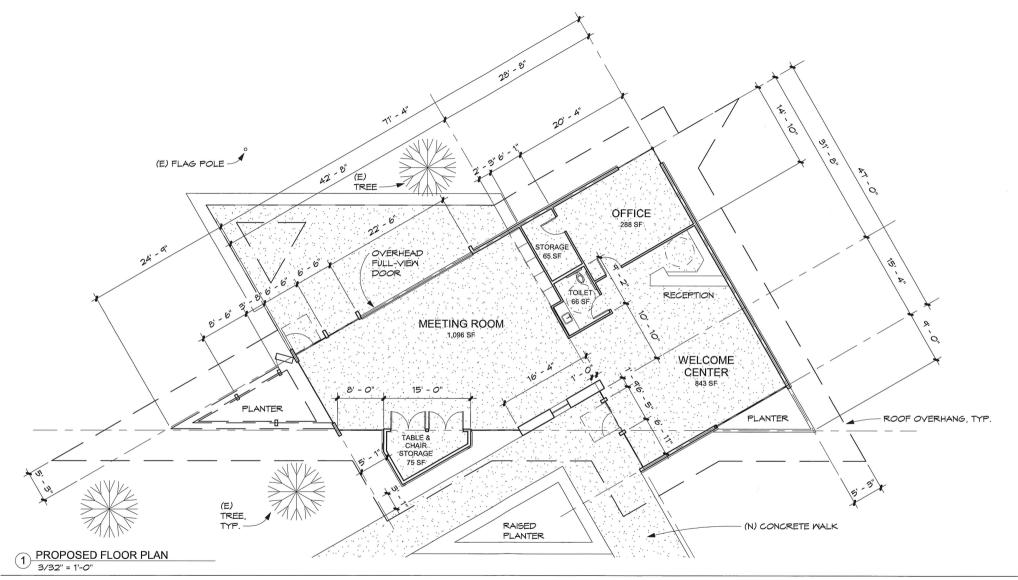
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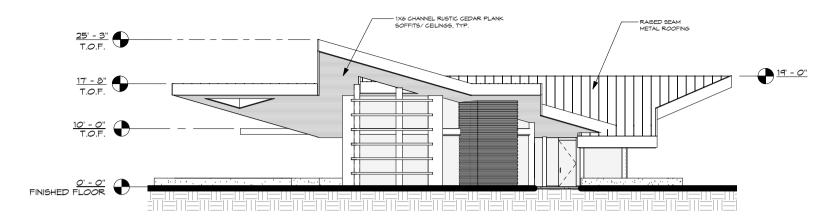
945 N Clovis Ave., Clovis, CA 93611 12/03/21

Dyson Janzen Architects, Inc.

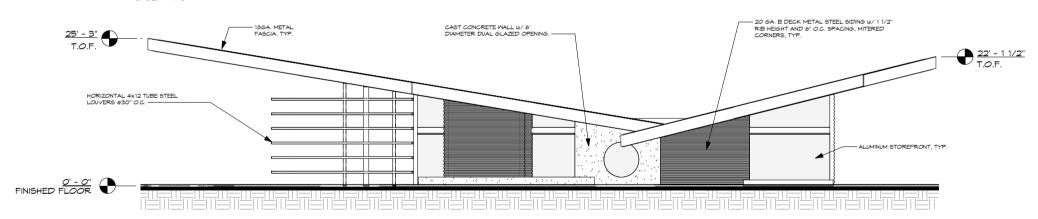
1295 N Wishon Ave., Suite 101 Fresno, CA 93728 Phone 559.497.6370 Fax 559.486.4909 Web: dysonjanzen.com







SOUTHWEST ELEAVTION
3/32" = 1'-0"



2 SOUTHEAST ELEVATION

NEW VISITOR CENTER CLOVIS BOTANICAL GARDEN

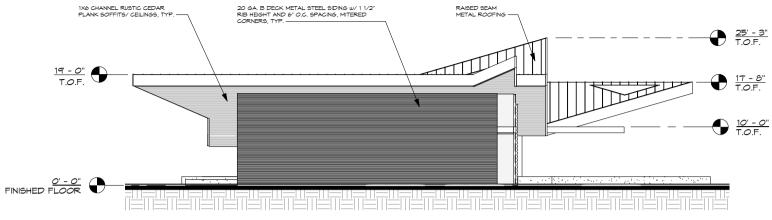
945 N Clovis Ave., Clovis, CA 93611 03/24/22

Dyson Janzen Architects, Inc.

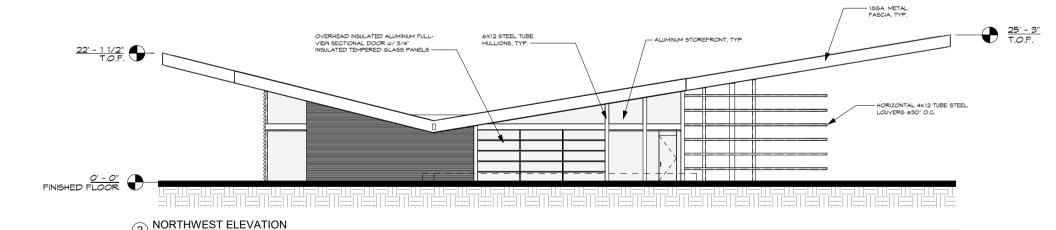
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1 NORTHEAST ELEVATION



NEW VISITOR CENTER CLOVIS BOTANICAL GARDEN

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2907 S. Maple Avenue Fresno, California 93725-2208

Telephone: (559) 233-7161

Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 30, 2022

Lilv Cha Planning and Development Services Dept. City of Clovis 1033 Fifth Street Clovis, CA 93612

RE:

Site Plan Review SPR2001-018A2

N/E Alluvial and Clovis avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review SPR2001-018A2 for which the applicant requests to add a visitor facility to the Clovis Botanical Garden, APN: 562-010-33ST. FID has the following comment:

1. FID previously reviewed and commented on the subject property on December 16, 2021, as Development Review Committee Application N. 2021-055. Those comments and conditions still apply and a copy has been attached for your review.

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 ilandrith@fresnoirrigation.com.

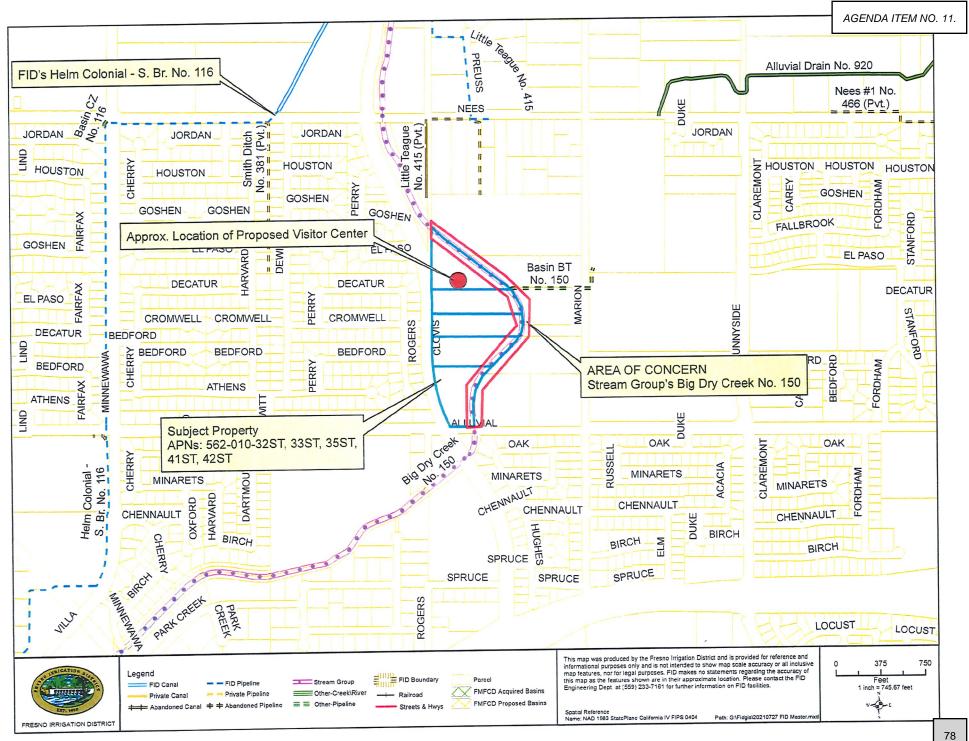
Sincerely,

Laurence Kimura, P.E.

Chief Engineer

Attachment

Attachment 4



79



2907 S. Maple Avenue Fresno, California 93725-2208 Telephone: (559) 233-7161

Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

December 16, 2021

Kelsey George City of Clovis Planning Division 1033 Fifth Street Clovis, CA 93612

RE: Development Review Committee Application No. 2021-055

N/E Alluvial and Clovis avenues

Stream Group's Big Dry Creek No. 150

Dear Ms. George:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2021-055 for which the applicant proposes a visitor facility for the Clovis Botanical Garden, APNs: 562-010-32ST, 33ST, 35ST, 41ST, 42ST. FID has the following comments:

1. Stream Group's Big Dry Creek No. 150 runs southerly along east side of the subject property and does not appear to be impacted. Should construction be constrained within the botanical garden, FID does not require it review and approve all plans. However, FID as the operating and maintaining Agency of Big Dry Creek will require it review and approve all plans should construction activities be required east of the trail and/or in the vicinity of this facility.

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.

Sincerely,

Laurence Kimura, P.E.

Chief Engineer

Attachment

G:\Agencies\Clovis\DRC Meetings\DRC2021-055\DRC-21-00055 FID Comment.doc

AGENDA ITEM NO. 11.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 1 of 4

PUBLIC AGENCY

DEVELOPER

LILY CHA DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES CITY OF CLOVIS 1033 FIFTH STREET CLOVIS, CA 93612

CLOVIS BOTANICAL GARDEN 1865 HERNDON AVE., SUITE K CLOVIS, CA 93611

PROJECT NO: 2001-018A2

ADDRESS:

E. SIDE OF CLOVIS AVE. BTWN. NEES AVE. & ALLUVIAL

AVE.

APN:

562-010-48T, 33ST, 562-010-32ST

SENT: April 04, 2022

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7C	\$12,979.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$178.00	Amount to be submitted with first grading plan submittal.
	Total Drainage Fee: \$12,979.00	Total Service Charge:	\$228.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/23 based on the site plan submitted to the District on 3/08/22 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- Fees related to undeveloped or phased portions of the project may be deferrable. a.)
- Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under b.) which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees. c.)
- The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee d.) obligation.
- When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, e.) reimbursement will be made for the excess costs from future fees collected by the District from other development.
- Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the f.) General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

No. 2001-018A

AGENDA ITEM NO. 11.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 2 of 4

Approval of this development shall be conditioned upon compliance with these District Requirements.

1.	<u>X</u> a	 Drainage from the site shall BE DIRECTED TO CLOVIS AVENUE.
	b	Grading and drainage patterns shall be as identified on Exhibit No.
	— с	The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2.		osed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities within the development or necessitated by any off-site improvements required by the approving agency:
		Developer shall construct facilities as shown on Exhibit No. 1 as
	<u>X</u>	None required.
3.		owing final improvement plans and information shall be submitted to the District for review prior to final ment approval:
	X	Grading Plan
		Street Plan
		Storm Drain Plan
		Water & Sewer Plan
		Final Map
		Drainage Report (to be submitted with tentative map)
		Other
		None Required
4.	Availabil	lity of drainage facilities:
	<u>X</u> a	Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
	b	. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
	— c	Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
	d	See Exhibit No. 2.
5.	The prop	osed development:
	<u>X</u>	Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
		Does not appear to be located within a flood prone area.
6.		The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 3 of 4

- 7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- ဥ
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
- c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
- **8.** A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
- **9.** The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
- 10. <u>X</u> See Exhibit No. 2 for additional comments, recommendations and requirements.

Debbie Campbell

Digitally signed by Debbie Campbell Date: 4/4/2022 11:44:54 All

Design Engineer, RCE

letti Campbell

Robert Villalobos

Engineering Tech III

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Digitally signed by Robert Villalobos Date: 3/30/2022 9:47:01 AM

AGENDA ITEM NO. 11.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 4 of 4

	Date Adopted: September 11, 1981
POLICY MANUAL	,
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
Subject: Flood Plain Policy	Approved By: Bablan Wyh

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

Policy:

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

AGENDA ITEM NO. 11.

OTHER REQUIREMENTS EXHIBIT NO. 2

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

January 4, 2022

LU0021552 2604

Kelsey George, Assistant Planner City of Clovis Planning and Development Services Department 1033 Fifth Street Clovis, CA 93612

Dear Ms. George:

PROJECT NUMBER: DRC-21-055

Visitor center for the Clovis Botanical Garden.

APN: 562-010-32ST, -33ST, -35ST, -41ST, -42ST ZONING: O ADDRESS: 945 N. Clovis Avenue

Recommended Conditions of Approval:

- Applicants that propose 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 project has the potential to expose nearby residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and the Noise Ordinance.
- 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.
- 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.

Kelsey George January 4, 2022 DRC-21-055 Page 2 of 2

AGENDA ITEM NO. 11.

REVIEWED BY:

Kenin Tonda

Kevin Tsuda, R.E.H.S. Environmental Health Specialist II

(559) 600-3271

KT

cc: Deep Sidhu- Environmental Health Division (CT. 55.13)
Arthur Dyson- Applicant (adyson@dysonjanzen.com)
Dwight Kroll- Applicant (dwightkroll1@gmail.com)



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration
DATE: July 18, 2022

SUBJECT: Consider Adoption – **Ord. 22-06**, R2008-007A3, A request to amend the

Loma Vista Community Centers North and South Master Plan to remove the planned local street identified as Marengo Avenue within Planning Area 1 and Planning Area 2 and to adjust the underlying R-3 Zone District to reflect the modified circulation layout. AP Multifamily, LP, property owner; Wathen Castanos Homes, applicant; Precision Civil Engineering,

representative. (Vote: 4-0-1 with Councilmember Whalen absent)

Staff: Karey Cha, City Clerk **Recommendation:** Adopt

ATTACHMENTS: 1. None.

This item is on the regular agenda because at introduction it was approved with a less than unanimous vote.

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



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration
DATE: July 18, 2022

SUBJECT: Consider Approval – Appointment to City Representative to the

Governing Board of the Fresno Metropolitan Flood Control District

(FMFCD) Board of Directors.

Staff: John Holt, City Manager **Recommendation:** Approve

ATTACHMENTS: 1. Letter from Roy Spina, Jr., Resigning from the FMFCD Board.

CONFLICT OF INTEREST

None.

RECOMMENDATION

It is recommended for the Mayor, subject to approval by the City Council, to make an appointment for the City Representative to the Governing Board of the Fresno Metropolitan Flood Control District (FMFCD) Board of Directors.

EXECUTIVE SUMMARY

Current City representative, Roy Spina, Jr., has submitted his resignation from the FMFCD Board after 28 years of service representing the City of Clovis. His term will expire August 3, 2022, leaving an opening for a new City of Clovis representative to be appointed. Interviews were conducted with interested applicants, and Mayor Flores is recommending the appointment of Sargeant J. Green. If appointed, the term will begin September 1, 2022, and will continue for a four-year term through August 3, 2026.

BACKGROUND

The term of appointment for the City's representative, Roy Spina Jr., expires on August 31, 2022. Mr. Spina has submitted his letter of resignation from the Board after 28 consecutive years of service for the City of Clovis.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Appointments to the Fresno Metropolitan Flood Control District Board of Trustees shall be acted upon by the City Council.

ACTIONS FOLLOWING APPROVAL

Staff will inform Sargeant J. Green of the City Council's action in this matter and will take whatever further actions are needed to complete the notification for this appointment.

Prepared by: Rebecca Simonian, Executive Assistant

Reviewed by: City Manager ##

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MAY 2 5 2077

ADMN/CITYMGR

May 25, 2022

Honorable Jose (Joe) Flores Mayor City of Clovis 1033 5th Street Clovis, CA 93612

Dear Mayor Flores,

Thank you for the opportunity and honor to serve the City of Clovis as a member the Board of Directors of the Fresno Metropolitan Flood Control District the past twenty-eight years.

This letter is to inform you that I plan to retire from the Board at the end of August, 2022.

During my tenure, I had the pleasure of working with some outstanding people on the Council and on the staff of the City of Clovis. Their support and cooperation made my job a pleasure. I learned a great deal from this experience.

Thank you again.

Sincerely,

Roy D Spina, Jr.

cc: John Holt, City Manager
Peter Sanchez, General Manager, FMFCD
Kacey Auston, Chair, Board of Directors



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration
DATE: July 18, 2022

SUBJECT: Consider Approval – A Request from the 500 Club Casino for the City

Council to Oppose Proposition 26 Which, if Passed, Would Legalize sports betting at American Indian gaming casinos and licensed

racetracks in California.

Staff: John Holt, City Manager **Recommendation:** Approve

ATTACHMENTS: 1. Request from 500 Club Casino

2. Full text of ballot initiative

3. Summary of Propositions 26 and 27

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to consider support of a request from the 500 Club Casino for the City Council to oppose Proposition 26 which, if passed, would legalize sports betting at American Indian gaming casinos and licensed racetracks in California.

EXECUTIVE SUMMARY

Staff is in receipt of a request from the 500 Club Casino requesting the City Council to oppose Proposition 26. Proposition 26 will be on the ballot on November 8, 2022, for California voters to consider.

A "yes" vote supports this ballot initiative to (i) legalize sports betting at American Indian gaming casinos and licensed racetracks in California; (ii) tax profits derived from sports betting at racetracks at 10%; and (iii) legalize roulette and dice games, such as craps, at tribal casinos.

A "no" vote opposes this ballot initiative, thus continuing to prohibit sports betting in California and roulette and dice games at tribal casinos.

Opponents of Proposition 26 raise the following concerns:

- Prop. 26 would "...guarantee tribal casinos a near monopoly on all gaming in California
 — adding exclusivity over roulette, craps, and sports wagering to their current monopoly
 on slot machines while weaponizing the Private Attorneys General Act (PAGA) so it
 can be used against tribal casino operators' legally operating competition."
- Prop. 26 would "...change the State Constitution to allow tribal casinos to hire private trial lawyers and replace the role of the Attorney General to sue their non-tribal competitors. As a result, the measure puts more than 32,000 jobs, \$1.6 billion in wages and \$5.5 billion in total economic impact at risk."
- Prop 26 expands "...Private Attorneys General Act (PAGA) into new territory by allowing tribal casinos to sue their competitors — forcing cardrooms out of business with unlimited, meritless lawsuits. Local communities will lose more than 32,000 good paying jobs that generate \$1.6 billion in wages annually."
- Prop 26 "...will force cardrooms out of business and result in a loss of \$500 million in local tax revenue statewide — meaning fewer funds for public health, homelessness services, senior centers, and after-school programs. California and local communities will lose \$5.6 billion in economic output generated by cardrooms."

The 500 Club Casino generates over \$1 million for the General Fund and continues to grow each year. If the 500 Club Casino is financially impacted by Proposition 26, it will have a negative impact on the City's revenue stream.

Staff is recommending approval of a request for the City Council to oppose Proposition 26 because approval of the proposition could have a negative impact on City revenues.

BACKGROUND

Staff is in receipt of a request from the 500 Club Casino requesting the City Council to oppose Proposition 26. Proposition 26 will be on the ballot on November 8, 2022, for California voters to consider.

Proposition 26 would authorize new types of gambling at Native American Indian casinos and designated licensed horse racing tracks in California. Proposition 26 is an initiative that would amend the state constitution to allow federally recognized Native American tribes to operate roulette, dice games, and sports wagering on tribal lands, subject to compacts negotiated by the Governor and ratified by the Legislature. Beginning in 2022, allows on-site sports wagering at only privately operated horse-racing tracks in four specified counties for persons 21 years or older. Imposes 10% tax on sports-wagering profits at horse-racing tracks; directs portion of revenues to enforcement and problem-gambling programs. Prohibits marketing of sports wagering to persons under 21. Authorizes private lawsuits to enforce other gambling laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state revenues, potentially reaching the tens of millions of dollars annually, from payments made by facilities offering sports wagering and new civil

penalties authorized by this measure. Some portion of these revenues would reflect a shift from other existing state and local revenues. Increased state regulatory costs, potentially reaching the low tens of millions of dollars annually. Some or all of these costs would be offset by the increased revenue or reimbursements to the state. Increased state enforcement costs, not likely to exceed several million dollars annually, related to a new civil enforcement tool for enforcing certain gaming laws.

A "yes" vote supports this ballot initiative to (i) legalize sports betting at American Indian gaming casinos and licensed racetracks in California; (ii) tax profits derived from sports betting at racetracks at 10%; and (iii) legalize roulette and dice games, such as craps, at tribal casinos.

A "no" vote opposes this ballot initiative, thus continuing to prohibit sports betting in California and roulette and dice games at tribal casinos.

What would Proposition 26 change? Proposition 26 would legalize sports betting at American Indian gaming casinos and designated privately operated licensed horse racetracks only in the Counties of Alameda, Los Angeles, Orange, and San Diego. The ballot measure would define sports betting as wagering on the results of professional, college, or amateur sport and athletic events, except for high school sports and events featuring a California college team. Individuals would need to be 21 years of age to engage in legal sports betting.

The ballot measure would enact a tax of 10 percent on profits derived from sports betting at racetracks. The state government would be required to distribute the revenue as follows: (a) 15 percent to the California Department of Health for researching, developing, and implementing programs for problem gambling prevention and mental health and providing grants to local governments to address problem gambling and mental health; (b) 15 percent to the Bureau of Gambling Control for enforcing and implementing sports wagering and other forms of gaming within the state; and (c) 70 percent to the General Fund.

The ballot measure would also legalize roulette and dice games, such as craps, at tribal casinos; however, tribal-state compacts would need to be amended before these games can be offered.

Supporters: Primarily Native American Indian Tribes.

Opponents: Primarily existing Casinos not located on Tribal Land and licensed racetracks not designated in the initiative language.

A ballot measure committee called Taxpayers Against Special Interest Monopolies — funded principally by card rooms — has formed in opposition to Prop. 26. The committee alleged in a recent press release that Prop. 26 would "...guarantee tribal casinos a near monopoly on all gaming in California — adding exclusivity over roulette, craps, and sports wagering to their current monopoly on slot machines — while weaponizing the Private Attorneys General Act (PAGA) so it can be used against tribal casino operators' legally operating competition."

"Specifically, this change in the State Constitution allows tribal casinos to hire private trial lawyers and replace the role of the Attorney General to sue their non-tribal competitors. As a result, the

measure puts more than 32,000 jobs, \$1.6 billion in wages and \$5.5 billion in total economic impact at risk. Cities rely on this revenue for resident services such as public safety, housing, and homeless programs."

"Prop 26 changes the Constitution and sets a dangerous precedent that could result in the loss of tens of thousands of quality jobs in minority communities. Tribal casinos have a history of unsuccessfully challenging the legality of local cardrooms. Now, they're taking it a step too far by exploiting the Private Attorneys General Act (PAGA) that was originally meant to protect workers. Prop 26 expands PAGA into new territory by allowing tribal casinos to sue their competitors — forcing cardrooms out of business with unlimited, meritless lawsuits. Local communities will lose more than 32,000 good paying jobs that generate \$1.6 billion in wages annually."

"It deprives local governments of revenue for vital services. Prop 26 contains a poison pill for local cardrooms, which are a significant source of tax revenue and economic activity for many local governments. The measure will force cardrooms out of business and result in a loss of \$500 million in local tax revenue statewide — meaning fewer funds for public health, homelessness services, senior centers, and after-school programs. California and local communities will lose \$5.6 billion in economic output generated by cardrooms."

FISCAL IMPACT

Reviewed by:

The 500 Club Casino generates over \$1 million for the General Fund and continues to grow each year. If the 500 Club Casino in financially impacted by Proposition 26, it will have a negative impact on the City's revenue stream.

REASON FOR RECOMMENDATION

Staff is recommending approval of a request for the City Council to oppose Proposition 26 because approval of the proposition could have a negative impact on city revenues.

ACTIONS FOLLOWING APPROVAL

If approved, staff will draft a letter of opposition to Proposition 26.

City Manager _____

Prepared by: John Holt, City Manager

John Holt

Subject:

500 Club Casino - Proposition 26

On Tue, Jun 28, 2022 at 12:27 PM Tal Eslick < tal@vistaconsultinginc.com > wrote:

Thanks Kevin. A few additional comments about the City of Clovis specifically:

- The partnership between the City of Clovis and the 500 Club is mutually beneficial, which is often the case in California card room cities.
- Regardless of your perspective on legalized sports betting, inserting an unrelated item that seeks to weaponize the Private Attorneys General Act (PAGA) to stifle competition is unreasonable.
- If the qualified sports betting initiative (19-0029) were to pass in November, the resulting PAGA litigation would be devastating for California card rooms, including the 500 Club Casino in Clovis, California.
- The City of Clovis benefits from more than \$600,000 a year in tax revenue from the 500 Club Casino. Those dollars are essential for public safety budgets and other essential city services.

Thanks,

Tal Eslick

VISTA CONSULTING

E: tal@vistaconsultinginc.com

M: 559-318-6068

W: https://link.edgepilot.com/s/9673f3d2/drxD1k-67kCphb2inwWmZg?u=http://www.vistaconsultinginc.com/

On Tue, Jun 28, 2022 at 11:40 AM Kevin < kevin@500clubcasino.com > wrote:

John,

I wanted to reach out regarding the only qualified sports betting measure on the November 2022 ballot. The initiative titled "Coalition for Safe, Responsible Gaming", number 19-0029, includes a Private Attorneys General Act (PAGA) provision that exposes local card rooms to unreasonable and potentially devastating liability.

We encourage the City of Clovis to pass a resolution in opposition of this misguided initiative.

Please feel free to review a larger list of cities opposed to this particular initiative here: <u>Organizations Representing</u> Over 80 California Cities and Local Elected Officials Announce Opposition to the Eligible Tribal Gaming Initiative.

I've included Tal Eslick on this email, he is working with a statewide coalition of card rooms and card room communities leading the opposition to this initiative.

Thank you for your attention to this important matter.

Kevin Barclay

500 Club Casino

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends a section of the California Constitution and adds sections to the Business and Professions Code and Government Code. Therefore, existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

SECTION 1. Title

This measure shall be known as the "California Sports Wagering Regulation and Unlawful Gambling Enforcement Act"

SEC. 2 Findings and Declarations

- (a) In May 2018, the United States Supreme Court eliminated the federal prohibition on sports wagering. As a result, states now have the freedom to authorize sports wagering within their borders and establish regulations, consumer protections, responsible gambling measures and taxes on sports wagering. Already 20 states have chosen to regulate and tax sports wagering in a manner that provides for consumer protections, responsible gambling, and gives adults the choice to participate in this activity.
- (b) Unregulated and untaxed sports wagering is happening throughout California without any consumer or responsible gambling protections. Leading economists and industry experts estimate that during the federal prohibition on sports wagering, a thriving black market flourished with billions of dollars wagered annually across the United States. The illegal sports wagering market in California continues to thrive and will continue to be an attractive option due to its untaxed, unregulated, and unlicensed nature.
- (c) Unregulated gambling enterprises are a threat to public safety and public health as they are often conducted by criminal elements. Accordingly, no person in this state has a right to operate a gambling enterprise except as may be expressly permitted by federal, state, or local law.
- (d) Leading economists and industry experts estimate a legal and regulated sports wagering market in California could generate hundreds of millions of dollars in economic activity in the initial years, which would result in tens of millions of dollars in annual tax revenue for the State of California.
- (e) Sports wagering should be regulated and taxed in California to stamp out the black market of illegal gambling operations to allow adults the choice to participate in this activity with strong consumer protections.

- (f) Taxing sports wagering would create new revenue to increase funding for programs related to preventing problems associated with problem gambling and mental health, and help finance the state's general fund priorities related to education and public safety.
- (g) Californians 21 years of age or older should have the choice to participate in legal sports wagering in highly regulated and safe facilities that are experienced in gaming operations and are in good standing with the appropriate federal, state, and local regulatory agencies.
- (h) In keeping with our California values of protecting our children and young people, sports wagering must be tightly regulated. It must be limited to only adults 21 years old or older. Existing law recognizes that gambling can become addictive and is not an activity to be promoted or legitimized as entertainment for children and families. Accordingly, there shall be no advertising or marketing of sports wagering directed to children.
- (i) In order to protect our students and our colleges and universities, sports wagering on high school sports and on California-based college teams must also be strictly prohibited.
- (j) To prevent the exploitation of animals, sports wagering will not be allowed on any currently prohibited form of animal contests, such as greyhound or other dog races.
- (k) Public confidence that legal gambling, including sports wagering, will not endanger public health, safety, or welfare requires that comprehensive measures be enacted and enforced to ensure that gambling is free from criminal and corruptive elements, that it is conducted honestly and competitively, and that it is conducted only at suitable locations. The California gaming industry must be held accountable to ensure they are complying with anti-money.laundering laws and other applicable laws and regulations.
- (I) Current enforcement of gambling laws are inadequate. California needs more ways to enforce our state's gambling laws to protect children and vulnerable adults from unscrupulous organizations that run illegal gambling operations. Californians should be able to report and enforce violations of California laws against illegal gambling activities.
- (m) A well supervised sports wagering system will limit sports wagering to highly regulated and safe facilities that are experienced in gambling operations and with the financial resources to responsibly operate the activity. The best entities to safely operate sports wagering are Indian gaming casinos and Approved Racetrack Operators.
- (n) Since 2000, California tribal governments have operated Indian gaming casinos on their own tribal lands, generating much-needed resources to help reverse the brutal history endured by California Native Americans. These resources have allowed California tribes to provide services including healthcare, schools, scholarships, cultural resource protection, fire services, law enforcement services, water systems, environmental protection, and more. Importantly, in the last 20 years, California tribes have shared more than \$1 billion in revenues with non-gaming tribes to help strengthen tribal communities.

- (o) In 2016, Indian gaming in California directly and indirectly generated the following total economic and fiscal impacts on the California economy: 124,300 jobs; \$20 billion in output; \$9 billion in wages to employees; \$3.4 billion in taxes and revenue sharing payments to federal, state, and local governments, including nearly \$1 billion to the State of California and \$378 million to local governments.
- (p) Horse racing represents one of the oldest forms of wagering, existing in California for almost a century. Over 17,000 licensed jobs are tied to the horse racing industry. According to the California Horse Racing Board, over \$3 billion is wagered each year. This brings in millions of dollars in revenue to the state, to the world's premier equine chemistry laboratory, the Kenneth L. Maddy Equine Analytical Chemistry Laboratory at the University of California, Davis, and to local governments from sales taxes.
- (q) The California Sports Wagering Regulation and Unlawful Gambling Enforcement Act ensures that sports wagering is regulated and taxed, so adults who choose to participate in this activity can do so legally, while raising revenue for education, public safety and mental health, ensuring strong consumer protections especially for children and strengthening enforcement of gambling laws.

SEC, 3. Purposes and Intent

The purpose of the California Sports Wagering Regulation and Unlawful Gambling Enforcement Act is to regulate and tax sports wagering in California and strengthen California's gambling regulations and safeguards, by:

- (a) Regulating and taxing sports wagering, to take sports wagering out of the black market and create a regulatory structure that prevents access by minors and protects public safety by allowing sports wagering at highly regulated and safe facilities that are experienced in gaming operations.
- (b) Permitting tribal governments to offer sports wagering, roulette, and games played with dice, after negotiations pursuant to state and federal law, as tribal governments have an expertise in gaming operations and possess the financial resources to responsibly operate sports wagering.
- (c) Permitting Approved Racetrack Operators to offer sports wagering as these operators are also highly regulated and are experienced in gaming operations.
- (d) Ensuring that these facilities and operators are in good standing with the appropriate federal, state, and local regulatory agencies.
- (e) Creating strict consumer protections to promote responsible sports wagering and protect children and public health, such as:

- (1) Requiring adults 21 or older to be physically present in a facility to place sports wagers.
- (2) Only permitting sports wagering by those 21 or older to safeguard against underage gambling.
- (3) Prohibiting the marketing and advertising of sports wagering to persons younger than 21 years old.
- (4) Permitting sports wagering only on professional, college, or amateur sport or athletic events.
- (5) Prohibiting wagering on any high school sports or athletic events to protect our students.
- (6) Prohibiting wagering on any sports or athletic events in which any California college team participates, to protect our students and our colleges and universities, while permitting sports wagering on popular events such as the NCAA basketball tournament.
- (7) Prohibiting wagering on any currently illegal sporting event or contest, including but not limited to, animal races, such as greyhound or other dog races, to prevent the exploitation of animals.
- (8) Allowing the Legislature to provide for anti-corruption measures to ensure the integrity of sporting events.
- (f) Imposing a 10 percent tax on sports wagering activity conducted by Approved Racetrack Operators to fund programs related to problem gambling prevention and mental health and the implementation and oversight of sports wagering and other forms of gaming, and help finance the state's general fund priorities related to education and public safety.
- (g) Auditing expenditures of sports wagering revenue to ensure this revenue is spent properly and effectively.
- (h) Protecting public safety by strengthening the enforcement of California's current gambling laws to allow Californians to hold illegal gambling activities and operations accountable.
- (i) Increasing enforcement of existing gambling rules to ensure that all establishments that offer gambling opportunities play by the rules and follow the law. These increased enforcement measures will ensure that all lawful gambling is free from criminal and corruptive elements and that it is conducted honestly and competitively by suitable operators and hold gambling enterprises accountable without burdening local law enforcement,

- (j) Ensuring that establishments that offer legal sports wagering play by the rules by making them subject to appropriate audit standards.
- SEC. 4. Section 19 of Article IV of the California Constitution is amended to read:
- SEC. 19. (a) The Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the State.
- (b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.
- (c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.
- (d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.
- (e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.
- (f) Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games, roulette, games played with dice, and sports wagering by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, banking and percentage card games, roulette, games played with dice, and sports wagering are hereby permitted to be conducted and operated on Indian tribal lands subject to those compacts.
- (f) (g) Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor.
- (h) Notwithstanding subdivision (a) and (e), beginning on January 1, 2022, Approved Racetrack Operators, as defined by section 19670 of the Business and Professions Code, may offer sports wagering, provided that any sports wagers authorized to be made pursuant to this subdivision

shall be physically placed by patrons, and accepted by the Approved Racetrack Operator, within a designated building of a race track at which an Approved Racetrack Operator has conducted live horse races in the immediately preceding eighteen (18) months. Sports wagers authorized to be made pursuant to this subdivision shall not be made at betting kiosks or self-service gaming terminals outside of designated buildings of the race track.

- (i)(1) For the purposes of subdivisions (f) and (h), "sports wagering" shall mean wagering on the results of any professional, college, or amateur sport or athletic event. Sports wagering shall not mean wagering on the results of:
- (A) Any high school sport or athletic event;
- (B) A sport or athletic event in which any California college team participates regardless of where the event takes place; however a sport or athletic event in which any California college team participates shall not include other games of a collegiate sport or athletic tournament in which a California college team participates;
- (C) Any sport or athletic event or horse race that has already been completed. Further, the outcome, including the redemption of winnings, from any sport or athletic event or horse race shall not be displayed or represented in a manner that mimics a slot machine or any other casino-style game, including, but not limited to, blackjack, roulette, or craps.
- (D) Horse races and horse race meetings and wagering on the results as authorized by subdivision (b) and statutes promulgated pursuant to that subdivision.
- (2) The Legislature shall authorize by law, statutes necessary to implement this subdivision, which shall also provide for consumer protections and anti-corruption measures to ensure the integrity of sport or athletic events.
- SEC. 5. Sports Wagering Regulation and Unlawful Gambling Enforcement

SEC. 5.1. Article 12 (commencing with Section 19670) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 12. Sports Wagering at Licensed Horse Racing Facilities

19670. Definitions.

For the purposes of this article and Section 19 of Article IV of the California Constitution, "Approved Racetrack Operators" shall mean operators licensed by the California Horse Racing Board during the 2019 calendar year to conduct live horse race meetings at racing tracks located in the Counties of Alameda, Los Angeles, Orange, or San Diego and operated by a private entity, including a private entity operating on a state fairground within the identified counties. "Approved Racetrack Operators" shall not include racing tracks of "state designated fairs," as defined by subdivision (a) of section 19418 of the Business and Professions Code as that section read on January 1, 2020.

19671. Sports Wagering Tax.

- (a) The daily total of sports wagers with an Approved Racetrack Operator, less the daily total of winnings by patrons, shall be subject to a 10 percent tax.
- (b) The California Department of Tax and Fee Administration shall administer and collect the tax imposed by subdivision (a) and may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this section, including, but not limited to, the aggregating of the daily totals on a quarterly, annual, or other periodic basis, collections, reporting, refunds, and appeals.
- (c) All revenues resulting from the tax pursuant to subdivision (a) shall be deposited into the California Sports Wagering Fund created by section 19672.
- 19672. California Sports Wagering Fund.
- (a) The California Sports Wagering Fund is hereby established in the State Treasury and, notwithstanding Government Code section 13340, is continuously appropriated without regard for fiscal year for carrying out the purposes of this article.
- (b) All revenues raised pursuant to the tax imposed by section 19671 shall be deposited into the California Sports Wagering Fund.
- (c) Payments made to the state pursuant to tribal-state compacts related to sports wagering may be deposited into the California Sports Wagering Fund.
- (d) For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to the California Sports Wagering Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.
- 19673. Distribution of Moneys from the California Sports Wagering Fund.
- (a) Any actual and reasonable costs incurred by the Controller and the California Department of Tax and Fee Administration in connection with the administration of the California Sports Wagering Fund and the collection of the tax established by section 19671, as determined by the Director of Finance, shall be deducted from the California Sports Wagering Fund before funds are disbursed pursuant to subdivision (b).
- (b) Each fiscal year beginning in 2022-23, the Controller shall disburse the money deposited in the California Sports Wagering Fund remaining after disbursement is made pursuant to subdivision (a), as follows:
- (1) Fifteen percent to the California Department of Health for research, development, and implementation of programs and grants for problem gambling prevention and mental health, and

for grants to counties and cities for local programs to address problem gambling and mental health.

- (2) Fifteen percent to the Bureau of Gambling Control within the Department of Justice for the actual and reasonable costs of the enforcement and implementation of sports wagering and other forms of gaming within the State of California. The Bureau of Gambling Control shall not spend more than 5 percent of the total funds it receives from the California Sports Wagering Fund on an annual basis for administrative costs as determined by the Director of Finance.
- (3) Seventy percent to the General Fund.
- (c) Every two years, the Controller shall conduct an audit of the programs operated by the agencies specified in paragraphs (1) and (2), of subdivision (b) to ensure the funds are disbursed and expended solely according to this article and shall report their findings to the Legislature and the public.
- (d) The funding described in paragraphs (1) and (2) of subdivision (b) shall be used to expand programs for the purposes of this Act. These funds shall not be used to supplant existing state or local funds utilized for these purposes.

19674. Age Limit for Sports Wagering,

- (a) A person under 21 years of age shall not place sports wagers on, be allowed to place sports wagers on, or collect, whether personally or through an agent, sports wagering winnings from, any sport or athletic event at an Approved Racetrack Operator location.
- (b) A person under 21 years of age shall not present or offer to any Approved Racetrack Operator, or to an agent of an Approved Racetrack Operator, any written, printed, or photostatic evidence of age and identity that is false, fraudulent, or not actually their own for the purpose of placing a wager on a sports event.
- (c) Any person under 21 years of age who violates this section is guilty of a misdemeanor.
- SEC. 5.2. Article 18 (commencing with Section 19990) is added to Chapter 5 of Division 8 of the Business and Professions Code, to read:

Article 18. Unlawful Gambling Enforcement.

19990. Enforcement Against Unlawful Gambling Activities.

(a) In addition to any other penalty provided by law, any person engaging in any conduct made unlawful by Chapter 10 (commencing with section 330, but excluding sections 335 and 337) of Title 9 of Part 1 of the Penal Code shall be liable for a civil penalty of up to \$10,000 per violation and be subject to an injunction to stop that unlawful conduct, in a civil action brought in the name of the people of the State of California by the Attorney General. In addition, the Attorney General is empowered to enforce this section by issuing a closure order of twenty-four (24) hours for the first violation, a closure order of forty-eight (48) hours for the second violation, and a closure order of thirty (30) days for the third and any subsequent violations.

- (b) Any person or entity that becomes aware of any person engaging in any conduct made unlawful by Chapter 10 (commencing with section 330, but excluding sections 335 and 337) of Title 9 of Part 1 of the Penal Code may file a civil action for civil penalties and injunctive relief as provided in subdivision (a), if prior to filing such action, the person or entity files with the Attorney General a written request for the Attorney General to commence the action. The request shall include a clear and concise statement of the grounds for believing a cause of action exists.
- (1) If the Attorney General files suit within 90 days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the Attorney General is dismissed without prejudice.
- (2) If the Attorney General does not file suit within 90 days from receipt of the written request to commence the action, the person or entity requesting the action may proceed to file a civil action.
- (3) The time period within which a civil action shall be commenced shall be tolled from the date of receipt by the Attorney General of the written request to either the date the civil action is dismissed without prejudice, or for 150 days, whichever is later, but only for a civil action brought by the person or entity who requested the Attorney General to commence the action.
- (c) If a judgment is entered against the defendant or defendants in any action brought pursuant to this section, or the matter is settled, amounts received as civil penalties or pursuant to a settlement of the action shall be deposited in the California Sports Wagering Fund created by section 19672.
- 19991, Prohibition Of Marketing and Advertising Sports Wagering Directed to Minors.
- (a) For purposes of this section:
- (1) "Advertise" means the publication or dissemination of an advertisement.
- (2) "Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to promote sports wagering, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media. This term shall not include any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any facility operating sports wagering, and which is not written by or at the direction of the facility operating sports wagering.
- (3) "Market" or "Marketing" means any act or process of promoting sports wagering, including, but not limited to, sponsorship of sporting events, point-of-sale advertising, and development of products specifically designed to appeal to certain demographics.
- (b) Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be directed where the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.

- (c) Any advertising or marketing involving direct, individualized communication or dialogue controlled by a facility operating sports wagering shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older before engaging in that communication or dialogue controlled by the facility operating sports wagering. For purposes of this subdivision, that method of age affirmation may include user confirmation, birth date disclosure, or other similar registration method.
- (d) A facility operating sports wagering shall not:
- (1) Advertise or market sports wagering in a manner intended to encourage persons under 21 years of age to participate in sports wagering.
- (2) Publish or disseminate advertising or marketing that is attractive to children.

19992. Audit for Sports Wagering Facilities.

The Bureau of Gambling Control within the Department of Justice shall perform all investigatory and auditing functions provided in sections 19826 and 19827 over facilities that operate sports wagering, unless otherwise provided in a tribal-state compact.

SEC. 5.3. Article 2 (commencing with Section 12010) of Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, is amended to read:

12012.101. Compensation for Regulatory Costs of Sports Wagering Amendments.

All amendments to tribal-state gaming compacts to permit sports wagering pursuant to subdivision (f) of Section 19 of Article IV of the California Constitution shall include provisions for compensation for actual regulatory costs incurred by the State related to sports wagering in connection with the implementation and administration of tribal-state gaming compacts pursuant to the Indian Gaming Regulatory Act of 1988 (25 U.S. Code § 2710(d)(4)).

SEC. 6. Amendments

This Act shall be broadly construed to accomplish its purposes. The provisions of Section 5 may be amended so long as such amendments are consistent with and further the intent of this act by a statute that is passed by a two-thirds vote of the members of each house of the Legislature.

SEC. 7. Severability

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause,

sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Propositions 26 and 27: Legalizing sports gambling, two ways: After the <u>U.S. Supreme Court struck</u> down a federal law banning state-regulated sports betting, two big-spending interests <u>stepped up with</u> California legalization proposals.

Proposition 26

AUTHORIZES NEW TYPES OF GAMBLING. INITIATIVE CONSTITUTIONAL AND STATUTORY AMENDMENT. Allows federally recognized Native American tribes to operate roulette, dice games, and sports wagering on tribal lands, subject to compacts negotiated by the Governor and ratified by the Legislature. Beginning in 2022, allows on-site sports wagering at only privately operated horse-racing tracks in four specified counties for persons 21 years or older. Imposes 10% tax on sports-wagering profits at horse-racing tracks; directs portion of revenues to enforcement and problem-gambling programs. Prohibits marketing of sports wagering to persons under 21. Authorizes private lawsuits to enforce other gambling laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state revenues, potentially reaching the tens of millions of dollars annually, from payments made by facilities offering sports wagering and new civil penalties authorized by this measure. Some portion of these revenues would reflect a shift from other existing state and local revenues. Increased state regulatory costs, potentially reaching the low tens of millions of dollars annually. Some or all of these costs would be offset by the increased revenue or reimbursements to the state. Increased state enforcement costs, not likely to exceed several million dollars annually, related to a new civil enforcement tool for enforcing certain gaming law (19-0029A1.)

Proposition 27

ALLOWS ONLINE AND MOBILE SPORTS WAGERING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Legalizes online and mobile sports wagering, which currently is prohibited, for persons 21 years and older. Such wagering may be offered only by federally recognized Indian tribes and eligible businesses that contract with them. Individuals placing bets must be in California and not located on Indian lands. Imposes 10% tax on sports-wagering revenues and licensing fees. Directs tax and licensing revenues first to regulatory costs, then remainder to: 85% to homelessness programs; 15% to nonparticipating tribes. Specifies licensing, regulatory, consumer-protection, and betting-integrity standards for sports wagering. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state revenues, potentially reaching the midhundreds of millions of dollars annually, from online sports wagering-related taxes, licensing fees, and penalties. Some portion of these revenues would reflect a shift from other existing state and local revenues. Increased state regulatory costs, potentially reaching the mid-tens of millions of dollars annually, that would be fully or partially offset by the increased revenues. (21-0017A1.)

Proposition 27 specifically includes language that says voters declare the two measures do not conflict, and that if both pass, they both can become law. However, if both pass there would likely be litigation to settle the matter.

Ballotpedia:

California Proposition 26, Legalize Sports Betting on American Indian Lands Initiative (2022). California Proposition 26, the Legalize Sports Betting on American Indian Lands Initiative is on the ballot in California as a combined initiated constitutional amendment and state statute on November 8, 2022.

A "yes" vote <u>supports</u> this ballot initiative to (i) legalize sports betting at American Indian gaming casinos and licensed racetracks in California; (ii) tax profits derived from sports betting at racetracks at 10%; and (iii) legalize roulette and dice games, such as craps, at tribal casinos.

A "no" vote <u>opposes</u> this ballot initiative, thus continuing to prohibit sports betting in California and roulette and dice games at tribal casinos.

Overview

What would Proposition 26 change? Proposition 26 would legalize sports betting at American Indian gaming casinos and licensed racetracks in California. [1]

The ballot measure would define *sports betting* as wagering on the results of professional, college, or amateur sport and athletic events, with the exception of high school sports and events featuring a California college team. Individuals would need to be 21 years of age to engage in legal sports betting.^[1]

The ballot measure would enact a tax of 10 percent on profits derived from sports betting at racetracks. The state government would be required to distribute the revenue as follows: (a) 15 percent to the California Department of Health for researching, developing, and implementing programs for problem gambling prevention and mental health and providing grants to local governments to address problem gambling and mental health; (b) 15 percent to the Bureau of Gambling Control for enforcing and implementing sports wagering and other forms of gaming within the state; and (c) 70 percent to the General Fund. [1]

The ballot measure would also legalize roulette and dice games, such as craps, at tribal casinos; however, tribal-state compacts would need to be amended before these games can be offered. [1]

Who is behind the campaigns surrounding the ballot initiative?

See also: Campaign finance

The <u>Coalition to Authorize Regulated Sports Wagering</u> is leading the campaign in support of the ballot initiative. The coalition is supported by several American Indian tribes, including the top donors to the campaign—the Pechanga Band of Luiseno Indians, Yocha Dehe Wintun Nation, Federated Indians of Graton Rancheria, San Manuel Band of Mission Indians, and Agua Caliente Band of Cahuilla Indians. The campaign had raised \$30.58 million.

<u>Taxpayers Against Special Interest Monopolies</u> is leading the campaign against the proposal. The campaign, along with a terminated PAC <u>No on the Gambling Power Grab</u>, raised \$25.54 million. The top donors to the opposition were gambling-related companies, including the California Commerce Club,

Hawaiian Gardens Casino, Park West Casinos, The Bicycle Hotel & Casino, PT Gaming LLC, and Knighted Ventures LLC.

Where else is sports betting legal?

See also: States with sports betting

As of April 15, 2022, sports betting was legal, or laws to legalize had been approved, in 30 states and D.C. Five of the states—New Jersey (2011), Arkansas (2018), Colorado (2019), Maryland (2020), and South Dakota (2020)—legalized sports betting through a ballot measure. [2]

Ballot title

The official ballot title is as follows: [3]

" Authorizes New Types of Gambling. Initiative Constitutional and Statutory Amendment. [4] "

Petition summary

The summary provided for inclusion on signature petition sheets is as follows: [3]

"Allows federally recognized Native American tribes to operate roulette, dice games, and sports wagering on tribal lands, subject to compacts negotiated by the Governor and ratified by the Legislature. Beginning in 2022, allows on-site sports wagering at only privately operated horse-racing tracks in four specified counties for persons 21 years or older. Imposes 10% tax on sports-wagering profits at horse-racing tracks; directs portion of revenues to enforcement and problem-gambling programs. Prohibits marketing of sports wagering to persons under 21. Authorizes private lawsuits to enforce other gambling laws. [4]

Fiscal impact

The fiscal impact statement is as follows: [3]

"Increased state revenues, potentially reaching the tens of millions of dollars annually, from payments made by facilities offering sports wagering and new civil penalties authorized by this measure. Some portion of these revenues would reflect a shift from other existing state and local revenues. Increased state regulatory costs, potentially reaching the low tens of millions of dollars annually. Some or all of these costs would be offset by the increased revenue or reimbursements to the state. Increased state enforcement costs, not likely to exceed several million dollars annually, related to a new civil enforcement tool for enforcing certain gaming laws. [4]

Support

The **Coalition for Safe, Responsible Gaming** is leading the campaign in support of the ballot initiative. [5][6]

Supporters

American Indian Tribes

- Agua Caliente Band of Cahuilla Indians
- Barona Band of Mission Indians
- Big Valley Band of Pomo Indians
- Bishop Paiute Tribe
- Chemehuevi Indian Tribe
- Dry Creek Rancheria Band of Pomo Indians
- Federated Indians of Graton Rancheria
- Mechoopda Indian Tribe of Chico Rancheria
- Middletown Rancheria of Pomo Indians of California
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Luiseño Indians
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- San Pasqual Band of Mission Indians
- Santa Rosa Rancheria Tachi-Yokut Tribe
- Santa Ynez Band of Chumash Indians
- Shingle Springs Band of Miwok Indians
- Sycuan Band of the Kumeyaay Nation
- The Bear River Band of the Rohnerville Rancheria
- Twenty-Nine Palms Band of Mission Indians
- Viejas Band of Kumeyaay Indians
- Wilton Rancheria
- Yocha Dehe Wintun Nation

Unions

- California Nations Indian Gaming Association
- Deputy Sheriff's Association of San Diego County
- San Diego Police Officers Association

Organizations

- AYPAL: Building API Community Power
- Baptist Ministers Conference of Los Angeles and Southern California
- California Hawaii State Conference NAACP
- California Thoroughbred Breeders Association
- California Young Democrats
- El Dorado County Chamber of Commerce
- La Raza Roundtable of California
- Los Angeles Urban League
- National Action Network Los Angeles
- Rural SURJ of Northern California
- SURJ North San Diego County
- SURJ Sacramento
- SURJ Santa Barbara
- Santa Clarita Branch NAACP
- Showing Up for Racial Justice San Francisco
- Urban League of San Diego County
- Western Regional Advocacy Project

Arguments

- Mark Macarro, chairman of Pechanga Band of Luiseño Indians: "Californians should have the
 choice to participate in sports wagering at highly regulated, safe and experienced gaming
 locations. We are very proud to see tribes from across California come together for this effort,
 which represents an incremental but important step toward giving Californians the freedom to
 participate in this new activity in a responsible manner."
- Steve Stallings, chairman of the California Nations Indian Gaming Association: "A strong, well-regulated gaming industry is of utmost importance to California's tribal governments and the public. This initiative allows sports wagering in a responsible manner and provides for transparency and strict regulation."

Opposition

Taxpayers Against Special Interest Monopolies is registered to oppose the ballot initiative. [7]

Opponents

Corporations

- Bicycle Casino
- Elevation Entertainment Group
- Hawaiian Gardens Casino
- Hollywood Park Casino
- Knighted Ventures LLC
- PT Gaming LLC
- Parkwest Casinos

Unions

California Contract Cities Association

Arguments

- Marcel Rodarte, executive director of the California Contract Cities Association: "The California
 Contract Cities Association overwhelmingly voted to oppose the qualified tribal gaming initiative
 as it will not benefit our residents or communities. The proposed initiative also exploits the
 Private Attorneys General Act, opening the floodgates for frivolous lawsuits that will harm city
 revenues that fund vital city services such as roads, schools, homelessness services and fire
 protection."
- Leonard Mendoza, mayor of the City of Commerce: "During the pandemic, California cities that
 depend on the revenues generated through legal gaming at cardrooms have seen the
 devastating impacts cardroom closures have had on municipal budgets and the vital services
 they fund. Hundreds of millions of dollars in local revenues are on the line, money needed to
 invest in the safety and well-being of our residents."
- Kyle Kirkland, president of the California Gaming Association: "This initiative does nothing to
 advance sports wagering, and instead expands the tribal casinos' tax-free monopoly on gaming
 and rewards those operators for prioritizing their own wealth over public health and safety."

California Proposition 27, Legalize Sports Betting and Revenue for Homelessness Prevention Fund Initiative (2022). California Proposition 27, the Legalize Sports Betting and Revenue for Homelessness Prevention Fund Initiative is on the ballot in California as a combined initiated constitutional amendment and state statute on November 8, 2022. [1]

A "**yes**" vote <u>supports</u> legalizing online and mobile sports betting for persons 21 years of age or older, establishing regulations for the mobile sports betting industry, imposing a 10% tax on sports betting revenues and licensing fees, and allocating tax revenue to an account for homelessness programs and an account for tribes not operating sports betting.

A "**no**" vote <u>opposes</u> this ballot initiative, thus continuing to prohibit sports betting in California.

Overview

What would Proposition 27 do?

See also: Measure design

Proposition 27 proposes a constitutional amendment and statute to authorize a gaming tribe, an online sports betting platform with an operating agreement with a gaming tribe, or a qualified gaming company with a market access agreement with a gaming tribe may operate online sports betting for individuals 21 years of age or older in the state but outside of Indian lands. The amendment would prohibit online sports betting on youth sports. The proposed law would create the Division of Online Sports Betting Control within the Department of Justice. The initiative would give the division authority to regulate the online sports betting industry and investigate illegal sports betting activities. The amendment would take effect on January 1, 2023.

The proposed law would establish the California Online Sports Betting Trust Fund. The revenue from licensing fees, renewals, and the sports wagering tax would be deposited into the fund. After deducting regulatory costs, 85% of the fund's revenues would be allocated to California Solutions to Homelessness and Mental Health Support Account for permanent and interim housing and 15% of revenues to the Tribal Economic Development Account, which would be established by the initiative to provide funds to Indian tribes for expanding tribal government, public health, education, infrastructure, and economic development. [1]

Currently, mobile and in-person sports betting is illegal in California.

Who supports and opposes Proposition 27?

See also: Support and Opposition

<u>Californians for Solutions to Homelessness and Mental Health Support</u> is leading the campaign in support of Proposition 27. As of June 30, the campaign had raised over \$100 million. Its top three donors include BetMGM LLC, Betfair Interactive US LLC (FanDuel Sportsbook), and Crown Gaming, Inc. (DraftKings). Nathan Click, a spokesman for the campaign, said, "Our measure is the only one that would

guarantee hundreds of millions each year in solutions to homelessness and mental health support. We have found Californians are enthusiastic about it and the housing and mental health solutions it would provide the state."[2]

Californians for Tribal Sovereignty and Safe Gaming and Coalition for Safe, Responsible Gaming are leading campaigns in opposition to the initiative. Together the committees have raised \$114.13 million. The top three donors include the San Manuel Band of Mission Indians, the Pechanga Band of Luiseno Indians, and the Yocha Dehe Wintun Nation. Chairman James Siva of the California Nations Indian Gaming Association said, "Don't be fooled. These measures are not a fix to homelessness, but rather a massive explosion of gaming that will directly undercut tribal sovereignty and self-sufficiency." [3]

Where else is sports betting legal?

See also: States with sports betting

As of June 28, 2022, sports betting was legal, or laws to legalize had been approved, in 35 states and D.C. Five of the states—New Jersey (2011), Arkansas (2018), Colorado (2019), Maryland (2020), and South Dakota (2020)—legalized sports betting through a ballot measure. [4]

Measure design

See also: <u>Text of measure</u>

Click on the arrows (▼) below for summaries of the different provisions of the initiative.

Sports Betting Legalization: Authorizes online and mobile sports wagering

California Online Sports Betting Trust Fund: Revenue sources and fund distribution

Division of Online Sports Betting Control: The establishment of the division

Violations of the proposed law: Fines and penalties for violating the proposed law

Text of measure

Ballot title

The ballot title is as follows: [5]

" Allows Online and Mobile Sports Wagering. Initiative Constitutional Amendment and Statute.

Petition summary

The summary provided for inclusion on signature petition sheets is as follows: [5]

" Legalizes online and mobile sports wagering, which currently is prohibited, for persons 21 years and older. Such wagering may be offered only by federally recognized Indian tribes and eligible businesses that contract with them. Individuals placing bets must be in California and not located on Indian lands. Imposes 10% tax on sports-wagering revenues and licensing fees.

Directs tax and licensing revenues first to regulatory costs, then remainder to: 85% to homelessness programs; 15% to nonparticipating tribes. Specifies licensing, regulatory, consumer-protection, and betting-integrity standards for sports wagering. [6]

Fiscal impact

The fiscal impact statement is as follows: [5]

"Increased state revenues, potentially reaching the mid-hundreds of millions of dollars annually, from online sports wagering-related taxes, licensing fees, and penalties. Some portion of these revenues would reflect a shift from other existing state and local revenues. Increased state regulatory costs, potentially reaching the mid-tens of millions of dollars annually, that would be fully or partially offset by the increased revenues. [6]

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Support

Californians for Solutions to Homelessness and Mental Health Support is leading the campaign in support of Proposition 27. [7]

Supporters

Officials

- Fresno Mayor <u>Jerry Dyer (Nonpartisan)</u>
- Long Beach Mayor Robert Garcia (D)
- Oakland Mayor <u>Libby Schaaf</u>
- Sacramento Mayor <u>Darrell Steinberg</u> (Nonpartisan)

Arguments

- Nathan Click, a spokesman for the campaign: "Our measure is the only one that would guarantee hundreds of millions each year in solutions to homelessness and mental health support. We have found Californians are enthusiastic about it and the housing and mental health solutions it would provide the state."
- Tamera Kohler, CEO of the Regional Task Force on Homelessness for the San Diego Area: "This initiative is a critical step forward, dedicating revenue to the issue of homelessness is a win-win for our state. It would provide an ongoing funding source of hundreds of millions of dollars each year to fight homelessness and provide mental health services to those most in need. We are excited to partner with the coalition to pass this important measure in November 2022."
- Long Beach Mayor Robert Garcia (D): "I'm joining my fellow mayors in endorsing this important initiative because this is an all-hands on deck moment in our fight against homelessness. To solve California's homelessness crisis over the long-term, we need sustainable sources of funding to house those experiencing homelessness and provide them the medical and mental health services they need. That's what this measure provides."

Tomiquia Moss, CEO of All Home: "If we permit and regulate online sports betting, California
residents should benefit from it. Twenty-one other states have already made this decision, our
state should be next. When all people have a safe and decent place to call home, it benefits
entire communities. The funding this measure provides would provide a huge lift for efforts to
deliver housing and support to people experiencing homelessness and make us all better off."

Californians for Tribal Sovereignty and Safe Gaming and Coalition for Safe, Responsible Gaming are leading campaigns in opposition to Proposition 27. [8][9]

Opponents

Coalition for Safe, Responsible Gaming provides a list of endorsements on the campaign's website, which is available here.

American Indian Tribes

- Agua Caliente Band of Cahuilla Indians
- Barona Band of Mission Indians
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- Yocha Dehe Wintun Nation

Unions

- California Teachers Association
- Communications Workers of America

Organizations

- AYPAL: Building API Community Power
- American Indian Chamber of Commerce of California
- California Asian Pacific Chamber of Commerce
- California Black Chamber of Commerce
- California Coalition for Rural Housing
- California Hawaii State Conference NAACP
- California Hispanic Chambers of Commerce
- California League of United Latin American Citizens
- La Raza Roundtable of California
- Los Angeles Urban League
- Western Regional Advocacy Project

Arguments

- Pat Fong Kushida, president and CEO of the California Asian Pacific Chamber of
 Commerce: "The Corporate Online Gambling Proposition was written for the sole benefit of outof-state gambling corporations. This measure would give online gambling corporations near
 total control over the sports wagering market, effectively hijacking any local economic benefits
 for our small businesses, while sending 90% of profits from sports gambling out-of-state and
 even out of country."
- Doug Terfher, vice president of marketing for MaximBet: MaximBet is a sports betting company launched in 2021 that would not be able to operate in California under the proposed initiative. Terfher said, "We want (California) to be as open and available to as many operators as possible with where we are in our growth journey."
- Raymond Welch, chairman of the Barona Band of Mission Indians in San Diego County, and
 Greg Sarris, tribal chairman of the Federated Indians of Graton Rancheria in Sonoma
 County: "Their measure would authorize the largest expansion of gambling in state history –
 allowing virtually anyone, anywhere, anytime to gamble. Studies show this unprecedented
 access would lead to more problem gambling, addiction and crime. In fact, the National Council
 on Problem Gambling reports online sports bettors are up to five times more likely to develop
 problem gambling than other types of gamblers."
- Chairman James Siva of the California Nations Indian Gaming Association: "Don't be fooled. These measures are not a fix to homelessness, but rather a massive explosion of gaming that will directly undercut tribal sovereignty and self-sufficiency."
- Californians for Tribal Sovereignty and Safe Gaming website: "If it passes, the promise of gaming exclusivity between California voters and our Native American Tribes will be broken, threatening the \$23.2 billion in economic activity and 181,532 California jobs Tribal gaming provides. This measure is a direct attack on tribal sovereignty."



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration
DATE: July 18, 2022

SUBJECT: Consider – To Provide Direction on the Measure C Renewal, a half-cent

sales tax dedicated to funding new roads, freeways, sidewalks, trails and public transportation in Fresno County Renewal being considered

by the Fresno County Transportation Authority.

Staff: Ryan Burnett, Engineering Program Supervisor

Recommendation: Provide Direction

ATTACHMENTS: 1.Original Measure C3 Renewal Proposed Allocation

2. Measure C3 Renewal Adopted Allocation by Fresno County Council

of Governments Policy Board Proposed Allocation

3. Original Measure C3 Renewal Proposed Expenditure Plan

4. Measure C3 Renewal Adopted Expenditure Plan Presentation

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council provide policy direction on the Measure C3 Renewal being considered by the Fresno County Transportation Authority to the City's designee on the Fresno County Transportation Authority Board.

EXECUTIVE SUMMARY

The proposed Measure C3 (MC3) will be the third transportation funding measure. Over the last 18 months, 80 local leaders from both rural and urban communities with varied backgrounds, professions and interests participated in the Measure C Renewal open, public process – ensuring diverse representation of distinct sectors across the county. A draft plan was considered by the Fresno County Council of Governments Policy Board (Attachments 1 & 3) on July 7, 2022.

An alternative plan (Attachments 2 & 4) was presented at the meeting on June 7, 2022, and by a majority vote, the Fresno Council of Governments Policy Board has approved the alternative MC3 Expenditure Plan. This is now set to be considered by the Fresno County Transportation Authority on July 20, 2022. If approved, it will be considered by the Fresno County Supervisors on August 9, 2022, to be placed on the November ballot for all of Fresno County voters to

consider. Council is being asked to provide policy direction to the City's designee on the Fresno County Transportation Authority Board.

BACKGROUND

The proposed Measure C3 (MC3) will be the third transportation funding measure supported by Fresno County elected leaders, residents, and communities since the first measure was passed by voters in 1986. Funding from MC3 will focus largely on fixing local roads and streets – filling potholes, repairing deteriorating neighborhood streets, installing sidewalks to help get children to school safely, reducing congestion, and supporting transit services. The plan also invests in community-based transportation improvements in areas that have historically been overlooked – particularly in rural, low-income and minority communities. The renewal plan would allow the jurisdictions to leverage hundreds of millions of dollars in state and federal matching funds.

Over the last 18 months, 80 local leaders from both rural and urban communities with varied backgrounds, professions and interests participated in the Measure C Renewal open, public process – ensuring diverse representation of distinct sectors across the County. To ensure countywide representation, the Fresno COG Policy Board is comprised of mayors from each incorporated city in Fresno County as well as a member of the Fresno County Board of Supervisors. A draft plan was considered by the Fresno County Council of Governments Policy Board (Attachments 1 & 3) on July 7, 2022.

An alternative plan (Attachments 2 & 4) was presented at the meeting on June 7, 2022, and by a majority vote, the Fresno Council of Governments Policy Board approved the alternative Measure C3 Expenditure Plan. The Fresno County Board of Supervisors considered and supported the alternative plan on a 3-2 vote at its July 12, 2022 meeting. This is now set to be considered by the Fresno County Transportation Authority Board on July 20, 2022. If approved placement on the November 2022 ballot will be considered by the Fresno County Supervisors on August 9, 2022 for all of Fresno County voters to consider. Council is being asked to provide policy direction to the City's designee on the Fresno County Transportation Authority Board.

FISCAL IMPACT

The original draft expenditure plan for Measure C3 is projected to bring \$6.8 billion in transportation to Fresno County. For the Local Programs Allocations of the measure Clovis was projected to receive nearly \$520 million over the 30-year lifespan of the sales tax measure.

The alternative Measure C3 approved by the Fresno County Council of Governments Policy Board raises the same amount of funding overall but increases the Local Programs Allocation to the City of Clovis by \$20.9 million dollars (4.1%) over the original draft expenditure plan.

REASON FOR RECOMMENDATION

Council is being asked to provide policy direction to the City's designee on the Fresno County Transportation Authority Board.

ACTIONS FOLLOWING APPROVAL

Direction will be provided to the City's designee on the Fresno County Transportation Authority Board.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager 444

ATTACHMENT 1

Original Measure C3 Renewal Proposed Allocation

APPENDIX A

Draft Measure C Renewal Ballot Language

Without raising tax rates, shall an ordinance to repair potholes, keep local roads in good condition; upgrade structurally declining bridges/overpasses; improve highway safety, 911 emergency vehicle access, air quality, public transit services; protect low-cost senior transportation options and create local jobs; be adopted, continuing the voter-approved transportation ½¢ sales tax (established 1986), providing approximately \$228 million annually for 30 years; requiring audits, public oversight/spending disclosure, local control?

APPENDIX B

Local Program Allocations by Agency

Agency	Fre	Fresno Proposal			
Clovis	\$	519,210,059			
Coalinga	\$	74,562,264			
Firebaugh	\$	36,943,703			
Fowler	\$	32,599,858			
Fresno	\$	2,307,800,260			
Huron	\$	33,128,585			
Kerman	\$	71,008,461			
Kingsburg	\$	61,935,554			
Mendota	\$	53,838,196			
Orange Cove	\$	440,730,84			
Parlier	\$	67,641,387			
Reedley	\$	114,213,410			
San Joaquin	\$	20,611,555			
Sanger	\$	120,149,116			
Selma	\$	107,380,161			
County of Fresno	\$	1,130,223,774			
Total	\$	4,795,319,460			

Urban area receives the majority of the funding. Transit allocation split 70% FAX, 20% FCRTA, and 10% Clovis Transit. Estimates only and subject to change.

ATTACHMENT 2

Adopted Measure C3 Renewal Allocations

Benefits to Other Cities City of Fresno Alternative

Agency	Increased Revenues over 30 Years for Street Repairs Flexible Funds (Local Control)	
Clovis	\$20.9 million (+4.1%)	
Coalinga	\$7.4 million (+10.6%)	
Firebaugh	\$4.3 million (+12.6%)	
Fowler	\$1.5 million (+4.3%)	
Fresno	\$86.9 million (+3.8%)	
Huron	\$4.5 million (+18.4%)	
Kerman	\$7.6 million (+12.3%)	
Kingsburg	\$4.7 million (+9.0%)	

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Mendota	\$6.7 million (+13.9%)
Orange Cove	\$5.4 million (+14.3%)
Parlier	\$6.7 million (+11.5%)
Reedley	\$7.9 million (+7.6%)
San Joaquin	\$2.9 million (+17.2%)
Sanger	\$10.3 million (+9.9%)
Selma	\$8.4 million (+8.4%)

Fresno County: Dec

Decreased Revenues \$185 million (-15.5%) 2022

Measure C Renewal Expenditure Plan

FINAL DRAFT

JULY 7, 2022



PREPARED BY

Fresno Council
of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721

Fresno County
Transportation Authority
2220 Tulare Street, Suite 2101
Fresno, CA 93721

Attachment 3

IN ASSOCIATION WITH

VRPA Technologies, Inc. TBWBH Props & Measures Jeffrey Scott Agency

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INTRODUCTION

The Fresno County Measure C Renewal Expenditure Plan was prepared to:

Guide the expenditure of slightly more than \$6.84 billion in transportation funds generated through continuation of Fresno County's half-cent transportation sales tax over the next 30 years, if approved by voters in the November 2022 election.

Fresno County's current Measure C Program, voter approved in 2006, expires in June 2027. This Renewal Expenditure Plan, developed by an Executive Committee and a Technical Working Group (TWG) consisting of approximate 80 individuals representing diverse community interests (as identified in Table 1 of this Plan), and local, state and regional agencies, will address major local and regional transportation needs in Fresno County through the Year 2057.

Through a series of public meetings, two public opinion polls, and thousands of online and inperson surveys, the Executive Committee and TWG thoroughly considered needs identified by community residents during development of the Plan. To ensure the Plan addressed transportation needs of all county residents, the Committees completed the following tasks:

- Reviewed Measure programs recently passed in other counties (best practices review).
- Listened to presentations by air quality and transportation advocates and agencies.
- Considered recommendations of transportation professionals.
- Heard innovative ideas related to new technologies in transportation.
- Developed Expenditure
 Plan Goals and Objectives.
- Considered public input.
- Reviewed and considered the entire County's transportation needs by category.

OVERVIEW

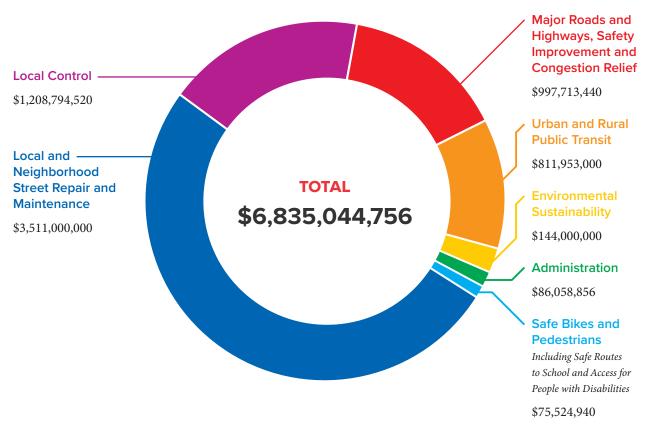
The Measure C Renewal Program

Figure 1 provides an overview of the proposed Measure C Renewal Expenditure Plan funding allocations approved by the Executive Committee and the TWG. Referencing Figure 1, the allocations consider a "multimodal" transportation program with:

- 51.37% of expected Measure funds directed to "Fix-It-First" *Local and Neighborhood Street Repair and Maintenance* activities and programs.
- Eighteen percent (17.64%) of the funds directed to the *Local Control* program. The 16 local agencies (cities and the County) in Fresno County will allocate these funds to their highest priority unique transportation needs including additional local street and highway maintenance and other street and road improvements, pedestrian, trail, and bicycle facilities improvements, safe routes to school improvements, enhanced public transit services, and other transportation services and programs.

- Twelve percent (11.88%) of the Measure funding allocated directly to *Urban and Rural Public Transit* systems and services throughout the County including Fresno Area Express (FAX), Clovis Transit, and the Fresno County Rural Transit Agency (FCRTA).
- One percent (1.22%) of the Measure will be allocated to the Safe Bikes and Pedestrians program (including Safe Routes to School & Access for People with Disabilities) to address improvements and safety enhancements for bicyclists and pedestrians, including students, seniors and people with disabilities, as well as other related improvements.

FIGURE 1
Measure C Funding Allocations by Program



- Fifteen percent (14.60%) of the Measure will be directed toward *Major Roads* and *Highways*, *Safety Improvement and* Congestion Relief projects in the Urban (Clovis and Fresno Spheres of Influence) and Rural (remaining County and rural cities) areas. Such projects will be located along the State Highway System and along regional corridors to enhance connections within the urban area and between the cities and rural communities throughout the County.
- Two percent (2.00%) of the funds are available for projects that enhance *Environmental Sustainability* including clean transportation projects and programs, transit-oriented development projects, and other projects that will improve air quality, address climate change and improve health.
- Finally, one and one quarter percent (1.25%) of the Measure will address program *Administration* and planning activities of the Fresno County Transportation Authority (Authority) and the Fresno Council of Governments (Fresno COG) over the 30-year period.

PUBLIC ENGAGEMENT

Public engagement activities for the Measure C Renewal Expenditure Plan began with the formation of the Executive Committee and TWG in February of 2021. Over 80 local leaders volunteered to participate as representatives of diverse sectors of Fresno County from both urban and rural communities. These leaders brought unique perspectives from various sectors of our community including healthcare, education, local government, emergency services, transportation planning and facilities experts, environmental organizations, public works, law enforcement, fire and paramedic, agriculture, community based organizations, and more. Over the 16-month Measure C Renewal Process period, a total of 37 meetings were held between these two committees with the focus on identifying and evaluating transportation needs throughout Fresno County.

In addition to these two committees, community engagement remained a key focus to gain clarity and common ground. To that end, 10,000 Fresno County residents participated in community polling and outreach via the following methods:

- Public Polling
- In-Person Workshops
- Community Group Meetings
- Door-to-Door

Inquiries

- Events
- Virtual meetings via Zoom
- Online Public Survey

In total, fourteen (14) community meetings were held in both rural and urban settings. Additionally, with COVID concerns still prevalent, an Online Public survey was utilized that garnered 2,804 total survey respondents, as well as 2,000 additional comments.

The online survey also focused on rural and unincorporated areas by employing a door-to-door campaign. That effort produced 1,070 mostly Spanish respondents in the following communities: Cantua Creek, Lenare, Tranquility, Orange Cove, Parlier, Kerman, Mendota, Caruthers, Coalinga, Del Rey, Five Points, Huron, Sanger, Kingsburg, and San Joaquin.

Members of the Executive Committee and the TWG are listed on the Measure C Renewal webpage at this link:

www.measurec.com/
measure-c-committees

Two-thirds (67%) voter approval will be necessary to pass Measure C in November 2022. In order to ensure that Executive Committee and TWG members were on target with this Expenditure Plan, over 3,000 voters and community residents were surveyed early in the Plan development process to determine support for an extension of the Measure, and to identify the public's highest transportation priorities. An additional 3,000 voters were again surveyed in the spring of 2022 to confirm support for proposed expenditures.

Both polling efforts expressed widespread support for continuation of Measure Cand identified residents' highest transportation priorities. The Measure C Renewal Plan effort was guided by development of the Fresno COG 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The RTP/ SCS is intended to guide transportation and land use decisions that will improve our quality of life, air quality, mobility and make communities more cohesive. The RTP/SCS is updated every four years and has a robust outreach and stakeholder involvement process including numerous committee meetings, public workshops and hearings, public surveys and polling, and other engagement opportunities. The RTP/SCS integrates all modes of transportation along with land use, housing, environmental issues, reduction of vehicle miles travelled, and other related issues. The RTP/SCS is one of the critical building blocks that has helped guide development of the 2022 Measure C Renewal effort and identify needs and funding requirements.

GOALS AND GUIDING PRINCIPLES

Considering the public engagement activities conducted over the past 16 months, the Executive Committee and TWG adopted the following set of goals and objectives to help guide development of this Expenditure Plan:

Goal #1

Equitable mobility and accessibility for all within and across the network of streets, highways, transit, bicycle and pedestrian routes and facilities.

OBJECTIVES

- Encourage equitable participation by communities in the Measure C planning and implementation process.
- Support the equitable distribution of benefits and burdens of transportation projects.
- Support the improvement and expansion of accessible transportation options to serve the needs of residents, especially those who have historically faced disproportionate transportation burdens, including seniors and people with disabilities.

Goal #2

Vibrant communities that are accessible by sustainable transportation options.

OBJECTIVES

- Encourage alternatives to single occupancy vehicles that reduce vehicle miles travelled (VMT) and greenhouse gas emissions.
- Support investment in and promotion of active transportation and transit to improve public health and mobility, especially in historically underinvested areas.
- Support transportation projects that support transit-oriented development.

• Support efforts to improve air quality and minimize pollutants from transportation.

Goal #3

A safe, dependable, well-maintained, efficient, cost effective, and climate-resilient multimodal transportation network.

OBJECTIVES

- Encourage on-going maintenance and repair of the existing infrastructure.
- Support investment in multimodal safety measures to reduce traffic fatalities and injuries throughout the region.
- Support improvements in travel connections to create an integrated, accessible, and seamless transportation network.
- Avoid congestion through smart management of existing transportation facilities.
- Add capacity only after other options have been considered and determined to be infeasible, impractical or ineffective.
- Maximize the cost-effectiveness of transportation improvements.
- Maximize available funding and support new investments that are targeted, effective, and financially sound.
- Encourage investments that increase the system's resilience to extreme weather events, natural disasters, subsidence, and pandemics.

- Support the preservation and maintenance of existing multimodal transportation assets in a state of good repair.
- Utilize Measure funding to leverage other local, state, and federal funds, including competitive grant programs.
- Ensure that growth does not adversely impact existing facilities.

Goal #4

A transportation network that supports a sustainable and vibrant economy.

OBJECTIVES

- Support local and regional economic development by leveraging planning and transportation funds that foster public and private investment.
- Provide transportation mobility options necessary to conduct essential daily activities and support economic growth and prosperity.
- Support modern regional aviation.
- Embrace cutting edge and fiscally responsible transportation and new technologies that serve to interconnect systems and that make travel more efficient and cost effective.
- Support efficient, dependable, resilient, and sustainable goods movement.

Goal #5

A region embracing clean transportation, technology, and innovation.

OBJECTIVES

- Support innovative mobility solutions that are accessible, affordable, reduce greenhouse gas emissions, and improve air quality.
- Utilize current and emerging technologies to better manage transportation systems and services.
- Improve predictability and reliability of transportation facilities and services.
- Embrace new and emerging intelligent transportation system (ITS) projects and programs.

Goal #6

A high level of transparency, performance review, and accountability.

OBJECTIVES

- Provide for continuous collection of transportation and other related data from available sources.
- Incorporate transportation performance measures, whenever possible.
- Encourage innovation with a goal of providing cost effective transportation solutions.

Guided by the Executive Committee and TWG, staff further distilled these goals and objectives into five guiding principles that were then used to guide the development of the Allocation Plan:

Stewardship

- Fix it First.
- · County-wide Pavement Management Plan.
- Oversight and Performance Measures, and Equity—"No Neighborhood Left Behind."

Equity

- Investment in active transportation and public transit to improve health and mobility throughout the County including historically underinvested areas.
- Improve air quality throughout the County, especially in historically disadvantaged areas.
- Ensure all areas of the County have their road repair needs addressed with emphasis on areas not previously addressed—
 "No Neighborhood Left Behind."
- Provide local jobs and access to training opportunities.
- Supplemental road repair funds for very low-income areas.
- Expand new and innovative public transit services and solutions.

Sustainability and Resources Conservation

 Maintaining and operating transportation facilities are much less resource intensive than rebuilding.

- Focus on maximizing the safety and efficiency of the transportation systems, not on system expansion.
- Roads, highways, and their adjacent sidewalks are necessary for every type of transportation—cars, trucks, buses, bicycles, and pedestrians.
- Electric vehicles will still rely on roads and highways.
- Provide for Complete Streets and roads that accommodate vehicles, bikes, public transit and pedestrians.

Air Quality and Climate Resiliency

- All projects require environmental review and must address air quality and greenhouse gas emission reductions.
- Well-maintained pavements reduce particulate matter PM10 and PM2.5, which are the primary pollutants referenced in the most recent air quality study.
- Congestion reduction and avoidance through better operations reduces tailpipe emissions of pollutants, diesel exhaust particular matter and greenhouse gas emissions.
- Reduce vehicle miles travelled (VMT)
 through Public Transit, Active Transportation,
 and road and highway projects.
- Harden transportation facilities to increase systems' resiliency to extreme weather events.
- Expand new and innovative public transit services and solutions.

Flexibility

- Expanded Local Needs program allows real time and long-term flexibility allows agencies to best address their current transportation needs and changing future needs, not a one-size-fits-all approach.
- Allows each agency to tailor the program to their specific needs.
- Allows agencies to maximize the use of matching fund programs.
- The amendment process contained within the current measure and to be continued in this measure allows adaptability.
- 15-year publicly driven process to evaluate the success or shortcomings of the Measure Renewal with a process to change or adapt, as necessary.
- In depth review of performance measures every 5 years by agency staff and the Citizen Oversight Committee (COC) with the ability to amend the Measure C Renewal Expenditure Plan if key indicators are not met.

Meeting the needs of Fresno County residents requires leveraging State and federal investments with local resources. Even with a new Measure C here will not be enough funding available to address almost \$16 billion in transportation needs. The Measure C Extension will generate more than \$6.84 billion over the next 30 years, far short of the overall need, therefore, leveraging additional federal and State funding, beyond what the region expects, is critical.

SUCCESS OF THE CURRENT MEASURE C PROGRAM

Many changes to the existing transportation system have occurred since voters first approved Measure C in 1986 and again in 2006. The current Measure C Program has provided funding to a variety of transportation projects and services including bike, pedestrian and trail projects, public transit improvements, and other transportation programs and services. New and improved regional and local streets and highways are also reflected in the current Measure C and have been or will be constructed by 2027 improving travel flow, increasing safety, and reducing severe congestion. These improvements include:

- State Route (SR) 41: Auxiliary Lane—
 Tulare to "O" Street
- SR 99: North to Cedar Avenues
- SR 99: Monterey Bridge
- SR 180 East: Clovis to Temperance Avenues
- SR 180: Brawley to Hughes/West Avenues
- SR180, SR 41, and SR 168 Braided Ramps
- Willow Avenue, Temperance, Ventura,
 California, Peach, Herndon, and Shaw Avenues
- Veteran's Boulevard—Shaw to Barstow and Bullard to Herndon Avenues
- SR 99: Veteran's Boulevard Interchange

- SR 180 West: Yuba to James Avenues Passing Lanes
- SR 180 East: Temperance to Academy Avenues
- SR 180 East: Academy Avenue to Trimmer Springs Road
- SR 180 East: Trimmer Springs Road to Frankwood Avenue
- Friant Road: Copper Avenue to Millerton Road
- Golden State Boulevard: American Avenue to the Tulare County Line
- SR 269: New Bridge/Channel between SR 198 and City of Huron
- SR 180 West: SR 180 to I-5
- Mountain View Avenue: Bethel Avenue to the Tulare County Line
- Academy Avenue: Manning Avenue to Industrial Park
- SR 99 and American Avenue Interchange
- I-5 and SR 198 Interchange
- Funding for public transit services including Fresno Area Express (FAX), Clovis Transit, & the Fresno County Rural Transit Agency
- Improvements to local streets and roads, bikeway and trails systems, and pedestrian facilities

Promises Made and Promises Kept of the 1986 and 2006 Measure C programs are evident by the overwhelming voter approval in Fresno County. In addition to the vast array of transportation improvements provided by these two Measures, they have given Fresno County the opportunity to compete successfully for additional State and Federal transportation funding.

The Authority, Fresno COG, the 16 local agencies and the three transit agencies have all successfully leveraged more than \$1 billion additional dollars from Sacramento and Washington D.C Extending Measure C will continue to provide local funds under local control, in order to leverage and direct additional state and federal funding to the County.

Annual Audit of Measure Programs

Current Measure C expenditures and accounts of the local agencies and the Authority are audited on an annual basis by an independent audit firm retained by the Authority. Over the past 34 years, audit results have indicated that the Measure C Program has been implemented, and proceeds expended, in accordance with the Measure C Expenditure Plan and enabling legislation. That practice will continue with this Measure C Renewal Program. Further, through the Citizens Oversight Committee and the Authority, additional performance indicators will be monitored throughout the new Measure in order to assure that funds are invested efficiently and effectively.

HOW THE PLAN WAS DEVELOPED

The Measure C Renewal Executive Committee and the TWG were formed in February 2021 to develop the Measure C Renewal Expenditure Plan. The TWG evaluated existing transportation systems and needs, and the Executive Committee established goals for the future. There was recognition that this Measure C Renewal Plan needed to address the existing and future transportation needs, focusing on local neighborhoods and community street and road maintenance, as well as continuing investments in bicycle and pedestrian facilities, transit services, and reducing and avoiding congestion on our highways. This Plan has built-in flexibility that will allow our cities and County to adapt to their specific transportation needs as they change over time. This Plan recognizes transportation programs that maintain and improve our quality of life and position us to provide the type of facilities and services that will be needed to address our future mobility needs.

Members of the Executive Committee: reviewed a variety of proposals, considered public input and professional expertise, conducted two public opinion polls, and reviewed data and literature from other agencies to prepare this Plan.

Members of the Executive Committee represented the interests of government, business, and other sectors identified in Table 1.

TABLE 1

Measure C Renewal Plan Executive Committee Representative Sectors/Organizations

Sector/Organization				
Active Transportation	Disability Services	Goods Movement		
Advocacy Services	Eastside Fresno County Cities	Health Care Services		
Agriculture	Economic Development	Labor		
Americans with Disabilities Act (ADA)	Education (K-12 and Higher Education)	Medical Systems		
Building Industry Association	Emergency Services	Philanthropy Services		
Business	Environment	Technology		
Cities of Clovis and Fresno	Fresno Council of Governments	Westside Fresno County Cities		
Community Based Organizations	Fresno County Sheriff	Youth/Advocacy		
County of Fresno	Fresno County Transportation Authority			

A list of Executive Committee and TWG members are available online:

www.measurec.com/
measure-c-committees/

EXPECTED MEASURE C PROCEEDS

If voters approve the Extension of Measure C in November of 2022, they will authorize the Authority to continue to collect a ½ cent retail transaction and use tax for 30 years (between July 1, 2027 and June 30, 2057). This is not a new or an added tax, but simply an Extension of the existing Measure C tax.

This extension will: provide over \$6.84 billion in new revenues for transportation improvements according to financial projections through the year 2057.

The \$6.84 billion this third Measure will generate is four and one-half times the amount that is expected to be collected during the current Measure C Program (approximately \$1.2 to \$1.5 billion) through June 2027. The allocation of these projected sales tax revenues to specific types of transportation funding programs and improvement projects is described in the following sections of this plan. The Authority will prepare and then update a Strategic Implementation Plan (SIP) every two (2) years in order to verify or modify the funding expectations based on the then-current fiscal conditions, making sure that the projections are consistent with future

expenditures and the promises made in this plan. The Authority and Fresno COG will also revisit this expenditure plan in 2042 (midpoint of the Measure) to potentially adjust the transportation programs and associated allocations of Measure C proceeds ensuring that the plan addresses the future transportation needs of the county and its residents as determined through a comprehensive public engagement process. Finally, the Authority will have the option of issuing bonds to deliver Measure C projects and programs contained in this plan to save project costs by delivering them earlier, and to provide Fresno County residents with muchneeded road repairs years sooner than would be possible without bonding.

COUNTY-WIDE PRIORITIES OF THE NEW PLAN

Through many months of intense discussion and public input, the following Measure C Extension funding program commitments were developed and agreed upon by the Executive Committee and the TWG. The Committees recognized that providing Measure C funds for all modes of transportation would help meet the quality of life needs of all Fresno County residents, thus enabling each of the 16 agencies within the County to address the specific needs of their residents, businesses, and major industries over the 30-year life of the Measure.

The new Plan will: Provide a minimum of 51.37% of the Measure to the 15 cities and Fresno County to maintain and improve neighborhood and community streets and roads. Further, it will fund public transit, regional highways, street and road improvements, and other transportation programs that improve mobility while reducing greenhouse gas emissions and improving air quality for all residents throughout Fresno County. The Plan is committed to "Fix-it First", "No Neighborhood Left Behind" and "Improve Safety" principles.

The Measure C Renewal Expenditure Plan program allocations are detailed in Table 2. Implementing Guidelines for each of the seven Measure C Renewal Expenditure Plan programs are available on the Authority's website in early June 2022 at:

www.measurecrenewal.com

TABLE 2

Measure C Renewal Expenditure Plan Allocation of Funding by Program

Details regarding each of the seven programs are provided below. Appendix B provides the amount of Measure C Renewal funding each local agency is expected to receive over the 30-year period.

	Measure C Renewal Program	Percent of Total ¹	30-Yea	r Funding Estimate
1	Local & Neighborhood Street Repair & Maintenance	51.37%	\$	3,511,000,000
2	Local Control	17.64%	\$	1,208,794,520
3	Safe Bikes and Pedestrians (Including Safe Routes to School & Access for People with Disabilities)	1.22%	\$	75,524,940
4	Urban & Rural Public Transit	11.88%	\$	811,953,000
5	Major Roads & Highways, Safety Improvement and Congestion Relief	14.60%	\$	997,713,440
6	Environmental Sustainability	2.00%	\$	144,000,000
7	Administration	1.30%	\$	86,058,856
	Total	100%	\$	6,835,044,756

¹ Percentages Rounded to the nearest whole number.

Local and Neighborhood Street Repair and Maintenance

1

\$3.511 billion or 51.37%

A significant increase in funding for our local street networks including neighborhood streets is clearly the greatest need expressed during the public engagement process and in the two opinion surveys. In fact, nearly 81% of those surveyed county-wide strongly agreed that repairing roads and fixing potholes was their highest priority. The goal of this program is to improve each of the individual cities' and the County's unincorporated areas and communities pavement condition index or PCI from the current County-wide average of 57 (just above the "Poor" category) to 70, which is within the "Good" category. Improvements that will be made by the 15 cities and Fresno County to address the goal include:

- Fixing potholes with long lasting repairs.
- Repaying streets.
- Keeping good roads in good condition through the strategic application of preventative maintenance strategies.
- Ensuring that all neighbors, especially those in disadvantaged areas, see improvements to their local roads.
- vMeasuring and monitoring progress towards the 70 PCI goal.
- Providing additional resources to areas of very low income.

These expenditures would address one of the most troubling transportation problems for local agencies; how to fund improvements that address the aging street and road infrastructure while at the same time preserving roads that are currently in good condition.

A minimum base of \$100,000 per year shall be allocated to each agency under the Local & Neighborhood Street Repair & Maintenance Program. Every agency that receives Local Street Repair Program funding must allocate no less than 30% of their allocation, as determined on a 5-year rolling average, on areas within their jurisdiction that are disadvantaged using the highest 25% census tracks based on CalEnviro Screen 4.0 and areas with a median income of less than 80% of the statewide median. Restriction remains in effect until the Agency's average PCI for the Disadvantaged Areas reaches 65. Once the average PCI of 65 is met, that 30% restriction is suspended, as long as those areas do not fall below a PCI of 65 in subsequent years. Agencies must still continue to invest in those areas in order to raise the overall PCI to 70.

When the overall PCI of the streets within a jurisdiction either exceeds 80, or the lowest PCI on any street within the jurisdiction is 70 or higher, Local and Neighborhood Street Repair and Maintenance program funds in excess of what is needed to maintain street condition above a PCI of 70 may be utilized as Local Control program funds.

Local Control

\$1.209 billion or 17.64%

This program provides the local agencies flexible funding to address their most pressing unfunded or underfunded transportation needs within their jurisdictions. These funds would be used for a variety of purposes including:

- Repair sidewalks to create safe routes to school and increase accessibility for people with disabilities.
- Supplement Active Transportation (bike, pedestrian and trails systems) projects.
- Further improve public transit services.
- Eliminate bottlenecks on local streets where road improvements are not complete.
- Address environmental sustainability and other important transportation improvements.

The local agencies in Fresno County know what their needs are and how best to address those needs. This plan empowers them to make these critical choices for their residents and businesses.

Implementation of Opportunity Corridors is an eligible expense within the Measure C Renewal Local Control Program. In addition, certain elements of Opportunity Corridors may also be eligible within the Urban and Rural Transit, Safe Bikes and Pedestrians, Major Roads and Highways, and Environment Sustainability Programs.

Urban and Rural Public Transit

3

\$812 million or **11.88**%

The goal is to improve public transit programs that provide essential mobility services to residents who do not have options, and for people who may have access to a vehicle but prefer to utilize transit; improve air quality, reduce greenhouse gas emissions, and help avoid congestion. Transit provides essential services to those who have no or limited options. This plan will allow for reduced transit fares for seniors, students, veterans and people with disabilities. It is critical that we ensure the most flexible. reliable, predictable, and affordable transit services are available for the transit dependent. Measure C Renewal funding is provided to the three (3) transit agencies within the county (Fresno Area Express, Clovis Transit, and the Fresno County Rural Transit Agency). The transit agencies would use the funds to:

- Add routes as demand increases.
- Reduced transit fares for seniors, students, veterans and people with disabilities.
- Acquire low or zero emission buses.
- Provide night and weekend service as demand dictates.
- Provide safe, clean, and strategically located bus shelters.
- Provide safer access to public transit services.

The transit agencies would also apply the Measure funds to provide:

- "Free or reduced fare bus service" to seniors, students, and people with disabilities.
- Provide new and innovative mobility for seniors, students, and people with disabilities.
- Implement innovative lower cost transit solutions for un-served or under-served areas.
- "Subsidized taxi script" to seniors (70 years or older) and the disabled resulting in better service to people with special transportation needs and the growing aging population in Fresno County.

Transit funding is a significant part of the state and federal transportation funding programs. This has been an established trend that is increasing over time. Measure C funding should be utilized to the largest extent possible to leverage these funding sources.

Safe Bikes and Pedestrians

4

Including Safe Routes To School and Access For People With Disabilities

\$75.5 million or 1.22%

Improvements to the existing and planned pedestrian, trail, bicycle and Safe Routes to School systems have gained prominence around the State and within Fresno County. There are significant opportunities for funding these types of projects using state and federal funds.

In addition, as with the current Measure, all streets funded by Measure C must have shoulders that accommodate bike lanes. With a few exceptions, these types of projects are very low cost when compared to vehicular projects. Measure C funding in this program should be utilized to the largest extent possible to enhance safety, increase availability and leverage these State and Federal funding sources.

Major Road and Highways, Safety Improvement And Congestion Relief



\$997.7 million or 14.60%

The core of the urban and suburban freeway and expressway system has been completed, and many improvements to rural highways have been accomplished during the 1986 and 2006 Measure programs.

Future improvements to the State Highway System need to be focused on:

- Improving safety.
- Reducing and avoiding future congestion.
- Increasing sustainability.
- Focusing on multimodal operational improvements such as auxiliary lanes, freeway interchange improvements, metering projects, demand management, and Smart Corridor concepts that maximize capacity of existing facilities.

These projects provide for the movement of goods, services, and people throughout the county, as well as accommodating goods movement from Fresno County industries to the rest of the State and the nation. Because this proposed Measure has a duration of 30 years, the Executive Committee and the TWG agreed to identify a 15-year improvement program, with the second 15 years to be addressed near the midpoint of the Measure.

This second 15-year plan will be developed after an evaluation of future needs as well as an extensive public engagement process.

Major highlights of this Regional Program include:

- Approximately \$998 million or 14.60% for regionally significant street and highway improvements has been divided between the Urban and Rural areas of the county with approximately \$749 million or 75% to the urban areas of Fresno and Clovis and approximately \$249 million or 25%, to the remainder of the county (other cities and the county unincorporated area). This funding split generally reflects the relative populations and needs of the urban and rural area.
- *\$35 million* will be invested in improvements to Fresno Yosemite International (FYI) Airport.

This program relies heavily on leveraged funding from various sources including the State Transportation Improvement Program, the State Highway Operations and Protection Program, the State Local Partnership Program, federal grants, and the Regional Transportation Mitigation Fee Program (RTMF). Overall, it is anticipated that these programs will add another \$1.5 billion in funding to the nearly \$1 billion of Measure C funding included in this Measure. Further, it is expected that there will also be some Local Development Fees included on some of these projects.

The RTMF requires that new growth and development within the county and each of the cities contribute to regional street and highway project costs. The RTMF program was originally established during the current Measure C program and will be continued under this Measure. The purpose of this RTMF Program is to ensure that growth and development pay their fair share of impacts to the county's transportation facilities. The RTMF is discussed in more detail later in this Plan.

Environmental Sustainability

6

\$144 million or 2.00%

This program's goal is to improve air quality and greenhouse gas emissions by:

Reducing Vehicle Miles Traveled though support
of Transit Oriented Development (TOD) and
Opportunity Corridors (OC). TOD projects
help support developments that will increase
demand for transit though higher density and
mixed use. OC projects also support higher
density and mixed-use developments through
conversion of existing auto-centric streets into
multimodal streetscapes.

- · Clean Energy.
- Travel Choice.
- Future Technologies.
- Litter Abatement.
- Opportunity Corridors.

Rather than identify a specific amount for each of these subprograms for the life of the Measure, this Renewal Expenditure Plan will allow the FCTA Board to make that determination every two (2) years as a part of the Measure C Expenditure Plan Update. For the initial two years of the Environmental Sustainability Program the split between these subprograms will be:

	Subprogram	Percent of Funding
1	Transit Orientated Development and Opportunity Corridors	0.66%
2	Clean Energy	0.32%
3	New Technology Projects	0.59%
4	Travel Choice	0.29%
5	Litter Abatement	0.15%
	Total	2%

Administration/ Planning

\$86.06 million or 1.30%

Measure C funding is provided to the Authority and Fresno COG to: 7

- Prepare Expenditure Plan updates and amendments.
- Develop and administer allocation program requirements.
- Administer and conduct specified activities identified in the other six programs described above including increased oversight and performance monitoring.

Compliance with the California Environmental Quality Act

The Measure C Renewal Expenditure Plan is not a "project" under the California Environmental Quality Act (CEQA) and, therefore, is exempt from CEQA review. The Plan is designed to provide a funding mechanism for potential future projects and programs related to the Authority's provision of transportation funding and services.

However, the Authority is not approving the construction of any projects that may result in a direct or indirect physical change in the environment; future voter approval is required prior to establishing any funding mechanism as set forth in Measure C Enabling Legislation; and all appropriate state and federal environmental reviews will be required and completed prior

MEASURE C EXTENSION PLAN PROJECTS

to any future approval of specific projects.

Project Commitments Major Road & Highways, Safety Improvement and Congestion Relief Program

URBAN AND RURAL PROGRAMS

This section identifies priority regional streets and highway improvement projects to be implemented over the life of the Measure C Renewal Program. These projects will be funded with Measure C and other transportation funding. Major Road & Highways, Safety Improvement and Congestion Relief Program (MR&H) projects are defined as those of regional significance. These projects tend to be on the State highway system, as those facilities are regional by nature; however MR&H Program projects can also include projects on major local arterials that serve more than one city or area of the county.

Fresno Yosemite Airport (FYI) is also included as a regional facility as it facilitates passenger and freight travel throughout the county as well as surrounding counties.

Because the duration of this Measure is 30 years, the MR&H Program has been split into two periods; years 1–15, and years 16–30. This program split provides a number of specific benefits:

- It is difficult to determine a comprehensive list of all regional transportation needs 30+ years into the future. This split approach allows a focus on the first 15 years in order to establish a firm need, and a second 15 years that can be flexible.
- It is equally difficult to project 30+ years of revenue. The program split will allow

- the Authority and Fresno COG to more accurately predict the first 15 years of revenue and will initiate a "real time" assessment of the second 15 years of funding availability in 2041 for review and acceptance in 2042.
- Transportation innovations have tended to occur at the micro level rather than at the macro. However, macro changes are possible and may be likely. A mid-program review will allow the Authority and Fresno COG, guided by an extensive public engagement effort and input from the 16 local agencies, to adjust the list of projects for the second 15 years to better reflect future transportation needs.

The funding projections for the Measure are provided in Table 3.

TABLE 3
Regional Mobility Program Revenues

Funding Source	30 Y	30 Year Total 30 Year Period, 2027/28–2056/5 7		First 15 Years Year 1–15, 2027/28–2041/42		Second 15 Years Year 16–30, 2042/43–2056/57	
Measure C Sales Tax	\$	997,713,400	\$	339,912,500	\$	657,800,900	
State Transpo Imp. Program (STIP)	\$	430,275,000	\$	160,830,000	\$	269,445,000	
Federal Aid (BUILD, RAISE, Etc.)	\$	300,000,000	\$	112,133,000	\$	187,867,000	
State Local Partnership (LPP)	\$	150,000,000	\$	56,066,000	\$	93,934,000	
State Operation & Manit (SHOPP)	\$	200,000,000	\$	74,755,000	\$	125,245,000	
Regional Trans. Mitigation	\$	450,305,000	\$	168,316,000	\$	281,989,000	
Total	\$	2,528,293,400	\$	912,012,500	\$	1,616,280,900	

The funding split between the urban and rural subprograms was based on population, and on the relative highway, street, and road needs of those areas as described in the Table.

This Expenditure Plan contains Tier 1 Urban and Rural Project lists for the County (reference Tables 4 and 5). The Tier 1 projects are included in the initial 15 years of the Measure C Renewal program while the Tier 2 lists are projects potentially eligible for funding in the second 15 years of the Measure C Renewal program. Tier 1 Urban and Rural lists are both committed by approximately 20%. This allows the most significant priorities for the urban and rural areas to begin the project delivery process during the first 15-year period.

It is possible that additional as yet unidentified funding may become available. The region should have projects "shovel-ready" to take advantage of these types of funding opportunities. Should additional funding not materialize, these projects would be eligible for bonding of second period revenues.

A live link to the Measure C Projects interactive map is provided below:

View Map

Tier 1 projects are shown in Figures 2 and 3. Tier 2 Project Lists can be found in Tables 6 and 7. The Tier 2 lists provide priority projects that will be considered for Measure C Renewal along with other state, federal and local funding in the second half of the Measure (years 16–30). The Tier 2 total costs currently exceed anticipated funding in the second half of the Measure; and may be revised to reflect future project priorities as they are identified through the RTP/SCS planning process and through the Authority's and Fresno COG's public engagement process.

The Expenditure Plan also contains \$35 million for improvements at FYI Airport.

Fresno COG and the Authority will conduct biennial MR&H Program reviews and updates, the purpose of which will be to ascertain project delivery status as well as validity of funding availability. Adjustments to delivery schedules and funding contributions may be necessary as a part of these updates.

No later than June 30, 2027, Fresno COG and the Authority will identify projects from the Tier 1 lists for the first seven years of the Measure C Renewal Program. These projects will be selected based on relative priority, deliverability, and cash flow. No later than June 30, 2034, Fresno COG and the Authority will identify projects from the Tier 1 lists for years 7–15 of the Measure C Renewal programs; again, based on relative priorities, deliverability, and cash flow.

Beginning no later than 2041, Fresno COG and the Authority will conduct a comprehensive public engagement process to help guide the effort to establish the list of projects to be funded during the second half of the Measure. No later than 2042, Fresno COG and the Authority will adopt a list of Urban and Rural projects to be funded during the second half of the Measure.

Construction of the Major Road and Highway Safety Improvement and Congestion Relief Program projects and implemenation of the local streets and roads and other programs identified in the Expenditure Plan are needed as soon as possible. In order to accomplish this, some level of borrowing may be required. The Authority will determine the extent of borrowing that is reasonable as the program is implemented. Up to \$900 million (13%) of the revenues expected to be generated will be made available for this purpose.

Program Management

If approved by the voters, this Measure C Renewal will require substantially more monitoring, analysis, and reporting than the current Measure. The Authority may seek the assistance of a program management firm and/or additional staff. The primary responsibility of enhanced program management would be to assist with the development and monitoring of performance measures as discussed in the Renewal Expenditure Plan and in these Implementing Guidelines. Enhanced Program Management could also include managing

projects contained within the Major Roads and Highways, Safety Improvement and Congestion Relief Program, and other responsibilities necessary for efficient and effective implementation of the various programs. Enhanced program management responsibilities are part of program and project delivery and separate from Program Administration.

Regional Transportation Mitigation Fee (RTMF) Program

The 2006 Measure C Renewal Expenditure Plan set forth requirements related to implementation of the Regional Transportation Mitigation Fee (RTMF) Program. The 2006 Measure C ballot included requirements for local Fresno County cities and the county (local agencies) to implement Regional Transportation Mitigation Fees pursuant to California Government Code Sections 66000, et seq. and remit the proceeds to the FCTA to supplement construction of projects in the Regional Transportation program. The ballot also included enforcement mechanisms to ensure all Fresno County local agencies participated in the program. In response to those requirements, and to implement a consistent regional fee, the local agencies formed a Joint Powers Agency (JPA), Fresno County Regional Transportation Mitigation Fee Agency (FCRTMFA), pursuant to California Government Code Sections 6500, et seq.

This Measure Renewal provides for the continuation of the RTMF program established by the 2006 Measure, including all local agency enforcement mechanisms, the perpetuation of the Fresno County RTMF Agency through the life of the Measure and all adopted policies and agreements currently in effect pertaining to the mitigation fee program. The Measure also recognizes that mitigation fees are governed by State law, which changes from time to time, and stipulates implementation of the program shall remain in compliance with California law. California statute currently requires a major update to the NEXUS in 2028, which will revisit how the fee has been spent on current projects, consideration of future projects, adjustments to rates, and all other legal program requirements.

The Authority, consistent with the adopted and updated Measure C Expenditure Plan, shall have the authority and flexibility to allocate the RTMF based upon regional priority need within the county as defined by the biannual update of the Major Roads & Highways, Safety Improvement and Congestion Relief Program consistent with State law governing impact mitigation fees.

No later than June 30, 2027, all Measure C agencies must extend the RTMF JPA established as a part of the second Measure C, consistent with Section 7 of the JPA Agreement. If any city or Fresno County should choose to not implement the RTMF, that agency shall forfeit annually from the Local Control Program, an amount equal to the amount of RTMF that would otherwise have been paid for development projects within that jurisdiction during the year. If an agency chooses to not implement the RTMF, that agency shall notify the Authority of such decision and shall file an advisory report with the Authority for each development indicating the amount of RTMF that would have been paid. The Authority shall make a total calculation of RTMF obligation on an annual basis and deduct the appropriate amount of funds for the RTMF from the Local Control Program allocation for that agency.

TABLE 4

Project ID	Title	Description	Agency	Inflated	d Project Costs
2.1	SR 180 / SR 41 / 168	Urban Freeway Connectors Operational Improvement Study	Caltrans	\$	1,194,052
2.2	SR 180 / SR 41 /168	Urban Freeway Connectors Operational Improvements	Caltrans	\$	119,405,230
3	SR 180 WB to NB/ SR 99 connector	Add additional lane Operational	Caltrans	\$	23,881,046
5	SR 41: Friant to Herndon: SB On- Ramp & Auxiliary Lane	Widen SB On-Ramp and Add 1 SB Auxiliary Lane Operational	Caltrans	\$	47,762,092
7	SR 41: Herndon Ave to Bullard Ave	Add an auxiliary lane to SB SR-41 between Herndon Ave to Bullard Ave	Caltrans	\$	29,851,307
8	SR 41: McKinley Ave to Shields Ave	Add an auxiliary lane to NB SR-41 from McKinley Ave to Shields Ave	Caltrans	\$	29,851,307
9	SR 41: Van Ness Ave to San Joaquin River (NB/SB)	SR41 Corridor Preservation Feasibility Study	Caltrans	\$	1,194,052
16	SR 41, SR 99, SR 168, SR 180 Smart Corridor Projects	Smart Corridor Projects (\$5 million / Mile @ 54 Miles along SR 41, SR 99, SR 168, and SR 180) Operational Improvements—Phase 1	Caltrans	\$	89,553,922
18	SR 41/SR 180 NB Connector	SR 41/SR 180 EB to NB Connector	Caltrans	\$	59,702,615
22	SR 99/Shaw Interchange	Reconstruct Interchange	Caltrans	\$	95,524,184
46	SR 168 Owen Mountain Interchange	Replace at-grade intersection with Interchange	Caltrans	\$	59,702,615
1, 42, 43, 44, 45, 49	SR 168 Interchange Improvements	Various Locations; Fowler, Bullard, Herndon, Shaw, & Temperance	Caltrans	\$	29,851,307

TABLE 4

Project ID	Title	Description	Agency	Inflated	d Project Costs
51	Blackstone McKinley BNSF Grade Separation	Grade Separate Blackstone and McKinley Avenues to eliminate existing BNSF At Grade Crossings—Include for eligibility purposes only; MC2 should complete project	Fresno		
14	SR 41/Shields Avenue	Shields Avenue Interchange Improvement: Expand the NB off ramp to 2 lanes for the full length	Caltrans	\$	11,940,523
15	SR 41/Van Ness Interchange Improvements	Modify interchange to add a direct southbound on-ramp; eliminate Broadway/SR-41 southbound on-ramp; signalize ramp intersections with Van Ness and add ramp metering to new southbound on-ramp.	Caltrans	\$	17,910,784
20	SR 99/Ashlan Interchange	Reconstruct Interchange— Include Golden State Blvd.	Caltrans	\$	83,583,661
23	SR 99/Stanislaus Interchange	Reconstruct Overcrossing Operational. Included for eligibility purposes only; Caltrans should complete	Caltrans		
24	SR 99/Tuolumne Interchange	SR 99/Tuolumne Interchange Operational. Included for eligibility purposes only; Caltrans should complete	Caltrans		
30	Herndon: DeWolf to McCall	2 Lane Undivided to 4 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics	Clovis	\$	42,527,367
36	Shepherd: Clovis to Fowler	2 Lane Undivided to 3 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics	Clovis	\$	13,289,802
37	Shepherd: Clovis to Fowler	3 Lane Divided to 4 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics	Clovis	\$	11,960,822

TABLE 4

Project ID	Title	Description	Agency	Inflate	ed Project Costs
38	Shepherd: Fowler to Armstrong	3 Lane Divided to 4 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics, Traffic Signal at Shepherd and Armstrong	Clovis	\$	7,973,881
73	Shaw Ave: Garfield to Polk	Widen from 2 Lane Undivided to 4 Lane Divided with bike lanes, sidewalks, traffic signals and synchronization	Fresno	\$	12,236,851
76	Temperance: SR-180 to Clinton	Widen from 2 Lane Undivided to 6 Lane Divided with bike lanes, trail, sidewalks, curb and gutter	Fresno	\$	10,800,000
78	East/West Corridors west of 99—Shaw, Ashlan, Clinton, and McKinley	Corridor improvements	Fresno	\$	40,000,000
79	Blackstone BRT Corridor Smart Mobility Improvements	Blackstone south of Dakota: 6 Lane Divided to 4 Lane Divided with Class IV bicycle facilities, midblock pedestrian crossings, transit and pedestrian- scale improvements	Fresno	\$	5,000,000
	Total			\$	832,479,291

TABLE 5

Tier 1 Rural Projects

Project ID	Title	Description	Agency	Inflated F	Project Costs
94	SR 145: Madera Avenue—0.12 Mile N/O Whitesbridge to 0.25 Mile N/O Nielsen	Widen 2 LU to 4 LD, Sidewalks, Bike Lanes, Curb and Gutter, Streetlights	Caltrans	\$	6,018,024
96	SR 168/Academy Roundabout	Construct Roundabout— 67% SHOPP Funding	Caltrans	\$	4,179,183
97	SR 180/Academy intersection improvements	Add right turn channelization Operational— 50% SHOPP Funding	Caltrans	\$	5,970,261
98	SR 180 Passing Lanes	Add passing lanes between Kerman and Mendota Operational	Caltrans	\$	10,746,471
99	SR 180 W-I-5 to Junction SR 33/ SR180: 2 Lane on E-W Alignment	2 Lane on New E-W Alignment— Phase 1	Caltrans	\$	95,524,184
100	SR 198 Passing Lanes	Add passing lanes between NAS Lemoore and I-5 Operational	Caltrans	\$	10,746,471
101	SR 269/SR 145	Intersection Improvements Operational (Roundabout)— 100% SHOPP Funding	Caltrans		
102	SR 269/SR 198	Intersection Improvements Operational (Roundabout)— 100% SHOPP Funding	Caltrans		
103	SR 33 Passing Lanes	Add passing lanes between Firebaugh and Mendota Operational	Caltrans	\$	10,746,471
104	SR 43: SR 99 to Kings County Line	Passing Lanes	Caltrans	\$	11,940,523
105	SR 99/Mendocino Interchange	Modify/Reconstruct Interchange	Caltrans		
107	SR 99/SR 43: Floral Interchange	Reconstruct interchange— Partial Funding \$90M total cost	Caltrans	\$	29,851,307

TABLE 5

Tier 1 Rural Projects

Project ID	Title	Description	Agency	Inflated	Project Costs
108	SR 99: Mountain View and Highway 99 Dual Roundabout Interchange	The project consists of Realigned at Highway 99 at the existing Mountain View overcrossing to align and to build roundabout intersection control on both sides. Potential partnership with TCAG. Total Cost \$18M	Caltrans	\$	10,746,471
110	Jayne Avenue: Glenn to I-5	2 Lane Undivided to 4 Lane Divided	Fresno County	\$	362,992
116	Academy Avenue City Limits to Dinuba	Bridge/Roadway Widening	Parlier	\$	6,328,477
118	Reed Avenue Reconstruction Phase 2	Reconstruction of roadway, increase from two lanes to four lanes, curb ramp upgrades, overlay, slurry seal, replace water lines, bike lanes, curb and gutter and sidewalks	Reedley		
119	Reed Avenue Widening	Widen Reed Avenue from two lanes to four lanes from South Avenue to the SR 180	Reedley	\$	29,851,307
121	Academy Avenue	Along Academy Ave from SR 99 to SR 168, reconstruct and rehabilitate pavement, install traffic signals or roundabouts (safety improvements), add vehicle turn lanes, install high visibility crosswalks and rectangular-rapid flashing beacons, install sidewalk, install lighting, add buffered bike lanes and provision for connectivity to potential future ATP projects	Various	\$	23,881,046

TABLE 5

Tier 1 Rural Projects

Project ID	Title	Description	Agency	Inflate	ed Project Costs
122	Manning Avenue E/O SR 99	Along the corridor from SR 99 to Orange Cove city limits, reconstruct and rehabilitate pavement, install traffic signals, add vehicle turn lanes, provide crosswalk improvements, install sidewalk, add buffered bike lanes and provision for connectivity to potential future ATP projects	Various	\$	9,552,418
123	Millerton Road	Friant to Sky Harbor, widen to 4 lanes divided; Total Cost \$40M	Fresno County	\$	35,821,569
	Total			\$	302,267,175

FIGURE 2

Tier 1 Urban Project Map

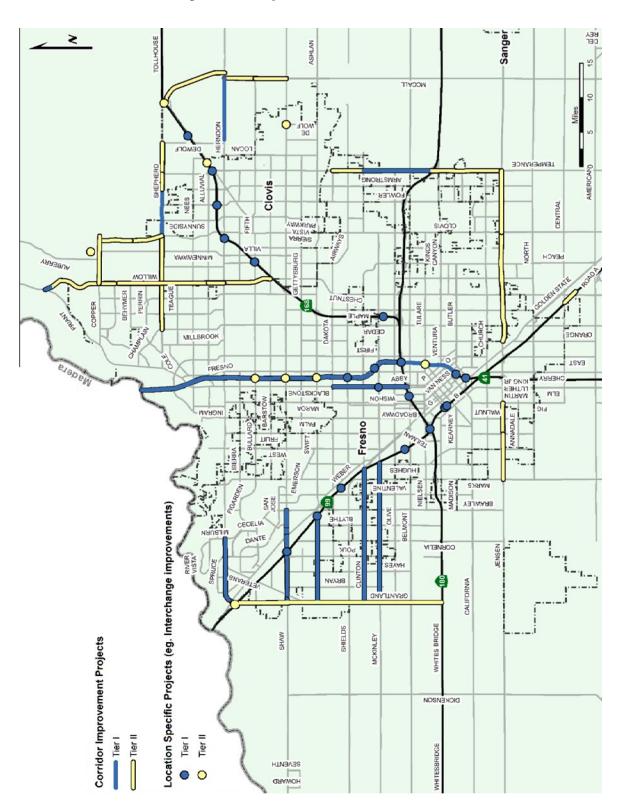


FIGURE 3

Tier 1 Rural Project Map

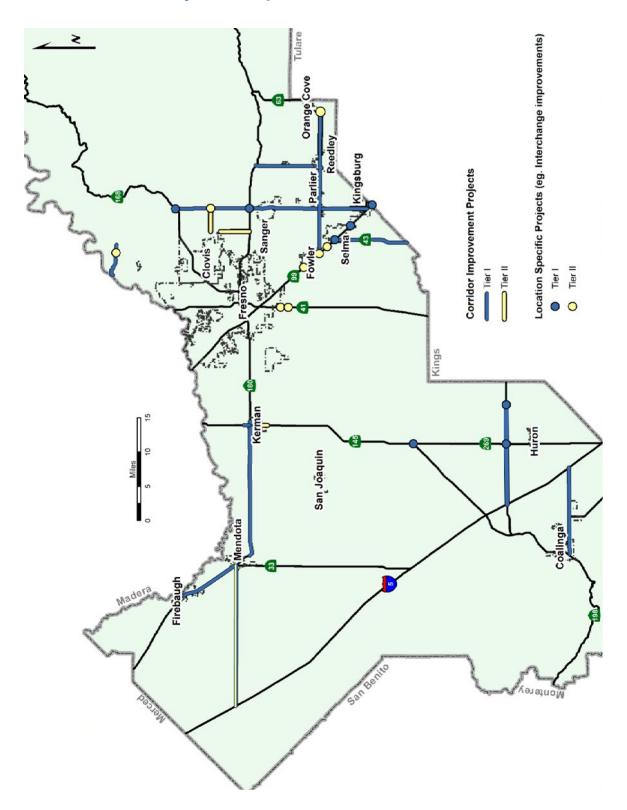


TABLE 6

Project ID	Title	Description	Agency	Inflated	l Project Costs
9	SR 41: Van Ness Ave to San Joaquin River	Corridor Preservation Operational Improvement Projects	Caltrans	\$	411,424,405
21	SR 99/Herndon: Widen Undercrossing	Widen Undercrossing to 5 Lanes	Fresno	\$	32,160,683
12	SR 41/Divisadero: on/off ramps	Reconfigure for SB dual rights; and EB dual lefts on Divisadero at NB on-ramp	Caltrans	\$	4,946,168
16	SR 41, SR 99, SR 168, SR 180 Smart Corridor Projects	Smart Corridor Projects (\$5 million/Mile @ 54 Miles along SR 41, SR 99, SR 168, and SR 180) Operational Improvements—Phase 2	Caltrans	\$	204,199,613
25	SR 99 Interchange: Central & Chestnut	Central/Chestnut/SR 99-Improve Interchange (Dependent on extension of Measure)	Caltrans	\$	164,872,280
27	Clovis: Behymer to Copper	Unconstructed to 6 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics, Bridge at Enterprise Canal	Clovis	\$	10,966,276
48	SR 168/Shepherd Interchange	New Interchange	Clovis	\$	75,758,056
10	SR 41/ Ashlan Avenue	Ashlan Avenue Interchange Improvement—Reconfigure interchange to either a Single Point Urban Interchange (SPUI) or a Diverging Diamond configuration. Additional study required to determine the appropriate design	Caltrans	\$	136,133,075

TABLE 6

Project ID	Title	Description	Agency	Inflated	Project Costs
11	SR 41/ Bullard Avenue	Bullard Avenue Interchange Improvement—Reconfigure interchange to either a Single Point Urban Interchange (SPUI) or a Diverging Diamond configuration. Additional study required to determine the appropriate design	Caltrans	\$	136,133,075
13	SR 41/ Shaw Avenue	Shaw Avenue Interchange Improvement—Add a 3rd lane to the SB on ramp for ramp meter queuing and a 3rd lane to the SB off-ramp at the terminus	Caltrans	\$	30,251,794
31, 32, 33, 34	McCall: Shaw to Shepherd	2 Lane Undivided to 6 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics; Primarily Developmnet Funded	Clovis	\$	37,814,743
35, 39, 40	Shepherd: Armstrong to Del Rey	3 Lane Undivided to 4 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics	Clovis	\$	30,251,794
50	Willow: Barstow to Copper	Complete widening to 6 Lane Divided where needed and add bike lanes	Clovis	\$	1,683,512
54	Grantland Avenue: SR 180 to Belmont	Grantland Avenue— SR 180 to Belmont: 2 Lane Undivided to 4 Lane Divided	Fresno	\$	10,746,471
55	Grantland: Belmont to Shields	2 Lane Undivided to 4 Lane Divided with bike lanes, sidewalks, curb, gutter, trail	Fresno	\$	14,265,701
53, 56, 57	Grantland Ave: Ashlan to Parkway	4 Lane Divided 6 Lane Divided with bike lanes, sidewalks, curb, gutter, trail	Fresno	\$	9,075,538
64	Jensen: Orange to Clovis	4 Lane Divided 6 Lane Divided with bike lanes, sidewalks, curb, gutter, trail	Fresno	\$	32,475,301

TABLE 6

Project ID	Title	Description	Agency	Inflated	Project Costs
65	Jensen: Clovis to Temperance	4 Lane Divided 6 Lane Divided with Class 1 bike path/trail	Fresno	\$	18,559,476
66	Jensen: Fruit to Martin Luther King Blvd	2 Lane Undivided to 4 Lane Divided with bike lanes, sidewalks, curb, gutter, trail	Fresno	\$	7,305,808
67	Jensen: Marks to Fruit	2 Lane Undivided to 4 Lane Divided with bike lanes, sidewalks, curb, gutter, trail	Fresno	\$	10,966,276
68	Shaw: Blythe to Brawley	4 Lane Divided 6 Lane Divided (retrofit)	Fresno	\$	4,053,740
74, 75	Shepherd: Cedar to Willow	3 Lane Undivided to 4 Lane Divided with bike lanes and sidewalks, curb and gutter	Fresno	\$	1,512,590
76	Temperance: SR-180 to Clinton	Widen from 2 Lane Undivided to 6 Lane Dividedwith bike lanes, trail, sidewalks, curb and gutter	Fresno	\$	9,200,000
77	Temperance: Jensen to Belmont	2 Lane Undivided to 6 Lane Divided with bike lanes, trail, sidewalks, curb and gutter	Fresno	\$	27,831,651
88	Willow: International to Copper Southbound	Willow-International to Copper Southbound: Widen to 3 Lanes	Fresno	\$	946,881
89	Shaw and Leonard	Install Traffic signal, widen Shaw for second through lane and left-turn lanes	Fresno County	\$	1,925,527
90	Willow: Copper to Friant	2 Lane Undivided to 4 Lane Divided	Fresno County/ City of Fresno	\$	7,425,303

TABLE 6

Project ID	Title	Description	Agency	Inflate	d Project Costs
129	Copper: Willow to Clovis	2 Lane Undivided to 6 Lane Divided, Sidewalks, Bike Lanes, Street Lights, Curb and Gutter, Fiber Optics	Clovis	\$	22,688,846
130	Enterprise Trail	Pedestrian Bridge over SR 168 East of Temperance	Clovis	\$	37,814,743
131	Clovis: Auberry Couplet north of Copper	Need Scope	Fresno County	\$	12,100,718
	Blackstone BRT Corridor Smart Mobility Improvements	Blackstone south of Dakota: 6 Lane Divided to 4 Lane Divided with Class IV bicycle facilities, midblock pedestrian crossings, transit and pedestrian- scale improvements	Fresno	\$	75,629,486
	Total			\$	1,559,144,211

TABLE 7

Tier 2 Rural Projects

Project ID	Title	Description	Agency	Inflated Project (Costs
99	SR 180 W-I-5 to Junction SR 33/SR 180	2 Lane on New E-W Alignment— Phase 2	Caltrans	\$	60,503,589
125	SR 99/Manning Ave Interchange	Interchange Improvements (Ramp Improvements)		\$	22,688,846
128	Millerton & Marina Drive Traffic Signal	Traffic Signal	Fresno County	\$	5,294,064
95	SR 145 Madera Avenue: Church to 0.25 Mile S/O Jensen	Widen 2 Lane Undivided to 4 Lane Divided, Sidewalks, Bike Lanes, Curb and Gutter, Streetlights	Caltrans	\$	9,075,538
111	Manning: Alta to Hill	2 Lane Undivided to 4 Lane Divided	Fresno County/City of Reedley	\$	12,961,381
112	Manning: Buttonwillow to Alta	2 Lane Undivided to 4 Lane Divided	Fresno County/City Reedley	\$	16,695,965
113	Shaw: McCall to Academy	2 Lane Undivided to 4 Lane Divided	Fresno County	\$	19,875,429
114	Shaw and Academy	Install Traffic Signal; widen for Northbound and southbound right-turn lanes; Westbound right-turn and left-turn lane; Eastbound right-turn lane	Fresno County	\$	2,849,719
115	Academy Parkway: Mountain View to Simpson: 4 Lane Expy	New 4 Lane Expressway	Kingsburg	\$	9,075,538
117	Manning Ave- Buttonwillow to Englehart: Widening and Reconstruction	Reconstruct and widen Manning Ave from 2 to 4 lanes between Buttonwillow Ave and Englehart Ave	Reedley	\$	6,050,359

Project ID	Title	Description	Agency	Inflat Proje	ed ect Costs
120	SR 99 and Dinuba Fly- over	Construction of Flyover from State Route 99 to new intersection at Golden State Boulevard near Dinuba Ave	Selma	\$	60,503,589
124	SR41 Central and American	Upgraded existing intersections to interchanges	Caltrans	\$	143,696,024
126	SR 99/Adams Interchange	Interchange Improvements		\$	30,251,794
127	McCall: Griffith to 180	Lane Widening—2-4 Lanes	Fresno County		
	Total			\$	399,521,837

CITIZEN OVERSIGHT COMMITTEE

A Citizen Oversight Committee (COC) was established as a part of the 2006 Measure. That committee's efforts have been helpful in analyzing local agency conformance to Expenditure Plan requirements. Each year their findings are an important part of the Measure C Annual Report. This proposed Measure will continue efforts of the COC with a number of key changes to help increase local agency accountability for Measure C funds spent, and to make it easier to ensure that all COC seats remain filled during the duration of the Measure (reference the Implementing Guidelines available online in June 2022 at www.measurecrenewal.com).

Additional responsibilities and minor changes to COC membership are also included in the Implementing Guidelines. COC responsibilities generally include the following:

 Receive, review, inspect, and recommend action on independent financial and performance audits related to the planning and implementation of the Measure C Extension program.

- Receive, review, and recommend action on other periodic reports, studies, and plans from responsible agencies including the Authority, Fresno COG, the Cities, the County or other agencies. Such reports, studies and plans must be directly related to Measure C Extension programs, revenues, or expenditures.
- Review and comment upon Measure C
 Extension expenditures to ensure that they are consistent with the Expenditure Plan.
- Annually review how sales tax receipts are being spent and publicize the results.
- Present committee recommendations, findings, and requests to the public and the Authority in a formal annual report.

ADMINISTRATION

Fresno County Transportation Authority Structure Under the Measure C Renewal Extension Program

The Authority will continue to administer the Measure C Renewal Extension Program in compliance with its special enabling legislation. If the Measure C Extension is approved by Fresno County voters in November 2022, the Authority will continue to be responsible for administering the Measure C Programs in accordance with plans and programs outlined in the Renewal Expenditure Plan and subsequent updates of the Plan. In addition, the enabling legislation includes provision for a Citizen Oversight Committee (COC). The COC was formed in 2007 under the current Measure Program. Details regarding the Committee are contained in the Implementing Guidelines. The Expenditure Plan will continue to be prepared by the Authority and Fresno COG and approved by the Fresno COG Policy Board and by the Authority.

The enabling legislation requires that the Authority be represented by nine (9) members including:

- Two (2) members of the Board of Supervisors appointed by the board, consisting of one (1) member from Rural district 1, 4, or 5 and one
 (1) member from Urban district 2 or 3.
- Two (2) members representing the City of Fresno, consisting of the mayor thereof and a member of the city council of that city appointed by the city council.
- One (1) member representing the City of Clovis appointed by the city council of that city.
- Two (2) members representing the other cities within the county, consisting of one (1) Westside member appointed by a committee comprised of the mayor or each of those cities west of State Route 99, and one (1) Eastside member appointed by a committee comprised of the mayors of each of those cities east of State Route 99.
- Two (2) members of the public-at-large, consisting of one member appointed by the board of supervisors with the appointee residing outside of the incorporated areas of Fresno and Clovis, and one member appointed jointly by the cities of Fresno and Clovis with the appointee residing within the incorporated area of Fresno or Clovis.

The 2006 Measure C Extension added two new members to the Authority Board. These two positions were identified as "Public Members-at-Large" with one seat identified as urban and one as rural. The urban member was to be appointed jointly by the City of Fresno and City of Clovis, while the rural member was to be appointed by the Fresno County Board of Supervisors. It has been difficult to keep the urban seat filled. Under this proposed Measure C Renewal Program, the urban member appointment will remain the responsibility of the two cities and the rural member appointment will be the responsibility of the Board of Supervisors. However, if either position remains unfilled for nine (9) consecutive months, said member(s) will be appointed by the Authority Executive Director. An appointee of the Executive Director will serve a full term, after which the responsible agencies will have an opportunity to choose the successor.

As with the current Measure C Program, the goal of the Authority and Fresno COG will be to continue to fulfill the Promise of Measure C by delivering projects.

PLAN UPDATE AND APPROVAL PROCESSES

Regional Transportation Plan and Sustainable Communities Strategies

In compliance with schedules mandated in federal and State law, Fresno COG regularly prepares the Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) every four (4) years that updates and renews a list of candidate projects for all transportation

modes (streets, highways, public transportation, bikeways, aviation, etc.). If funds are available for any projects beyond those listed in the Renewal Expenditure Plan, they will be drawn from that list. As stated before, all updates of the Renewal Expenditure Plan will be subject to public review and public hearings. While these candidate projects may change and priorities for funding may occur, there are more than enough project needs within the County to be addressed using all types of funding, including Measure C. It will be vital during development of each Expenditure Plan Update to consider financing all transportation modes in order to ensure a balanced and efficient transportation system. All of the projects and programs included in the Expenditure Plan are considered essential to meet the transportation needs of Fresno County.

Measure C Expenditure Plan Update

Fresno COG preforms a biennial update of the approved Expenditure Plan. Fresno COG and Authority staff work with member agencies and affected stakeholders to review and update the Expenditure Plan taking into consideration the status of project delivery, funding availability, and performance indicators. The Fresno COG Policy Board receives the Draft Expenditure Plan and its updates and schedules public hearings to review the Plan. After adoption of any Expenditure Plan updates by the Policy Board, the Plan is transmitted to the Authority for their consideration and approval.

Strategic Implementation Plan

The Authority will prepare a Strategic Implementation Plan which provides detailed guidance to local agencies on the use of Measure C funds. The Authority updates this plan every two years.

Expenditure Plan Amendments

Fresno COG has the primary responsibility for initiating official amendments of the Expenditure Plan. Fresno COG prepares proposed amendments to be considered by the COG Policy Board. Amendments approved by the Policy Board are then transmitted to the Authority for consideration. If approved by the Authority Board, amendments are incorporated into the Expenditure Plan.

The Authority Board may also initiate Expenditure Plan amendments. The Authority shall take all appropriate actions to give highest priority to the projects and programs in the approved Expenditure Plan, and if any amendments delay or delete any project in the initial plan, the Authority shall hold a public hearing and adopt a resolution initiating the amendments.

The Authority shall notify Fresno COG, the Board of Supervisors, and the city council of each city in the county and provide them with a copy of the proposed amendments. The amendment is then approved by the Board of Supervisors and then approved by a majority of the cities constituting a majority of the population residing in the incorporated areas of the county. The proposed amendments shall become effective immediately upon completion of the approval process.

Independent Financial Audits

Currently, the Authority annually commissions independent financial audits of the Measure C programs and receipts. If the Measure is renewed by the voters, the Authority would continue to conduct independent financial audits consistent with its enabling legislation.

Bonding

The FCTA Board may consider bonding of future revenues if project needs, and deliverability exceed cash flow. Bonding will not be used until first determining that the benefits of accelerated project or program delivery outweigh the additional cost of interest on narrowed funds.

FOR MORE INFORMATION

Contact the Authority or Fresno COG to inquire about the Measure C Renewal Extension process, discuss the candidate projects and programs contained in this Plan or to learn more about the current Measure C Extension Program.

Fresno Council of Governments

Fresno COG

ADD 2035 Tulare Street, Suite 201

Fresno, CA 93721

PH (559) 233-4148

FAX (559) 233-9654

WEB www.fresnocog.org

Fresno County Transportation Authority

ADD 2220 Tulare Street, Suite 2101

Fresno, CA 93721

PH (559) 600-3282

FAX (559) 600-1499

WEB www.measurec.com

Visit the Fresno COG Website at www.fresnocog.org for more information, to sign up for our email list, and to receive updates on Measure C planning activities.

Visit the Authority Website at www.measurec.com for more information, to sign up for our email list, and to receive updates on current Measure C projects.

A copy of the implementing guidelines will be available June 2022 at:

www.measurecrenewal.com



APPENDIX A

Draft Measure C Renewal Ballot Language

Without raising tax rates, shall an ordinance to repair potholes, keep local roads in good condition; upgrade structurally declining bridges/overpasses; improve highway safety, 911 emergency vehicle access, air quality, public transit services; protect low-cost senior transportation options and create local jobs; be adopted, continuing the voter-approved transportation ½¢ sales tax (established 1986), providing approximately \$228 million annually for 30 years; requiring audits, public oversight/spending disclosure, local control?

APPENDIX B

Local Program Allocations by Agency

Agency	Fres	sno Proposal
Clovis	\$	519,210,059
Coalinga	\$	74,562,264
Firebaugh	\$	36,943,703
Fowler	\$	32,599,858
Fresno	\$	2,307,800,260
Huron	\$	33,128,585
Kerman	\$	71,008,461
Kingsburg	\$	61,935,554
Mendota	\$	53,838,196
Orange Cove	\$	440,730,84
Parlier	\$	67,641,387
Reedley	\$	114,213,410
San Joaquin	\$	20,611,555
Sanger	\$	120,149,116
Selma	\$	107,380,161
County of Fresno	\$	1,130,223,774
Total	\$	4,795,319,460

Urban area receives the majority of the funding. Transit allocation split 70% FAX, 20% FCRTA, and 10% Clovis Transit. Estimates only and subject to change.

City of Fresno Proposed Alternative | July 7, 2022

Measure C Renewal - MC3

Introduction of City of Fresno Alternative



Benefits to Other Cities City of Fresno Alternative

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Clovis	\$20.9 million (+4.1%)
Coalinga	\$7.4 million (+10.6%)
Firebaugh	\$4.3 million (+12.6%)
Fowler	\$1.5 million (+4.3%)
Fresno	\$86.9 million (+3.8%)
Huron	\$4.5 million (+18.4%)
Kerman	\$7.6 million (+12.3%)
Kingsburg	\$4.7 million (+9.0%)

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Mendota	\$6.7 million (+13.9%)
Orange Cove	\$5.4 million (+14.3%)
Parlier	\$6.7 million (+11.5%)
Reedley	\$7.9 million (+7.6%)
San Joaquin	\$2.9 million (+17.2%)
Sanger	\$10.3 million (+9.9%)
Selma	\$8.4 million (+8.4%)

Fresno County:

Decreased Revenues \$185 million (-15.5%)

GENDA ITEM NO. 15.

Overall Positive Components of COG Plan

- Emphasis on neighborhoods and street repair (51% of total program)
- No Neighborhood Left Behind 30% minimum requirement for Disadvantaged Neighborhoods
- Reduction in Regional Program from 30% to 15% in the proposed MC3 Renewal Plan

City of Fresno Alternative

- All funding allocations by program to remain the same
- Recommending adjustments to policies and calculations/formulas

Program	FCTA/COG Presentation MC3	City of Fresno Alternative MC3
Local & Neighborhood Streets	51%	51%
Flexible/Local Control	18%	18%
Public Transit	12%	12%
Senior/ADA Taxi Scrip/Van Pools	Absorbed in Transit	
New Tech, PTIS		
Regional Program	15%	15%
ADA		
Pedestrian/Bicycle	1%	1%
Environmental Enhancement	2%	2%
Rail Consolidation		
Administration	1%	1%
TOTAL	100%	100%

Comparison Measure C Programs

Program	Current Measure C (2007-27)	FCTA/COG Presentation MC3	City of Fresno Alternative MC3
Local & Neighborhood Streets	15.3%	51%	51%
Flexible/Local Control	14.8%	18%	18%
Public Transit	19.66%	12%	12%
Senior/ADA Taxi Scrip/Van Pools	1.95%	Absorbed in Transit	
New Tech, PTIS	2.39%		
Regional Program	30.4%	15%	15%
ADA	0.5%		
Pedestrian/Bicycle	4%	1%	1%
Environmental Enhancement	3.5%	2%	2%
Rail Consolidation	6%		
Administration	1.5%	1%	1%
TOTAL	100%	100%	100%

AGENDA ITEM NO. 15.

COG Recommended Plan Overall Shortcomings

- Urban Tier 1 project list should focus more on existing needs rather than capacity for new growth areas
- Clarity needed for Local Hire, Urban TOD requirements
- Flawed assumption that Measure C revenue growth would outpace inflation and enable a 39% smaller share for the Public Transit program without service impacts starting in July 2027.

Shortcomings of the COG Recommended Plagenda ITEM NO. 15. (Local & Neighborhood Streets)

- Elimination of the \$100,000 baseline allocation to every agency prior to distributing funds by formula, which has served to provide greater equity to smaller cities in the current 2007-27 program
- Inability for agencies to repair curbs and sidewalks, or to perform **Complete Streets projects**

1	Local & Neighborhood Street Repair & Maintenance	51%	3.511.000.000	64%	175
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Solutions | City of Fresno Alternative (Local & Neighborhood Streets)

Restore equity, provide flexibility

 Provide a baseline \$100,000 to each agency prior to distributing the balance by population-road miles (same as current Measure)

 Modify formula to be 80% population, 20% road miles

 Allow agencies to repair curbs, gutters & sidewalks; and/or provide Complete Streets when roadways are repaved





Shortcomings of the COG Recommended Plagenda ITEM NO. 15. (Local Control)

COG PLAN

Insufficient Local Control funding levels for cities

CITY OF FRESNO PROPOSAL:

 Local Control / Flexible Funding – to address public transit program reductions and local agency needs, the Local Control / Flexible funding needs to be 100% population-based.

2 Local Control 18% 1,208,794,520 89% 177

Benefits to Other Cities City of Fresno Alternative

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Clovis	\$20.9 million (+4.1%)
Coalinga	\$7.4 million (+10.6%)
Firebaugh	\$4.3 million (+12.6%)
Fowler	\$1.5 million (+4.3%)
Fresno	\$86.9 million (+3.8%)
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Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Mendota	\$6.7 million (+13.9%)
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Parlier	\$6.7 million (+11.5%)
Reedley	\$7.9 million (+7.6%)
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Fresno County:

Decreased Revenues \$185 million (-15.5%)

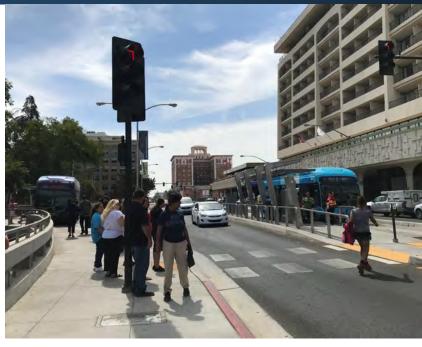
Shortcomings of the COG Recommended Placement (Transit)

- 39% cut in Regional Public Transit funding per year, as compared to the 2007-27 Measure C Expenditure Plan (12% share v. 19.66% share)
- Elimination of category for Senior/ADA Taxi Script/Van Pools assuming that services will be absorbed by urban cities while reducing allocation in transit share



Brief Overview FAX Transit Service

- 10.5 million passenger trips (pre-COVID)
- BRT 25% of total ridership, \$56.3 million project with \$16.8 million in local funding
- High frequency route ridership at 21% of total
- 18 total routes
- Promotes infill, transit-oriented development, affordable housing, economic development in older neighborhoods
- 70% of passengers indicate no access to a car or other vehicle and depend on public transit





Adjustments to Regional Tier 1 Urban Program AGENDA ITEM NO. 15. City of Fresno Alternative

- No changes to program funding levels
- No changes to Rural or Clovis projects
- Proposed changes affect City of Fresno jurisdiction only

Reductions (move to Tier 2)		New Additions to Tier 1	
Grantland Avenue (#54/55) Move full amount to Tier 2	(\$25M)	East/West Corridors west of 99 (Shaw, Ashlan, Clinton, McKinley)	\$40M
Temperance Ave (#76) Preserve \$10.8M for Temperance Avenue in Tier 1)	(\$20M)	Blackstone BRT Corridor Smart Mobility Improvements	\$5M
Reductions in Tier 1	(\$45M)	Additions in Tier 1	\$45M
		Net Change (Fresno)	(0)

AGENDA ITEM NO. 15.

182

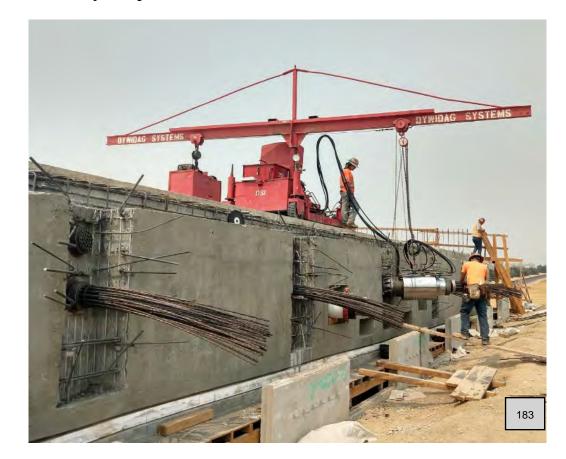
Environmental Sustainability / TOD City of Fresno Alternative

- Environmental Sustainability incorporate guidelines for projects to ensure true Transit Oriented Development:
 - Be located in an urban area on a site that has either been previously developed or that adjoins existing major urban uses on at least seventy-five percent of the site's perimeter.
 - Be located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor.
 - Density of at last 20 units per acre, and a commercial infill mixed-use project should have a floor area ratio of at least 0.75.
 - "High-quality transit corridor" means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Local Hire Provisions City of Fresno Alternative

• Local Hire – The Expenditure Plan should provide for the ability to establish local hiring goals for Contractors on Measure C projects.





City of Fresno Summary



AGENDA ITEM NO. 15.

Summary of Benefits City of Fresno Alternative

- No changes to the program funding levels as presented by staff
- No impacts to Urban or Rural regional programs
- Restores equity for smaller cities, consistent with the current Measure C Expenditure Plan (2007-27)
- Provides flexibility to local agencies to utilize street repair funds for curbs, gutters and sidewalks if needed
- Provides resources to address pavement conditions
- Increased funding levels for every city
- County road repair funding of \$1.01 billion over 30 years, a 79% greater share of the total program over the current Measure C
- Protects transit, avoids severe cutbacks in service

Comparison Measure C Programs

Program	FCTA/COG Presentation MC3	City of Fresno Alternative MC3
Local & Neighborhood Streets	51%	51%
Flexible/Local Control	18%	18%
Public Transit	12%	12%
Senior/ADA Taxi Scrip/Van Pools	Absorbed in Transit	
New Tech, PTIS		
Regional Program	15%	15%
ADA		
Pedestrian/Bicycle	1%	1%
Environmental Enhancement	2%	2%
Rail Consolidation		
Administration	1%	1%
TOTAL	100%	100%

Benefits to Other Cities City of Fresno Alternative

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Clovis	\$20.9 million (+4.1%)
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Kingsburg	\$4.7 million (+9.0%)

Agency	Increased Revenues over 30 Years for Street Repairs, Flexible Funds (Local Control)
Mendota	\$6.7 million (+13.9%)
Orange Cove	\$5.4 million (+14.3%)
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Reedley	\$7.9 million (+7.6%)
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Fresno County:

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